

TOWN OF DUMMERSTON

Development Review Board

1 Year Conditional Use Permit Review

Findings and Decision

Permit Application Number: 3585

Date Received: February 20, 2020

Applicant: Green Mountain Conservancy

Mailing Address: PO Box 301, West Dummerston, VT 05357

Location of Property: Parcel 1.1, Camp Arden Rd.

Owner of Record: Green Mountain Conservancy

Application: 1 year Conditional Use Permit review per DRB decision, dated July 3, 2020

Date of hearing: July 20, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of a Conditional Use permit per DRB decision dated July 3, 2020 under the Town of Dummerston Zoning Bylaw section 727.
2. On June 30, 2021, notice of a public hearing was published in The Commons.
3. On June 30, 2021, 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 3, 2021, notice of a public hearing was posted at the following place: Camp Arden Rd, 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 30, 2021, a copy of the notice of a public hearing was mailed to the applicant.
6. On June 30, 2021, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Anthes Edward M & Copeland Mary E, PO Box 301, W Dummerston, VT 05357
 - b. Eruren Jon & Wittler-Eruren Heather, 1020 North Taylor Rd, Little Rock, AR 72205
 - c. Lineback Eric & Carla, 929 Camp Arden Rd, Dummerston, VT 05301
 - d. Patriquin Daniel Erin Gillian & Christopher Kevan, C/O Kevan Patriquin, 1537 Roughrider Circle, Henderson, NV 89014
 - e. Patriquin David A & Cynthia Trustees, PO Box 72, W Dummerston, VT 05357
 - f. Pletcher Michael T & Stephanie, 922 Camp Arden Rd, Dummerston, VT 05301
 - g. Quain John & Flynn Mary Kathleen, 243 E 77Th St #4A, New York, NY 10021

- h. Woo Kyu Sung & Jung Ja Trustees, 15 R C Kelley St, Cambridge, MA 02138
7. The application was considered by the Development Review Board (DRB) at a public hearing on July 20, 2021.
8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Josh Pacheco, Cami Elliott
 - b. Others:
Sam Farwell, (Applicant), Roger Jasaitis (Zoning Administrator), John Quain, Eric Lineback, Michael Pletcher and Ed Anthes.
10. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean, Josh Pacheco, Cami Elliott
 - b. Others:
Sam Farwell, (Applicant), Roger Jasaitis (Zoning Administrator), Michael Pletcher, Eric Lineback, Hector Gailbraith, and Ed Anthes.
11. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3585.
 - b. Application to the Development Review Board for a Conditional Use Permit, Site Plan Review and Sign Plan Review; number: 3585.
 - c. Additional photos of the site were submitted during the hearing by Ed Anthes.

FINDINGS OF FACT

1. Sam Farwell stated the fulfillment of the permit was coming along with improvements to the entrance (gravel), the road sign, trail sign (which had been moved from the area stated in application and is temporary, waiting the completion of the kiosk) and work being done for the southern screen (6' tall stacking of logs on the berm)
2. Eric Lineback presented his issue with the eastern berm not being adequate and there being "visual pollution" especially in the winter months when the site was to have "no plan to open"(Finding of Fact #9 DRB Decision 7/3/20). Eric stated the Southern berm was good. Eric mentioned that people were parking outside the parking area (notably the "sixth" spot) causing road flow issues and annoyances. Eric suggested updating signage on the road re: parking full or closed. Eric suggested the website and social media for Deer Run be updated to inform the public of closures to the parking or trails.
3. Mike Pletcher presented his view of the project and stated that he was closer than any other abutter and had no issue. Mike stated he did not experience issues with parking or head light issues. He said that he never saw a car at night, but did mention the issue with a car parked in the "sixth" spot as a problem. Mike continued he had noted lots of use and that he doesn't mind winter use.
4. John Quain (via zoom) presented an issue with the mud that caused people to not be able to make it in to the parking area and some had parked at the entrance (stating an instance

were a car was stuck at the entrance and a four wheeled vehicle was parked next to it as it could not enter). John seconded Eric's statement and mentioned a need for rules for parking to be apparent. He was concerned with medical evacuation due to parking issues and parking on the road. John mentioned an issue with sound to which Mike refuted stating he had none and lived closer. John stated another neighbor was plowing the area during the winter. He felt the eastern screening was insufficient. John suggested improving the parking lot to alleviate mud, putting up a gate to close the lot if muddy and adding signage for hours of operation.

5. Sam Farwell stated that winter plowing by a neighbor was unplanned. GMC has no budget for winter plowing. He also stated that the State grants require year round public access.
6. Ed Anthes seconded Sam that the public wants to keep the trail open during the winter and mentioned that allowing its use at that time was a condition of a grant they received. Ed mentioned a need for additional parking.
7. Sam Farwell stated that communication would need to be full circle as John's issues were not presented in open communication like Eric's were; to which he relayed his email address as the best form of communication concerning issues with usage.

DECISION AND CONDITIONS

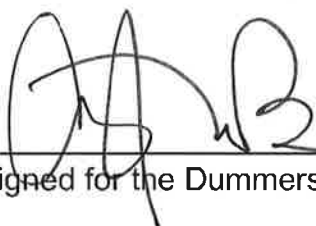
Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for Waiver to setback pursuant to Subdivision.

1. The DRB determined that after considering the testimony of the abutting landowners and applicants, under Section 727 of the Dummerston Zoning Bylaw, the applicants in addition to adhering to the original conditions outlined in the DRB decision dated July 3, 2020, must conform to the following additional conditions:
 - a. The parking lot surface must be improved to alleviate muddy conditions in order to facilitate parking.
 - b. The parking space along the road outside of the parking lot must be blocked off to eliminate parking outside of the lot.
 - c. A gate or barrier to close off the parking lot when conditions are bad or the trails are closed must be installed.
 - d. Instructional signage must be added at the roadside to indicate when the parking lot and trails are closed and that parking on the road is forbidden. The sign is not to exceed 4 square feet. (10 V.S.A. § 494(8))
 - e. Instructional signage must be included on the kiosk indicating hours of operation and parking.
 - f. Two (2) additional parking spaces in the lot may be added, increasing the length of the parking area to sixty three (63) feet.
 - g. Continuous evergreen screening on the north and east sides of the parking lot shall be installed to a height of six (6) feet for visual screening and sound suppression.
 - h. Winter use is allowed.
 - i. The DRB grants permission to move the kiosk from the original position on the north end of the parking lot to the west side of the parking lot beside the trail opening.

2. This permit shall be reviewed by the DRB in one year.
3. Expiration: Zoning Permit approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the Administrative Officer prior to expiration. Requests for extensions must be made in writing to the Administrative Officer.
4. 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: Alan McBean, Josh Pacheco, Cami Elliott.

Dated at Dummerston, Vermont, this 19th day of August, 2021.



Signed for the Dummerston Development Review Board

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.