

TOWN OF DUMMERSTON

Development Review Board

Conditional Use Application for Short Term Rental and Site Plan Review

HEARING SPECIFICS

Permit Application Number: 3700

Date Received: October 26, 2022

Applicant: Ivorlei Oliveira.

Mailing Address: 338 Andover St., Danvers, MA 01923.

Location of Property: Parcel 030, 60 Old Coach Rd., Dummerston, VT.

Owner of Record: Ivorlei & Fabia Oliveira.

Application: Conditional Use Review for Short Term Rental and Site Plan Review.

Date of Hearing: November 15, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of application #3700 for Conditional Use; Short Term Rental and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 665 and 720 - 727.
2. The subject property is 1.9 acres, located at 60 Old Coach Rd., in the Town of Dummerston (tax map parcel no. 000030). The property is more fully described in a Deed recorded at Book 128, Page 443-444, in the Town of Dummerston Land Records.
3. The property is located in the Rural Residential District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 205 of the Zoning Bylaw.
4. On November 1, 2022, notice of a public hearing was published in The Brattleboro Reformer.
5. On October 26, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.

6. On October 27, 2022, notice of a public hearing was posted at the following place: 60 Old Coach Rd., which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
7. On October 26, 2022, a copy of the notice of a public hearing was emailed to the Applicant.
8. On October 26, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Blackman Todd D & Price Nicole, 319 Hague Rd, Dummerston, VT 05301
 - b. Boggess William L Jr, 40 Falls Brook Rd, Dummerston, VT 05301
 - c. Bolster Neal & Sheridan, 75 Falls Brook Rd, Dummerston, VT 05301
 - d. Freihofner Mary, 112 Old Coach Rd., Dummerston, VT 05301
 - e. Gray Gerald J & Tamara J, 97 Falls Brook Rd, Dummerston, VT 05301
 - f. Herbert Richard A & Sandra J Trustees, 133 Terrace Dr, Williston, VT 05495
 - g. Herbert Richard A, 133 Terrace Dr, Williston, VT 05495
9. The application was considered by the Development Review Board (DRB) at a public hearing on November 15, 2022.
10. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
11. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Chad Farnum (Acting Chair), Cami Elliott, Peter Doubleday, Via Zoom: Alan McBean, Natalie Pelham-Starkey.
 - b. Others:
Roger Jasaitis (Zoning Administrator), Todd Blackman. Via Zoom: Ivorlei Oliveira (Applicant), Sheri Bolster, Tami Gray.
12. A site visit was conducted on November 12, 2022.
13. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Cami Elliott, Natalie Pelham-Starkey, Peter Doubleday.
 - b. Others:
Ivorlei Oliveira (Applicant), Todd Blackman, Roger Jasaitis (Zoning Administrator).
14. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Conditional Use Permit, number: 3700.

FINDINGS OF FACT

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

1. Ivorlei Oliveira (Applicant), outlined the application for Short Term Rental through AirBnB. He would like to rent it during the spring, summer and fall. He would not allow pets. He is not sure how often he would rent or what days of the week. He clarified that he would rent the property a few times each season except for winter.

2. Sheri Bolster: Wants to make sure the renters are “good people” and will not cause problems in the neighborhood, her yard faces Ivorlei’s. Ivorlei Oliveira (Applicant), stated that AirBnB has protocols in place to screen and rate potential renters to prevent problems.
3. Tami Gray: Objects to the rentals due to the owner not being on site. She also is concerned about renters partying and causing a disturbance without the owner being aware of the issue. She also pointed out the fact that the house is already being rented without proper permitting in place.
4. Ivorlei Oliveira (Applicant), states that he was not aware of the permit requirements in Town and as soon as contacted by the ZA, he put in the applications for permits. (The ZA confirmed this fact.)
5. Tami Gray: Inquired which rental platform is being utilized. The Applicant confirmed AirBnB. She reiterated that she is not comfortable with Short Term Rentals on the neighboring property because she lives there full time.
6. Ivorlei Oliveira (Applicant), stated that he will comply with all Town and State law concerning Short Term Rental.
7. The ZA prompted the Applicant to speak about the security methods that he has on site. The Applicant confirmed that security cameras are present outside of the house. He can see on his phone when anyone is present on site. These cameras are motion sensitive and record when activated. The cameras face the back, the deck and the front of the house.
8. Sheri Bolster: Expressed concern about pets in the rental. Ivorlei Oliveira (Applicant), reconfirmed that pets will not be allowed in the rental. Only his personal dog is present when he is there.
9. Todd Blackman: Asked how many people will be allowed in the rental at one time. The Applicant responded that 3 couples will be the maximum number for a total of 6 adults at one time.
10. Todd Blackman: Will there be a local caretaker for the property? The Applicant stated that there is a cleaning person, a lawn care company and snow removal.
11. Todd Blackman: How often will you be present? Ivorlei Oliveira (Applicant), reiterated that this is their 2nd home and he vacations there when possible.
12. Cami Elliott: How many parking spaces are available? The Applicant responded that there are at least 3 parking spaces.
13. Chad Farnum: Are there exterior lights on the property? The Applicant responded that there are security lights with motion sensors present.
14. Cami Elliott: Are you planning on having a sign? The Applicant responded that there will be no signage as this is a private residence.
15. Todd Blackman: Asked the DRB how many Short Term Rentals are there in Town at this time? The ZA Responded that there are 22 Short Term Rental permits in place in Town. They are distributed throughout the Town. There have been no complaints on these CU permits since the Town has initiated permitting for this Use. Also the State has requirements for Short Term Rentals (any rentals for that matter) regarding taxes and fire

