

TOWN OF DUMMERSTON

Development Review Board

Conditional Use and Site Plan Review Application

Findings and Decision

Permit Application Number: 3663

Date Received: September 11, 2021

Applicant: Kathryn Berta

Mailing Address: 1238 U.S. Rt. 5, East Dummerston, VT 05346

Location of Property: Parcel 792, 1238 U.S. Rt. 5

Owner of Record: Bertaventure LLC

Application: Conditional Use Application for Accessory Structure and Site Plan Review for Change of Configuration of RV Sites.

Date of hearing: November 16, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use Application for an Accessory Structure and Site Plan Review for Change of Configuration of RV Sites under the Town of Dummerston Zoning Bylaw sections 720 and 724.
2. On October 27, 2021, notice of a public hearing was published in The Commons.
3. On November 2, 2021, 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 November 4, 2021, notice of a public hearing was posted at the following place: 1238 U.S. Rt. 5, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
5. On November 2, 2021, a copy of the notice of a public hearing was mailed to the applicant.
6. On November 2, 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. Brown Mark W, 23 East-West Rd, E Dummerston, VT 05346
 - b. Burnett Brenda L, Powers Bobbi J & Drake Donna, 53 Monteiro Dr, Hinsdale, NH 03451
 - c. Evans Robert & Margaret, 1250 US Rt 5, E Dummerston, VT 05346
 - d. Manix Frances W, 61 Jones Rdj, Putney, VT 05346

- e. Manix Jack W & Karen E, 1190 US Rte 5, E Dummerston, VT 05346
 - f. Vt Nh Veterinary Inc, 38 East West Rd, E Dummerston, VT 05346
7. The application was considered by the Development Review Board (DRB) at a public hearing on November 16, 2021.
 8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
 9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Josh Pacheco(via Zoom), Cami Elliott , Alan McBean, Natalie Pelham-Starkey
 - b. Others:
Kathryn Berta (Applicant), Roger Jasaitis (Zoning Administrator).
 10. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Josh Pacheco, Chad Farnum, Natalie Pelham-Starkey, Cami Elliott
 - b. Others:
Alan & Kathryn Berta (Applicants), Roger Jasaitis (Zoning Administrator).
 11. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3663.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3663.
 - c. Exhibit A; plan for reconfiguration of sites showing setback distances to property lines.

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 an Accessory Structure and Site Plan Review for Change of Configuration of RV Sites under the Town of Dummerston Zoning Bylaw section 720 and 724. The subject property is a 7.2 acre parcel located at 1238 U.S. Rt. 5, in the Town of Dummerston (tax map parcel no. 000792). The property is more fully described in a Deed recorded at Book 125, Page 123, 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. Condition Use approval is requested for the Accessory Structure as that term is defined in Article VIII, Page 1, of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:
 - a. Article VII, Section 720 Development Review Board.
 - b. Article VII, Section 724 Site Plan Approval.

4. Kathryn Berta (Applicant) gave an overview of the project. She stated that they request a Conditional Use permit for an Accessory Structure for storage and review of the Site Plan for reconfiguration of 4 existing RV sites, shifting and enlarging them to accommodate longer RVs.
5. Exhibit A shows the reconfiguration meets the setback requirements.
6. The applicants stated the State Act 250 permit is approved for the change to wastewater and configuration for this parcel allowing for this use.
7. The applicant stated the accessory structure meets setback requirements.
8. The applicant stated the accessory structure would be strictly for storage.
9. The applicant stated there would be no exterior lighting on the accessory structure.
10. The applicant stated there would be no water run to the accessory structure.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board grants the applicants a Conditional Use permit for an Accessory Structure for storage and reconfiguration of 4 existing RV sites.

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.*

The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards*:

1. *Section 225 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 for the district.
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.
7. *Section 669 Permittable On-Premise Signs*
 - a. The proposed development meets the requirements.

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

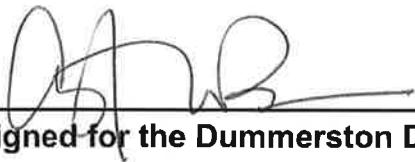
1. *Compatibility with adjacent land uses.*
 - a. The proposed development meets the requirements.
2. *Maximum safety of vehicular circulation between the site and the street network.*
 - a. The proposed development meets the requirements.
3. *Adequacy of circulation, parking and loading facilities with 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.

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.

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: Josh Pacheco, Cami Elliott, Alan McBean, Natalie Pelham-Starkey.

Dated at Dummerston, Vermont, this 10th day of December, 2021.

A handwritten signature in black ink, appearing to read 'AMcB', is written over a solid 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.

