



# Town of Dummerston

## Development Review Board

### Application for Conditional Use and Site Plan Review; Change of Use

#### Findings and Conditions

#### HEARING SPECIFICS

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**Application No.:** 3868

**Applicant:** Ed Higley, on behalf of Maple Farms LLC

**Property Owner:** Soundview Vermont Holdings LLC

**Property Location:** 67 Katham Meadow Road, Dummerston, Vermont

**Parcel(s):** 337, 338, and 341

**Zoning District:** Commercial/Light Industrial (CI) District

**Request:** Conditional Use Approval for Change of Use to Pallet Manufacturing/Rebuilding Operation.

**Date of Hearing:** September 15, 2026

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#### INTRODUCTION AND PROCEDURAL HISTORY

1. The Development Review Board (DRB) held a warned public hearing on September 15, 2026, to consider Application #3868 for a change of use from the formerly approved use of the property to a pallet manufacturing and pallet rebuilding operation. A site visit was conducted prior to the hearing. The Board reviewed the application materials, testimony of interested persons, the report of the Zoning Administrator, and deliberated following closure of the hearing.
2. A public hearing was held on September 15, 2026. A site visit was conducted on September 15, 2026, at 5:30 p.m. at the subject property.
3. Present at the site visit were the following persons:
  - a. DRB Members: Alan Mcbean, Patty Wailor, Cami Elliott, Peter Doubleday, Kyle Paquette.
  - b. Others: Roger Jasaitis (Zoning Administrator), Larry Pratt Jr. (Dummerston Fire Chief), Allen Pike (Dummerston Fire Safety Officer), Daniel Ehrenberg, Bruce & Debra Lake, Bonny Kenyon, Bryan Therrien, Chelsea Therrien.

4. The property is located in the Commercial/Light Industrial (CI) District established by Section 240 of the Dummerston Zoning Bylaw.
5. On August 28, 2026, notice of the public hearing was published and issued by the Zoning Administrator.
6. On August 26, 2026, notice of the public hearing was posted and mailed as required by 24 V.S.A. Chapter 117 and the Dummerston Zoning Bylaw.
7. Notice of the hearing was mailed to adjoining property owners, including:
  - a. Caldwell Zachary N & Amy, PO Box 973, Putney, VT 05346
  - b. Dodge Morgan, Bedard Corey, 116 Kathan Meadow Rd, E Dummerston, VT 05346
  - c. Green Mountain Spinnery, PO Box 568, Putney, VT 05346
  - d. Green Mt Well Co Inc, PO Box 13, Putney, VT 05346
  - e. Lake Bruce & Debra, 128 Kathan Meadow Rd, E Dummerston, VT 05346
  - f. Little Owl Studio Ltd Co, 59 Brickyard Lane, Putney, VT 05346
  - g. Portwenn Holdings Llc, 29 Brickyard Lane, E Dummerston, VT 05346
  - h. Putney Station Road Llc, PO Box 728, Putney, VT 05346-0728
  - i. Soundview Vermont Holdings LLC, Attn: Tom Garbett, P.O. Box 226, Putney, VT 05346
  - j. Therrien Bryan & Chelsea, 118 Kathan Meadow Rd, E Dummerston, VT 05346
8. The Development Review Board considered the application at a duly warned public hearing on September 15, 2026.
9. The Board reviewed the application under Sections 121, 240, 615, 620, 625, 630, 635, 660, 665, 669, 720, 721, 722, 724, 725, 726, and 727 of the Dummerston Zoning Bylaw.
10. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
11. Present at the hearing were the following persons:
  - a. DRB Members: Alan Mcbean, Patty Wailor, Cami Elliott, Peter Doubleday, Kyle Paquette.
  - b. Others: Roger Jasaitis (Zoning Administrator), Larry Pratt Jr. (Dummerston Fire Chief), Allen Pike (Dummerston Fire Safety Officer), Daniel Ehrenberg, Bruce & Debra Lake, Bonny Kenyon, Bryan Therrien, Chelsea Therrien.
12. In reaching its decision, the Development Review Board reviewed and considered the following evidence:
  - a. Application #3868 submitted by Ed Higley on behalf of Maple Farms LLC requesting Conditional Use approval for a change of use to pallet manufacturing and wood recycling operations at 67 Kathan Meadow Road.
  - b. Testimony and records presented by the Dummerston Zoning Administrator, including the written report titled ZA Report-DRB Application #3868. The report documented:
    - Operation of the proposed business prior to obtaining local permits;
    - Observed storage of materials within the Special Flood Hazard Area;
    - Applicability of Riparian Area and Flood Hazard Area regulations;

