

Application for Conditional Use Permit

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Permit Findings and Decision

Applicant: Amy Wall, Black Birch Properties LLC

Mailing Address: 86 Hillside Drive, East Dummerston VT 05346

Location of Property: Parcel #00395 1501/1503 RT 5, E. Dummerston VT

Owner of Record: Black Birch Properties LLC

Application: Conditional use permit to reinstate commercial usage, in a Rural Commercial zoning district.

Permit Application No. 3595

Date Received: May 20, 2020

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Amy Wall under the Town of Dummerston Zoning Bylaw.
2. The application was received on May 20, 2020
3. On May 27, 2020 notice of a public hearing was posted at the municipal clerk's office, and post office.
4. Notice of a public hearing was mailed to the applicant and the following abutters of Amy Wall, Black Birch Properties of 1501/1503 RT 5 E. Dummerston VT
 - Allen and Sally Seymour, Trustees, 1500 US RT 5 E. Dummerston VT 05346
 - Estate of Charles Titus 1656 US RT 5 E. Dummerston VT 05346
 - Amy Wall, Trustee, 86 Hillside Dr. E. Dummerston VT 05346
5. A site visit was made to 1501/1503 US RT 5 at 5:30 pm on Tuesday, June 16, 2020. Present at the site visit were the following non board members:
 - Roger Jasaitis, Zoning Administrator
 - Poppet Seymour

- Amy Wall
6. The application was considered by the Development Review Board at a public hearing on June 16, 2020 via Zoom meeting. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019
 7. Present at the hearing were the following members of the Development Review Board
 - Alan McBean, Chair
 - Cami Elliott
 - Patty Walior
 - Joshua Pacheco
 - Chad Farnum
 8. Present at the hearing via Zoom meeting for this permit review were the following persons:
 - Roger Jasaitis, Zoning Administrator (ZA)
 - Amy Wall
 - Alan and Sally Seymour
 9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - A. Applicant Certification of Notice.
 - B. DRB Hearing Checklist.
 - C. Permit Application #3595 Dated May 20, 2020.
 - D. Copy of letter dated 03/04/2020 from the Dummerston ZA informing the applicant the commercial truck parking was in possible violation, commercial use for parcel #395, which required a permit review.
 - E. Copies of previous permits applied for and approved or denied.
 - F. A letter dated June 10, 2020 from Allan and Sally Seymour. Including a photo taken from their property showing the truck parking

FINDINGS OF FACT

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks to reinstate commercial usage to allow parking of trucks in existing parking area.

2. The property previously had a commercial permit that was made invalid with the issuing of usage change permit #3355
3. There are currently no commercial operations on the property except the parking of three trucks, which are in violation of issued permits.
4. The three trucks are 16" box trucks with a height of 11' and a GVW of 17500
5. The trucks leave and return to the property twice daily. Leaving at approximately 5am- returning at approximately 8:30 am and leaving again at approximately 1:30 pm - returning at approximately 6:30 pm
6. The drivers of these trucks park their personal vehicles in the same lot.
7. The trucks are not owned by the property owner or any onsite tenant.
8. The property is located in a rural commercial district
9. The property has two Land Use Permits granted by the Vermont District Environmental Commission (DEC). Permit # 2W0976-1 and #2W0976-1A
- 10.

"No changes shall be made in the design or use of this project without prior written approval from the District Coordinator or the District Environmental Commission, whichever is appropriate under the Act 250 Rules"

11. The DEC permit requires under condition #25

"No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without prior written approval from the District Environmental Commission."

12. Change of use is considered Land Development by the State of VT.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a conditional use permit.

Zoning Bylaw sections:

- 121 Unspecified Use
- 720 Conditional Use
- 724 Site Plan Approval

Conditions:

1. The applicant may not allow more than three Commercial vehicles to be parked on site and no more than one personal vehicle per commercial truck.
2. Commercial vehicles are not permitted to exceed 16' box size and 11' in height.
3. The applicant must plant vegetative screen consisting of evergreen trees or bushes with a minimum height at planting of 6' and to reach a minimum of 16' at maturity. Trees or bushes should be planted in such a way as to create a solid barrier. Spacing at the time of the planting shall be done so that plantings will create the solid barrier within 2 years.

4. Vegetative screening shall be planted in such a way as to conceal all six vehicles approved by this permit - three commercial trucks and the three associated personal vehicles.
5. Any dead vegetation will be required to be removed and replaced within a reasonable amount of time.
6. Permit is to be reviewed within one year.
7. Permit will not be issued or made valid without applicant obtaining written permission from the District Environmental Commission. As required by DEC permit #2W0976-1

It is the Applicant's responsibility to be in compliance with any State issued permits at all times.

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. Alan McBean, Cami Elliott, Patty Walior, Joshua Pacheco, and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD


Chad Farnum

Dated: July 8, 2020