

Application for Conditional Use Review

Town of Dummerston Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Jack Markoski, Stewardship Coordinator
Mailing Address: 575 Stone Cutters Way, Montpelier, Vermont 05802
Location of Property: 696 Rice Farm Road, Dummerston, VT 05301
Owner of Record: The Nature Conservancy, Vermont Chapter
Application: Conditional Use Permit under Dummerston Zoning
Bylaw Section #720 for a pedestrian bridge over a stream bed. Application #3541

Introduction and Procedural History

1. The proceeding involves review of an application for conditional use permit under the Dummerston Zoning Bylaw: Section 720 for a pedestrian bridge over a stream bed at parcel #696 Rice Farm Road, Dummerston, VT, a Conservation District.
2. The application was received 3/12/19.
3. A notice of public hearing was posted within view of the public right-of-way May 1, 2019
4. The notice of public hearing was posted at the Town Office, Post Office and Dummerston School on 4/30/19.
5. The notice was published in The Commons on 4/30/19.
6. Notice of the public hearing was mailed to the following abutters on 4/24/2019:

*Demir, Suleyman Hakan & Jennifer K
*Mayo, Melvin L
*Palmer, Jesse

- *Petrie, Maureen
- *Pickering, Sigrid K
- *Thorndike, W Nicholas 1997 Trust

5. A site visit was conducted on 5/21/19.

6. Present at the hearing were the following members of the DRB:

- Dennis Mewes
- Patty Walior
- Cami Elliott
- Chad Farnum, Acting Chair
- Josh Pacheco
- Jen Sargent

8. Present at the hearing were the following persons:

- Roger Jasaitis (Dummerston Zoning Administrator)
- Jack Markoski, Nature Conservancy Steward

9. During the course of the hearing the following exhibits were submitted to the DRB:

- Applicant Certification of Notice
- Zoning Permit Application #3516
- Interested Persons Record and Service List
- Copy of topographical map from The Nature Conservancy
- Diagram of proposed bridge, including materials list
- Town of Dummerston Planning and Zoning Detailed Report

FINDINGS

Based on the application, testimony, exhibits and other evidence the DRB makes the following findings.

1. The applicant seeks a conditional use permit to build a pedestrian bridge over a stream bed.
2. The bridge will be 40' long and 5' wide.
3. The bridge will be constructed of steel stringers, black locust decking and railings and headers, wire mesh railing infill
4. The existing culvert will be removed

5. All materials and removal of culvert will be done by truck and trailer using the existing road.
6. The contractor for the bridge is Timber & Stone, Montpelier, VT
7. The work will be done between the fish protection dates of July 1 - October 1 and completed within one week
8. The Nature Conservancy has an active ACT 250 permit for this project

DECISION AND DISCUSSION

Based on these findings, The Development Review Board grants the applicant a conditional use permit for a pedestrian bridge over a stream.

The proposed bridge meets the requirements of Section 205 Conservation District and Section 720 Conditional Use of the Zoning Bylaw.

The proposed bridge meets the requirements of State Act 250 and The Vermont Department of Environmental Conservation; Agency of Natural Resources.

Construction of new bridges or replacement of existing bridges and shall be in compliance with the Stream Alteration Standards (Section B.3.)

The project shall be constructed by methods and practices which will minimize flood or environmental damage.

The project will be completed as described in the application # 3541.

1. Bridge will span top-of-bank to top-of bank of stream channel.
2. The project will not adversely affect the public safety by increasing flood hazards.
3. The project will not significantly damage fish life or wildlife.
4. The project will not significantly damage the rights of riparian owners.
5. The project will not obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction.
6. The project is conducted in a manner which minimizes or avoids any discharge of sediment or other pollutants to surface waters in violation of the VT Water Quality Standards.
7. The project will be completed in Normal in-stream Time of Year (TOY) working dates from July 1st through October 1st.

It is the responsibility of the applicant to obtain and be in compliance with all Town and State issued permits at all times.

Dennis Mewes, Cami Elliott, Patty Walior, Josh Pacheco, Chad Farnum, Jen Sargent
DUMMERSTON DEVELOPMENT REVIEW BOARD

Respectfully submitted,


Jennifer Sargent
6-12-19