

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Vermont Photonics Technologies Corp. /Michael Mross
Mailing Address: 22 Browne Ct Unit 110, Brattleboro, VT 05301
Location of Property: Parcel # 000839, 471 U.S. Rte. 5, Dummerston, VT 05301
Owner of Record: S.E. VT Learning Collaborative, Amelia Stone
Application: Conditional Use Permit for a change of use.

Permit Application No. 3483

Date Sent: September 7, 2017

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Vermont Photonics Technologies Corp., under the Town of Dummerston Zoning Bylaw.
2. The application was received on September 7, 2017.
3. On September 26, 2017, 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 S.E. VT Learning Collaborative, 471 U.S. Rte. 5, Dummerston, VT:
 - Merrill & Ruth W. Barton Life Estate, 12 Houghton Rd, Dummerston, VT 05301
 - BRSM Realty LLC, P O Box 8166, Brattleboro, VT 05304
 - Nelson & Maralyn Jillson, 28 Wheeler Rd., Dummerston, VT 05301
 - Melody B. & Shawn C. Stone, 51 Houghton Rd., Dummerston, VT 05301
 - Chester A. Wendell, Trustee of Investment Trust, 212 Middle Rd, Dummerston, VT 05301

6. The application was considered by the Development Review Board at a public hearing on October 24, 2017. 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
 - Cami Elliot
 - Chad Farnum
 - Dennis Mewes
 - Sam Griffis
 - Patty Walior
 - Jen Sargent

8. Present at the hearing were the following persons:
 - Roger Jasaitis (Dummerston Zoning Administrator)
 - Merrill Barton
 - Ruth Barton
 - Shawn Stone
 - Michael Mross
 - Fletcher Proctor
 - Thom Dahlin

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 10/24/17.
 - D. Building sketch for proposed change of use.
 - E. Permit Application #3483 Dated September 7, 2017.
 - F. Town of Dummerston map for parcel # 000839.000 and abutters.

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 educational to an optical test equipment business.
2. The buildings current footprint will remain unaltered.
3. Building shall contain space for offices, labs, testing and contract research. A small machine shop will be included.
4. There are plans for 5 to 10 employees.
5. Business operating hours shall be 7 AM to 7 PM, Monday through Friday.
6. There is no anticipated change in landscaping on the property.
7. Exterior lighting will be added at building entrance locations.
8. Current sign size and location will remain as is.
9. Parking is more than adequate for 5 – 10 cars. Shipping and receiving will be limited by the nature of the business conducted by the applicant.
10. Water consumption will be minimal due to nature of business being conducted.
11. A very low volume of dust and glare will be produced and will be confined to the interior of the building.
12. Property has existing well and septic system.
13. Current access to the property will remain as is.

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 471 US Rte. 5, Dummerston, VT. The proposed change of use is deemed a conditional use for a parcel in a rural commercial district and meets the requirements of Sections 235, 625, 669, 670, 715 and 720 – 724 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met.

This permit does not allow for changes to the size (enlargement) or relocation of current signage. All noise, odor, dust and use of chemicals shall be contained inside the building. Exterior lighting pools shall not leave the property boundaries.

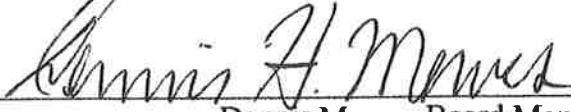
It is the Applicant's responsibility to be in compliance with any State issued permits at all times.

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: November 9, 2017

Alan McBean, Chair, Sam Griffis,
Dennis Mewes, Patty Walior
Cami Elliott, Chad Farnum
and Jen Sargent

DUMMERSTON DEVELOPMENT REVIEW BOARD



Dennis Mewes, Board Member