

TOWN OF DUMMERSTON

Development Review Board

1 Year Conditional Use Review Findings and Decision

Permit Application Number: 3595

Date Received: May 20, 2020

Applicant: Black Birch Properties- Amy Wall

Mailing Address: 86 Hillside Drive, East Dummerston VT 05346

Location of Property: Parcel #00395 1501/1503 RT 5, E. Dummerston VT

Owner of Record: Black Birch Properties

Application: Conditional use permit review, commercial usage, in a Rural Commercial zoning district.

Date of hearing: July 20, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use permit submitted by Amy Wall under the Town of Dummerston Development Review Board Decision dated July 8, 2020 and the Town of Dummerston Zoning Bylaw.
2. The application was received by the Zoning Administrator on May 20, 2020.
3. On June 30, 2021, notice of a public hearing was published in The Commons.
4. On June 30, 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 July 5, 2021, notice of a public hearing was posted at the following place: 1501/1503 RT 5, E. Dummerston VT, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On June 30, 2021, a copy of the notice of a public hearing was mailed to the applicant.
7. On June 30, 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. Seymour Allan H & Sally W Trustees, 1500 US Rt 5, E Dummerston, VT 05346
 - b. Titus Charles Estate, 1656 US Rt 5, E Dummerston, VT 05346
8. The application was considered by the Development Review Board (DRB) at a public hearing on July 20, 2021.

9. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
10. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Josh Pacheco, Cami Elliott
 - b. Others:
Roger Jasaitis (Zoning Administrator)
11. Present at the hearing via Zoom were the following persons:
 - a. Amy Wall (applicant)
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit for Conditional Use, number: 3595.
 - b. Application to the Development Review Board for a Conditional Use Permit, number: 3595.

FINDINGS OF FACT

1. The applicant updated the Board on the existing planting (screening).
2. The screening was planted to match the planting existing in front of the structure.
3. An additional series of small shrubs were planted to increase the density (in time).
4. The applicant plans on planting additional deciduous plum trees.
5. The applicant stated that the plantings were done to the DRB Decision conditions regarding spacing.
6. The applicant stated she is willing to “do whatever” to increase the screening regarding plantings.
7. The applicant stated she would not want to erect a fence for screening.
8. The applicant stated that the screening on the adjacent property has not changed.
9. In answer to the DRB questions, the applicant is willing to plant another row of evergreens in front of the existing screening to increase the density of the plantings.
10. The hours and operations have not changed.
11. The adjoining landowners have not complained to the applicant in regard to the screening.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board adds the following conditions to the existing Permit.

1. The DRB determined the current screening does not meet the requirements of the DRB Decision dated July 8, 2020, specifically:
 - a. *(3) The applicant must plant vegetative screen consisting of evergreen trees or bushes with a minimum height at planting of 6' and to reach a minimum of 16' at maturity. Trees or bushes should be planted in such a way as to create a solid*

barrier. Spacing at the time of the planting shall be done so that plantings will create the solid barrier within 2 years.

- b. (4) *Vegetative screening shall be planted in such a way as to conceal all six vehicles approved by this permit - three commercial trucks and the three associated personal vehicles.*
2. To resolve these issues the DRB adds the following additional conditions to this permit:
 - a. The applicant shall plant an additional row of evergreens with a minimum height at planting of 6' spaced between the existing evergreens effectively increasing the density of the screening.
 - b. The applicant shall extend the existing plantings by 27 feet on the south end of the existing plantings to screen all of the vehicles (trucks and cars). The plantings shall have a minimum height at planting of 6' and to reach a minimum of 16' at maturity. Trees or bushes should be planted in such a way as to create a solid barrier. Spacing at the time of the planting shall be done so that plantings will create the solid barrier within 2 years.
 - c. The new vegetation shall be planted by the end of November 2021.
3. The Permit shall be reviewed in one (1) year for compliance.
4. 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.
5. 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 concurred in this decision: Alan McBean, Josh Pacheco, Cami Elliott.

Dated at Dummerston, Vermont, this 19th day of August, 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.

