

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

Applicant: James Sweitzer
Mailing Address: 89 Hog Farm Road, Putney, VT 05346
Owner of Record: James and Diana Sweitzer
Location of Property: 49 Brickyard Lane, Dummerston, VT
Application: Zoning Permit Application No. 3235

The matter came before a duly warned public meeting of the Dummerston Review Board (DRB) held on July 20, 2010; the public meeting was preceded by a site inspection by the DRB.

Present and participating in the meeting and the site inspection were the following members of the DRB: Herbert Rest, Lew Sorenson, Cynthia Wilcox, and Patricia Jaquith. Alternate John Warren participated as a voting member. Also present were applicant James Sweitzer and Zoning Administrator Charlotte Neer Annis.

FINDINGS OF FACT

1. Applicant proposes to remove an existing structure that connects two existing buildings and replace it with another structure covering the same footprint plus an extension to the rear of the complex, increasing the area there by approximately 8 feet by 8 feet. In the process, a somewhat smaller area on the front will be removed from the existing footprint.
2. The property is located in a Commercial/Light Industry zone.
3. The Zoning Administrator denied the application, citing the need for Site Plan Approval by the DRB, pursuant to Section 724 of the Dummerston Zoning Bylaw.
4. The business is covered by Conditional Use permit granted on November 8, 2004, and amended May 31, 2005, and November 24, 2006.
5. The site inspection showed that the structure to be replaced is in a dilapidated condition.
6. The applicant proposes no changes to the use of the property, amount of retail space, signage, lighting or parking.

CONCLUSIONS OF LAW AND DECISION

- 1: The DRB determines that the application constitutes an amendment to a prior Conditional Use Permit and Site Plan Review approval. Further, any deficiency in application materials or public notice are minor and not of substance, and therefore will not trigger additional processing or hearings.
2. The DRB finds that all requirements set forth in paragraph two of Section 722 of the Dummerston Bylaw are either unchanged or are met. Specifically, coverage is increased only minimally and the rear setback is not encroached upon.
3. The DRB finds that the proposed change will substantially improve the property.
4. The DRB therefore approves the application subject to the Board's prior approval conditions which shall all remain in effect.

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 statute.

Dated: August 12, 2010

Herbert Rest, Lew Sorenson, Cynthia
Wilcox, Patricia Jaquith, and John Warren

DUMMERSTON DEVELOPMENT
REVIEW BOARD

Herbert F. Rest
For the Board

EXHIBIT LIST

Zoning Permit Application and Site Plan #3235.

DRB Application #334-2.

Newspaper Legal Notice.

Applicant's Public Notice Certification.

Attendance sign-in.

Interested Persons Record.