

# Application for Conditional Use Review

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## Town of Dummerston

### Development Review Board

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

**Applicant: Chad Farnum (Portwenn Holdings, LLC)**

**Mailing Address: 29 Brickyard Lane**

**Location of Property: East Dummerston, VT 05346**

**Owner of Record: Portwenn Holdings LLC**

**Application: Conditional Use Permit**

**Permit Application: #3558**

**Date Sent: June 27, 2019**

#### Introduction and Procedural History

1. This proceeding involves the review of an application Multiuse business and one bedroom apartment under Conditional Use Permit- Section 720, a Waiver to setback requirements under Section 526 and a Site Plan Review under Section 256 all under the Bylaw.
2. The application was received June 27, 2019.
3. A notice of public hearing was posted within view of the public right-of-way 7/3/19
4. Notice of public hearing was mailed to the following abutters on 6/30/19
  - King, Graeme
  - Seven Brickyard Lane LLC
  - Sweitzer, F James and Diana L.
5. The notice was posted at the Town Office, West Dummerston Post Office 6/31/19
6. The Notice was submitted to The Commons July 23, 2019 .
7. A site visit was conducted on August 20, 2019.
8. The application was considered by the Development Review Board at a public hearing on August 20, 2019
9. Present at the hearing were the following members of the DRB:
  - Alan McBean, Chair
  - Jen Sargent
  - Dennis Mewes
  - Patty Walior
  - Josh Pacheco
  - Cami Elliott
  - Roger Jasaitis (Zoning Administrator)
10. Present at the hearing were the following persons:
  - Chad Farnum
11. During the course of the hearing the following exhibits were submitted to the DRB.
  - Applicant Certification of Notice
  - Zoning Permit Application, Permit # 3558 dated 6/27/19
  - Letter of "Interested Party" from Jim Sweitzer (abutter)
  - Copy of "Town of Dummerston DRB" Attendance sign in for Permit #3558These exhibits are available at Dummerston Town Office

## **FINDINGS OF FACT**

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

1. The property is in a Commercial /Light Industrial District
2. The business is an insulation business.
3. The property is used for office space, storage, and base for operations, hours are approx. 7:30am -8:00pm
4. There are 11 employees total.
5. There are deliveries one time a week.
6. There is one sign adjacent to the Right of Way to alert delivery drivers of the correct delivery procedures.
7. The existing structure which houses the business offices, storage and a rental apartment is a preexisting non-conforming in regard to the setback requirements for the District and meets the requirements of Section 255.
8. The existing structure shares drilled well is shared by three businesses and the waste water is pumped to the Putney Town Waste Water system
9. The apartment has been inspected by the Vermont State Division of Fire and Safety and meets the Vermont State Fire and Building Code.
10. There is one dumpster that is emptied weekly.
11. There are 14 parking spaces.(12 are required)
12. There is no additional signage and lighting is limited to existing structure.
13. There are two portable Storage Containers in use on the site. They meet the required setback distance of 40 feet.

## **DECISION AND DISCUSSION**

Based on these findings, and subject to the conditions set forth below, The DRB grants conditional use approval for the application as follows:

Mixed use is a conditional use in a Commercial /Light Industrial District

The property meets the criteria of Section 721 (Conditional use permits)

1. The business and apartment do not adversely affect planned community facilities
2. The character of the area is industrial.
3. The business/apartment does not adversely affect traffic - it is right off the Interstate
4. The business/apartment do not adversely affect the Bylaws
5. The business/apartment do not adversely affect the use of renewable energy resources
6. The business/apartment are within the provisions of the Town Plan

At the site visit it was determined the two storage trailers met the required setback of 40 feet and there was no need for the Waiver of Setback.

The Site Plan was reviewed and approved:

1. The site meets the requirements of Section 620 (1,5,6) Off Street Parking and Requirements and Section 625 (2) Off-Street Loading Space requirements.
2. The site meets Section 240 Maximum under Sections 665-670um Coverage Requirements at less than 50%.
3. The existing sign is approved under Sections 665-670, additional signage would require a Conditional Use Permit.
4. Landscaping, screening, setbacks , lighting and noise are appropriate to the district requirements.
4. Any further expansion of the business or additional structures will require a Conditional Use Permit.
5. Short term rental of the apartment will require a Conditional Use Permit.
6. The Conditional Use Permit is required by Section 727 Plan permit to be reviewed every five years.
7. The granting of this Conditional Use Permit supersedes the conditions of all previous Conditional Use Permits.

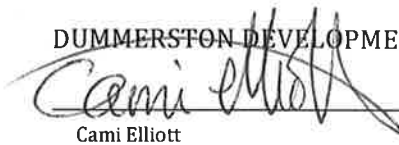
It is the applicant's responsibility to obtain and be in compliance with all Town and State issued permits at all times.

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 9-17-19

Alan McBean, Chair  
Jen Sargent  
Dennis Mewes  
Patty Walior  
Josh Pacheco  
Cami Elliott

DUMMERSTON DEVELOPMENT REVIEW BOARD

  
Cami Elliott

Date: \_\_\_\_\_

9-17-19