

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Sovern Solar, Inc.
Mailing Address: 1238 US Route 5 E. Dummerston, VT 05346
Location of Property: Parcel # 389.0, 1909 US Rt 5, E. Dummerston, VT
Owner of Record: New England Stake Hubs (Shirley Waterman)
Application: Conditional Use Permit for a change in business use and the addition of a sign.

Permit Application No. 3381

Date Sent: February 20, 2015

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Sovern Solar, Inc., under the Town of Dummerston Zoning Bylaw.
2. The application was received on February 5, 2015.
3. On February 26, 2015, 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 New England Stake Hubs at 1909 US Route 5:
 - Charles and Thelma Dunn 1892 US Rt. 5, E. Dummerston, VT 05346
 - Stewart Hunt 13 Canoe Brook Rd. E. Dummerston, VT 05346
 - Yvonne and Alan Goddard 1911 US Rt. 5 E. Dummerston, VT 05346
 - Anne Manning 185 Canoe Brook Rd. E. Dummerston, VT 05346
 - Charles Titus 1656 US Rt. 5 E. Dummerston, VT 05346
6. The application was considered by the Development Review Board at a public hearing on March 17, 2015. 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
 - Alan McBean
 - Sam Griffis
 - Patty Walior

8. Present at the hearing were the following persons:
 - Charlotte Neer Annis (Dummerston Zoning Administrator)
 - Peter Thurell for Sovern Solar, Inc.
 - Stewart Hunt, Abutter

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - A. Applicant Certification of Notice.
 - B. DRB Hearing Checklist.
 - C. Town of Dummerston “Development Review Board - Attendance Sign-In” dated 3/17/2015.
 - D. Email from Shirley Waterman Dated February 5, 2015.
 - E. Permit Application #3381 Dated February 5, 2015.
 - F. Minutes Dated October 18, 1973 for public meeting on application #104, to locate a sawmill on the property at 1909 US Route 5 E. Dummerston, VT 05346.
 - G. Zoning Board of Adjustment (ZBA) decision for application #104 Dated October 22, 1973.
 - H. ZBA decision dated April 17, 1985 allowing an addition to the sawmill.
 - I. ZBA decision dated May 13, 1999 allowing an addition to the sawmill and the relocation of a mobile home.

FINDINGS OF FACT

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 change the business use of the property from wood processing to fabrication of ground mount structures for photovoltaic installations and storage of materials for the bases and panel arrays.

2. The buildings currently onsite would be utilized for storage. No new construction is planned.
3. Equipment stored on site would consist of a skid steer type vehicle to assist in the unloading of tractor trailers and a small excavator on a trailer to be moved on and off property for installations.
4. There would be a maximum of twelve employee vehicles parked on the site during working hours.
5. Intended days and hours of operation are Monday through Sunday, 6 AM to 9 PM
6. There is no anticipated change in landscaping or lighting on the property.
7. There is an existing concrete pad on the site for a mobile home. There is no mobile home currently on the pad.
8. The applicant plans to erect one double faced sign with dimensions of 6' wide by 4' high.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for a change in business use of the property at 1909 US Rt. 5 and for the placement of one 6' by 4' sign as described in the application documents. The proposed development is deemed a conditional use for a parcel in a rural commercial district and meets the requirements of Sections 225, 245 and 665 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met.

The applicant will have one year from the issuance of this decision to place a mobile home on the existing pad. After one year the siting of a mobile home on the existing pad will require a new conditional use permit for more than one use on a parcel.

It is the Applicant's responsibility to be in compliance with any 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 30, 2015

Hugh Worden, Chair, Sam Griffis,
Alan McBean, and Patty Walior

DUMMERSTON DEVELOPMENT REVIEW BOARD

Hugh Worden, Chair