

**TOWN OF DUMMERSTON**  
**Development Review Board**  
**LAND USE DECISION**

**Application:** Conditional Use Permit #3218 dated March 16, 2010

**Applicant:** Ralph and Delia Bolster  
387 East-West Road  
E. Dummerston, VT 05346

**Property:** 387 East-West Road  
Dummerston, VT 05346

The applicant, Ralph Bolster, requested a Conditional Use Permit to allow more than one principal building (replacing a mobile home with a modular home) on their 2,5 acre parcel at 387 East-West Road, Dummerston. Immediately prior to the Hearing, the members of the Development Review Board (DRB) present met with the applicants on the site to ascertain the locations of the mobile homes, their wells and septic systems and the dimensions of the setbacks as well as the location of the proposed modular home.

A hearing for Conditional Use approval was duly warned for Wednesday, April 28, 2010, at the Town Offices in Dummerston. Present at the Hearing were Development Review Board members, Patricia Jaquith, Regina Rockefeller, Lew Sorenson, Herb Rest and Cynthia Wilcox; alternates, Rick Sullivan and John Warren; Charlotte Annis, Zoning Administrator, the applicants, Ralph and Delia Bolster and the following members of the public: Jerrine Robinson, Bruce Hesselbach, Charles and Christine Bolster and Doug Morton.

**FINDINGS OF FACT:**

The Board finds as follows:

1. The applicant filed the current application #3218 on March 16, 2010 requesting a Conditional Use permit to replace the second mobile home on his property at 387 East-West Road with a modular home.
2. The applicant currently has two mobile homes on this property and is legally licensed as a mobile home park.
3. The applicant owns approximately 2.5 acres on the corner of East West Road and Tucker Reed Road on which are the two mobile homes, with a shared septic system and well. The relatively new mound wastewater disposal system is in the northwest corner of the parcel and wastewater is pumped up to it from individual septic tanks at each dwelling.
4. The applicant proposes to locate the modular home just to the rear (west) of the mobile home currently occupied by Charles and Christine Bolster, who will also

occupy the new modular home when built. The home will be built into the bank with a walk-out basement. A deck on the first floor level is also proposed. The existing mobile home will be removed when the modular home is built.

5. The permit application #3218 filed March 16, 2010, was not approved by the Zoning Administrator on the basis of Section 611 of the Zoning Bylaw which allows only one principle building on a lot except by Conditional Use Permit as applied for here. That decision was appealed to the Development Review Board and heard by April 28, 2010.
6. Section 611 of the Dummerston Zoning Bylaw states "There shall be only one principal building and one principal use on a lot unless otherwise approved under the Planned Residential or Planned Unit Development provisions of these Regulations, or as a Conditional Use approved by the Development Review Board."
7. General standards for a Conditional Use permit include consideration that the proposed development not adversely affect the capacity of existing or proposed community facilities, the character of the area, traffic on roads in the vicinity, current by-laws, use of renewable energy sources and furtherance of the Town Plan. Specific standards require that the development meet area, density, frontage, setback, coverage, height and any other general requirement for the District in which the proposed use will be located.
8. The proposed development is in a Rural Residential District.
9. The Wastewater Disposal permit from the State will need an amendment to allow for one more bedroom. The applicants are aware of this and are pursuing this amendment.
10. The application materials do not include provisions or any information about the proposed deck which, in itself requires a zoning permit.

## DECISION

The Board concludes that the development meets the standards for a Conditional Use Permit. It will meet all setbacks, area coverage, height, density and other dimensional requirements of the district.

The Board grants a Conditional Use Permit to Ralph and Delia Bolster to allow two principal structures on their property at 387 East-West Road (replacement of a mobile home with a modular home) with the following conditions:

1. Both dwellings must meet all of the setback and other dimensional requirements of Section 220 of the Bylaw.
2. The applicant secure and comply with all State and local permit and license requirements.

3. The mobile home occupied by the applicant's son Charles shall be removed from the property within 30 days from the delivery of the modular home on its foundation.
4. After removal of the mobile home the site be regraded, seeded and maintained as lawn.
5. The lower level façade of the modular home's foundation be finished in siding material and the area landscaped.
6. The fence along the Tucker Reed Road will remain in place.
7. The shared driveway will remain where it currently is.
8. The septic and water systems remain the same albeit connected to the new dwelling and not the mobile home to be removed.
9. Submission to the Zoning Administrator of building elevations for the modular home showing at least the front and south side.
10. Evidence of compliance with the State requirements for upgrade of its wastewater permit be submitted to the Zoning Administrator.
11. Submission of elevations and plans for the deck for approval by the Zoning Administrator as part of this permit.
12. The Zoning Administrator will review compliance with the conditions of this permit at least every five years.

The following members of the Dummerston Development Review Board participated and concur in this decision. This Decision is subject to appeal as provided by Vermont statute.

Lew Sorenson, Pat Jaquith, Herb Rest,  
Regina Rockefeller and Cynthia Wilcox  
DUMMERSTON DEVELOPMENT REVIEW BOARD

Dated: May 11, 2010

By \_\_\_\_\_

**RALPH BOLSTER  
CONDITIONAL USE APPLICATION #3218  
DRB HEARING: APRIL 28, 2010**

**EXHIBITS:**

1. Zoning permit application and site plan
2. DRB Application and any attachments
3. Newspaper Legal Notice
4. Applicant's Public Notice Certification
5. Floor plan and specifications for Modular home #182 from Pecteau Homes
6. Zoning Administrator's DRB referral letter to the Bolsters dated 3/23/2010