

**TOWN OF DUMMERSTON
DEVELOPMENT REVIEW BOARD
LAND USE DECISION**

Applicant: The Nature Conservancy/Jon Binhammer, Representative
Location of Property: Rice Farm Road
Dummerston, Vermont
Mailing Address: C/O Jon Binhammer
27 State Street
Montpelier, Vermont 05602
Project: Construction of parking area for trail head with an 8 ft sign and cedar rail fence
Re: Site Plan Review and Sign Approval; Zoning Permit Application #3193

This matter came before the Dummerston Development Review Board (DRB) at a public hearing held on June 23, 2009 in the Dummerston Town Office, Dummerston Center, Vermont. Present and participating were DRB members Herb Rest, Cindy Wilcox, Regina Rockefeller, Rick Sullivan, Alternate seated as a voting member and Lew Sorenson, Chair.

Also present were Pat Jaquith, non voting member; John Warren, Alternate; Charlotte Neer Annis, Zoning Administrator, and Jon Binhammer. The Board conducted a site inspection preceding the meeting. Applicant, Jon Binhammer, was present for the site inspection and attended the hearing.

FINDINGS OF FACT

The Board finds as follows:

1. The applicants filed Application for Zoning Permit #3193 on May 29, 2009 for a gravel 30 ft by 70 ft parking area for 7-9 cars at the Black Mountain Trail Head, an 8 ft sign marking the Trail Head and a cedar rail fence designating the parking area. On June 1, 2009, the Zoning Administrator denied the application for a sign and site plan approval under Section 724 Site Plan Approval and Section 669 Permitted On-Premise Signs of the Zoning Bylaw.
2. The property is located in a Rural Residential District (RR).
3. The surrounding neighborhood is rural in character as the 495 acre parcel is protected with a conservation easement.
4. The submission of site plans and supporting data was sufficient to reach a conclusion under Section 725 of the Zoning Bylaw.
5. The applicant's testimony addressed the site plan findings required by Title 24 VSA, Section 4464 and Bylaw Section 726. The Board finds that:
 - a. A 30 ft. by 70 ft. gravel parking area is compatible with adjacent land uses;
 - b. A barrier of large stones/boulders from the land will be placed parallel to Rice Farm Road at least 25 ft from the center of the road leaving a 20 ft. opening for traffic to enter and leave the parking lot as

- shown in the drawing submitted by the applicants.
- c. The applicant will contact the Dummerston Road Foreman to discuss the curb cut for the parking area.
 - d. A cedar rail fence or large stones/boulders from the land will be used to designate the rest of the parking area.
 - e. There will be no lighting at the site.
 - f. There will be minimal improvements to the area to maintain its rural character.
6. The applicant's testimony addressed the sign review under Section 669 of the Zoning Bylaw.
- a. The sign marking the Black Mountain Trail Head will be an 8 ft by 6 ft one-sided wooden sign that is placed parallel to Rice Farm Road.

CONCLUSIONS OF LAW AND DECISION

The Board finds that the application meets the requirements for site plan approval and sign usage under Sections 724, 725 and 669 of the Zoning Bylaw and the Vermont Statute 24 VSA 4464. The Application is approved.

Development Review Board members Herb Rest, Regina Rockefeller Rick Sullivan, Alternate; Cindy Wilcox and Lew Sorenson concurred in this decision. This decision is subject to appeal as provided by Vermont Statute.

Dated: June 30, 2009
DUMMERSTON REVIEW BOARD

Regina A. Rockefeller
On behalf of the Board

EXHIBITS

1. Zoning Permit Application #3193 with Site Plan and Sign Drawing
2. DRB Application with Zoning Administrator's denial and any Attachments
3. Newspaper Legal Notice
4. Applicant's Public Notice Certification
6. DRB Attendance Sign-in Sheet
7. Interested Persons Record and Services List