

# Application for Conditional Use Review

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## TOWN OF DUMMERSTON

### Development Review Board

#### Application for Conditional Use Review Findings and Decision

**Applicant:** Allard Lumber Company, Cliff Allard  
**Mailing Address:** 354 Old Ferry Road, Brattleboro, VT 05301  
**Location of Property:** Parcel # 00857, 354 Old Ferry Road  
**Owner of Record:** Allard Lumber Company  
**Application:** Conditional Use Permit to construct (3) 33'-0" x 36'-0" kilns south of the storage shed. About 400 sf will be in Dummerston

**Permit Application No. 3352**

**Date Sent: Feb. 24, 2014**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Allard Lumber Company under the Town of Dummerston Zoning Bylaw.
2. The application was received on September 23, 2013.
3. On September 25, 2013, notice of a public hearing was published at the municipal clerk's office.
5. Notice of a public hearing was mailed to the applicant and the following abutters of Allard Lumber Company:
  - Florence Howe; 537 Old Ferry Road; Dummerston, VT 05301
  - Jet Gas Inc; 11098 Clyde Savannah Road; Clyde, NY 14433
  - Windham Solid Waste District; 327 Old Ferry Road; Brattleboro, VT 05301
  - B&M RR; Iron Horse Park; North Billerica, MA 01862
6. The application was considered by the development review board at a public hearing on October 15, 2013. The development review board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended January 23, 2013.

7. Present at the hearing were the following members of the development review board
  - Jack Lilly (Chair)
  - Stephen Jarosak
  - Patty Walior
  - Marty Forrett
  
8. Present at the hearing were the following persons:
  - Charlotte Neer Annis (Dummerston Zoning Administrator)
  - Bill Jewell
  
9. During the course of the hearing the following exhibits were submitted to the development review board:
  - A. DRB Letter dated 9/23/2013
  - B. Zoning Permit Application, Permit # 3352, dated 9/25/2013 with attached detail sheets:
    - a. Drawing A-3 of Kiln Elevations from SII Dry Kilns
    - b. Drawing S.1 of “Kiln Additions in Yard Site Plan” from WM Jewell & Company
  - C. Copy of Abutters of Allard Lumber
  - D. Letter From WM Jewell & Company to Dummerston Zoning Administrator, dated 9/13/2013, Titled “RE: Allard Lumber – New Kilns”
  - E. Town of Dummerston “Interested Persons Record and Service List” dated 10/15/2013

## **FINDINGS**

Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:

1. The applicant seeks a conditional use permit to construct a 33’-0”x36’-0” storage shed with about 400 sf of shed on Dummerston property. The subject property is a 30 acre parcel located at 354 Old Ferry Road in the Town of Dummerston (tax map parcel no. 00857).
2. The property is located in the CI District as described on the Town of Dummerston Zoning Map.
3. Conditional use approval is requested for the project as an Accessory Use as that term is defined in section 230 of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:
  - Section 245
  - Section 724
  - Section 727

4. The proposed structure will:
  - a. not exceed 35' in height
  - b. not require new lighting
  - c. not require additional electrical services
  - d. add noise with new fans.

## **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the development review board grants the application for storage shed as an accessory use.

As conditioned, the proposed development meets the requirements of Sections 230 and 245 of the Zoning Bylaw. All setbacks; building area, dimensional, and coverage requirements are met. The DRB agrees that any additional noise generated by the structure will not exceed any existing site noise.

The development review board approves the application subject to the following conditions:

The DRB would like to note that the decision pertaining to permit #3286, dated 12/16/2011, for the east side kilns has expired because work didn't start within the 1 year period of permit issuance.

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.

Jack Lilly (Chair), Stephen Jarosak, Patty Walior, and Marty Forrett