

# Application for Conditional Use Review

---

## TOWN OF DUMMERSTON

### Development Review Board

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

**Applicant:** Timothy Scott, Green Dragon Botanicals  
**Mailing Address:** 134 Fisch Road Dummerston, VT 05301  
**Location of Property:** Parcel # 471.2A, 134 Fisch Road Dummerston, VT  
**Owner of Record:** Harris Family Trust, R. Robert Harris, Trustee  
**Application:** Conditional Use Permit for the Operation of a Home Business

**Permit Application No. 3443**

**Date Sent to DRB: June 23, 2016**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Timothy Scott under the Town of Dummerston Zoning Bylaw.
2. The application was received on June 21, 2016.
3. On July 27, 2016, notice of a public hearing was published in The Commons and the Public Notice was posted at the subject property on August 1, 2016.
5. Notice of a public hearing was mailed to the applicant and the following abutters of 134 Fisch Road:

- Alan and Martha Armstrong
- Robert Harris
- Steven Ferris
- Roger Davis
- Kyle Miner
- Crystal Moore
- Mahrddad Tabasi
- Peter and Nancy Wimmelman
- David and Connie Haskin
- Muriel Wolf, Revocable Trust
- Kyle Miner and Jennifer Lisai

- Crystal and Dennis Moore
6. The application was considered by the Development Review Board at a public hearing on August 16, 2016. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended September 23, 2015.
  
  7. Present at the hearing were the following members of the Development Review Board
    - Alan McBean, Chair
    - Chad Farnum
    - Cami Elliott
    - Marty Forrett
  
  8. Present at the hearing were the following persons:
    - Kathleen Hathaway (Dummerston Zoning Administrator)
    - Tim Scott, Applicant
    - Patty Paskin
    - Jeffery Tenny
    - Martha Armstrong
    - Judy Fink
    - Robert Freeberg
    - Margaret Kipp
    - David Paskin
    - Bill Lynch
    - Leslie Todd
    - Rich Carroll
    - Alan Armstrong
  
  9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
    - A. Applicant Certification of Notice.
    - B. Town of Dummerston "Development Review Board - Attendance Sign-In" dated August 16, 2016.
    - C. Permit Application #3443 Dated June 21, 2016.

## **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 construct a barn style structure to house a home business which produces, packages and ships herbal supplements in various forms for consumption by the general public. The property will also produce Maple Syrup and Honey.
2. The building is not preexisting.
3. The building has an approved State wastewater permit for its own septic system.
4. There would be a maximum of two full time employees and four part-time employees.
5. Additionally, Tim stated his wife Colleen works as an acupuncture and massage therapist and may offer her services on site two days a week serving 4 clients per day.
6. Intended days of operation are Monday through Friday.
7. Any external lighting would be down facing with no glare leaving the property.
8. Machinery used in the processing of the plant material consists of a mechanized grinder and a dust collection system. Grinding would occur two or three times a week for four or five hours at a time.
9. Grain alcohol is used as a vehicle for the herbal tinctures.
10. Materials would arrive via UPS and product would be shipped either UPS or USPS.
11. Site plan shows adequate parking for employees and visitors and there is adequate space planned for UPS sized delivery vans.

## **DECISION AND CONDITIONS**

Based upon these findings the Development Review Board denies the application for a home business at 134 Fisch Road for reasons stated below:

1. Section 605 (2), of the Bylaw allows for three employees who are not part of the family. Applicant is requesting one fulltime and four part time that are not family.

2. Section 605 (3), of the Bylaw requires the home business to be conducted within the principle or existing accessory structures of their residence. Applicant is requesting to construct a new building for the purpose of housing the home business.
3. Section 605 (5), of the Bylaw requires that no objectionable noise, dust or odors be generated by the business. The applicant offered no quantifiable evidence that this would be the case.
4. Section 605 (6), of the Bylaw states no traffic shall be generated in greater volumes than would be normally accepted. The bylaw allows for 3 extra employees for a home business which at a minimum is 30 trips per week, Monday through Friday. Applicant is asking for 4 part time, 3 days a week and 1 fulltime which is a minimum of 34 trips. Additionally, Applicant requests up to 4 additional clients 2 days a week, an additional 16 trips, for a total of 50. Fisch road is a rural dead end road and it is the ruling of the Board that this constitutes greater traffic volumes than would be “normally” expected on Fisch Road.

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: September 1, 2016

Alan McBean, Chair, Cami Elliott,  
Chad Farnum, and Marty Forrett

DUMMERSTON DEVELOPMENT REVIEW BOARD



Alan McBean