

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Findings and Decision

Permit Application Number: 3640

Date Received: April 28, 2021

Applicant: Oliver Brody; Putney Rowing Club

Mailing Address: 1126 S. Valley Rd., Putney, VT, 05346

Location of Property: 405 Dummerston Station Rd., Dummerston, Vermont

Owner of Record: Putney Rowing Club

Application: Conditional Use; Section 303 and Site Plan Review; Section 724

Date of hearing: May 18, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use and Site Plan Review for an Accessory Structure (Boathouse) in a Riparian Zone submitted by Oliver Brody under the Town of Dummerston Zoning Bylaw.
2. The application was received by the Zoning Administrator on April 28, 2021.
3. On April 28, 2021, notice of a public hearing was published in The Commons.
4. On April 24, 2021, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
5. On April 30, 2021, notice of a public hearing was posted at the following place: 405 Dummerston Station Rd., which is within view of Dummerston Station Rd., the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On April 28, 2021, a copy of the notice of a public hearing was mailed to the applicant.
7. On April 28, 2021, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Ricky E. Derrig, 48 Houghton Brook Rd., Putney, VT 05346.
8. The application was considered by the Development Review Board (DRB) at a public hearing on May 18, 2021.

9. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
10. A site visit was conducted on May 18, 2021. Present at the site visit were the following:
 - a. Members of the Development Review Board :
 - i. Alan McBean, Josh Pacheco, Cami Elliott, Chad Farnum
 - b. Others: Oliver Brody (Applicant), Roger Jasaitis (Zoning Administrator), Chris Derby
11. Present at the hearing were the following:
 - a. Members of the Development Review Board:
 - i. Alan McBean, Josh Pacheco, Patty Walior, Chad Farnum
 - b. Others: Oliver Brody (Applicant), Roger Jasaitis (Zoning Administrator), Chris Derby, Peter Cortes
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit for Conditional Use; Accessory Structure, number: 3640.
 - b. Application to the Development Review Board for a Conditional Use and Site Plan Review, number: 3640.
 - c. Vermont Dept. of Environmental Conservation, Watershed Management Division, Stream Alteration Activities Authorization: Project Number: SR-2665

FINDINGS OF FACT

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The applicant seeks a Conditional Use for an Accessory Structure (Boathouse) in a Riparian Zone. The subject property is a 5.13 acre parcel located at 405 Dummerston Station Rd. in the Town of Dummerston (tax map parcel no. 000824.1B). The property is more fully described in a Deed recorded at Book 129, Pages 168, in the Town of Dummerston Land Records.
2. The property is located in the Productive Lands District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 220 of the Zoning Bylaw.
3. The property is located in a Riparian Zone and Flood Hazard Zone as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 210 and 320 of the Zoning Bylaw.
4. Condition Use approval is requested for the Accessory Structure as that term is defined in Article VIII, Page 1, of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:

- a. Article III, Section 303 Development in a Riparian Zone.
 - b. Article VII, Section 715 Development Review Board.
 - c. Article VII, Section 724 Site Plan Approval.
5. The Zoning Administrator stated that the 5.13 acre lot has a permitted existing house.
 6. The applicant seeks to construct a 40' x 100' Boathouse, boat ramp and dock for use by the Putney Rowing Club.
 7. The applicant seeks to construct a driveway(10' wide) along the railroad embankment leading to a parking area (22' x 180')
 8. The State of Vermont has granted a permit from the Vermont Dept. of Environmental Conservation, Watershed Management Division, Stream Alteration Activities Authorization: Project Number: SR-2665, for the riverbank slope grading for access to the river.
 9. The applicant stated that the Putney Rowing Club is a 501C3 non profit entity and has existed for 30 years. The club now has 40+ members. The Rowing Club provides recreational and educational opportunities to the public.
 10. There is no additional Wastewater capacity on site planned.
 11. There are no plans for additional electricity or water at this time but the applicant may provide these to the boathouse in the future.
 12. There will be no additional exterior lighting except on the boathouse.
 13. There typically will be no more than 15 vehicles on site at any time.
 14. The existing house on site will continue to be rented for the foreseeable future.
 15. There will be no signage except for on the Boathouse and small instructional or directional signs.
 16. The applicant expects that no loud noise or excessive vibration will be generated.
 17. The hours of operation are from dawn to dusk.
 18. The Zoning Administrator stated that the Accessory Structure, while in a Riparian Zone, is not sited in the Flood Hazard Zone.
 19. The Zoning Administrator noted Hazardous Material being stored on site. The applicant stated that this material will be removed.
 20. The applicant stated that gasoline will be properly stored in the boathouse.
 21. The Boathouse will be 35' from the river bank.
 22. The Zoning Administrator advised the applicant that additional permitting would be required for more signage and that State permitting would be required for expanded wastewater capacity.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, The Development Review Board grants the application for Conditional Use.

