

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

**Application for Site Plan Approval  
Conditional Use Review  
Findings and Decision**

**Applicant: Renaud Gravel Inc./Hidden Acres Campground**

**Location of Property: 792 US Route 5, E. Dummerston, VT 05346**

**Owner of Record: Renaud Gravel Inc.**

**Permit Application Nos. 3417 and LD 367**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a review of an application for site plan approval submitted by Renaud Gravel, Inc. as required under the Town of Dummerston Zoning Bylaw.
2. The applications were received by the Zoning Administrator on September 22, 2015. A copy of the application is available at the Dummerston Town Office.
3. On September 24, 2015, notice of a public hearing was published in the Commons.
4. On September 30, 2015, notice of a public hearing was posted at the following places: Dummerston Town Office and the Dummerston School. On October 1, 2015 notice of a public hearing was posted at the West Dummerston Post Office.
6. On October 1, 2015, a copy of the notice of a public hearing was mailed to the appellant and to the following owners of properties adjoining the property subject to the appeal
  - Christopher J. Vinci, 41 Poplar Commons, Dummerston, VT 05301
  - Alexa F. Morgan, 41 Poplar Commons, Dummerston, VT 05301
  - Morton H. and Norma L. Smith, 73 Poplar Commons, Dummerston, VT 05301
  - Steven and Catherine Casabono, PO Box 873, Putney, VT 05346
  - Le Borofsky, 766 VT US Route 5, Dummerston, VT 05301
  - Juanita L. Brooks, 294 Dummerston Station Rd, E. Dummerston, VT 05346
  - State of Vermont Highway Dept., 870 US Route 5, Dummerston, VT 05301
  - Tim Severence, 142 Aiken Road, Putney, VT 05346
  - G. Edward and Patricia Marie Bell, 63 Winter Bell Drive, E. Dummerston, VT 05346
  - Windham Community Chapel, 850 US Route 5, Dummerston VT 05301
  - Robert and Madeline Mos, 795 US Route 5, Dummerston, VT 05301
  - Howard and Clarice Short, Trustees, 125 Dummerston Station Road, E. Dummerston, VT 05346
  - Mathew and Megan Rink, 775 US Route 5, Dummerston, VT 05301
  - Kelly A. McCue, 94 Poplar Commons, Dummerston, VT 05301

- Keith A. and Mindy Bombach, 92 Poplar Commons, Dummerston, VT 05301
  - Jason and Anne Posternak, 46 Poplar Commons, Dummerston, VT 05301
  - Peter A. Siegel 40 Poplar Commons, Dummerston, VT 05301
  - Christina Danforth, 6 Rexford Road, W. Cornwall, CT 06796
  - John and Ingunn Hamill, 247 Carpenter Road, Dummerston, VT 05301
  - Judy and Donald R. Polica PO Box 8042, Brattleboro, VT 05304
  - David G. Blocher, 24 Poplar Commons, Dummerston, VT 05301
7. The application was considered by the development review board at a public hearing on October 20, 2015. The development review board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended on September 23, 2015.
  8. Present at the hearing were the following members of the development review board
    - Alan McBean
    - Marty Forrett
    - Sam Griffis
    - Cami Elliott
    - Hugh Worden
    - 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:
    - Applicant Certification of Notice
    - DRB Hearing Checklist
    - Town of Dummerston “Development Review Board – Attendance Sign-In”
    - Permit Applications #3417 and LD 367
    - Site visit by all members prior to hearing
    - The Commons hearing notice
    - Survey entitled “2 Lot Subdivision Prepared for Renaud Gravel Inc. by William Fitzgerald dated September 16, 2015, Project No. 01-545.

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 permits #3417 and LD 367 are dated September 22, 2015.

2. The subject property is a 34.4 acre parcel located at 792 US Route 5 in the Town of Dummerston, tax map parcel no. 08-824.500.
3. The property is located in the Rural Commercial as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and section 235 of the Zoning Bylaw.
4. The permits require review under the following sections of the Zoning Bylaw: Sec. 245, 256, 257 and Sec. 602- CU sec #722 for the right of way and sec. 650 for gravel extraction.
8. Decision factors:
  - a. At the time the original permits for the gravel pit were approved, the entire 34.4 acre parcel was under the same ownership, so it was not necessary to determine setbacks within the contiguous parcel.
  - b. If a 200 foot setback were to be imposed as a condition of the subdivision permit there would be difficulties with the location of existing electric cables and a septic system serving the campground on the campground side of the proposed subdivision, and there would be difficulties on the gravel pit portion of the property due to the areas on which excavation has already begun under the terms of the existing permits.
  - c. The gravel pit does not have any road frontage. Access to US Route 5 to the gravel pit has been obtained by an agreed right of way with ABF Freight on the southerly side of the ABF Freight Building. This arrangement is not convenient for either party, ABF Freight or Renaud Gravel, Inc.


## **DECISION AND CONDITIONS**

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

1. Land Development Permit #LD 367 is approved subject to the following setback requirements:
  - a. The portion of the proposed boundary between Lot 1, the gravel pit portion, to consist of approximately 16.92 acres, and Lot 2, the Campground parcel, to consist of approximately 17.48 acres, which runs S 87° 09' 40" W a distance of 337.3 feet, shall have a setback of 20 feet. Additionally, the existing slope shall not be increased within 20 feet of this boundary, and there shall be no new excavation in this area.
  - b. The portion of the proposed boundary between Lot 1 and Lot 2 which runs N 14° 36' 00" E a distance of 468.7 feet shall have a setback of 100 feet.
  - c. The portion of the proposed boundary between Lot 1 and Lot 2 which runs N 66° 33' 20" W a distance of 219.30 feet, continuing N 67° 27' 00" W a distance of 365.10 and continuing N 67° 27' 00" W a distance of 161.60, shall have a setback of 30 feet.

2. Access for ingress and egress from the gravel pit and US Route 5 shall be located on the northerly portion of lands of ABF Freight and shall be granted to Renaud Gravel Inc. by a permanent right of way a minimum of 20 feet in width, which instrument shall be recorded in the Dummerston Land Records.

Dated at Dummerston, Vermont, this 3rd day of December, 2015.

  
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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.