

TOWN OF DUMMERSTON

Development Review Board

Conditional Use and Site Plan Review Application Findings and Decision

Permit Application Number: 3673

Date Received: January 15, 2022

Applicant: Sandri Realty Co. Inc.

Mailing Address: 400 Chapman St., Greenfield, MA 01301.

Location of Property: Parcel 333, 2536 VT Route 5, E. Dummerston, VT

Owner of Record: Sandri Realty Co. Inc..

Application: Conditional Use Application; Addition to Structure and Site Plan Review.

Date of Hearing: March 15, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use, Addition to Structure and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 720 and 724.
2. On February 23, 2022, notice of a public hearing was published in The Commons.
3. On February 23, 2022, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
4. On March 8, 2022, notice of a public hearing was posted at the following place: 2536 VT Route 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.
5. On February 24, 2022, a copy of the notice of a public hearing was emailed to the applicant.
6. On February 24, 2022, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Lawrence Ramona, 295 Johnsons Curve Rd, E Dummerston, VT 05346

7. The application was considered by the Development Review Board (DRB) at a public hearing on March 15, 2022.
8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Natalie Pelham-Starkey, Alan McBean, Cami Elliott, Chad Farnum (zoom)
 - b. Others:
Tena Mowrey, Erika Young, Mike Behn, Richard Marcks, David Frothingham (applicant), Roger Jasaitis (Zoning Administrator).
10. A site visit was conducted on March 15, 2022.
11. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Natalie Pelham-Starkey, Cami Elliott, Alan McBean
 - b. Others:
Tena Mowrey, Erika Young, Mike Behn, Richard Marcks, David Frothingham (engineer, Wilcox & Barton) , Roger Jasaitis (Zoning Administrator).
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3673.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3673.

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 permit for Conditional Use, Addition to Structure, and Site Plan Review, under the Town of Dummerston Zoning Bylaw Sections 720 and 724. The subject property is a 1.76 acre parcel located at 2536 VT Route 5, in the Town of Dummerston (tax map parcel no. 000333). The property is more fully described in a Deed recorded at Book 44, Page 296, in the Town of Dummerston Land Records.
2. The property is located in the Rural Commercial 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 Application states Condition Use approval is requested for:
 - a. Construction of a 12' x 35'- 6" addition to the west side of the existing convenience store for a new cooler.
 - b. No change in Use.

4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article VII, Section 720 Development Review Board and Article VII, Section 724 Site Plan Approval.
5. David Frothingham (Applicant) gave a summary of the project.
 - a. The site has 630 ft frontage on VT Rt. 5 and is 150 ft at widest point.
 - b. The existing structure is nonconforming and predates Zoning in Dummerston and extends into the front setback for Rt. 5.
 - c. Proposed is a 12' x 35'- 6", 426 sq ft addition on the south side of the existing building for a new cooler.
 - d. The addition meets the setback requirements of the District.
 - e. No change to Use.
 - f. Changes proposed are to better serve customers and save energy.
 - g. 22 spaces for parking exceeds what is required by the Bylaw.
 - h. The addition does not require State Act 250 permit approval or State Wastewater Permit changes.
 - i. Green Mountain Power(GMP) has a Right of Way across the site. The addition will not impact GMP.
6. Boardmember Chad Farnum asked about changes to compressor locations and quantity.
 - a. Mike Behn: Presently there are 14 coolers/compressors.
 - b. New coolers and compressors will take the place of old coolers/compressors.
 - c. New ones will be more efficient and quieter.
7. Interior renovation to the existing structure will change the access to the Bathrooms. They will be accessed from inside the building.
8. The wall facing Rt. 5 will be sided and the existing bathroom doors and window will be eliminated and sided over.
9. The roof of the addition will fit under the current eve of the existing structure.
10. The building is served by Putney municipal water and sewage.
11. The renovations to the interior will include:
 - a. Replacing the existing interior lighting with LED lighting.
 - b. Interior access to bathrooms.
 - c. Moving coolers to the new addition.
12. No additional external lighting is proposed.
13. Replacement of existing crumbling sidewalks around the building.
14. Straight roofline across the front, eliminating columns.
15. The entire building and addition will have the same exterior finish (Hardie Board siding).
16. The Zoning Administrator asked what the coverage on the lot will be after the addition.
 - a. The applicant replied that the coverage on the parcel remains under 50%. The addition adds less than 1% to the coverage.
 - b. The applicant also noted that the site of the addition is already paved and currently considered part of the overall coverage on the parcel.

DECISION AND CONDITIONS

The DRB finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and Approves the application.

1. The DRB approves the proposed development (addition) to the existing structure.
 - a. The application meets the requirements of *Sections 721 of the Zoning Bylaw General Standards.*
 - b. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards.*
 - c. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure.*
2. The provisions and conditions of previously approved Conditional Use permits remain in effect on this parcel.
3. This Conditional Use permit will be reviewed by the Zoning Administrator in 5 years (March 2027) per Section 727.
 - a. **Section 727 Conditional Use /Site Plan Permit Review:** *Conditional Use and Site Plan permits shall be reviewed every five (5) years by the Administrative Officer for compliance to the conditions granted in the permit.*
4. Expiration: This Zoning Permit approval will expire by limitation two (2) years from the date of approval. All work must be completed as shown on any approved plan before the expiration date.
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: Chad Farnum, Natalie Pelham-Starkey, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 6th day of ~~March~~^{APRIL}, 2022.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

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.

