

TOWN OF DUMMERSTON

Development Review Board

Application for Waiver Findings and Decision

Permit Application Number: LD393

Date Received: May 20, 2021

Applicant: EZ Moo Acres- Michael Barrett

Mailing Address: 2905 S. Diamond St Santa Ana, CA 92704

Location of Property: Parcel 824.1, 281 Dummerston Station Rd

Owner of Record: EZ Moo Acres LLC

Application: Waiver to setback requirements for existing structures pursuant to land division; Section 256 and Development Review Board; Section 715

Date of hearing: June 15, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Waiver to setback requirements for existing structures pursuant to land division submitted by Michael Barrett under the Town of Dummerston Zoning Bylaw.
2. The application was received by the Zoning Administrator on May 20, 2021.
3. On May 25, 2021, notice of a public hearing was published in The Commons.
4. On May 26, 2021, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
5. On June 6, 2021, notice of a public hearing was posted at the following place: 281 Dummerston Station Rd, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On May 25, 2021, a copy of the notice of a public hearing was mailed to the applicant.
7. On May 25, 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. Bell, Graham Edward 63 Winter Bell Dr Dummerston VT 05346
 - b. Brooks, Juanita L 294 Dummerston Station Rd Dummerston VT 05346
 - c. Derrig, Ellis & Rosalie Trustee 41 Houghton Brook Rd Putney VT 05346
 - d. Etzweiler, Robert & Natasha 210 Dummerston Station Rd Dummerston VT 05346.
 - e. Gabriel, Kelly 256 Dummerston Station Rd Dummerston VT 05346.

- f. Kaiser, Alonzo & Karen 220 Dummerston Station Rd Dummerston VT 05346.
 - g. Lahey, Shaun & Katie 290 Dummerston Station Rd Dummerston VT 05346.
 - h. Manix, Frances 61 Jones Rd Putney VT 05346
 - i. Ortlieb, William 230 N. tatge Bartlett, IL 60103
8. The application was considered by the Development Review Board (DRB) at a public hearing on June 15, 2021.
 9. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
 10. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Josh Pacheco, Chad Farnum, Cami Elliott
 - b. Others:
Michael Barrett (Applicant), Roger Jasaitis (Zoning Administrator), Jennifer Garrett (VT Land Trust), Tina Kane
- During the course of the hearing the following exhibits were submitted to the DRB:
- a. Application for Zoning Permit for Land Division, number: LD393.
 - b. Application to the Development Review Board for a Waiver, number: LD393.

FINDINGS OF FACT

1. The applicant introduced the application explaining that the setback Waiver requested is to existing buildings in order to allow subdivision of the parcel without encroaching on the prime agricultural soils. The farm that leases the field wants to buy the field (Lot 1).
2. Parcel 824.1 is 66.05 acres in a Rural Commercial District
3. The land was conserved by the owner using a Conservation Easement Agreement with the Vermont Land Trust. This was approved by the Town.
4. Potential septic system sites have been identified and tested by SVE Associates of Brattleboro, for lot 2 and lot 3.
5. All the structures are pre-existing.
6. Act 250 permit for the existing airstrip will expire July 2021.
7. The applicant stated that the proposed lot lines have been modified from prior applications to decrease the number of structures that need waivers and to meet the coverage requirements for the District. Modifications of the driveway and feed storage have been taken to meet these requirements.
8. The Rental Unit on proposed Lot #3 contains 4 rental units.
9. Jennifer Garrett (regional director of the Vermont Land Trust) stated:
 - a. The Town supported this project in 2017.
 - b. The parcel is 67% prime agricultural soils.
 - c. This plan optimizes this resource.
 - d. This plan concentrates development to conserve working land.
 - e. The law does not allow reconfiguration of the conserved land.
 - f. The Town plan supports this plan.

- g. The plan was to subdivide from the start but no action was taken until now.
- h. Conservation easements run with the land.
- 10. Proposed lot 2 and 3 are not under conservation easement and will remain in the Rural Commercial District and are subject to those conditions.
- 11. Tina Kane stated that as an abutter, she supports this application. Her parents ran this farm in the past and this honors their legacy.

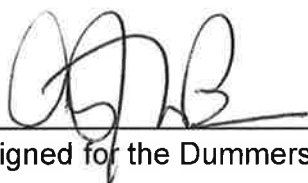
DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for Waiver to setback pursuant to Subdivision.

- 1. The DRB determined the application meets the requirements of Section 256.
- 2. The DRB grants setback waivers for 3 structures; garage -15.1', hanger- 9.7', trailer- 18.4'.
- 3. 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.
- 4. 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: Alan McBean, Josh Pacheco, Cami Elliott, Chad Farnum.

Dated at Dummerston, Vermont, this 21st day of July, 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.