codes. All rentals are considered public buildings, need to follow State permitting guidelines and are subject to State inspection.

16. Todd Blackman: Asked the DRB how many Short Term Rental permits have been denied by the DRB. The ZA stated that no STR permits have been denied by the DRB to date.
17. Todd Blackman: Asked if any other properties being rented have owners present on site. The ZA stated that it is a mix of some being on site, some being Town residents nearby and some being out of State residents.
18. Cami Elliott (DRB) commented that there were plenty of parking spaces noted at the site visit.

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 for Short Term Rental:

The proposed development meets the requirements of *Sections 721 of the Zoning Bylaw General Standards*:

1. *The capacity of existing or planned community facilities;*
 - a. The application meets this requirement.
2. *The character of the area affected;*
 - a. The application meets this requirement.
3. *Traffic on roads and highways in the vicinity;*
 - a. The application meets this requirement.
4. *By-laws then in effect;*
 - a. The application meets this requirement.
5. *Utilization of renewable energy sources;*
 - a. The application meets this requirement.
6. *Furtherance of the provisions of the Dummerston Town Plan.*
 - a. The proposed development conforms to the Town Plan.
 - i. *Housing Goals, Policies, and Action Steps*
 1. *Goal 1: To create flexibility and diversity in Dummerston's housing stock.*

As conditioned, the proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards*:

1. *Section 220 Rural Residential District*
 - a. The proposed project will still conform to the purpose of the zoning district (as stated in *Sections 205-240* of these Bylaws) in which the land development is located.

2. *Section 615 Setback Requirements*
 - a. The proposed development meets the requirements for the district.
3. *Section 620 Off-Street Parking Requirements*
 - a. The proposed development meets the requirements.
4. *Section 635 Landscaping Requirements*
 - a. The proposed development meets the requirements.
5. *Section 640 Erosion and Sediment Control*
 - a. The proposed development meets the requirements.
6. *Section 660 Performance Standards*
 - a. The proposed development meets the requirements with the note that under *Section 660 (8) Fire, Safety, explosive , or other hazard*, Short Term Rental properties are considered Public Buildings by the State of Vermont and fall under the State Fire Regulations. This structure will be subject to inspection by the State Fire Marshal and must conform to State Fire Regulations for Public Buildings.
7. *Section 665 Outdoor Advertising Signs*
 - a. No signage is requested.

As conditioned, the proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure*:

1. *Compatibility with adjacent land uses.*
 - a. The proposed development meets the requirements.
2. *Maximum safety of vehicular circulation between the site and the street network.*
 - a. The proposed development meets the requirements.
3. *Adequacy of circulation, parking and loading facilities with particular attention to safety.*
 - a. The proposed development meets the requirements.
4. *Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.*
 - a. The proposed development meets the requirements.
5. *Lighting, noise, odors, protection of renewable energy resources.*
 - a. The proposed development meets the requirements with the condition that all exterior lighting must be shielded to prevent glare to adjoining properties (*Section 660, (6)*).
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, Cami Elliott, Alan McBean, Peter Doubleday.

Dated at Dummerston, Vermont, this 7th day of December, 2022.

A handwritten signature in black ink, appearing to read 'AMC', is 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.