

TOWN OF DUMMERSTON

Development Review Board

Conditional Use: Sign, Trailhead Parking Lot and Site Plan Review Application Findings and Decision

HEARING SPECIFICS

Permit Application Number: 3770

Date Received: May 23, 2024

Applicants: Alex Wilson, Green Mountain Conservancy

Mailing Address: PO Box 301, West Dummerston, VT 05357.

Location of Property: Parcel 298, Canoe Brook Rd., Dummerston, VT

Owner of Record: Green Mountain Conservancy

Application: Conditional Use Application; Trailhead Parking Lot, Sign and Site Plan Review.

Date of Hearing: June 18, 2024

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use; Trailhead Parking Lot, Sign, and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 205, 665, 720, and 724.
2. On May 31, 2024, notice of a public hearing was published in The Brattleboro Reformer.
3. On May 30, 2024, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
4. On June 2, 2024, notice of a public hearing was posted at the following place: Canoe Brook Rd. east of the bridge, Dummerston, VT, which is within view of the public right-of-way most nearly adjacent to the property for which the application was made.
5. On May 30, 2024, a copy of the notice of a public hearing was emailed to the applicant.
6. On May 30, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Baker Jennifer PO Box 98, Putney, VT 05346
 - b. Bandish William E, 358 Greenhoe Rd, E Dummerston, VT 05346
 - c. Bergh Clifford A & Greenhoe-Bergh Eliza W/Life Estate, 283 Greenhoe Rd, E Dummerston, VT 05346
 - d. Bodett Thomas E, Ramirez Rita A, PO Box 265, Putney, VT 05346

- e. Hashim Nader, 655 Canoe Brook Rd, E Dummerston, VT 05346
- f. Hecht Laura E, Crowley Matthew C, 440 Miller Rd, E Dummerston, VT 05346
- g. Kotapish Carl E & Sharon R Revocable Trust, 227 Woods Rd, E Dummerston, VT 05346
- h. Miller D Read, 193 Miller Rd, E Dummerston, VT 05346
- i. Svec Ronald & Priscilla B, 297 Woods Rd, E Dummerston, VT 05346
7. The application was considered by the Development Review Board (DRB) at a public hearing on June 18, 2024.
8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Cami Elliott, Chad Farnum, Peter Doubleday.
 - b. Others:
Alex Wilson, Matthew Hoffman (applicants), Roger Jasaitis (Zoning Administrator).
10. A site visit was conducted on June 18, 2024.
11. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean, Cami Elliott, Peter Doubleday, Chad Farnum.
 - b. Others:
Alex Wilson, Matthew Hoffman (applicants), Roger Jasaitis (Zoning Administrator).
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3770.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3770.

FINDINGS OF FACT

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

1. Conditional Use; Trail Head Parking), Sign, and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 205, 665, 720 and 724, at parcel 298, Canoe Brook Rd., Dummerston, VT. The subject property is a 115-acre parcel located at Canoe Brook Rd., in the Town of Dummerston (tax map parcel no. 000298). The property is more fully described in a Deed recorded at Book 109, Page 249, in the Town of Dummerston Land Records.
2. The property is located in the Conservation District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 205 of the Zoning Bylaw.
3. The Application states Conditional Use approval is requested for:
 - a. Parking Lot 35' x 80' for Trail Head Parking.
 - b. Sign (maximum; 960 square inches)

