

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

Applicant: Perfect Image/Ronald Bascom
Mailing Address: 747 Putney Rd., Brattleboro, VT 05301
Location of Property: 940 Rte. 5, Dummerston, VT
Application: Zoning Permit Application No. 3287

The matter came before a duly warned public meeting of the Dummerston Review Board (DRB) held on November 21, 2011; the public meeting was preceded by a site inspection by the DRB.

Present and participating in the meeting were the following members of the DRB: Herbert Rest, Cynthia Wilcox, John Warren, Patricia Jaquith, Lew Sorenson. Alternate Jack Lilly participated as a non-voting member. Preceding the public meeting, the Board members conducted a site visit. Present at the DRB meeting were applicant Ronald Bascom, Claire Bemis, and Zoning Administrator Charlotte Neer Annis. Also present : Thos. Simeon

FINDINGS OF FACT

1. Applicant requests a conditional use permit for a silk screen/embroidery shop and retail business, a signage approval, a site plan approval and a setback variance for the installation of a bay door to the rear of the pre-zoning existing building. At the time of the application submittal the bay door installation fell within the front yard setback requirements. The property is located in a Rural Commercial zoned district.
2. The Zoning Administrator denied the application, citing the need for Conditional Use Approval by the DRB, pursuant to Section 225 of the Dummerston Zoning Bylaw, a signage approval pursuant to Section 665 of the Dummerston Zoning Bylaw, a Site Plan approval pursuant to Section 724 of the Dummerston Zoning Bylaw and citing the need for a front yard setback variance by the DRB, pursuant to Section 225 of the Dummerston Zoning Bylaw.
3. The non- conforming pre-zoning commercial building was constructed in 1969 and is located in a Rural Commercial Zone. Historical DRB activity relating to this property include a signage variance approved in response to application #731 dated October 2, 2004, front awning and back patio variances approved in response to application #3001 dated November 21, 2005 and a front porch

variance in response to application # 3232 dated October 19, 2010.

4. Site inspection showed that the proposed bay door inset to the rear of the current structure will be approximately 95 feet from the front property line. A non permitted storage shed is currently constructed against to the rear-most facing wall of the commercial main building at the location of the proposed bay door. Access for the requested construction will require reconfiguration or deconstruction of the existing shed. Side and rear yard setback requirements are met. The bay door will not be visible from the front of the property.
5. Signage currently in place is consistent with the granted variance of application # 731 dated October 2, 2004. Signage illumination is by spotlights located under the eaves of the commercial building and directed in a generally horizontal manner to the double sided signage, such signage being positioned in a manner perpendicular to the route 5 highway.
6. Site inspection notes that, in addition to the above, the previously identified and non permitted storage and habitation trailers have been removed from the property. The pre-zoning house trailer remains in place.
7. Inspection identifies the removal of barrier structures set in place and required by the DRB to prevent unfettered vehicular access across the entire front property line and route 5.
6. The applicant testified that the non-permitted rear shed will be removed so that the bay door can be inserted into that location.
7. Applicant testimony was that the bay door will allow vehicular access to the interior of the building to allow for signage/graphics application as part of the proposed business operation. Further, the size of vehicle anticipated was described, at the site visit, as up to the size of an SUV and the anticipated volume of vehicles as occasional.
8. The applicant testified that signage will consist of a 2 sided sign affixed to the current signage structure located in the front of the building.
9. Applicant testimony is that the signage lighting plan is to continue with the

currently established under eaves spotlights. The applicant further testified that the he will not be seeking permission for signage for the south side of the building, as he had previously proposed. Lighting hours will be designed to maximize exposure to potential customers. A morning “lights on” time was not defined but the evening hours would possibly be through 10 PM. No additional lighting is anticipated.

10. Testimony further states that the products and byproducts of the printing process are maximally recyclable and captured at the time of process completion. The use of biodegradable materials is also considered. Disposal of waste products is off site at a approved disposal facility.
11. Employee parking requirements will utilize perhaps 5 of the existing parking spaces that surround the building.
12. As of November 22, 2011, the Dummerston Zoning Bylaw was revised to a 50 foot setback requirement for a Rural Commercial Zone .

CONCLUSIONS OF LAW AND DECISION

1. The DRB determines that the application materials and public notice are proper and timely.
2. The DRB finds that Section 720 through 722, and 724 through 726 for Conditional Use and Site Plan Approval apply.
3. The DRB finds, per Section 225, that the front yard setback requirement in effect at the time of application submittal and hearing date has been superseded by the revised Bylaw approved November 22, 2011 and effective December 13, 2011. As such, the proposed construction meets the revised standard and will not require a variance as of that date.
4. As to conditional use standards, the DRB finds that the proposed screen printing/embroidery business will be located in an established non conforming pre

zoning structure and will not adversely affect the character of the area. Collection methodologies for printing by-products will allow said by-products to be removed from the applicants business site. There will be no new noise issues. The anticipated traffic volume is minimal.

5. As to site plan standards, at issue is the unfettered highway access across the entire front property line, definition areas for traffic circulation, parking and landscaping on the site, and the ongoing light diffusion created by the horizontally directed signage illumination.

The DRB approves the Conditional Use request.

The setback variance is approved based on the project's conformance with the soon to be effective amended standards.

Site plan approval requires the submission of a specific site plan addressing the following Board requirements:

1. Signage not to exceed a total of 50 square feet.
2. Signage lighting that is downwardly directed so as to minimize light diffusion beyond signage illumination. Illumination intensity shall not exceed that required to reasonably provide legibility from route 5.
3. Access to route 5 shall be limited to a north and a south entryway. This shall be accomplished through the erection of a mid frontage traffic barrier. The character of that barrier shall be such that it is readily visible from the roadway and that it provides no obstruction to the removal of snow from the highway.

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: December 6, 2011

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

DUMMERSTON DEVELOPMENT
REVIEW BOARD

Herbert F. Rest
For the Board