

TOWN OF DUMMERSTON

Development Review Board

Application for Waiver; Accessory Structure and Site Plan Review Findings and Decision

Permit Application Number: 3693

Date Received: July 14, 2022

Applicant: Pinnacle Construction & Restoration

Mailing Address: 72 Black Locust Rd., Putney, VT 05346.

Location of Property: Parcel 677, 1031 Middle Rd., Dummerston, VT

Owner of Record: Bruce Gordon & Rona Johnston

Application: Waiver to setback; Accessory Structure (Garage) and Site Plan Review

Date of Hearing: August 16, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Waiver to setback; Accessory Structure (Garage) and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 256, 720-728, at parcel #000677.
2. On July 27, 2022, notice of a public hearing was published in The Commons.
3. On July 27, 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 July 31, 2022, notice of a public hearing was posted at the following place: 1031 Middle 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 July 27, 2022, a copy of the notice of a public hearing was emailed to the applicant.
6. On July 27, 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. Baker David C Trust, Baker Wendy B & David C Trustees, 573 Dutton Farm Rd, Dummerston, VT 05301
 - b. Jaquith Francis & Patricia, 379 Shepherder Hill Rd, Kalispell, MT 59901
 - c. Leblanc Joseph G & Bethany A, 1056 Middle Rd, Dummerston, VT 05301

- setbacks. Approval of the application will allow the placement of the structure next to the existing driveway and facilitate entry and exit to the property on a busy curve on Middle Rd.
6. The Garage will have 3 bays, 2 for vehicle storage and 1 for general storage.
 7. The structure will have a gravel base.
 8. The structure will have electric power run for external lighting and outlets.
 9. There will be external lighting; 1 floodlight facing the driveway.
 10. There will not be water in the structure.
 11. This Waiver would allow the structure to be 30 feet from the property line and 38 feet from the road center.
 12. Roger Jasaitis (ZA) confirms the setback requirements in this Zone are 50 feet from road center and 40 feet from property boundaries.
 13. Applicant: They are requesting 12 feet of waiver for the road setback and 10 feet of waiver to the property boundary.
 14. Alan Mc Bean noted; the State of Vermont may require a replacement septic area be specified on the property in a Wastewater Permit and advised the applicant to check with the State Permit Specialist.

DECISION AND CONDITIONS

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

As conditioned, the proposed development meets the requirements of *Sections 256 of the Zoning Bylaw Criteria*:

1. *The waiver is helpful or necessary to allow for reasonable use of the property.*

The DRB determines that there are no viable alternative sites for the structure on the parcel.


2. *The waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property.*

It is evident that there is not enough space to fit the structure without the proposed Waiver to setback from the road center and north side parcel boundary. The DRB grants a Waiver of 12 feet of setback allowing for the structure to be 38 feet from the road center and a

2. The information included in the Application must be adhered to or the related Zoning Permit is null and void.
3. Expiration: Waiver 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. (*Section 703*)
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 the approval is null and void.

The following members of the Dummerston Development Review Board participated and concurred in this decision: Natalie Pelham-Starkey, Cami Elliott, Alan McBean.

Dated at Dummerston, Vermont, this 4th day of September, 2022.

A handwritten signature in black ink, appearing to read 'AMC', is written over a horizontal line. The signature is stylized and cursive.

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.