

# Application for Conditional Use Review

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## TOWN OF DUMMERSTON

### Development Review Board

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

**Applicant:** Landmark Trust  
**Mailing Address:** 707 Kipling RD. Dummerston, VT 05346  
**Location of Property:** Parcel # 702.1, 481 Kipling RD Dummerston, VT  
**Owner of Record:** The Landmark Trust USA  
**Application:** Conditional Use Permit for short term rental of the former Rudyard Kipling house known as Naulakha, an unspecified use in the Productive Lands zoning district.

**Permit Application No. 3478**

**Date Received: June 12, 2017**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by The Landmark Trust USA under the Town of Dummerston Zoning Bylaw.
2. The application was received on June 12, 2017
3. On July 21, 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 The Landmark Trust USA 481 Kipling Rd. Dummerston VT
  - William & Patricia Bacon 442 Kipling Rd Dummerston VT 05301
  - John B & Barbara S Evans 518 Kipling Rd Dummerston VT 05301
  - Jerry & Carol Kocher 472 Kipling Rd Dummerston VT 05301
  - Winifred Vogt C/O Bradley House Brattleboro VT 05301
  - World Learning Inc. PO Box 676 Brattleboro VT 05302
5. A site visit was made to 481 Kipling Rd Dummerston on August 15, 2017 at 5:45 pm.

6. The application was considered by the Development Review Board at a public hearing on Aug. 15, 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
  - Patty Walior
  - Dennis Mewes
  - Chad Farnum
8. Present at the hearing were the following persons:
  - Roger Jasaitis, Zoning Administrator
  - Tristam Johnson, Applicant
  - Jerry & Carol Kocher, Abutter
  - Catherine Dianich Gruver
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 8/18/2017.
  - D. Permit Application #3478 Dated June 8, 2017.
  - E. Previous Land Use Decision dated March 18, 1992

## **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 Naulakha for the purpose of short term rental.
2. The dwelling is a permitted structure and is in compliance with State Water and Wastewater rules.
3. The structure shares septic system with the adjacent Scott Farm property.
4. There are four parking spots designated for the rental property
5. The location and size of the dwelling meet the zoning requirements for setback and percent coverage of the parcel.
6. Access to the dwelling will be from the existing driveway so there is no change to the access to Kipling Rd.
7. No signage will be used for identification or promotion of the rental property.

8. No lighting beyond typical residential lighting will be used and the lighting pools will not extend beyond the property boundaries.
9. 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 dwelling described above. The proposed unspecified use is deemed a conditional use for a parcel in a Productive Lands district and meets the requirements of Sections 121, 210 and 620 and 720-722 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met. The Zoning Board of Adjustment decision, dated March 18, 1992 is still in effect. This application meets the criteria laid out in #13 of the Goals of Dummerston in The Town Plan adopted February 6, 2014.

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, Patty Walior, Dennis Mewes and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD

  
Chad Farnum, DRB Member

Dated: September 6, 2017