

# **Application for Conditional Use Review**

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## **TOWN OF DUMMERSTON**

### **Development Review Board**

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

**Applicant:** Cheryl Wilfong  
**Mailing Address:** 314 Partridge Rd. E. Dummerston, VT 05346  
**Location of Property:** Parcel # 269.00, 314 Partridge Rd. Dummerston, VT  
**Owner of Record:** Cheryl Wilfong  
**Application:** Conditional Use Permit for short term rental of an accessory apartment, an unspecified use in the rural zoning district.

**Permit Application No. 3469**

**Date Received: June 6, 2017**

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

1. This proceeding involves review of an application for conditional use submitted by Cheryl Wilfong under the Town of Dummerston Zoning Bylaw.
2. The application was received on June 6, 2017
3. On June 22, 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 Cheryl Wilfong at 314 Partridge Road:
  - Albert and Eileen Ahrenholz 228 Partridge Rd. East Dummerston, VT 05346
  - Read D. Miller III 193 Miller Road East Dummerston, VT 05346
  - Gladys Miller Estate 581 Miller Road East Dummerston, VT 05346
  - Diana Wahle and John Warren, Trustees 325 Partridge Road East Dummerston, VT 05346
5. A site visit was made to 314 Partridge Rd. at 5:30 on July 11, 2017.

6. The application was considered by the Development Review Board at a public hearing on July 11, 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
  - Dennis Mewes
  - Chad Farnum
8. Present at the hearing were the following persons:
  - Roger Jasaitis, Zoning Administrator
  - Cheryl Wilfong, Applicant
  - John Warren, Abutter
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 #3469 Dated June 12, 2017.

## **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 use an existing accessory apartment for the purpose of short term rental.
2. The accessory dwelling is a permitted structure and is in compliance with State Water and Wastewater rules.
3. The accessory dwelling is less than 30% of the habitable area of the main residence.
4. The structure shares well and septic system with the primary dwelling.
5. There are two parking spots designated for the rental property and two additional parking spots in the garage for the owners.
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 Partridge Road.
8. No signage will be used for identification or promotion of the rental property.

9. No lighting beyond typical residential lighting will be used and the lighting pools will not extend beyond the property boundaries.
10. There are no objections from the abutter present at the hearing regarding the intended use.

### **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for short term rental of the existing accessory dwelling described above. The proposed unspecified use is deemed a conditional use for a parcel in a rural district and meets the requirements of Sections 121, 215 and 620 and 720-722 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, Dennis Mewes and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD



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Alan McBean, Chair

Dated: August 25, 2017