

**TOWN OF Dummerston, Vermont
Development Review Board**

Application for Site Plan Approval

In re: Ann Davis

Permit Application No. 3359

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a review of an application for site plan approval submitted by Ann Davis as required under the Town of Dummerston Zoning Bylaw.
2. The application was received by the Zoning Administrator on April 30, 2014. A copy of the application is available at the Dummerston Town Office.
3. On May 3, 2014, notice of a public hearing was published in the Brattleboro Reformer.
4. On May 2, 2014, notice of a public hearing was posted at the following places: Dummerston Town Office, West Dummerston Post Office, and Dummerston School.
5. On May 5, 2014, notice of a public hearing was posted at 143 West Street, West Dummerston, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On April 30, 2014, a copy of the notice of a public hearing was mailed to the appellant. On May 5, 2014, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the appeal
 - Hugh and Melissa Worden
 - Richard Tuttle
 - Ron and JoAnn Tier
 - Alex and Jerelyn Wilson
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7. The application was considered by the development review board at a public hearing on May 20, 2014. The development review board reviewed the application under the Town of Dummerston 2007 Zoning Bylaw, as amended last on February 21, 2014.
8. Present at the hearing were the following members of the development review board
 - Marty Forrett

- Sam Griffis (hearing chair)
 - Steve Jarosak
 - Beverly Kenney (decision writer)
 - Alan McBean
 - Patty Walior (secretary)
9. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.
10. During the course of the hearing the following exhibits were submitted to the development review board:
- Site visit by all members prior to hearing
 - Brattleboro Reformer hearing notice
 - Applicant's Certification of Notice
 - Correspondence from Ronald and Jo-Ann Tier

These exhibits are available at: Dummerston Town Office.

FINDINGS

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

1. The applicant request for a permit #3359 is dated April 30, 2014.
2. The subject property is a 0.5 acre parcel located at 143 West Street in the Town of Dummerston, tax map parcel no. 491 and recorded at Book 106, Page 199, of the Town of Dummerston Land Records.
3. The property is located in the Village District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and section 241 of the Zoning Bylaw.
4. The permit requires review under the following sections of the Zoning Bylaw: Sec. 616, fences over 4' high in Village District need site plan approval.
8. Decision factors:
 - a. There are other 6' fences in the Village District
 - b. 10+ feet in height of vegetation buffers between Davis and Tier property
 - c. Slope of +2 feet up to neighbor's property will make the fence appear to be 4'
 - d. Fence will not be visible from the street

DECISION

Based upon these findings, the development review board concludes that permit #3559 should be granted by the Zoning Administrator with the following conditions:

1. Finished side of fence must face Tier property
2. Minimal clearing of buffer prior to installation

Dated at Dummerston, Vermont, this 3rd day of June, 2014.

_____, Acting Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.