

TOWN OF DUMMERSTON

Development Review Board

Conditional Use and Site Plan Review Application Findings and Decision

Permit Application Number: 3683

Date Received: April 6, 2022

Applicant: Daniel Bailey

Mailing Address: 52 Schoolhouse Rd., East Dummerston, VT 05346.

Location of Property: Parcel 423, 423.1, 52 Schoolhouse Rd, E. Dummerston, VT

Owner of Record: Town of Dummerston.

Application: Conditional Use Application; 2 Accessory Structures, Recreational Facility: Walking path, Disk Golf, Paving 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, 2 Accessory Structures, Walking path, Disk Golf, Paving and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 720 - 726.
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 May 2, 2022, notice of a public hearing was posted at the following place: 52 Schoolhouse Rd., 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. Black Birch Properties Llc, 86 Hillside Dr, E Dummerston, VT 05346
 - b. Higley Lucas P & Manning Jennifer M, 76 Windmill Hill Rd, E Dummerston, VT 05346
 - c. Morrison Sandra W Trust, 67 Scott Road, Vernon, VT 05354

- d. Seymour Allan H & Sally W Trustees, 1500 US Rt 5, E Dummerston, VT 05346
 - e. Wheelden Holly M & Dionne Joseph, 40 Hillside Dr, E Dummerston, VT 05346
 - f. Williams John L Estate, C/O Sandra Morrison, 67 Scott Rd, Vernon, VT 05354
 - g. Anna Short & Shane Gangloff, 7 Oak St., Gill, MA 01354
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:
Daniel Bailey, Julianne Eagan (applicants), Roger Jasaitis (ZA), Amy Wall, Ellen Rago (and 1 child), Regina Stefanelli (and 2 children).
 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:
Daniel Bailey, Julianne Eagan (applicants), 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: 3683.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3683.

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, 2 Accessory Structures, Recreational Facility: Walking path, Disk Golf, Paving, under Sections 720-726 of the Dummerston Zoning Bylaw, at Parcel 423, 423.1, 52 Schoolhouse Rd, E. Dummerston, VT. The subject property are 3.8 acres and 16.1 acres respectively, located at 52 Schoolhouse Rd, in the Town of Dummerston (tax map parcels no. 000423, 000423.1).
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. 2 Accessory Structures

- i. Pavilion A; 864 Square Foot, open sided, 24' x 36', timberframe. School and community Use.
 - ii. Pavilion B; 352 Square Foot, open sided 16' x 22', timberframe. School and community Use.
- b. Recreational Facility: Walking / Jogging Path, ½ mile long, crushed stone and gravel base, 6' to 8' wide.
 - i. Disk Golf; 4 Disc Golf baskets and associated 8' x 8' tee boxes, 6"x6" lumber and crushed gravel situated along the walking path.
 - c. Paving added to the north side of the elementary wing; 4000 square feet.
- 4. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 7; Section 720 Development Review Board and Article 7; Section 724 Site Plan Approval.
- 5. Applicant: Julianne Eagan (Principle) offers a general account of project intention and interest: Over the last few years, through several goal setting sessions by the Dummerston Leadership Council, it became clear that increased outdoor facilities for classrooms, nature spaces and playgrounds, as well as community resources for gathering spaces, were of great value and interest both to the school/student body as well as the greater community/alumni. As such, a comprehensive plan that would inform the longer term development of the land/campus towards that goal was created. The school has since secured two grants for said outdoor development including two timber framed post and beam pavilions and enlarged garden beds.
- 6. Applicant: Daniel Bailey (Facilities Manager) outlined the technical aspects of the project.
- 7. The ZA clarified for the applicants that the parcels are adjoining and are seen as merged historically by the Town even though they are separate parcels. The Town has historically allowed development on these parcels regardless of setback requirements for the additions to the structures. The ZA considers these additions "grandfathered" at this point being that the development occurred more than 15 years ago.
- 8. Amy Wall: Abutter states that she lives and owns property near the school and is in support of all the developments proposed in this application. She also offers that improved communication between abutters and the school administration would be appreciated, given that the noise and and the physical impacts of the developments can and has had an impact on her/her rental properties. Amy asks that there be constraints on community usage, attention to light and sound impacts and an increased communication practice when events are happening that are outside regular school operation times.
- 9. Daniel Bailey stated that the School is cognizant of the responsibility to the neighbors to not have a detrimental environment regarding sound / noise, lighting, etc. and wants to be sensitive to these concerns.
- 10. Applicant: Daniel Bailey states that there will be power brought in underground for the larger pavilion (Pavilion A). No power will be brought to the smaller pavilion (Pavilion B).
- 11. Pavilion A will have a crushed stone floor to be used for bedding for pavers in the future.

