

# **Application for Conditional Use Review**

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## **TOWN OF DUMMERSTON**

### **Development Review Board**

#### **Application for Conditional Use Review Findings and Decision**

**Applicant:** Brunelle and Son Construction, LLC  
**Mailing Address:** 416 Tucker Reed Rd. E. Dummerston, Vt 05346  
**Location of Property:** Parcel # 701.00, 1064 Kipling Rd. Dummerston, VT  
**Owner of Record:** Paul and Barbie Schulick  
**Application:** Conditional Use Permit for a detached 1 bedroom accessory dwelling with its own well and septic system.

**Permit Application No. 3457**  
**Date Received: January 31, 2017**

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

1. This proceeding involves review of an application for conditional use submitted by Brunelle and Son Construction, LLC, under the Town of Dummerston Zoning Bylaw.
2. The application was received on January 31, 2017
3. On February 03, 2017, notice of a public hearing was published at the municipal clerk's office.
4. Notice of a public hearing was mailed to the applicant and the following abutters of Paul and Barbie Schulick at 1909 US Route 5:
  - Daniel E. Normandeau 1179 Kipling Rd. Dummerston, VT 05301
  - Claude E. Gouin 1102 Kipling Rd. Dummerston, VT 05301
  - Scott Farm, Inc. 707 Kipling Rd. Dummerston, VT 05301
  - Allen Steven Gallop 1037 Kipling Rd. Dummerston, VT 05301
  - William and Joyce Bassler 966 Kipling Rd. Dummerston, VT 05301
  - Phyllis Meadow Estate 42 Tucker Reed Rd. Dummerston, VT 05301
  - Joe and Anne Little 433 Middle Rd. Dummerston, VT 05301
5. A site visit was made to 1064 Kipling Rd. at 5:15 on February 28, 2017.

6. The application was considered by the Development Review Board at a public hearing on February 28, 2017. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended September 23, 2015.
7. Present at the hearing were the following members of the Development Review Board
  - Alan McBean, Chair
  - Cami Elliott
  - Sam Griffis
  - Patty Walior
  - Beverly Kenney
  - Marty Forrett
  - Chad Farnum
8. Present at the hearing were the following persons:
  - John Brunelle, Brunelle and Son Const.
  - Dennis Mewes, Abutter
  - Claude Gouin, Abutter
  - Lynde Kimball
9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
  - A. Applicant Certification of Notice.
  - B. DRB Hearing Checklist.
  - C. Town of Dummerston "Development Review Board - Attendance Sign-In" dated 2/28/2017.
  - D. Permit Application #3457 Dated January 31, 2017.
  - E. Plat Plan of Parcel 701, 1064 Kipling Rd. indicating location of proposed construction.

## **FINDINGS OF FACT**

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

1. The applicant seeks a conditional use permit to construct a 12'x32' one bedroom detached accessory dwelling.
2. The structure will be 13'6" in height set on piers.

3. The accessory dwelling is less than 30% of the habitable area of the main residence.
4. The structure will have its own well and septic system
5. There will be two parking spots for resident vehicles at the structure location.
6. The location and size of the accessory dwelling meet the zoning requirements for setback and percent coverage of the parcel
7. Access to the accessory dwelling will be from the existing driveway so there is no change to the access to Kipling Road.
8. The accessory dwelling will be occupied by a family member(s) or be used as a guest house. There is currently no plan to rent the apartment.

### **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for the construction of the accessory dwelling described above. The proposed development is deemed a conditional use for a parcel in a rural residential district and meets the requirements of Sections 220, 245 and 603 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met.

It is the Applicant's responsibility to be in compliance with any State issued permits at all times.

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. Alan McBean, Cami Elliott, Sam Griffis, Patty Walior, Beverly Kenney, Chad Farnum and Marty Forrett

DUMMERSTON DEVELOPMENT REVIEW BOARD

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Alan McBean, Chair

Dated: March 24, 2017