

# **Application for Conditional Use and Site Plan Review**

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## **TOWN OF DUMMERSTON**

### **Development Review Board**

#### **Application for Conditional Use and Site Plan Review Findings and Decision**

**Applicant:** David Trisciani (Evening Star Grange)  
**Mailing Address:** 293 Stark Highway N. Dunbarton, NH 03046  
**Location of Property:** Parcel #256 1008 East West Road Dummerston, VT  
**Owner of Record:** Evening Star Grange  
**Application:** Permit for Site Plan Review and Conditional Use for an Accessory Structure and Accessory Use in a Settlement Area zoning district.

**Permit Application No. 3578**

**Date Received: December 11, 2019**

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for conditional use and site plan approval submitted by David Trisciani (Evening Star Grange) under the Town of Dummerston Zoning Bylaw.
2. The application was received on December 11, 2019.
3. On December 27, 2019, notice of a public hearing was published at the municipal clerk's office.
4. Notice of a public hearing was mailed to the applicant and abutters of the Evening Star Grange, 1008 East West Road Dummerston on December 27, 2019.
5. A site visit was made to 1008 East West Road at 6:45 pm on January 21, 2020.
6. The application was considered by the Development Review Board at a public hearing on January 21, 2020. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended March 28, 2018.

7. Present at the hearing were the following members of the Development Review Board

- Alan McBean, Chair
- Cami Elliott
- Patty Walior
- Dennis Mewes
- Josh Pacheco

8. Present at the hearing for this permit review were the following persons:

- Roger Jasaitis, Zoning Administrator
- Fita Ferguson
- Rip Lhamon
- David Trisciani
- David Baxendale
- Catherine Gormley
- Bruce Berg
- Larry Lynch
- Carol Lynch (Larry's wife)
- Tyler Lynch
- Ruth Barton
- Susan Meggiolaro
- Carol Lynch (Larry's mother)

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 January 21, 2010 for site visit and hearing.
- D. Permit Application #3578 Dated December 11, 2019.
- E. Letter from abutter Catherine Dianich Gruver which includes reviews by employees of the company operating the sheds.
- F. Petition from 18 Dummerston Residents opposed to the project.
- G. Letter from abutter David Baxendale.
- H. Letter from abutter Catherine Gormley Berg

## **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 conditional use permit for an Accessory Structure to be used for clothing, footwear and other textile collection by St. Pauly Textile, Inc, in a Settlement Area zoning district.

2. The Grange will receive compensation from St. Pauly Textile, Inc. for allowing the shed to be located on their property.
3. Items collected will be picked up approximately once a week. Any items left outside the structure will be removed within 24 hours.
4. The income from the textile collection will be used to offset fixed costs of operating the Grange building.
5. The shed is tan in color with black trim with 3 yellow signs affixed to the exterior and a sandwich board is being used at roadside to advertise the collection site.
6. A gravel pad will be constructed in the spring adjacent to the southeast corner of the Grange for the permanent structure location.
7. A petition signed by 18 Dummerston residents opposed to the project suggests private donations could replace the funds being sought through the clothing drop box, thus eliminating the need for the Grange to sponsor the clothing drop box.
8. It is against the Grange bylaws to solicit donations for operating costs but unsolicited donations are acceptable.
9. Abutters feel the structure is not in character with Dummerston Center and is unsightly.
10. There is adequate parking in the vicinity of the shed for cars and people to make their drop-offs.
11. Accessory structures are permitted in a Settlement Area and were it not for the commercial use of the property no permit would be required for a structure of this type ... no permit would be required for an accessory structure under Section 701: *10. Small accessory structures associated with residential uses which are less than or equal to two hundred (200) square feet of floor area and less than twelve (12) feet in height, and are not located within required front yard setback area or within six (6) feet from the property line in rear or side yard setback areas.*
12. The Grange routinely hosts fund raising events such as weekly senior lunches, seasonal community dinners and tag sales.

## DECISION AND CONDITIONS

Based upon these findings, the application and site plan and subject to the conditions set forth below, the Development Review Board approves the application for an Accessory Structure on the Grange property for the purpose of collecting used textiles. The application meets all dimensional requirements of the zoning district, qualifies as an Accessory Structure and Use under section 230 and meets the requirements of Sections 721 and 722. The following specific conditions are placed on the proposed use of this property;

1. The shed does not meet the requirements of Section 724 for signage. In order to comply, there shall be no more than 1 sign on the shed and the sandwich board on the roadside shall not be used. The Yellow signs will be removed and replaced by 1 sign having a black and white color scheme. Total signage on the property including that on the front of the Grange shall not exceed 20 ft<sup>2</sup>.

2. In order to make the structure visually coherent with the property, the shed shall be painted to match the existing Grange building. The body of the structure shall be white and if trim paint is used it should be green or black in keeping with other properties in the Center.
3. If at any time the structure is deemed a health hazard by the Town, it shall be removed or the hazard mitigated within 3 business days. This includes but is not limited to; material left on the exterior of the shed, insect infestations and objectionable odors generated by the structure contents.
4. A review of this permit will be scheduled 1 year after commencement of operations, and 5 years thereafter.

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, Dennis Mewes and Josh Pacheco.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Alan McBean

Dated: February 26, 2020