

TOWN OF DUMMERSTON

Development Review Board

Application for Waiver to Setback; Accessory Structure (Garage) Findings and Decision

Permit Application Number: 3808

Date Received: May 22, 2025

Applicant: Don Robinson Builder Inc.

Mailing Address: P. O. Box 8038, Brattleboro VT 05301.

Location of Property: Parcel 390, 1571 U.S. Rt. 5, Dummerston, VT

Owner of Record: Deborah Titus

Application: Waiver to Setback; Accessory Structure (Garage)

Date of Hearing: July 15, 2025

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Waiver to Setback; Accessory Structure (Garage) under the Town of Dummerston Zoning Bylaw Sections: 204, 210, 256, 257, 615, 715-726, at parcel #000390.
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: 1571 U.S. Rt. 5, 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. Bernier Trevor & Jasmine, 31 Cherry St., Brattleboro, VT 05301
 - b. Black Birch Properties LLC, 144 Black Birch Dr, E Dummerston, VT 05346
 - c. Goodell Group LLC, PO Box 24, Westminster, VT 05159
 - d. Seymour Allan H & Sally W Trustees, 1500 US Rt 5, E Dummerston, VT 05346

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: Don Robinson, 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:
Don Robinson (applicant), Deborah Titus (owner), Allan & Sally Seymour, Zoning Administrator: Roger Vincent Jasaitis
12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, #3808.
 - b. Application to the Development Review Board for a Waiver; Accessory Structure (Garage): #3808.

FINDINGS OF FACT

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

1. The applicant seeks a Waiver to Setback; Accessory Structure (Garage).
2. The subject property is 13.15 acres, located at 1571 U.S. Rt. 5, in the Town of Dummerston (tax map parcel no. 000390.1). The property is more fully described in a Deed recorded at Book 138, Page 344 in the Town of Dummerston Land Records.
3. The property is located in the Productive Lands District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 210 of the Zoning Bylaw.
4. Applicant: Don Robinson, contractor for project explained the need for a Waiver to setback. He confirmed the parcel size at 13.15 acres. The proposed 24' x 24') accessory structure is a garage for storage. The parcel coverage is not in question. A Waiver is requested because the structure would be too close to the front property line that abuts the State highway right of way. A 25 foot minimum setback is required by the Dummerston Zoning Bylaw in this case (Section 615 (a)). Don reported the State has no issues with the

structure and its location. The applicant is requesting a 15 foot waiver allowing for the structure to be 10 feet from the front property line.

5. There will be lighting on the northern side of the garage (facing southbound traffic) at the gable end of the roof. There will be no lighting facing neighboring homes.

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 **15 foot Waiver to Setback**: Accessory Structure (Garage).
2. The proposed development meets the criteria under *Section 256 Waivers*
 1. The waiver is helpful or necessary to allow for reasonable use of the property due to the slope of the land and the narrowness of the parcel.
 2. The **15 foot waiver** is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property.
 3. Any adverse effects of the waiver are mitigated by design. The structure will match the house in design.
 4. The need for a waiver was not created by a past decision of the applicant.
 5. The proposed project will still conform to the Town Plan.
 6. The proposed project will still conform to the purpose of the zoning district (Rural Commercial) in which the land development is located.
 7. The proposed project will not have an undue adverse effect on the following:
 - a. Surrounding properties and property values
 - b. The character and aesthetics of the neighborhood
 - c. Traffic patterns and circulation
 - d. Public health, safety, and utility services
 - e. Stormwater management
 - f. Water and wastewater capacity.
3. 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.
4. The proposed development meets the requirements of the *Zoning Bylaw Section 210 Productive Lands District*;
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 with the condition that no proposed development or use shall create, cause, or result in glare, lights, or reflections which constitute a nuisance to other property owners or tenants or which are detrimental to the public safety, health, or welfare. **All exterior lighting must be shielded to prevent glare to adjoining properties and to southbound traffic on U.S. Rt. 5.**
 6. Furtherance of the provisions of the Dummerston Town Plan.
 - i. The proposed development conforms to the Town Plan.
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 8 **day of** August, 2025.


Signed for the Dummerston Development Review Board

Chad Farnum
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.