

# **TOWN OF DUMMERSTON**

## **Development Review Board**

### **Application for Conditional Use; Accessory Dwelling Unit and Site Plan Review**

#### **Findings and Decision**

**Permit Application Number: 3811**

**Date Received: May 22, 2025**

**Applicant: Victor Cormier**

**Mailing Address: 599 Kelly Rd., Dummerston, VT 05301.**

**Location of Property: Parcel 628.1, 597 Kelly Rd., Dummerston, VT**

**Owner of Record: Adam Cormier**

**Application: Conditional Use; Accessory Dwelling Unit and Site Plan Review**

**Date of Hearing: July 15, 2025**

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a Conditional Use; Accessory Dwelling Unit and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 204, 205, 603, 715-726, at parcel #000628.1.
2. On June 25, 2025, notice of a public hearing was published in The Commons.
3. On June 25, 2024, notice of a public hearing was posted at the following places:
  - The Dummerston Town Office.
  - The West Dummerston Post Office.
4. On July 7, 2025, notice of a public hearing was posted at the following place: 597 Kelly 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 7, 2024, a copy of the notice of a public hearing was mailed to the applicant.
6. On July 7, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - a. Ansaldi Alex, Aaron & Adam & Casey Amoree, 186 Bidwell St, Manchester, CT 06040
7. The application was considered by the Development Review Board (DRB) at a public hearing on July 15, 2025.

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:  
Alan McBean - Chair, Chad Farnum, Patty Walior.
  - b. Others:  
Zoning Administrator: Roger Vincent Jasaitis. Applicant: Victor Cormier.
10. A site visit was conducted on July 15, 2025.
11. Present at the site visit were the following:
  - a. Members of the Development Review Board:  
Alan McBean - Chair, Chad Farnum, Patty Walior.
  - b. Others:  
None
12. During the course of the hearing the following exhibits were submitted to the DRB:
  - a. Application for Zoning Permit, number: 3811.
  - b. Application to the Development Review Board for a Conditional Use; Accessory Dwelling Unit and Site Plan Review number: 3811.

## **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; Accessory Dwelling Unit and Site Plan Review for an existing permitted Accessory Dwelling Unit that was found to be in excess of the size restrictions permitted in the Zoning Bylaw under Section 603,(4),(c).
2. The subject property is 195.5 acres, located at 623 Kelly Rd., in the Town of Dummerston (tax map parcel no. 000621). The property is more fully described in a Deed recorded at Book 133: Page 572-574 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 application requires review under the following sections of the Town of Dummerston Zoning Bylaw: 204, 205, 603, 715-726.
5. Applicant: Victor Cormier: Presented an application for Conditional Use for an oversized Accessory Dwelling Unit (ADU). The applicant received a Zoning Permit #3717 on April 19, 2023 to build the structure (Storage Barn) in question with an ADU inside. The Zoning Permit was approved for an ADU of 1000 square feet in size per Town and State size requirements. Upon a site visit by the Dummerston Listers the unit was measured at 1135 square feet in size. This was reported to the Zoning Administrator. This is in violation of Section 603,(4),(c) of the Zoning Bylaw. The Applicant stated that the extra square footage

was for an extra bathroom that was installed. At the time he was not aware that the square footage requirement was exceeded. There were no other changes to the permitted structure, the rest of the structure is for a garage with a lift for equipment repair and a space for growing seedlings, maple syrup production, and freeze-drying food. He emphasizes that the farm is more of a hobby than a business and asks the board to consider granting him the additional space for the ADU where a family member lives.

6. The board reiterated this request for conditional use approval for an accessory dwelling unit (ADU) that exceeds 1,000 square feet, clarifying that this requires DRB approval rather than a Variance under Section 603,(4),(c) of the Zoning Bylaw.
7. There are no changes to the existing structure.

## 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.**

1. The DRB approves the Conditional Use: Accessory Dwelling Unit.
2. 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.
3. The proposed development meets the requirements of *Sections 722 of the Zoning Bylaw*.
4. The proposed development meets the requirements of the *Zoning Bylaw Section 205 Conservation District*:
  - a. Conservation areas are so designated because of their value to the town's and region's ecosystems. They are predominantly lands with higher elevations that have a mostly remote and undeveloped forested landscape and high natural, scenic or other special resource values such as unfragmented wildlife habitat and connecting habitat areas. Due to substantial physical limitations for development in these areas (such as steep terrain), existing residential development is low density and scattered mostly along town roads. Included in the conservation areas are publicly-owned

- lands, lands with conservation easements, and much of the forest land enrolled in the State's Use Value Appraisal Program.
- b. The priority and purpose of the conservation areas is to maintain large tracts of undeveloped land, much of which is forested, that has wildlife habitat, watershed, conservation corridor, and other natural resource values. This approval allows for an additional habitation on the parcel without further subdivision.
5. *Section 660 Performance Standards*
    - a. The proposed development meets the requirements of this Section.
  6. The proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure*:
    1. Compatibility with adjacent land uses.
      - i. The proposed development meets the requirements.
    2. Maximum safety of vehicular circulation between the site and the street network.
      - i. The proposed development meets the requirements.
    3. Adequacy of circulation, parking and loading facilities with particular attention to safety.
      - i. 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.
      - i. The proposed development meets the requirements.
    6. Furtherance of the provisions of the Dummerston Town Plan.
      - i. The proposed development conforms to the Town Plan by helping to encourage innovative housing formats.
        1. Goal 1: Create flexibility and diversity in the housing stock.
          - a. Promote affordable housing and accessory dwelling units.
  7. Expiration: All activities authorized by this approval shall be commenced within two years of the date of issue, or the zoning permit shall become null and void and re-application to implement any activities shall be required. (*Section 703*) 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.
  8. 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: Patty Walior, Alan McBean, Chad Farnum.

Dated at Dummerston, Vermont, this 29th day of JULY, 2025.



Signed for the Dummerston Development Review Board

ALAN J. McBEAN

Printed Name

**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.