

APPLICATION FOR SETBACK WAIVER

TOWN OF DUMMERSTON

Development Review Board

Application for Setback Waiver Findings and Decision

Applicant: Marjorie Pivar
Mailing Address: 980 Miller Road, East Dummerston, VT 05346
Location of Property: Parcel # 164, 980 Miller Road, East Dummerston, VT
Owner of Record: Derrick Hoitsma, Jr. and Marjorie Pivar
Application: Setback Waiver for the installation of a 26' X 60' greenhouse to house a 17' X 52' above ground lap pool with a setback for the back end of the structure to be built six feet from the boundary line of subject premises.

Permit Application No. 3424
Date Sent: January 19, 2016

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application a setback waiver submitted by Marjorie Pivar under the Town of Dummerston Zoning Bylaw.
2. The application was received on January 19, 2016.
3. Notice of a public hearing was posted at the municipal clerk's office, at the post office and the school on on January 29, 2016.
4. Notice was submitted to the Commons newspaper January 29, 2016.
5. Notice of the public hearing was mailed to the applicant on January 29, 2016. Posting of the hearing notice on the property was completed January 29, 2016. Notice of a public hearing was mailed on February 16, 2016 to all abutters. The list of abutters can be found in the zoning file for this application.
6. The agenda for public hearing was posted at the municipal town clerk's office on February 16, 2016, at the post office and the school on February 19, 2016.
7. The application was considered by the Development Review Board at a public hearing on February 23, 2016. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as adopted September 23, 2015.

8. Present at the hearing were the following members of the Development Review Board

Alan McBean
Sam Griffis
Patty Walior
Beverly Kenney
Cami Elliott
Hugh Worden
Marty Forrett

9. Present at the hearing were the following persons:

Charlotte Neer Annis, Dummerston Zoning Administrator
Marjorie Pivar
Derrick Hoitsma

10. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- A. Applicant Certificate of Notice
- B. Zoning Permit Application, Permit #3424, dated January 19, 2016
- C. Copy of Town of Dummerston DRB List of Adjoining Property Owners for application #3424
- D. Town of Dummerston Development Review Board Attendance Sign-In for permit #3424

FINDINGS

Based on the application, testimony, exhibits and other evidence the Development Review Board makes the following findings:

1. Setback Waiver for the installation of a 26' X 60' greenhouse to house a 17' X 52' above ground lap pool.
2. The lap pool is to be used on an invitation only basis, and is will have 3 lanes for use by no more than 3 swimmers at a time.
3. There is adequate parking space for 3 vehicles on subject premises.
4. Applicant is considering including within this structure a porta potty inside with showers and changing area, and possibly an infra red sauna. The pool is to be heated by an electric heater.
5. There is a vernal wetland area located on subject premises.
6. Due to the general layout of subject property and the locations of the buildings thereon, it would be desirable to applicant to locate this structure such that the back end of said structure falls as closely as reasonably possible to the boundary line of subject premises at the location of the back wall of said proposed structure.
7. The applicable Zoning Bylaw section is Section 256.

DECISION AND CONDITIONS

Based upon these findings the Development Review Board grants the application for setback waiver, subject to the following conditions: No portion of the proposed structure shall be

located closer than six feet from the stone wall marking the boundary of subject property, and this six foot area shall remain clear of any and all equipment, structures and/or debris at all times. The construction and maintenance of said structure shall be kept in compliance with any and all requirements of any State of Vermont Agencies that may apply, including but not limited to: stormwater runoff mitigation; compliance with any and all State of Vermont wetlands protection requirements; wastewater system and potable water supply system permit requirements that may apply to the construction and maintenance of said structure. Any and all lighting shall be downward facing and constructed and operated in a manner that minimizes any glare beyond subject premises. Trees and other vegetation shall be maintained on subject premises in such a manner as to minimize any visual impact of said proposed structure.

Dated: April 6, 2016

Alan McBean, Sam Griffis, Patty Walior, Beverly Kenney,
Cami Elliott, Hugh Worden, Marty Forrett

DUMMERSTON DEVELOPMENT REVIEW BOARD

Submitted by:

Samuel Griffis