

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Black Birch Properties LLC, Amy Wall
Mailing Address: 86 Hillside Drive; Dummerston, VT 05346
Location of Property: Parcel # 00395, 1501 Rt 5, E. Dummerston, VT
Owner of Record: Black Birch Properties LLC
Application: Conditional Use Permit to change use of building #2
from 2BR Apt & Commercial Bldg Trade / Workshop
to 2BR Apt (Existing) & 1 BR Apt (was workshop)

Permit Application No. 3355

Date Sent: April 1, 2014

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Black Birch Properties, LLC under the Town of Dummerston Zoning Bylaw.
2. The application was received on January 10, 2014.
3. On January 25, 2014, notice of a public hearing was published at the municipal clerk's office.
5. Notice of a public hearing was mailed to the applicant and the following abutters of Black Birch Properties,:
 - A & S Seymour 1500 Rt 5, E. Dummerston, VT 05346
 - C. Titus 1656 Rt 5, E. Dummerston, VT 05346
 - Dummerston School 52 Schoolhouse Road, E. Dummerston, VT 05346
6. The application was considered by the development review board at a public hearing on February 18, 2014. The development review board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended January 23, 2013.

7. Present at the hearing were the following members of the development review board
 - Sam Griffis (Acting Chair)
 - Stephen Jarosak
 - Alan McBean
8. Present at the hearing were the following persons:
 - Charlotte Neer Annis (Dummerston Zoning Administrator)
 - Amy Wall
9. During the course of the hearing the following exhibits were submitted to the development review board:
 - A. DRB Letter dated 1/10/2014
 - B. Zoning Permit Application, Permit # 3355, dated 1/10/2014 with attached detail sheet:
 - a. Attachment to Zoning Permit Application from Amy Wall
 - C. Copy of “Town of Dummerston DRB List of Adjoining Property Owners” for application # 3355
 - D. Copy of “Town of Dummerston Development Review Board Land Use Decision” Application #3008 dated February 27, 2006
 - E. Copy of State of Vermont “Wastewater System & Potable Water Supply Permit” dated August 2, 2006, submitted by Alan McBean
 - F. Town of Dummerston “Development Review Board - Attendance Sign-In” dated 2/18/2014

FINDINGS

Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:

1. The applicant seeks a conditional use to change use of building #2 from 2BR Apt & Commercial Bldg Trade / Workshop to 2BR Apt (Existing) & 1 BR Apt (was workshop) as stated in the DRB’s Land Use Decision of Application #3008 Sub-Section “Decision” item #9. The subject property is a 6+ acre parcel located at 1501 Rt 5, E. Dummerston, VT in the Town of Dummerston (tax map parcel no. 00395).
2. The property is located in the RC (Rural Commercial) District as described on the Town of Dummerston Zoning Map.
3. Conditional use approval is requested for the project as a Multiple Family Dwelling as that term is defined in section 225 of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:
 - Sections 720 thru 727

4. The proposed conditional use will have a minimal impact if any to the existing site conditions.
5. The proposed work will alter the interior of the existing space to convert it from a Workshop to a 1 bedroom apartment.
6. The proposed change was proposed in permit application #3008 review and deemed needed a Conditional Use Permit per that decision.
7. Exterior doors and windows may need to be altered to meet Vermont Fire Safety Code and means of egress requirements.
8. There will be no additional vehicular traffic load added to the site after the building use has changed.
9. Existing site lighting will not be altered

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the development review board grants the application for the change of use of building #2 from a 2BR Apt & Commercial Bldg Trade / Workshop to a 2BR Apt (Existing) & 1 BR Apt (was workshop).

As conditioned, the proposed development meets the requirements of Sections 225 and 245 of the Zoning Bylaw. All setbacks; building area, dimensional, and coverage requirements are met. The DRB agrees that there will be a minimal if any impact to the site, vehicular traffic and surroundings upon granting this conditional use change.

The DRB agrees that the conditions set forth in the decision for permit #3008 are met and agree this decision pertaining to permit #3355 shall supersede permit #3008's "decision" item #9

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

Sam Griffis (Acting Chair), Stephen Jarosak, and Alan McBean