

# TOWN OF DUMMERSTON

## Development Review Board

### 1 Year Conditional Use Permit Review

#### Findings and Decision

**Permit Application Number: 3598**

**Date Received: June 3, 2020**

**Applicant: Carolyn Mayo-Brown**

**Mailing Address: 431 Hollana Hill Rd., Putney, VT 05346**

**Location of Property: Parcel 172.1, Hague Rd.**

**Owner of Record: Putney Mountain Association**

**Application: 1 year Conditional Use Permit review per DRB decision, dated September 20, 2020**

**Date of hearing: October 19, 2021**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of a Conditional Use permit per DRB decision dated September 20, 2020 under the Town of Dummerston Zoning Bylaw section 727.
2. On September 29, 2021, notice of a public hearing was published in The Commons.
3. On September 29, 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 October 1, 2021, notice of a public hearing was posted at the following place: Hague 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 September 29, 2021, a copy of the notice of a public hearing was mailed to the applicant.
6. On September 29, 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. 66 Leverwood Llc, Attn: Ari Jackson, PO Box 44, Putney, VT 05346
  - b. Annis D Glenn, Neer Charlotte M, PO Box 8, W Dummerston, VT 05357
  - c. Brown Gregory G Trustee & Mayo-Brown Carolyn Trustee, 431 Holland Hill Rd, Putney, VT 05346
  - d. Budasi Victoria, 678 Hague Rd, Dummerston, VT 05301

- e. Emery Thane Todd, 70 Emery Hill Dr, E Dummerston, VT 05345
  - f. Emery Wayne & Dale, 3 Emery Hill Dr, E Dummerston, VT 05346
  - g. Gelke Bryan & Kara Emily, 148 Evans Rd, E Dummerston, VT 05346
  - h. Spenard, Benjamin, 627 Hague Rd., Dummerston, VT 05301
  - i. Kortfelt Francesca & Andrew, 11 Anderson La, Oakdale, CT 06370
7. The application was considered by the Development Review Board (DRB) at a public hearing on October 19, 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:  
Josh Pacheco, Cami Elliott (via Zoom), Chad Farnum, Natalie Pelham-Starkey
    - b. Others:  
Carolyn Mayo Brown, (Applicant), Roger Jasaitis (Zoning Administrator), Richard Fletcher, Pat Shields (via Zoom).
  10. Present at the site visit were the following:
    - a. Members of the Development Review Board:  
Josh Pacheco, Chad Farnum, Natalie Pelham-Starkey
    - b. Others:  
Carolyn Mayo Brown, (Applicant), Roger Jasaitis (Zoning Administrator), Richard Fletcher.
  11. During the course of the hearing the following exhibits were submitted to the DRB:
    - a. Application for Zoning Permit, number: 3598.
    - b. Application to the Development Review Board for a Conditional Use Permit, Site Plan Review and Sign Plan Review; number: 3598.

## **FINDINGS OF FACT**

1. Carolyn Mayo-Brown (applicant) gave an overview of the project. She stated that the parking area is tight for 5 cars at 35' x 35'. The entrance drive is 22' wide and 200' long.
2. Carolyn Mayo-Brown (applicant) stated they would like to improve the surface because of muddy conditions. They propose putting down some gravel on the parking area.
3. Carolyn Mayo-Brown (applicant) stated that the Association is applying for a grant to cover some of the costs and would like a letter from the DRB affirming the Town's support for the project if approved. The grant deadline is November 20, 2021.
4. The kiosk on site now meets the requirements of the permit. The sign on the road meets the requirements of the Road Foreman and the DRB decision.
5. The applicant wants to enlarge the parking area to 40' wide to accommodate vehicles turning around to leave the parking area. Total area proposed is 35' x 40'.
6. The parking area and trails are used in the winter.

7. The applicants are looking for volunteers to plow snow from the parking area in the winter to keep visitors from parking in the road. John Fletcher noted a couple of instances of road parking last winter.
8. The applicants are willing to pay for snow plowing if need be.
9. There have been no issues with trash left behind.
10. There is no lighting on the signs or in the parking lot.
11. No neighbors have complained to the Zoning Administrator. There was one complaint to the applicants of someone parking in the road turnaround.

## **DECISION AND CONDITIONS**

**Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the applicants revised specifications and conditions related to Permit #3598.**

1. The DRB determined that after considering the testimony of the 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 September 20, 2020, and per their request for changes to the permit specifications, must conform to the following additional conditions:
  - a. The parking lot surface may be improved with the application of gravel to alleviate muddy conditions in order to facilitate parking and plowing.
  - b. The parking area may be enlarged to 35' x 40'.
  - c. Since the applicants have requested winter use of the parking lot (in revision to Finding of Fact #12 in the prior decision), winter use is allowed if the parking lot is maintained by regular snow plowing and sanding.
  - d. In the interest of safety, a barrier must be installed to prevent cars from sliding off the downhill side of the parking area. The DRB encourages the use of tree trunks or large stones to accomplish this, in keeping with the natural aesthetic.
  - e. A gate or barrier to close off the parking lot when it is unplowed or the trails are closed must be installed.
  - f. Instructional signage must be added at the roadside, where the current sign is permitted, 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))
  - g. Instructional signage must be included on the kiosk indicating hours of operation and parking.
2. 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.
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: Josh Pacheco, Cami Elliott, Chad Farnum, Natalie Pelham-Starkey.

Dated at Dummerston, Vermont, this 9 day of November, 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.