

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Beverly Kenney c/o Balanced Rock Corp.
Mailing Address: 1238 US Route 5 E. Dummerston, VT 05346
Location of Property: Parcel # 792.0, 1238 US Rt 5, E. Dummerston, VT
Owner of Record: Balanced Rock Corp.
Application: Conditional Use Permit for the addition of a food service cart on existing campground site with associated seating and parking.

Permit Application No. 3358

Date Sent: April 10, 2014

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Beverly Kenney, Balanced Rock Corp, under the Town of Dummerston Zoning Bylaw.
2. The application was received on February 20, 2014.
3. On February 26, 2014, 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 the campground at 1238 US Route 5:
 - Robert and Margaret Evans 1250 Rt 5, E. Dummerston, VT 05346
 - Francis W Manix 61 Jones Rd. Putney, VT 05346
 - Donald Powers 25 East West Rd., E. Dummerston, VT 05346
 - Mark W. Brown 23 East West Rd., E. Dummerston, VT 05346
 - VT-NH Veterinary Clinic 38 East West Rd. E. Dummerston, VT 05346
 - VT Housing Finance Agency PO Box 408 Burlington, VT 05402

6. The application was considered by the Development Review Board at a public hearing on March 18, 2014. 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
 - Hugh Worden, Chair
 - Stephen Jarosak
 - Alan McBean
 - Sam Griffis
 - Marty Forrett
 - Patty Walior

8. Present at the hearing were the following persons:
 - Charlotte Neer Annis (Dummerston Zoning Administrator)
 - Robert and Margaret Evans
 - Beverly and Ernie Kenney

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - A. DRB Letter dated 2/25/2014
 - B. Applicant Certification of Notice
 - C. Zoning Permit Application, Permit # 3358, dated 2/20/2014 with attached lighting/food cart detail sheets:
 - D. Copy of “Town of Dummerston DRB List of Adjoining Property Owners” for application # 3358
 - E. Town of Dummerston “Development Review Board - Attendance Sign-In” dated 3/18/2014

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 to convert a 1969 Banner travel trailer into a food cart with electrical and water hookups. There will be a tent and picnic tables for customer seating and parking for drive-in customers. The property is located

in the RC (Rural Commercial) District as described on the Town of Dummerston Zoning Map.

2. Campground has been owned by the Kenney's since 2007 and has been in continuous seasonal operation since that time.
3. The food cart will consist of a renovated 1969 Banner travel trailer converted to a kitchen/serving space.
4. The food cart will be located at existing site G-50 and would be available to campers as well as local traffic just seeking the food service.
5. Dates and hours of operation will be May to October between 7AM and 9PM. Normal quiet hours at the campground are from 10PM to 8AM.
6. Seating for patrons will be accommodated by a 20x30 tent with 6 picnic tables for 6 people per table; total occupancy for 36 people.
7. All necessary State permits have been applied for and no modification of the existing State Act 250 permit is necessary.
8. Eight parking spaces will be added and traffic flow within the campground altered to allow direct two-way traffic between the food cart and Route 5.
9. Advertising for the food cart will be limited to 1 existing sandwich board displayed adjacent to Route 5.
10. Lighting will consist of two exterior wall sconce lights on the trailer and 7 strands of string lights within the perimeter of the tent footprint.
11. Gray water from the food cart will be collected in a tank at the trailer and disposed of at the existing pump station.
12. An existing bathroom near the food cart will serve as restroom and hand washing facilities for the patrons.
13. The Board ruled during the public meeting that this application will be treated as an accessory use to the campground rather than a conditional use. Therefore review of the permit will be on an as needed basis rather than regularly scheduled intervals.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for the addition of a food cart, tent,

picnic tables, lighting and 8 additional parking spaces. The proposed development is deemed an accessory use to the existing campground and meets the requirements of Sections 225 and 245 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met.

The Board reserves the right to revisit the application should demand for the food cart services render inadequate the proposed seating capacity, parking, traffic flow or signage.

It is the Applicant's responsibility to be in compliance with all State issued permits at all times.

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.

Dated: April 10, 2014

Hugh Worden, Chair, Sam Griffis, Stephen Jarosak,
Alan McBean, Marty Forrett and Patty Walior

DUMMERSTON DEVELOPMENT REVIEW BOARD

Hugh Worden, Chair