12. Pavilion B will sit on a previously paved section of the parcel.
13. The children present spoke in favor of the playgrounds with new play structures.
14. There will be signage to communicate community recreation usage and hours and conditions / rules. In order for the community to use the pavilion for an event, there will be a building use application protocol.
15. Recreational Facility: Walking Trail; Applicant: Daniel Bailey states that to start, the trails will just be mowed. Eventually the topsoil will be removed and a crushed stone / gravel base, 6' to 8' wide, will be installed.
16. The 4000 square feet of paving on the north side of the elementary wing is extending the existing pavement 160' x 25'. The paving is over existing sure-pack so the coverage requirements are not being changed for this application.
17. Coverage on the parcels with the improvements will be 140,409 square feet or 16% of the parcel, well under the 50% maximum for the District.
18. Disk Golf will have four (4) removable mounting brackets.
19. Signage: Daniel Bailey stated that the plan is to provide signage for rules and guidelines, hours of operation, appropriate use and no use during school hours.
20. There is no plan to improve access to the ball fields from Rt. 5.
21. The School is negotiating community and district usage of the athletic fields at this time.
22. The Applicants plan to have the Pavilions open for use by the community and for rent by groups for events, meetings, gatherings, etc.. The protocol in place requires insurance to be provided by the group.
23. Hours are limited to daytime use currently. A protocol will need to be developed for nighttime outdoor use.

DECISION AND CONDITIONS

The Development Review Board (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 Accessory Structures; Pavilions A & B.**
 - a. The application meets the requirements of *Sections 721 of the Zoning Bylaw General Standards. (see conditions below)*
 - b. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards. (see conditions below)*
 - c. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure. (see conditions below)*
 - d. The proposed development meets the policies and goals of the Town Plan: *Education Goals, Policies, and Action Steps; Policy 1.3: Continue to make school*

facilities available to community groups for evening or weekend programs, for recreational programs, and for adult educational programs throughout the year.

The following conditions apply to this approval:

- i. Any outdoor community use or event that will extend later than 8:00pm requires Abutter notification 48 hours in advance of the event. (*Sections 721-726, Abutter names and addresses are listed above*)
- ii. Any lighting must be shielded to prevent glare to adjoining properties.
 1. (*Section 660, (6))1. Glare, lights, reflections: No proposed development or use shall create, cause, or result in glare, lights, or reflections which constitute a nuisance to other property owners or tenants or which are detrimental to the public safety, health or welfare.*)
 2. *Town Plan: Policy 1.4: Protect views of the night sky, eliminate glare, and minimize light pollution.*
- iii. Signage:
 1. 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.*
 2. Any additional signage requires DRB approval. (*Section 665 Outdoor Advertising Signs*)
- iv. Noise: *No noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development, so as to be incompatible with the reasonable use of the surrounding area, shall be permitted. (Section 660 Performance Standards)*
 1. *Town Plan: Policy 1.5: Minimize community exposure to excessive noise.*

2. The DRB approves the Recreational Facility; Walking Trails, Disk Golf.

- a. The application meets the requirements of *Sections 721 of the Zoning Bylaw General Standards. (see conditions below)*
- b. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards. (see conditions below)*

- c. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure. (see conditions below)*
- d. The proposed development meets the policies and goals of the Town Plan:
 - i. *Recreation, Scenic, Historic, and Cultural Resources Goals, Policies, and Action Steps Goal 1: To be stewards for recreational and scenic resources essential to Dummerston's community's character. Policy 1.1: Maintain and enhance access to public lands.*

The following conditions apply to this approval:

- ii. Public use of the facility shall be from dawn to dusk. (*Sections 721-726*)
 - iii. Signage:
 - 1. 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.*
 - 2. Any additional signage requires DRB approval. (*Section 665 Outdoor Advertising Signs*)
- 3. The DRB approves the additional paving of the parking lot.**
- a. The application meets the requirements of *Sections 721 of the Zoning Bylaw General Standards.*
 - b. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards.*
 - c. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure.*
- 4. The provisions and conditions of previously approved Conditional Use permits remain in effect on this parcel.**
- 5. 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.*
- 6. 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.**

7. 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 2nd 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.

