

Application for Conditional Use Permit

TOWN OF DUMMERSTON Development Review Board

Applicant: Hermit Thrush Brewery LLC
Mailing Address: 29 High St. Suite 101C, Brattleboro, VT 05301
Location of Property: 7 US Route 5 Dummerston VT 05301
Owner of Record: Auspex Enterprises, Inc.
Application: Application for Conditional Use Permit with Site Plan, and Sign Approval
Permit Application No. 3455
Date Sent: December 16, 2016

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an Application for Conditional Use Review and Site Plan and Sign Approval submitted by Christopher Gagne for the Hermit Thrush Brewery LLC and John Leader for Auspex Enterprises, Inc. under the Town of Dummerston Zoning Bylaw.
2. The application was received on December 16, 2016.
3. Notice of a public hearing was posted at the municipal clerk's office, the school and at the post office on January 6, 2017.
4. On January 9, the notice was published in the Commons newspaper.
5. Notice of the public hearing was e-mailed to the applicant on January 6, 2017. Paper posting of the hearing notice on the property was completed on January 9, 2017.
6. Notice of a public hearing was mailed on January 6, 2017 to all abutters. The list of abutters can be found in the zoning file for this application.
7. The application was considered by the Development Review Board at a public hearing on January 31, 2017 (continued from January 24th due to weather). The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, adopted September 23, 2015.
8. Present at the hearing were the following members of the Development Review Board
 - Alan McBean, Chair
 - Sam Griffis

- Patty Walior
- Cami Elliot
- Marty Forrett
- Chad Farnum
- Beverly Kenney

9. Present at the hearing were the following persons:

- Christopher Gagne (Hermit Thrush)
- Casey Donovan (Auspex)
- Gary and Kimberly Fletcher (Abutters)
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10. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- A. Applicant Certification of Notice for posting on property and informing abutters
- B. List of abutters
- C. Zoning Permit Application, Permit # 3455, dated December 16, 2016
- D. Town of Dummerston "Development Review Board - Attendance Sign-In" for permit #3455
- E. Construction Plan and Letter from Helm Construction Solutions
- F. State Administrative Amendment to Permit 2W1123 (Act 250)

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 Permit with Site Plan and Sign Approval to modify an existing 22,000 sq. ft. warehouse, shipping and office building to include canning of beer brewed off-site in Brattleboro.
2. The footprint of the building will be not be changed.
3. The lot size is 7.3 acres and is located in a rural commercial district.
4. The water and sewer utilities are part of the Brattleboro town systems.
5. The exterior tower section of the building will be updated with wide barn board placement over the existing stucco.
6. The existing Pepsi logo decal will be replaced by the same size hermit Thrush logo decal.
7. The inside modifications include addition of a carbon dioxide line for a five head canning operation in one of the four garage bays and a wall to protect that from dust. Cosmetic improvements with the office space will also be done.
8. Truck deliveries are expected to be one or two per week and shipping will one a week.
9. Three or four employees are expected at the facility.

10. There is space for approximately 10 cars out front and there are 7 loading docks for the 18,000 ft. of warehouse space.
11. No exterior noise or venting of gases will occur.
12. There will be no change in exterior lighting or landscaping.
13. A fire alarm system is present.
14. It is the applicant's opinion that there is enough excess capacity in the proposed facility and operation to allow a x5 expansion in throughput.
15. Abutters (the Fletchers) present at the hearing voiced no issue with the application.
16. The applicable Zoning Bylaw sections are 235: rural commercial district uses; 245: general requirements for all districts; 255: non-conforming structure; 620: off-street parking requirements; 625: off-street loading space requirements; 669 on-premise signs; 721-727 conditional use permits.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application the applicant seeks for a Conditional Use Permit with Site Plan and Sign Approval to modify the existing warehouse, shipping, and office space to including canning and make minor external modifications. All setbacks, furtherance of town plan, area compatibility, use of renewable resources, odor, and noise requirements are met. In addition, there is adequate off-street parking and loading space. Brattleboro town water and sewer are in place. There will be no change in signage footprint (less than 50 sq. ft.). The size of the building at 22,000 sq. ft. is above the stated maximum size in Section 235, Rural Commercial District of 15,000 sq. ft. Therefore, the building is a non-conforming structure. However, as it existed prior to the 2015 Zoning Ordinance and there will be no further detriment to the neighborhood or environs, this conditional use permit is sufficient for approval.

It is the Applicant's responsibility to be in compliance with town ordinances and state issued permits at all times. It is also expected that any internal updates will be done with safety and energy conservation in mind. A five year review of this permit is appropriate.

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: 2-15-2017 DUMMERSTON DEVELOPMENT REVIEW BOARD
Alan McBean, Chair, Patty Walior, Cami Elliot,
Sam Griffis, Marty Forreth, Chad Farnum, and Beverly Kenney

Submitted by:

Beverly Kenney

