

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Caleb Kissling
Mailing Address: 371 School House Road, Dummerston, VT 05346
Location of Property: Parcel # 406, 371 School House Rd. Dummerston, VT
Owner of Record: Caleb Kissling
Application: Conditional Use Permit for a detached 1 bedroom accessory dwelling sharing a private well and septic system with an existing dwelling.

Permit Application No. 3467

Date Received: May 17, 2017

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Caleb Kissling, under the Town of Dummerston Zoning Bylaw.
2. The application was received on May 17, 2017.
3. On May 18, 2017, notice of a public hearing was published at the municipal clerk's office and submitted to The Commons on May 25, 2017.
4. Notice of a public hearing was mailed to the applicant and the following abutters of: Caleb Kissling at 371 School House Road, Dummerston, VT 05346 on May 30, 2017.
 - Philip G. & Betty B. Bolster, 428 School House Rd, E. Dummerston, VT 05346
 - John R. & Lori A. Brunelle, 416 Tucker Reed Rd, E. Dummerston, VT 05346
 - Vernon Fumagalli & Deborah Linn Kent, 238 East West Rd, E. Dummerston, VT 05346
 - James D. & Carol A. Jarvis, PO Box 8095, N. Brattleboro, VT 05304
 - Sheri Momaney & Patrick Gaffney, 372 School House, E. Dummerston, VT 05346
 - Douglas & Tammy Morton, 398 East West Rd, E. Dummerston, VT 05346
 - Kristen I. Neuf, PO Box 1065, Brattleboro, VT 05301

- John A. Ogorzalek, 265 East West Rd, E. Dummerston, VT 05346
 - Barry Robinson, 408 School House Rd, E. Dummerston, VT 05346
 - Thomas & Barbara Simeon, 360 East West Rd, E. Dummerston, VT 05346
 - John K. & Lori V. Thibault, 417 School House Rd, E. Dummerston, VT 05346
 - Ernest K. & Brenda L. Wood, 370 East West Rd, E. Dummerston, VT 05346
5. A site visit was made to 371 School House Rd. at 6:15 p.m. on June 20, 2017.
6. The application was considered by the Development Review Board at a public hearing on June 20, 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
 - Dennis Mewes
 - Chad Farnum
8. Present at the hearing were the following persons:
- Roger Vincent Jasaitis, ZA
 - No members of the public were present
 - Mr. Kissling chose not to attend the hearing
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 6/20/17.
 - D. Permit Application #3467 Dated May 17, 2017.
 - E. Plat Plan of Parcel 406, 371 School House Road 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'x28' one bedroom detached accessory dwelling.
2. The structure will be 14' 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 share a private 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.
8. The accessory dwelling will be occupied by a caretaker or be used as a guest house. There is currently no plan to rent the apartment.

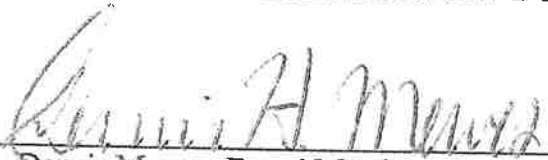
DECISION AND CONDITIONS

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 225, 245, 603 and 720 – 722 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met. This permit does not allow for the short term rental of the accessory dwelling as a guest house or Bed & Breakfast.

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, Dennis Mewes and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD


Dennis Mewes, Board Member

Dated: July 7, 2017