

# TOWN OF DUMMERSTON

## Development Review Board

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

**Permit Application Number: 3677**

**Date Received: March 30, 2022**

**Applicant: Jeremy Dancosse**

**Mailing Address: 12 Thorn La., Brattleboro, VT 05301.**

**Location of Property: Parcel 333, 2536 VT Route 5, E. Dummerston, VT**

**Owner of Record: Sandri Realty Co. Inc..**

**Application: Conditional Use Application; Mobile Food Truck and Site Plan Review.**

**Date of Hearing: May 17, 2022**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use, Mobile Food Truck and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 121, 720 and 724.
2. On April 27, 2022, notice of a public hearing was published in The Commons.
3. On April 27, 2022, 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 April 27, 2022, notice of a public hearing was posted at the following place: 2536 VT Route 5, E. Dummerston, VT, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
5. On April 27, 2022, a copy of the notice of a public hearing was emailed to the applicant.
6. On April 27, 2022, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - a. Lawrence, Ramona, 295 Johnsons Curve Rd, E Dummerston, VT 05346
7. The application was considered by the Development Review Board (DRB) at a public hearing on May 17, 2022.

8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
9. Present at the hearing were the following:
  - a. Members of the Development Review Board:  
Natalie Pelham-Starkey, Alan McBean, Cami Elliott, Chad Farnum.
  - b. Others:  
Jeremy Dancosse (applicant)(zoom), Roger Jasaitis (Zoning Administrator).
10. A site visit was conducted on May 17, 2022.
11. Present at the site visit were the following:
  - a. Members of the Development Review Board:  
Natalie Pelham-Starkey, Cami Elliott, Alan McBean, Chad Farnum.
  - b. Others:  
Jeremy Dancosse (applicant), Roger Jasaitis (Zoning Administrator).
12. During the course of the hearing the following exhibits were submitted to the DRB:
  - a. Application for Zoning Permit, number: 3677.
  - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3677.

## **FINDINGS OF FACT**

Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

1. The applicant seeks a Conditional Use permit for Conditional Use, Mobile Food Truck, under Sections 121, 720-726 of the Dummerston Zoning Bylaw, at parcel #333, 2536 US Rt. 5., Dummerston, VT. The subject property is a 1.76 acre parcel located at 2536 VT Route 5, in the Town of Dummerston (tax map parcel no. 000333). The property is more fully described in a Deed recorded at Book 44, Page 296, in the Town of Dummerston Land Records.
2. The property is located in the Rural Commercial District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 220 of the Zoning Bylaw.
3. The Application states Condition Use approval is requested for:
  - a. Mobile Food Truck
4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 1; Section 121, Article 7; Section 720 Development Review Board and Article 7; Section 724 Site Plan Approval.
5. Applicant: Jeremy Dancoss states that he wants to have a place for people to eat that is accessible, with good food and affordable options. He sees little impact to the surrounding area by his addition of a food truck.

6. Parking will be at the far end of the Sunoco/Sandri lot. There are 11 spots available for parking in that section. Also, Sandri has verbally communicated any additional parking on the premise is available as needed for customers as well.
7. Waste water disposal: Applicant: Jeremy Dancosse states wastewater will be collected within the truck and disposed of within the Sandri/Sunoco station sink. Wastewater is processed by the Town of Putney for this parcel.
8. Outdoor Seating: The amount of seating available to the public will be 4 tables with seating for 4 per table. This creates a total of 16 seated spaces for people to eat outdoors on premises.
9. Hours of operation: Jeremy Dancosse states that the business will be open year round from approximately 7am to 4pm, depending on customer flow.
10. Signage: Applicant also offers that he will have a logo 3' x 4' with his business name on the side of the truck as well as one flag off the end of the truck stating "open". There will also be a menu board.
11. Lighting: No extra lighting will be added to the truck.
12. Smoke and Odors: Applicant states that the vent hood he will have installed will prevent there from being a lot of smoke from his operations.

## **DECISION AND CONDITIONS**

**The DRB finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and Approves the application with conditions.**

- 1. The DRB approves the proposed Mobile Food Truck.**
  - a. The application meets the requirements of *Sections 121 of the Zoning Bylaw.*
  - b. The application meets the requirements of *Sections 721 of the Zoning Bylaw General Standards.*
  - c. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards.*
  - d. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure.*
- 2. The following conditions apply to this approval:**
  - a. Signage:
    - i. The business is limited to a 3' x 4' logo painted on the side of the structure, per; *10 V.S.A. § 494 (2) Signs on registered and inspected motor vehicles except those that are determined by the Travel Information Council to be circumventing the intent of this chapter.*

- ii. Instructional signage is limited to under 4 square feet per sign per; *10 V.S.A. § 494(8) Small signs displayed for the direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like, with a total surface area not exceeding four square feet.*
          1. Menu board.
          2. Parking instructions.
          3. "Open" flag mounted on the structure.
      - b. Outdoor seating is limited to four (4), four (4) person tables.
      - c. Landscaping Requirements: In lieu of the 15' buffer requirement of Section 635, a physical barrier must be installed between the structure and the outdoor seating area to separate it from the parking lot, consisting of fencing (6' or under), large rocks, planters, etc. for safety between the dining and parking area. (Section 726(3) Adequacy of Circulation). Gates or openings are permitted for circulation.
      - d. Hours of Operation: 6:00am to 6:00pm.
- 3. The provisions and conditions of previously approved Conditional Use permits remain in effect on this parcel.**
- 4. This Conditional Use permit will be reviewed by the Zoning Administrator in 5 years (June 2027) per Section 727.**
  - a. Section 727 Conditional Use /Site Plan Permit Review:** *Conditional Use and Site Plan permits shall be reviewed every five (5) years by the Administrative Officer for compliance to the conditions granted in the permit.*
- 5. Expiration: This Zoning Permit approval will expire by limitation two (2) years from the date of approval. All work must be completed as shown on any approved plan before the expiration date.**
- 6. 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:** Chad Farnum, Natalie Pelham-Starkey, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 2<sup>nd</sup> day of June, 2022.

A handwritten signature in black ink, appearing to read "Chad Farnum", written over a horizontal line.

**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.

