

TOWN OF DUMMERSTON
DEVELOPMENT REVIEW BOARD
LAND USE DECISION

Appellant: Asim Sherwani d.b.a. Exit 4 Sunoco

Mailing Address: P.O. Box 785, Putney, VT 05346

Location of Property: Parcel #333, 2536 U.S. Route 5, E. Dummerston, VT 05346

Owner of Record: William A. Sandri (Sandri Realty, Inc.)

Application: Conditional Use Permit for expansion of existing business to include U-Haul rental of trucks and trailers.

Re: Zoning permit application #3313, 8/21/2012

The matter came before a duly warned public hearing of the Dummerston Development Review Board (DRB) held on Sept. 18, 2012, at the Town Office, Dummerston Center, Vermont.

Present and participating were the following members of the DRB: Lew Sorenson, Cynthia Wilcox, John Warren, Jack Lilly and Herbert Rest, chairman. Also present: Asim Sherwani, appellant, Jeff Gilcris, D. Read Miller, and Charlotte Neer Annis, Zoning Administrator.

The public hearing was adjourned following testimony of the appellant and discussion with the board. Following the public meeting, deliberations and motions of the DRB

took place.

FINDINGS OF FACT

1. The applicant proposes to expand their current gas station and convenience store to include rental of trucks and trailers, of the U-Haul brand.
2. The property is in a Rural Commercial zone.
3. The Zoning Administrator denied the application for permit #3313 on Aug. 23, 2012, finding that the proposal requires a Conditional Use permit, per section 225, and a Site Plan, per section 727, both of the Town of Dummerston Zoning Bylaw.
4. The Dummerston DRB conducted a site visit on the property on Sept. 18, 2012, at approximately 6:45pm.
5. Applicant proposes to use an existing cleared area, partially paved, at the south end of the existing retail building for parking and storage of rental vehicles. There are to be spaces for a total of no more than five trucks and/or trailers. The vehicles will be stored by being backed against the curb at the south end of the proposed area. There will be no new structures built. Applicant testified that there is adequate clearance at rook overhangs to accommodate the largest of the rental vehicle heights.
6. A parking plan ("331 Chart") contrary to the testimony provided was submitted subsequent to the hearing.
7. This new activity will require hiring one new employee, but the hours will be such that there will not be more than two employees at the site at any one time, as is the case now.

Adequate employee parking is available at the north end of the property.

8. Lighting: The applicant suggested that the present light fixtures will be repaired and used to light the area.

9. The applicant stated that there will be no new signs to accompany this expansion. It was pointed out in testimony that the sides of the trucks are painted with the U-Haul name, and that this may constitute a sign if visible from some distance.

10. All rental traffic will enter and depart via the western access point of the rental area onto the building apron and driveway, except to refuel. There will be no truck rental traffic passing along the eastern side of the retail building,

CONCLUSIONS OF LAW AND DECISION

1. The proposed use is allowed within the Rural Commercial zone (section 225), consisting of the Conditional Use of a retail store.

2. Sections 720-722 apply for the granting of a Conditional Use.

3. The DRB finds that all six requirements of Section 721 are met.

4. The property is a pre-existing non-conforming property with variances that apply. The new use will not encroach farther into the setback areas. The DRB finds that all other general requirements as stated in Section 722 are met.

5. The proposal as currently presented is accurate and detailed enough to qualify as a Site Plan when parking arrangement is included, as required by Sections 724-726.

6. Therefore, the DRB approves the Conditional Use of the property, and the Site Plan, as outlined in the application and in accordance with public testimony, with the following conditions:

a. The five vehicles specified be located only in the designated space when not in use and parked as in the testimony given, regardless of any submissions made after the close of testimony on Sept. 18, 2012.

b. There shall be no traffic associated with this expansion on the east side of the building.

c. The agreement that there be no new signs includes a prohibition of a U-Haul truck parked outside of the designated area whose intent is to advertise the business.

e. The current lighting is not to be used; new lights, on poles no taller than 14 feet, shall be installed with downward directed lighting and be motion-activated;

motion activation is to be used with short term over-ride capabilities when safe truck/trailer rental vehicle movement so dictates, and then only for the duration of that needed specific activity.

f. There is to be an opaque fence four feet high, with an optional gate, to obscure the parking area from view from the west. The fence shall be oriented parallel to Rte. 5 and extend southward into the woods in that portion of the property. Decorative plantings shall be placed in front of the fence to eventually obscure it.

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

Lew Sorenson, Cynthia Wilcox, Herbert Rest, John Warren, Jack Lilly

Dated: November 1, 2012

DUMMERSTON DEVELOPMENT REVIEW BOARD

By Herb Rest, Chair on behalf of the Board

EXHIBITS

1. Zoning Permit Application #3313
2. DRB Appeal
3. Newspaper Legal Notice
4. Appellant's Certification of Notice
5. Interested Persons Record and Service List
6. U-Haul Company brochure
7. Exhibit List