

# Application for Conditional Use Review

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## TOWN OF DUMMERSTON

### Development Review Board

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

**Applicant:** Jack Markoski  
**Mailing Address:** 575 Stone Cutters Way, Suite #2 Montpelier, VT 05602  
**Location of Property:** Parcel # 696.0, 855 Rice farm Rd. Dummerston, VT  
**Owner of Record:** The Nature Conservancy  
**Application:** Conditional Use Permit for construction of a parking area and addition of a sign.

**Permit Application No. 3497**

**Date Sent:** February 27, 2018

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Jack Markoski for The Nature Conservancy under the Town of Dummerston Zoning Bylaw.
2. The application was received on February 27, 2018.
3. On March 14, 2018, notice of a public hearing was published in The Commons.
5. Notice of a public hearing was mailed to the applicant and the following abutters of the Nature Conservancy on March 20, 2018:
  - Demir Suleyman, Hakan & Jennifer K. 1002 Rice Farm Rd. Dummerston, VT 05301
  - Mayo, Melvin L. 781 Rice Farm Rd. Dummerston, VT 05301
  - Nature Conservancy 575 Stone Cutters Way Montpelier, VT 05602
  - Palmer, Jesse 690 Rice Farm Rd. Dummerston, VT 05301
  - Petrie, Maureen E. 974 Rice Farm Rd. Dummerston, VT 05301
  - Pickering, Sigrid K. 1088 Rice Farm Rd. Dummerston, VT 05301
  - Thorndike, Nicholas W. 1997 Trust 10 Walnut Place Brookline, MA 02445

6. The application was considered by the Development Review Board at a public hearing on April 10, 2018. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended March 28, 2018.
  
7. Present at the hearing were the following members of the Development Review Board
  - Alan McBean, Chair
  - Chad Farnum
  - Dennis Mewes
  - Cami Elliott
  - Jen Sargent
  - Patty Walior
  
8. Present at the hearing were the following persons:
  - Roger Jasaitis (Dummerston Zoning Administrator)
  - Jack Markoski
  - Alex Wilson
  - Jesse Palmer
  - Cate Pickering
  - Sigrid Pickering
  
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 April 10, 2018.
  - D. West River Trail Map and Guide
  - E. Permit Application #3497 Dated February 27, 2018.
  - F. Letter from John Broker-Campbell, Regional Floodplain Manager, VT DEC
  - G. Letter from Alyssa Sabetto, Planner, Windham Regional Commission

## **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 44' x 76' parking area to accommodate 6 - 9' x 22' parking spaces and erect an 8 ft<sup>2</sup> sign at the trail head.
2. The sign will be attached to 6" x 6" x 10' long posts which will be sunk in the ground 4'. Post material will be rot resistant cedar or locust.
3. The surface of the parking area will be gravel and large stones will be placed along the perimeter to limit access to the approved entrance curb cut.
4. The purpose of the parking area is to provide access for visitors to the Nature Conservancy's Black Mountain Natural Area.
5. The parking area is within the Special Flood Hazard Area (SFHA) as defined by FEMA and indicated on the Flood Insurance Rate Maps.
6. The parking area is within the River Corridor as indicated by the Windham Regional Commission and the VT Agency of Natural Resources.
7. There was testimony at the hearing indicating visitors are not adhering to the "no pet rule" on Nature Conservancy trails. Visitors do not always park in designated areas and the river is being accessed via Nature Conservancy land. Discarded trash in access areas is also a problem.

## **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for construction of a 44' x 76' parking area and erection of an 8 ft<sup>2</sup> sign on Parcel #696.0, across from 781 Rice Farm Rd. The construction is deemed a conditional use for a parcel in a Conservation District and meets the requirements of Sections 205, 620, 665, 669 and 720-722 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met.

Monitoring of the parking areas and the presence of pets are considered enforcement issues by the board and it is the Nature Conservancy's prerogative to enforce the rules they set for use of their property by the public.

It is the Nature Conservancy's responsibility to make sure the accumulation of litter does not pose a health hazard on their property. Section 655 of the Bylaw prohibits "the dumping of refuse and waste...for any reason."

Construction methods and materials must be in compliance with FEMA and VT ANR requirements for construction in a River Corridor and a Special Flood Hazard Area.

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: May 25, 2018

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

DUMMERSTON DEVELOPMENT REVIEW BOARD

A handwritten signature in black ink, appearing to read 'AMC', with a horizontal line extending to the right.

Alan McBean, Chair