

TOWN OF DUMMERSTON
Development Review Board
LAND USE DECISION

Application: Conditional Use Permit #3296 dated May 14, 2012

Applicant: Damian dePino
606 Old Ferry Road
Dummerston, VT 05301

Property: 606 Old Ferry Road
Dummerston, VT 05301

The applicant, Damian DePino, requested a Conditional Use Permit to build a 24' x34' barn on his property in a 100 year floodplain.

A hearing for Conditional Use approval was duly warned for Wednesday, June 19, 2012, at the Town Offices in Dummerston. Present at the Hearing were Development Review Board members, Lew Sorenson, Herb Rest, Jack Lilly, Hugh Worden (alternate) and Cynthia Wilcox; also present were Charlotte Annis, Zoning Administrator, and Kimberly DePino representing the applicant. This hearing was recessed and continued until August 15, 2012 at which time the applicant, Damian DePino presented his application in more detail. A site visit was conducted on June 19th prior to the hearing.

FINDINGS OF FACT:

The Board finds as follows:

1. The applicant filed application #3296 on May 14, 2012 requesting a Conditional Use permit to build a post and beam barn to be used for storage on his property at 606 Old Ferry Road in Dummerston.
2. All of this property is in the 100 year floodplain (or subject to inundation by the 1% annual chance flood) according to the Flood Insurance Rate Map (FIRM) for Windham County dated September 28, 2007. The map and sections indicate the property is 198 feet above sea level and has an AE designation for base flooding. It is therefore subject to Article IV of the Dummerston Zoning Bylaw entitled "Flood Hazard Area Regulations".
3. Section 440.2 requires that all applications for permits for land development in a flood hazard area be transmitted to the Development Review Board for review and consideration as provided by the abovementioned regulations.
4. The applicant proposes to build the barn at an elevation two feet above the existing grade which is already higher than that of the existing house. It will be built with a full frost wall, proper anchor bolts and tie-downs. There will be doors on both the upstream and downstream ends of the building; and it will also have

an access door on the east. Dimensions are 24 feet wide by 34 feet long with a height of 28 feet. By means of a more detailed drawing of the proposed structure, the applicant includes 1100 square inches of upstream and downstream louvers to equalize flood hydrostatic forces and cast-in-place steel straps to secure the building posts to the foundation. The electrical system in the barn will be 2 to 3 feet above flood level. There will also be a water feed for an outdoor spigot.

5. The applicant has applied to the Vermont Department of Environmental Conservation Floodplain Manager for review. Response as of the date of issuance of this decision has not been received from the State coordinator.
6. The proposed development is in a Rural Commercial District. Uses in this district include single and two family residences and their accessory structures.
7. The application materials do not include information about the exact base flood elevation and the relationship of the proposal to the location of the channel, nor confirmation regarding whether or not there is to be a basement.

DECISION

The Board concludes that the development meets the standards for an uninhabited accessory structure in a 100 year floodplain. It will substantively meet the requirements of section 425 of the Zoning Bylaw as well as all setbacks, area coverage, height, density and other dimensional requirements of the district.

The Board grants a Conditional Use Permit to Damian DePino to build a 24x34 foot barn on his property at 606 Old Ferry Road in Dummerston with the following conditions.

1. The setback from the Connecticut River shall be at least 50 feet (per section 324 of the Bylaw).
2. The applicant shall secure and comply with all State and local permit and license requirements.
3. The applicant shall submit to the Zoning Administrator building plans in compliance with Flood Hazard regulations for a basement, should one be constructed.
4. The Zoning Administrator will review compliance with the conditions of this permit at least every five years.

The following members of the Dummerston Development Review Board participated and concur in this decision. This Decision is subject to appeal as provided by Vermont statute.

Herb Rest, Lew Sorenson, Jack Lilly, Hugh Worden and Cynthia Wilcox
DUMMERSTON DEVELOPMENT REVIEW BOARD

Dated: September 28, 2012

By _____

EXHIBITS

1. Zoning Permit application #3296 and Site Plan
2. DRB application and attachments
3. Newspaper Public Hearing Legal Notice
4. Applicant's Posting and Adjoining Property Owner Notice Certification
5. DRB Attendance Sign-in Sheet
6. FIRM Map for Windham County, September 28, 2007
7. Flood Profiles of the Connecticut River, Map 393
8. VT Department of Environmental Conservation Development review Checklist for Flood Hazard Areas
9. Building Design Plan from Ironwood Brand LLC
10. Correspondence from Applicant to Hearing Board dated June 19, 2012

**RALPH BOLSTER
CONDITIONAL USE APPLICATION #3218
DRB HEARING: APRIL 28, 2010**

EXHIBITS:

1. Zoning permit application and site plan
2. DRB Application and any attachments
3. Newspaper Legal Notice
4. Applicant's Public Notice Certification
5. Floor plan and specifications for Modular home #182 from Pecteau Homes
6. Zoning Administrator's DRB referral letter to the Bolsters dated 3/23/2010