

TOWN OF DUMMERSTON

Development Review Board

Conditional Use Application and Site Plan Review Findings and Decision

HEARING SPECIFICS

Permit Application Number: 3724

Date Received: May 17, 2023

Applicant: Amy-Louise Pfeffer, Director for The Stone Trust

Mailing Address: 707 Kipling Rd., Dummerston, VT 05301

Location of Property: Parcel 702.1, 707 Kipling Rd., Dummerston, VT

Owner of Record: Landmark Trust USA

Application: Conditional Use Application and Site Plan Review.

Date of Hearing: July 20, 2023

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use and Site Plan Review; School for Training and Certification for Stone Wall Building, under the Town of Dummerston Zoning Bylaw Sections 121, 720 and 724.
2. On June 28, 2023, notice of a public hearing was published in The Commons.
3. On June 28, 2023, 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 July 6, 2023, notice of a public hearing was posted at the following place: 707 Kipling Rd., 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 June 28, 2023, a copy of the notice of a public hearing was emailed to the applicant.
6. On June 28, 2023, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Bacon William, 442 Kipling Rd, Dummerston, VT 05301

- b. Evans Barbara S Revocable Trust, 518 Kipling Rd, Dummerston, VT 05301
 - c. Fischer Terrence M Norris Joseph W, 404 Kipling Rd, Dummerston, VT 05301
 - d. Kocher Jerry & Carol, 472 Kipling Rd, Dummerston, VT 05301
 - e. Scott Farm Inc, 707 Kipling Rd, Dummerston, VT 05301
 - f. World Learning Inc, PO Box 676, Brattleboro, VT 05302
7. The application was considered by the Development Review Board (DRB) at a public hearing on July 20, 2023.
 8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2023.
 9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Cami Elliott, Chad Farnum, Peter Doubleday.
 - b. Others:
Amy-Louise Pfeffer (Applicant, Director for The Stone Trust), Susan McMahon (Director for Landmark Trust USA, Land Owner), Paul Peterson (The Stone Trust, Board Member), Roger Jasaitis (Zoning Administrator).
 10. A site visit was conducted on July 20, 2023.
 11. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean, Cami Elliott, Peter Doubleday, Chad Farnum.
 - b. Others:
Roger Jasaitis (Zoning Administrator), Amy-Louise Pfeffer (Applicant, Director for The Stone Trust), Susan McMahon (Director for Landmark Trust USA, Land Owner), Paul Peterson (The Stone Trust, Board Member), Jared Flynn (Instructor).
 12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3724.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3724.

FINDINGS OF FACT

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

1. Amy-Louise Pfeffer (Applicant, Director for The Stone Trust) seeks a Conditional Use for a School for Training and Certification for Stone Wall Building, under Sections 121, 720-726 of the Dummerston Zoning Bylaw, at parcel #702.1, 707 Kipling Rd., Dummerston, VT. The subject property is a 571 acre parcel located at 707 Kipling Rd., in the Town of Dummerston (tax map parcel no. 000702). The property is more fully described in a Deed recorded at Book 59, Page 337, 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 210 of the Zoning Bylaw.
3. The Application states Conditional Use approval is requested for:
 - a. School for Training and Certification for Stone Wall Building.
4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 1; Section 121 Unspecified Use, Article 7; Section 720 Development Review Board and Article 7; Section 724 Site Plan Approval.
5. Amy-Louise Pfeffer (Applicant, Director for The Stone Trust) seeks a Conditional Use permit for a School for Training and Certification for Stone Wall Building. The Stone Trust leases a portion of the Scott Farm for the activity and holds training events 24 days a year with a maximum participation of 32 people per event per the Scott Farm Act 250 permit requirements. None of the events attract more than 24 participants including the instructors. On test days there are sometimes observers. The events start in April with a series of 4 to 5 days of workshops. In May there is a 2 day workshop event and then a test day. One weekend in June is a workshop. Nothing in July. August one weekend of workshops. September a one day workshop and a three day workshop/test event. In November a weekend test event in the barn. All scheduling is coordinated with the Scott Farm to avoid conflicts in scheduling. All events fall within the Act 250 parameters and the lease agreement.
6. Alan McBean (DRB) asked if the Act 250 commission was aware of the Stone Trust activity on this parcel? Amy-Louise Pfeffer (Applicant, Director for The Stone Trust) stated that she believed so and that they were a party to the permit although both the Applicant and Land Owner stated it was before their time on the Trusts. The Stone Trust was started in 2010, the Act 250 permit was issued in 2008 and amended in 2016 and 2017. The Zoning Administrator confirmed these numbers and dates on the Act 250 permit. He also clarified that the Stone Trust was not a party to the permit. Alan McBean (DRB) clarified that the Act 250 permit does not require that Landmark Trust name every entity that holds events on the farm. Susan McMahon (Director for Landmark Trust USA, Land Owner) agreed that the Act 250 permit does not require this.
7. Cami Elliott (DRB) clarified that the land where the walls are built is leased from the Scott Farm. Susan McMahon (Director for Landmark Trust USA, Land Owner) confirmed this. Amy-Louise Pfeffer (Applicant, Director for The Stone Trust) stated that the barn is leased as well.
8. Alan McBean (DRB) asked why this application was under Section 121 Unspecified Use? The Zoning Administrator stated that the original permit application for this activity on the Dutton Farm property was denied by the DRB at the time because this Section of the Bylaw did not exist. The allowed uses for this district did not include educational facilities (and still doesn't). Section 121 gives the DRB some latitude to allow a new type of use in a district

