

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Theodore and Kristen Glabach
Mailing Address: 1132 Kipling Road Dummerston, VT 05301
Location of Property: Parcel # 667.000, 1132 Kipling Road Dummerston, VT
Owner of Record: Theodore Glabach
Application: Conditional Use Permit for the Operation of a Home Business

Permit Application No. 3612

Date Sent to DRB: September 15, 2020

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Theodore and Kristen Glabach under the Town of Dummerston Zoning Bylaw.
2. The application was received on September 15, 2020.
3. On September 30, notice of a public hearing was published in The Commons and the Public Notice was posted at the subject property on October 4, 2020.
5. Notice of a public hearing was mailed to the applicant and the following abutters of 1132 Kipling Road:
 - Lynde and Constance Kimball
 - Daniel Normandeau and Carrie Ritson
 - Paul and Jo Jean Normandeau
6. A site visit was made to the property on October 20, 2020. In attendance were the applicants, members of the Dummerston DRB and the Dummerston Zoning Administrator.
7. The application was considered by the Development Review Board at a Zoom video teleconference hearing on October 20, 2020. The Development Review Board

reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.

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

- Alan McBean, Chair
- Chad Farnum
- Cami Elliott
- Josh Pacheco
- Patty Walior

9. Present at the hearing were the following persons:

- Daniel Normandeau
- Jody Normandeau
- Theodore Glabach
- Kristen Glabach

10. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- A. Dummerston DRB Hearing Checklist
- B. Applicant Certification of Posting
- C. Permit Application #3612 Dated September 15, 2020.

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 to operate a Home Business at 1132 Kipling Rd, a Rural Residential zoning district.
2. The applicant wishes to replace an existing 18x24 shed with a 30x32 accessory structure to be used as a commercial garage.
3. The business currently has 1 employee outside family members. There is a possibility one more nonfamily employee may be added in the future.
4. Hours of operation are from 7:00 am to 5:30 pm.

5. There is one 275 gallon above ground diesel fuel storage tank which is inspected and certified annually. The tank may be located in the new garage, space permitting or outside under the eave.
6. Intended days of operation are Monday through Friday.
7. There will be a motion sensitive exterior light on the new garage that would be down facing with no glare leaving the property.
8. No signage is planned at this time
9. Material storage will consist of materials for ongoing projects and a small amount of winter sand and bark mulch.
10. Equipment being stored/parked on site consists of 4 trucks, 2 excavators, 1 dump truck and a covered cargo trailer for property maintenance equipment.
11. Site plan indicates adequate parking for employees and equipment.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board approves the application for a home business at 1132 Kipling Road with the following conditions:

1. All stockpiles of materials on site shall meet the required setback from abutting property lines.
2. Landscaping requirements outlined in Section 635, (1) are currently being met in the side and rear yards by existing vegetation. Mitigation of the front yard setback such that equipment and materials stored on site are effectively screened from view from Kipling Road shall be accomplished by the strategic planting of evergreens and shrubs which reach a minimum height of 6 feet within 5 years of planting. A fence not to exceed 6 feet in height may also be used for a portion or all of the screened area. The location of this screening is at the discretion of the land owner and is not restricted to the 25 foot buffer zone at the front property line. It is only required that line of site between Kipling Road and the commercial storage is interrupted by the screen. The required 25 foot setback described in this section of the bylaw is waived for the driveway currently accessing the commercial areas of the property. The 25 foot setback shall be observed elsewhere for the storage of materials and equipment.
3. Section 605 (5), of the Bylaw requires that no objectionable noise, dust or odors be generated by the business. It is the applicant's responsibility to minimize any impact the business may have on the neighborhood.
4. Any changes in operation of the business beyond those outlined in this decision will require a new application for Conditional Use approval.


5. The applicant is required to be in compliance with any State permits that may be required for the operation of this business.

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.

DUMMERSTON DEVELOPMENT REVIEW BOARD

Alan McBean, Chair, Cami Elliott,
Chad Farnum, Josh Pacheco and Patty Walior

Dated: November 24, 2020



Alan McBean