

TOWN OF DUMMERSTON

Development Review Board

Conditional Use: Accessory Structure and Site Plan Review Application Findings and Decision

HEARING SPECIFICS

Permit Application Number: 3809

Date Received: May 22, 2025

Applicants: The Nature Conservancy

Mailing Address: 575 Stone Cutter's Way, Montpelier, VT 05602

Location of Property: Parcel 696, 1112 Rice Farm Rd., Dummerston, VT

Owner of Record: The Nature Conservancy

Application: Conditional Use Application; Accessory Structure and Site Plan Review.

Date of Hearing: June 17, 2025

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use; Accessory Structure and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 204, 205, 715, 720- 726.
2. On May 28, 2025, notice of a public hearing was published in The Commons.
3. On May 28, 2025, 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 4, 2025, notice of a public hearing was posted at the following place: 1112 Rice Farm Rd., 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 28, 2025, a copy of the notice of a public hearing was emailed to the applicant.
6. On May 28, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Demir Suleyman Hakan & Jennifer K, PO Box 1475, Brattleboro, VT 05302
 - b. Friends Of The West River Trail, Inc, 83 Main St, Brattleboro, VT 05301
 - c. Palmer Jesse, 690 Rice Farm Rd, Dummerston, VT 05301
 - d. Maureen E Petrie W/Life Estate, 974 Rice Farm Rd, Dummerston, VT 05301
 - e. Pickering Sigrid K, 1088 Rice Farm Rd, Dummerston, VT 05301
 - f. W Nicholas Thorndike 2017 Trust, C/O Charles Cheever Esq, 2 International

PlaceBoston, MA 02110

7. The application was considered by the Development Review Board (DRB) at a public hearing on June 17, 2025.
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 - Chair, Chad Farnum, Cami Elliott, Patty Walior, and Peter Doubleday.
 - b. Zoning Administrator Roger Vincent Jasaitis. Applicants and public: Simon Renault, Jack Markowski (applicant), Alex Wilson, and Shawn Stone.
10. A site visit was conducted on June 17, 2025. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean, Chad Farnum.
 - b. Others:
Zoning Administrator Roger Vincent Jasaitis. Applicants and public: Jack Markowski (applicant), Alex Wilson,
11. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3809.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3809.

FINDINGS OF FACT

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

1. Conditional Use; Accessory Structure and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 204, 205, 715, 720 -726, at parcel 696, Rice Farm Rd., Dummerston, VT. The subject property is a 273.76 acre parcel located Rice Farm Rd., in the Town of Dummerston (tax map parcel no. 000696). The property is more fully described in a Deed recorded at Book 96, Page 559, 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. Accessory Structure; boardwalk replacement in wetland area.
4. Applicant: Jack Markowski: Presented plans for 150-foot boardwalk replacement. The project includes a galvanized steel helical pile foundation with pressure treated headers and cedar decking to replace the existing boardwalk in the wetlands area. This project has received approvals from the State District Wetlands Ecologist and Act 250 Coordinator.
5. The project appears to meet all requirements for development in the wetlands.
6. No signage or lighting will be a part of this project.

7. The project is planned to begin in late summer or early fall. The trailhead parking lot will be closed for approximately 2 weeks as a staging area for the project.

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 Accessory Structure; boardwalk in the wetland area.

- 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.
 1. This project provides safe trail passage through the wetlands area with minimal disturbance of the natural environment.
- 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 721 of the Zoning Bylaw General Standards*.
- d. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards*.
- e. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure*.

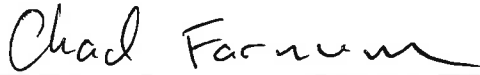
2. Expiration: This Zoning Permit approval will expire by limitation two (2) years from the date of approval. All work must be completed as shown on any approved plan before the expiration date.
3. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued 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 3 **day of** July, 2025.



Signed for the Dummerston Development Review Board



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.