

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Permit Findings and Decision

Applicant: A. Stewart Clark & Sons
Mailing Address: P.O Box 187 Newfane, VT 05345
Location of Property: Parcel #080. 3363 West River Rd. Dummerston, VT
Owner of Record: A.S Clark and Sons Inc.
Application: New conditional use permit for an existing business, in a Rural Commercial zoning district.

Permit Application No. 3563

Date Received: July 29, 2019

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by A.S Clark and Sons inc. under the Town of Dummerston Zoning Bylaw.
2. The application was received on July 29, 2019
3. On August 27, 2019, notice of a public hearing was published at the municipal clerk's office, post office and school
4. Notice of a public hearing was mailed to the applicant and the following abutters of A.S Clark & Sons inc. 3363 West River Rd. Dummerston VT
 - Murano Robert G & Janet 3333 W. River Rd, Dummerston VT 05301
 - Sugar Mountain Holdings LLC. C/O Keane Aures P.O Box 488 W. Dummerston VT 05357
 - O'Donnell Aidan, 130 Sugar house Rd. Dummerston VT 05301
5. A site visit was made to 3363 West River Rd at 6:15 pm on Tuesday, September 17, 2019.

6. The application was considered by the Development Review Board at a public hearing on September 17, 2019. 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 Elliott
 - Patty Walior
 - Dennis Mewes
 - Chad Farnum
8. Present at the hearing for this permit review were the following persons:
 - Roger Jasaitis, Zoning Administrator (ZA)
 - Archie Clark Jr.
 - Archie Clark III
 - Win Clark
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 September 17, 2019
 - D. Permit Application #3563 Dated July 29, 2019.
 - E. Copies of letters dated 11/8/18 and 1/17/19 from the Dummerston ZA informing the applicant they were required to have a permit review.
 - F. A packet of photos taken on site by the Dummerston ZA
 - G. Copies of previous permits applied for and approved or denied.
 - H. Aerial photos of the site showing property lines.

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 new conditional use permit for an existing business. The applicant had a conditional use permit to - a. repair and sell sawmill equipment. b. repair and store construction equipment. c. paint and body shop. d. replace an existing trailer with a new trailer. Since then the business use has changed and was not meeting the conditions of those permits.
2. The business activities now consist of excavating, trucking and snowplowing

3. The business has two non-family member employees and three family member employees
4. The workday typically begins at 7am and ends approximately at 5pm. Winter hours are weather dependent.
5. The site includes two permitted buildings. Two accessory structures are on the site, one is used for covered sand storage, one is used to cover fuel tanks.
6. Two 1,000-gal fuel tanks set in cement containment units and under a “pole barn” type structure are onsite.
7. One 4’x9’ double sided sign is on the premises. Sign has no lighting.
8. Exterior lighting consists of 2 lights mounted to the existing buildings.
9. The existing trees that were planted as a screen are no longer effective at blocking the view from the street.
10. Derelict vehicles, equipment and storage of solid waste are noticeable on site.
11. Originally the property had two approved curb cuts, the owners reduced it to one for safety concerns when entering and exiting the property.
12. The main building is heated by use of a wood boiler and a waste oil furnace.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a conditional use permit.

Zoning Bylaw sections:

- 620 the property meets the requirement for off street parking.
- 625 the property meets the requirement for off street loading space
- 635 will be waived – see below.
- 660 meets all requirements

Conditions:

- The applicant must provide proof of certification that fuel tank spill containment system meets all required codes.
- The applicant must remove dead vegetative screening and replace with a fence no less than 6’ tall and no greater than 8’ tall. To start at the northern edge of existing screening to run to the southern end of the fuel tank shed blocking the shed from street view.
- Remove solid waste on site. Such as but not limited to appliances, used tires, unused wood boiler, misc. scrap metal, derelict vehicles and out of service equipment.
- All new accessory structures, regardless of size, will require additional permits.
- The existing sign shall be considered Grandfathered. Any changes to size or lighting will require new permits.

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, Cami Elliott, Patty Walior, Jen Sargent, Dennis Mewes, and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD


Chad Farnum

Dated: October 15, 2019