

TOWN OF DUMMERSTON

Development Review Board

Site Plan Review Application for Accessory Structures Findings and Decision

HEARING SPECIFICS

Permit Application Number: 3769

Date Received: May 28, 2024

Applicants: Zachary & Amy Caldwell (West Hill Shop)

Mailing Address: 208 Westminster Rd., Putney, VT 05346.

Location of Property: Parcel 334-2, 49 Brickyard Ln., Dummerston, VT 05346

Owner of Record: Zachary & Amy Caldwell

Application: Site Plan Review for 2 Commercial Accessory Structures.

Date of Hearing: July 16, 2024

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 240, 724 and 726.
2. On June 26, 2024, notice of a public hearing was published in The Commons.
3. On June 26, 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 July 1, 2024, notice of a public hearing was posted at the following place: 49 Brickyard Ln., 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 June 26, 2024, a copy of the notice of a public hearing was emailed to the applicant.
6. On June 26, 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. Dodge Morgan & Bedard Corey, 116 Kathan Meadow Rd, E Dummerston, VT 05346
 - b. Little Owl Studio Ltd Co, 59 Brickyard Lane, Putney, VT 05346
 - c. Portwenn Holdings Llc, 29 Brickyard Lane, E Dummerston, VT 05346
 - d. Soundview Vermont Holdings Llc, C/O Putney Paper Company Inc, PO Box 226, Putney, VT 05346
7. The application was considered by the Development Review Board (DRB) at a public hearing on July 16, 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:
Zachary & Amy Caldwell (applicants), Roger Jasaitis (Zoning Administrator).
10. A site visit was conducted on July 16, 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:
Zachary & Amy Caldwell (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: 3769.
 - b. Application to the Development Review Board for a Site Plan Review, number: 3769.

FINDINGS OF FACT

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

1. Roger Jasaitis (ZA) stated that the structures as sited met all the setback requirements for the district. Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 240, 724 and 726, at parcel 334-2, 49 Brickyard Ln., Dummerston, VT. The subject property is a 1.8 acre parcel located at 49 Brickyard Ln., in the Town of Dummerston (tax map parcel no. 000334-2). The property is more fully described in a Deed recorded at Book 45, Page 79, in the Town of Dummerston Land Records.
2. The property is located in the Commercial / Light Industrial District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 240 of the Zoning Bylaw.
3. The Application states Site Plan approval is requested for:
 - a. Shed, Commercial Use; 10' x 12'.
 - b. Portable Storage Unit, Commercial Use; 8' x 40'.
4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 2; Section 240 Commercial / Light Industrial, Article 7; Section 724 Site Plan Approval and Section 726 Site Plan Review Procedure.
5. Applicant: Zachary Caldwell stated that the shipping container was temporary storage, but he did not know how long it would be there. It depends on when we might have the funds to make major improvements to the building.
6. Applicant: Zachary Caldwell stated that the storage shed is for trash and recycling needs. It replaced an existing structure that consisted of posts in the ground and this new building sits on blocks so it can be moved if necessary.
7. Alan McBean (DRB) asked if there would be any signs or lights on the shed. Zachary Caldwell replied; no.
8. Cami Elliott (DRB) asked if it affected parking. Zachary Caldwell replied; no.

9. Roger Jasaitis (ZA) stated that the structures met all the setback requirements for the District.
10. Cami Elliott (DRB) asked if the public would have use of the shed. Zachary Caldwell replied; no.

DECISION AND CONDITIONS

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

- 1. The DRB approves the Site Plan for two Accessory Commercial Structures.**
 - a. The proposed development meets the requirements of *Sections 240 and 724*.
 - b. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure*.
 - i. Compatibility with adjacent land uses.
 - ii. Maximum safety of vehicular circulation between the site and the street network.
 - iii. Adequacy of circulation, parking and loading facilities with particular attention to safety.
 - iv. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.
 - v. Lighting, noise, odors, protection of renewable energy resources.
- 2. 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.**
- 3. 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 8th day of August, 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.