As conditioned, the proposed development meets the requirements of *Sections 721 of the Zoning Bylaw General Standards*:

1. The capacity of existing or planned community facilities;
 - a. The application meets this requirement.
2. The character of the area affected;
 - a. The application meets this requirement.
3. Traffic on roads and highways in the vicinity;
 - a. The application meets this requirement with the stated conditions.
4. By-laws then in effect;
 - a. The application meets this requirement.
5. Utilization of renewable energy sources;
 - a. The application meets this requirement.

As conditioned, the proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards*:

1. *Section 210 Productive Lands*
 - a. The proposed project will still conform to the purpose of the zoning district (as stated in Sections 205-240 of these Bylaws) in which the land development is located. Specifically, protecting natural resources and allowing for low intensity recreation.
2. *Section 324 Riparian Area Regulations*
 - a. The proposed development meets the requirements.
3. *Section 615 Setback Requirements*
 - a. The proposed development meets the requirements.
4. *Section 620 Off-Street Parking Requirements*
 - a. The proposed development meets the requirements.
5. *Section 635 Landscaping Requirements*
 - a. The proposed development meets the requirements.
6. *Section 640 Erosion and Sediment Control*
 - a. The proposed development meets the requirements.
7. *Section 660 Performance Standards*
 - a. The proposed development meets the requirements.
8. *Section 669 Permittable On-Premise Signs*
 - a. As conditioned, the proposed development meets the requirements.

As conditioned, the proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure*:

1. Compatibility with adjacent land uses.
 - a. The proposed development meets the requirements.
2. Maximum safety of vehicular circulation between the site and the street network.
 - a. As conditioned, the proposed development meets the requirements.
3. Adequacy of circulation, parking and loading facilities with particular attention to safety.
 - a. The proposed development meets the requirements.
4. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.
 - a. The proposed development meets the requirements.
5. Lighting, noise, odors, protection of renewable energy resources.
 - a. The proposed development meets the requirements.
6. Furtherance of the provisions of the Dummerston Town Plan.
 - a. The proposed development conforms to the Town Plan.
 - i. *Water and Wetland Resources; Policies*
 1. Policy 1.2 Provide long term stewardship of riparian habitat.
 2. Policy 1.3 Minimize Impervious Surfaces
 3. Policy 1.6 Retain wetland areas in their natural state for wildlife habitat protection, as retention areas of surface runoff, and for habitat and scenic values.
 - ii. *Cultural Resources*
 1. Policy 1.1 Maintain and enhance access to public lands and waters.
 - G. Increase town awareness of and encourage participation in Connecticut River Byway activities.

The Development Review Board unanimously approves the application subject to the following conditions:

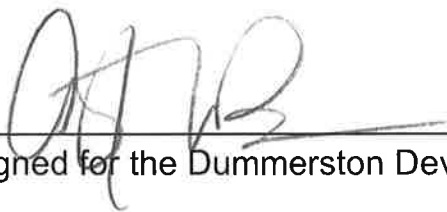
1. The Accessory Structure and site work must be located and constructed as indicated on the Application.
2. The information included in the Application must be adhered to or the related Zoning Permit is null and void.
3. The Applicant must consult with the Town Selectboard and Road Foreman about additional Town road signage at the two(2) single lane underpasses on Dummerston

Station Rd. to enhance safety. Also possible additional road maintenance to control dust and runoff due to increased traffic on Dummerston Station Rd.

4. All exterior lighting must be shielded to prevent glare to adjoining properties.
5. The Boathouse shall operate between dawn (30 minutes prior to sunrise) and dusk (30 minutes after sunset).
6. The Applicant must monitor the site for unauthorized use.
7. One sign is allowed, not larger than 6 square feet (2 sides allowed). Additional signage requires approval by the DRB.
8. The Conditional Use permit shall be reviewed by the DRB 1 year after start of operations of the boathouse.
9. Expiration: Zoning Permit approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the Administrative Officer prior to expiration. Requests for extensions must be made in writing to the Administrative Officer.
10. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued permits at all times or this approval is null and void.

The following members of the Dummerston Development Review Board participated and concur in this decision: Alan McBean, Josh Pacheco, Cami Elliott, Chad Farnum, Patty Walior

Dated at Dummerston, Vermont, this 10th day of June, 2021.



Signed for the Dummerston Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.