

TOWN OF DUMMERSTON

Development Review Board

Conditional Use and Site Plan Review Application Findings and Decision

Permit Application Number: 3744

Date Received: September 13, 2023

Applicant: Andrew Earle

Mailing Address: 7 Brickyard Lane, Dummerston, VT 05346

Location of Property: Parcel #335, 7 Brickyard Lane, Dummerston, VT 05346

Owner of Record: Green Mountain Spinnery

Application: Conditional Use Application for Accessory Structure and Site Plan Review for Storage Barn.

Date of hearing: October 17, 2023

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use Application for an Accessory Structure and Site Plan Review for a storage barn under the Town of Dummerston Zoning Bylaw sections 720 and 724.
2. On September 27, 2023, notice of a public hearing was published in The Commons.
3. On September 27, 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 September 27, 2023, notice of a public hearing was posted at the following place: 7 Brickyard Lane, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
5. On September 27, 2023, a copy of the notice of a public hearing was mailed to the applicant.
6. On September 27, 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. Portwenn Holdings Llc, 29 Brickyard Lane, E Dummerston, VT 05346
 - b. Soundview Vermont Holdings Llc, C/O Putney Paper Company Inc, PO Box 226 Putney, VT 05346

7. The application was considered by the Development Review Board (DRB) at a public hearing on October 17, 2023.
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:
Cami Elliott ,Peter Doubleday, Chad Farnum (Acting Chair).
 - b. Others:
Andrew Earle (Applicant), Roger Jasaitis (Zoning Administrator).
10. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Cami Elliott ,Peter Doubleday, Chad Farnum (Acting Chair).
 - b. Others:
Roger Jasaitis (Zoning Administrator).
11. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3744.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3744.
 - c. Exhibit A; Site plan map.

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 an Accessory Structure and Site Plan Review for Accessory Structure; Storage Barn under the Town of Dummerston Zoning Bylaw section 720 and 724. The subject property is a 1.8 acre parcel located at 7 Brickyard Lane, in the Town of Dummerston (tax map parcel #000335). The property is more fully described in a Deed recorded at Book 130, Page 86, in the Town of Dummerston Land Records.
2. The property is located in the Commercial / Light Industrial 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. Condition Use approval is requested for the Accessory Structure as that term is defined in Article 8, Page 1, of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:
 - a. Article 7, Section 720 Development Review Board.
 - b. Article 7, Section 724 Site Plan Approval.
4. Andrew Earle (Applicant) acknowledged his presence to answer any questions.
5. Chad Farnum (Acting Chair) stated that he is an abutting landowner to this parcel and asked the Applicant if he had any issues with him acting on the DRB for this application. Andrew Earle responded that he has no issue with this.

6. Cami Elliott (DRB) asked the Applicant what the foundation base for the structure will be. Andrew Earle (Applicant) responded it will be compacted gravel. No concrete.
7. Cami Elliott (DRB) asked the Applicant if there will be lighting or signage on the structure. Andrew Earle (Applicant) responded no, it will be used for cold storage of raw wool.
8. Chad Farnum (Acting Chair) asked if there will be doors on the structure. Andrew Earle (Applicant) responded yes, 3 garage type doors.
9. Chad Farnum (Acting Chair) confirmed with the Applicant that the accessory structure meets setback requirements for the parcel being at least 53 feet from the parcel side boundary and 100 feet from the center of Brickyard Lane.
10. Chad Farnum (Acting Chair) stated that the Zoning Administrator pointed out that the sewer line runs directly under the proposed structure location. The Applicant stated that Joe from the Town of Putney Wastewater Authority came by to inspect and said there would be no issue with this placement of the structure.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board APPROVES the application for a Conditional Use permit for an Accessory Structure for storage of wool.

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.

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

1. *Section 240 Commercial / Light Industrial 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.
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 for the district.
4. *Section 635 Landscaping Requirements*
 - a. No Landscaping is proposed.
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 669 Permittable On-Premise Signs*
 - a. No signage is proposed.

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

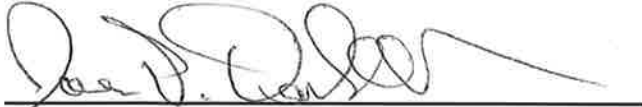
1. *Compatibility with adjacent land uses.*
 - a. The proposed development meets the requirements.
2. *Maximum safety of vehicular circulation between the site and the street network.*
 - a. The proposed development meets the requirements.
3. *Adequacy of circulation, parking and loading facilities with 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.

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.

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: Cami Elliott ,Peter Doubleday, Chad Farnum (Acting Chair).

Dated at Dummerston, Vermont, this 25 day of October, 2023.



Signed for the Dummerston Development Review Board



Print Name

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.