- Potential continuing Act 250 jurisdiction affecting the property;
  - Concerns regarding storage, traffic, screening, stormwater management, and fire safety.
2. Town of Dummerston Parcel Map(Exhibits #3 & #4) for parcels 336,337,341 showing the Flood Hazard Area and Riparian Area on the parcels.
  3. The oral and written statement of Larry Pratt, Jr., Fire Chief for the Dummerston Fire Department, contained in Dummerston Fire Report.pdf (Exhibit #1). The Board considered the Fire Chief's findings and concerns, including:
    - The July 6, 2026 inspection conducted by the Vermont Division of Fire Safety (Exhibit #3);
    - Documentation indicating occupancy and operation of the facility prior to issuance of occupancy approval;
    - Determination that the proposed use constitutes pallet manufacturing and high-pile storage;
    - Unresolved sprinkler system requirements;
    - Fire Department access concerns;
    - Questions regarding occupancy, emergency notification procedures, and firefighter safety;
    - The Fire Chief's recommendation that approval not be granted until all fire and life-safety issues are resolved;
    - Observation of a new pallet kiln located next to a building and possibly in the road right of way.
  4. The Act 250 Jurisdictional Opinion Request submitted by Roger Vincent Jasaitis, Zoning Administrator, to the Vermont Land Use Review Board, contained in JO\_RequestForm.pdf, (Exhibit #2). The Board considered the request as evidence that:
    - Existing Act 250 permits may apply to the property;
    - Questions remain regarding ongoing Act 250 jurisdiction and permit compliance;
    - The proposed pallet manufacturing operation may require review or amendment under existing State permits.
  5. Testimony received during the public hearing from interested persons and abutters regarding the operation and use of the property.
  6. Observations made by the Development Review Board during its site visit conducted on September 15, 2026.
  7. The Dummerston Zoning Bylaw, including but not limited to Sections 121, 240, 303, 324, 425, 430, 615, 620, 625, 630, 635, 660, 720, 721, 722, 724, 725, 726, and 727.

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## FINDINGS OF FACT

1. The subject property is located at 67 Kathan Meadow Road in the Commercial/Light Industrial (CI) District.
2. The Applicant seeks approval for the operation of a pallet manufacturing and pallet rebuilding business on the property as a change of use. The application identifies the proposed use as "Pallet Manufacture" and "wood recycling."
3. "Pallet manufacturing" is not specifically listed as a use in the Dummerston Zoning Bylaw. The DRB considered the proposed use under Section 121 (Unspecified Uses) and determined that the use most closely resembles a "Light Industry" use permitted as a Conditional Use within the CI District.
4. The application materials submitted to the DRB did not include a site plan meeting the requirements of Sections 702 and 725 of the Dummerston Zoning Bylaw. The application lacks sufficient information showing the location of structures, storage areas, parking areas, loading areas, circulation patterns, property boundaries, setbacks, flood hazard areas, riparian areas, and other information necessary for review.
5. During the site visit and hearing review, the DRB observed or received evidence indicating the outdoor storage of large quantities of pallets, trailers, and related materials on the property.
6. The evidence before the DRB indicates that some storage areas and materials may be located within mapped flood hazard and/or riparian areas. The application did not provide sufficient information for the DRB to determine compliance with Article III (Riparian Areas) or Article IV (Flood Hazard Area Regulations).
7. The application did not provide adequate information regarding the number, status, ownership, purpose, and location of the trailers located on the property, nor whether such trailers constitute structures, storage facilities, or vehicles for purposes of zoning review.
8. The application did not provide sufficient information regarding parking, loading areas, traffic circulation, employee parking, truck movements, or compliance with Sections 620 and 625 of the Bylaw.
9. The application did not provide sufficient information regarding waste handling, disposal of unusable wood, sawdust management, fire protection measures, or compliance with the Performance Standards contained in Section 660 of the Bylaw.
10. The Board received evidence indicating potential fire-safety concerns associated with pallet storage and processing activities. Also, site visit observation of a new pallet kiln sited close to a structure and possibly in the road right of way. The application did not provide sufficient documentation demonstrating compliance with applicable fire safety requirements or Section 660(8) regarding fire and safety hazards.
11. Because no complete site plan or operational details were provided, the DRB was unable to evaluate the application under the Conditional Use standards of Sections 721 and 722 or the Site Plan standards of Sections 724 through 726.

