

TOWN OF DUMMERSTON

Development Review Board

Application for Waiver; Variable Lot Size and Site Plan Review Findings and Decision

Permit Application Number: LD400

Date Received: May 18, 2022

Applicant: Charlotte Neer & Glenn Annis

Mailing Address: 626 Hague Rd., Dummerston, VT 05301.

Location of Property: Parcel 207.1, 678 Hague Rd, Dummerston, VT

Owner of Record: Charlotte Neer & Glenn Annis.

Application: Waiver: Variable Lot Size and Site Plan Review.

Date of Hearing: June 21, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Waiver: Variable Lot Size and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 256-257, 720-726, at parcel #207.1.
2. On June 1, 2022, notice of a public hearing was published in The Commons.
3. On June 1, 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 June 5, 2022, notice of a public hearing was posted at the following place: 678 Hague Rd., 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 June 1, 2022, a copy of the notice of a public hearing was emailed to the applicant.
6. On June 1, 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. Putney Mountain Association Inc, PO Box 953, Putney, VT 05346
 - b. Rostov Family Limited Partnership C/O General Resource Corp, 456 Glenbrook Rd, Stamford, CT 06906

7. The application was considered by the Development Review Board (DRB) at a public hearing on June 21, 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:
Charlotte Neer (applicant via Zoom), Roger Jasaitis (ZA).
10. A site visit was conducted on June 21, 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:
Glenn Annis (applicant), Roger Jasaitis (Zoning Administrator).
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Land Division Permit, number: LD400.
 - b. Application to the Development Review Board for a Waiver; Variable Lot Size and Site Plan Review, number: LD400.

FINDINGS OF FACT

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

1. The applicant seeks a Waiver: Variable Lot Size and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 256-257, 720-726, at parcel #207.1.
2. The subject property is 13.4 acres, located at 678 Hague Rd., in the Town of Dummerston (tax map parcel no. 000207.1). The property is more fully described in a Deed recorded at Book 132, Page 541, in the Town of Dummerston Land Records.
3. The property is located in the Conservation 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. The DRB Application states Waiver; Variable Lot Size approval is requested for the parcel.
5. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: 256-257, 720-726.
6. Applicant: Charlotte Neer offered a general overview of the application.
7. Charlotte Neer stated that they bought the abutting property to protect their existing property. They would like to subdivide two acres with the existing single family home for use by their daughter. This is compatible with the neighborhood and would make the house and land more affordable for her.

8. There will be no adverse effect, they are not adding anything just subdividing the 2 acre parcel.
9. The adjoining property to the east is conserved by the Putney Mountain Association.
10. The parcels to the west on Hague Rd. are 1 to 2 acre lots and so this subdivision would fit into the neighborhood.
11. The subdivision fits with the Town Plan by creating Residential lots.
12. The subdivision fits with the Zoning District by being Single Family Residential.
13. The subdivision will not increase traffic on the road.
14. The land will be surveyed by Brian Lackey (KML Survey & Design). A replacement septic site needs to be located and that will determine the boundaries. The hope is to make it a reasonably square lot.
15. The parcel will meet the District dimensional requirements otherwise.
16. The DRB clarified that the subdivision will be 2 acres and include the single family home.

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 Waiver; Variable Lot Size.**
 - a. The application meets the requirements of Sections 256-7 of the Zoning Bylaw Waiver Criteria. *(see conditions below)*
 - b. The application meets the requirements of *Sections 205 of the Zoning Bylaw* for the Conservation District.
 - 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. Future Land Use: a. Conservation: ...The priority in the conservation areas is to maintain large tracts of undeveloped land as well as to protect habitats, watersheds and conservation corridors.*
 - ii. Policy 1.1: Designate distinct zoning districts to regulate land use activities to ensure compatibility with the purposes of those respective districts.*
 - 1. Adopt a Conservation District for the purpose of maintaining large tracts of undeveloped land, as well as to protect habitats, watersheds and conservation corridors. To this end:*
 - i. Limit permitted uses within the Conservation District to residential, agriculture, forestry, individual recreational hunting and fishing camps, seasonal or occasional use*

camp, and accessory uses to the permitted uses on the same lot.

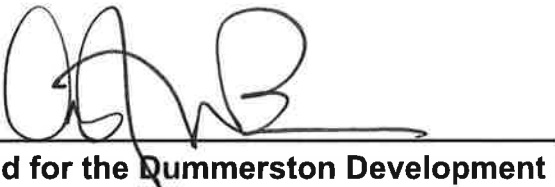
- ii. Investigate public and private strategies for maintaining undeveloped land in a manner that reflects the needs of landowners and protects habitats, watersheds and conservation corridors.*

The following conditions apply to this approval:

- 1. The Maximum Lot Number is zero (0). Future Land Division of this parcel is not allowed per *Section 256 (11)*.**
- 2. The Land Division Permit and the Development Review Board's decision including the new maximum lot number shall be recorded in the Dummerston Land Records *Section 256 (12)*.**
- 3. The final parcel dimensions shall not be smaller than 2 acres and depth minimums shall not be less than 200 feet. (*Section 256, (8)*)**
- 4. The finished survey of the parcels must be submitted to the Zoning Administrator for inclusion in the Land Division application of record. (*Section 725*)**
- 5. 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. (*Section 257, (7)*)**
- 6. 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 5th day of July, 2022.



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.