where it is not specified, if it is consistent with the allowed uses and does not have a greater impact on the surrounding properties than an allowed use.

9. Chad Farnum (DRB) asked if any additional structures are used in the operation? Amy-Louise Pfeffer (Applicant, Director for The Stone Trust) stated that they put up temporary tents to shield the participants from the elements during the event. Susan McMahon (Director for Landmark Trust USA, Land Owner) clarified that the area where the events and structures are is a fixed area and will not be enlarged.
10. Susan McMahon (Director for Landmark Trust USA, Land Owner) stated that the restroom facilities on the Scott Farm are used during these events and that this is part of the Act 250 permitting.
11. Susan McMahon (Director for Landmark Trust USA, Land Owner) stated that the Stone Trust activity fits the mission of Landmark Trust in that it promotes traditional trades. The events bring more people to the farm. An added benefit is that the farm and properties have beautifully restored walls.

DECISION AND CONDITIONS

1. **Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a Conditional Use permit for School; School for Training and Certification for Stone Wall Building.**

The DRB finds that the proposed development meets the Conditional Use definition from Article 8: SCHOOL: a public or private educational facility including preschool, elementary, secondary, trade and vocational. Under Section 121 the DRB allows for this use at the Scott Farm to further the goals of the Town Plan and the district.

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.
4. *By-laws then in effect;*
 - a. The application meets this requirement.

5. *Utilization of renewable energy sources;*
 - a. The application meets this requirement.
6. *Furtherance of the provisions of the Dummerston Town Plan.*
 - a. The proposed development conforms to the Town Plan.
 - i. RECREATION, SCENIC, HISTORIC, AND CULTURAL RESOURCES
 1. Goal 2 — Preserve and protect historic and cultural properties and sites.
 - ii. Historic and Cultural Resources

This property is listed on the National Register of Historic Places as The Scott Farm Historic District.

The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards:*

1. *Section 210 Productive Lands District*
 - 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 by providing for the continuation of economic value of the property.
2. *Section 615 Setback Requirements*
 - a. The proposed development meets the requirements for the district.
3. *Section 620 Off-Street Parking Requirements*
 - a. The proposed development meets the requirements.
4. *Section 635 Landscaping Requirements*
 - a. The proposed development meets the requirements.
5. *Section 640 Erosion and Sediment Control*
 - a. The proposed development meets the requirements.
6. *Section 660 Performance Standards*
 - a. The proposed development meets the requirements.
7. *Section 665 Outdoor Advertising Signs*
 - a. No signage is requested.


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. 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.
2. **Per Article 7; Section 701, any wall (freestanding or retaining) higher than six (6) feet in height is considered a Structure and requires approval from the DRB if it is in place for more than 12 months.**
 3. **This Conditional Use permit will be reviewed by the Zoning Administrator every 5 years 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. **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, Peter Doubleday, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 15th day of August, 2023.



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.