## Conclusions of Law

1. Under Section 121 of the Dummerston Zoning Bylaw, the proposed pallet manufacturing and rebuilding operation may be considered as an unspecified use and reviewed as a Conditional Use. The DRB finds that the use is most analogous to a Light Industry use within the CI District. Therefore, the DRB considered the application under Section 240: Conditional Use; Light Industry.
2. Pursuant to Sections 720, 721, and 722, the applicant bears the burden of demonstrating compliance with all applicable Conditional Use standards. The application does not provide sufficient information for the DRB to make the required affirmative findings.
3. Pursuant to Sections 724, 725, and 726, Site Plan Approval is required and must include detailed site plan information. The application fails to provide the required site plan and supporting data.
4. The DRB cannot determine compliance with Articles III and IV relating to riparian areas and flood hazard areas because the application lacks sufficient information regarding the location of materials, storage, structures, and operations in relation to those regulated areas.
5. The DRB cannot determine compliance with Sections 615, 620, 625, 630, 635, and 660 due to the absence of adequate information concerning setbacks, parking, loading, traffic circulation, landscaping, storage, waste handling, and fire safety.
6. The application therefore fails to demonstrate compliance with the requirements of the Dummerston Zoning Bylaw.
7. The DRB concluded that a pallet manufacturing/rebuilding operation could potentially be an approvable Light Industry use within the CI District if supported by a complete application demonstrating compliance with all applicable bylaws. However, the Board found that the current application lacked the information necessary to make such findings.

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## DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Development Review Board hereby:

**DENIES Application No. 3868 for Conditional Use Approval for a Change of Use to a pallet manufacturing and rebuilding operation at 67 Kathan Meadow Road.**

This denial is based upon:

1. Failure to submit a complete site plan and supporting documentation required by Sections 702, 724, and 725 of the Dummerston Zoning Bylaw.
2. Failure to provide sufficient information for the DRB to evaluate compliance with Conditional Use standards under Sections 721 and 722.
3. Failure to demonstrate compliance with applicable provisions relating to setbacks, parking, loading, flood hazard areas, riparian areas, performance standards, fire safety, and site design.
4. Ongoing apparent zoning and State compliance issues identified during review of the property.

The denial of this application does not preclude the Applicant from submitting a future application containing a complete site plan and supporting information demonstrating compliance with all applicable provisions of the Dummerston Zoning Bylaw.

### APPEAL RIGHTS

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.

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**The following members of the Dummerston Development Review Board participated and concurred in this decision:**

- Patty Walior
- Alan McBean
- Peter Doubleday
- Kyle Paquette
- Cami Elliott

Dated at The Town of Dummerston, Vermont, this 22<sup>nd</sup> day of September, 2026.



Signed for the ... Development Review Board

ALAN J. McBEAN

Print Name

### CERTIFICATE OF SERVICE / MAILING

I certify that a copy of this decision was mailed or otherwise provided to the applicants and to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk as part of the public record of the municipality, on the 24 day of SEPTEMBER, 2026.



Zoning Administrator / Authorized Town Official

Roger Vincent Jasaitis

Print Name