4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 6; 665 Signs, Article 7; Section 720 Development Review Board and Article 7; Section 724 Site Plan Approval.
5. Applicant: Alex Wilson explained the parking lot on Canoe Brook Road will be just outside the Riparian zone.
6. Alex continued; There is a flat area that will need some minor excavating. The work will be done by Brett Castine. They will use river run gravel (bank run gravel) to provide a base. They will cut back the access entrance to improve the site lines for drivers leaving the lot and for turning in. This has been approved by Lee Chamberlain. The topsoil fill will be used on the other pull out closer to the brook to stop vehicles from accessing the flat area. There has been camping in the past in this area. They will create a berm to deter parking further into the lot. The turnaround area will be used as overflow parking but will be chained off.
7. Signage: There will be a one-sided sign 60"x16" (960 square inches) ideally made of locust. The sign will be set back from the road on top or just below the stone wall and face the road. The sign will be about 5' off the ground depending on the ground/visibility.
8. Parking Lot: The parking lot will be 35'x 85' and there will be room for 8-9 vehicles to park nose in and to back up to pull out of the parking lot. There will be no additional signs for parking.
9. Posting: The land will be posted to allow for hunting but requiring hunters to contact The Conservation Board for permission so it can be regulated. Kelly Price, the game warden, indicated that he preferred this way so that if there are problems he will be better able to deal with them. Because Canoe Brook Road bisects the land, signs do not have to be placed every 400' which pleased the neighbors. Alex showed a sample sign. There will be contact information so that people can get that information and apply online.
10. Chad Farnum (DRB) asked about the kiosk submitted in the application. Alex stated that the kiosk would be informational and be located at the far end of the parking lot near the trail access.
11. Chad Farnum (DRB) asked if the "overflow" parking area is in the Riparian Zone. Alex confirmed it is and that is why they want to discourage parking there. Alex thinks it may be used by the Town as a turn-around and so they want to remain flexible about it's use. We want the chain to be close to the road.
12. Lewis White stated that he thought that the Fish & Game Department wanted to discourage posting of private property. He cited a letter sent to Alex Wilson about posting the land. An example sign was passed around and sign requirements were discussed.

DECISION AND CONDITIONS

The DRB finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and Approves the application with conditions.

1. The DRB approves the Trail Head Parking Lot and Sign.

- a. The proposed development meets the requirements of the Town Plan Land Use Goals
 - i. Policy 1.1, a. Preserve the Conservation District for the purpose of maintaining large tracts of undeveloped land, as well as to protect habitats, watersheds, and conservation corridors.
 - ii. Policy 2.2 Create a network of green spaces and greenways that protects and preserves the environment, wildlife habitats, natural resources, scenic landscapes, and provides recreation.
 - b. The proposed development meets the requirements of the Zoning Bylaw Section 205 Conservation District;
 - i. Conservation areas are so designated because of their value to the town's and region's ecosystems. They are predominantly lands with higher elevations that have a mostly remote and undeveloped forested landscape and high natural, scenic or other special resource values such as unfragmented wildlife habitat and connecting habitat areas. Due to substantial physical limitations for development in these areas (such as steep terrain), existing residential development is low density and scattered mostly along town roads. Included in the conservation areas are publicly-owned lands, lands with conservation easements, and much of the forest land enrolled in the State's Use Value Appraisal Program.
 - ii. The priority and purpose of the conservation areas is to maintain large tracts of undeveloped land, much of which is forested, that has wildlife habitat, watershed, conservation corridor, and other natural resource values.
 - c. The proposed development meets the requirements of *Sections 665 Outdoor Advertising Signs of the Zoning Bylaw.*
 - d. The proposed development meets the requirements of *Sections 721 of the Zoning Bylaw General Standards.*
 - e. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards.*
 - f. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure.*
- 2. The following conditions apply to this approval:**
- a. **Signage:**
 - i. **Per Section 669: 5(A) The site is limited to one (1) sign at 32 square feet total (2 sides allowed). The submitted sign plan is approved.**
 - ii. **The sign must be out of the Town Right of Way for Canoe Brook Rd. (25' from the road center).**
 - b. **The Parking Lot is limited to nine (9) parking spaces per Section 620.**
 - c. **The fill (topsoil) that is removed from the Parking Area and moved into the Riparian Area along Canoe Brook Rd. must follow the requirements of Section 640;**

- i. The smallest practical area of land should be exposed at any one time during development. Lands should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required to protect areas exposed during the development.
 - ii. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion. Grading and storm drainage plans shall maximize the amount of drainage which can be percolated into the soil and minimize direct runoff into adjoining streets (Canoe Brook Rd.), properties, and watercourses or waterbodies (Canoe Brook). Drainage swales and ditches shall be designed, constructed, and kept in good repair to minimize erosion and sedimentation.
3. Expiration: This Zoning Permit approval will expire by limitation two (2) years from the date of approval. All work must be completed as shown on any approved plan before the expiration date.
4. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued permits at all times or this approval is null and void.

The following members of the Dummerston Development Review Board participated and concurred in this decision: Chad Farnum, Peter Doubleday, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 28th day of July, 2024.



Signed for the Dummerston Development Review Board

ALAN J. MCBEAN

Printed Name

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.