

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Daniel Young, BRSM Realty, LLC
Mailing Address: 451 US Route 5 Dummerston, VT 05301
Location of Property: Parcel #840 451 US Route 5 Dummerston, VT
Owner of Record: BRSM Realty, LLC
Application: Permit to store slate roofing materials outside the building

Permit Application No. 3557

Date Received: June 21, 2019

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by BRSM Realty, LLC under the Town of Dummerston Zoning Bylaw.
2. The application was received on June 21, 2019
3. On June 28, 2019, notice of a public hearing was published in the Commons newspaper and on July 2, 2019 at the municipal clerk's office.
4. Notice of a public hearing was mailed to the applicant and abutters of BRSM Realty, LLC 451 US Route 5 Dummerston on July 2, 2019.
5. A site visit was made to 451 US Rt 5 at 6:00 pm on Tuesday, July 16, 2019.
6. The application was considered by the Development Review Board at a public hearing on July 16, 2019. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
7. Present at the hearing were the following members of the Development Review Board
 - Alan McBean, Chair
 - Patty Walior
 - Dennis Mewes

- Josh Pacheco
8. Present at the hearing for this permit review were the following persons:
- Roger Jasaitis, Zoning Administrator
 - Christopher Howe, Applicant
 - Chester Wendell, Abutter was present at the site visit only.
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 July 16, 2019
 - D. Permit Application #3557 Dated June 21, 2019.
 - E. Letter from Milton and Barbara Gilmore in support of the project.

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 store roofing slate outside the building.
2. Prior Conditional Use permit #3065 states in the decision that there shall be no storage of materials outside the building.
3. Violations noted by a 5 year Conditional Use Review include outdoor storage, a non-enclosed dumpster and an 8 foot high fence.
4. The 8 foot fence has been replaced by a 6 foot fence and the dumpster is enclosed by the new fence. Several palettes of roofing slate are currently being stored within the fence enclosure.
5. The property has been brought into compliance with conditions still in effect from prior permit #2922, with the exception of the outside storage of materials.

DECISION AND CONDITIONS

1. The Board finds that outdoor storage of roofing slate is a reasonable use for a manufacturing/warehouse business in a Rural Commercial district.
2. The storage area is screened from the road and abutting properties by the 6 foot fence.

The Board therefore approves permit ##3557 for the outdoor storage of roofing slate subject to the following conditions:

1. Any change in the type of material being stored will require a review and approval by the Board.
2. The fence shall be kept in good repair so that the efficacy of screening is not reduced.
3. The storage area shall be kept neat with no accumulation of debris or unusable product.
4. The conditional uses authorized by this approval replace and supersede the uses authorized by prior permits #2922 and #3065 (denied).

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. Alan McBean, Patty Walior, Dennis Mewes, and Josh Pacheco.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Alan McBean

Dated: August 28, 2019