

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Nick Marchese
Mailing Address: 156 West Street, Dummerston, Vermont 05301
Location of Property: Parcel # 000510, 154 West Street, Dummerston, VT 05301
Owner of Record: Nick Marchese
Application: Conditional Use Permit for a change of use.
Permit Application No. 3486
Date Sent: September 19, 2017

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Natalie Blake under the Town of Dummerston Zoning Bylaw.
2. The application was received on September 19, 2017.
3. On September 21, 2017, notice of a public hearing was published at the municipal clerk's office.
5. Notice of a public hearing was mailed to the applicant and the following abutters of Nick Marchese, 154 West Street, Dummerston, VT:
 - Alexander S. and Karin Blakeson, PO Box 37, West Dummerston, VT 05357
 - Virginia H. Carter, P O Box 16, Townshend, VT 05353
 - Nicholas F. Marchese and Natalie Blake, 154 West Street, Dummerston, VT 05301
 - Ronald C. and Jo-Ann Tier, 36 Hibbard Point Rd., North Hero, VT 05474
 - Town of Dummerston, 1523 East-West Road, Dummerston, VT 05346
6. The application was considered by the Development Review Board at a public hearing on October 17, 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
 - Chad Farnum
 - Dennis Mewes
 - Sam Griffis
 - Patty Walior
 - Jen Sargent

8. Present at the hearing were the following persons:
 - Roger Jasaitis (Dummerston Zoning Administrator)
 - Jean Momaney
 - Ann Davis
 - Joann Tier
 - Ron Tier
 - Paul Chapman
 - Theresa Chapman
 - Bev Tier
 - John Gregory
 - Carrie Towle
 - Natalie Blake
 - Nick Marchese
 - Lisa Blake
 - Gurudham Khalsa

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 10/17/2017.
 - D. Building sketch for proposed change of use.
 - E. Permit Application #3486 Dated September 19, 2017.
 - F. Town of Dummerston map for parcel # 000510.000 and abutters.
 - G. The following letters, statements, etc. were submitted by members of the community for consideration:
 - Exhibit A: notice of complaint dated November 12, 2016 signed by 9 Dummerston residents;

 - Exhibit B: letter of concern signed by Donna Summers;

 - Exhibit C: letter of concern dated October 11, 2017 signed by Ron and Jo-Ann Tier;

 - Exhibit D: statement of support signed by 19 Dummerston residents;

Exhibit E: notice of concern by Paul Chapman;

Exhibit F: notice of concern by Hugh Worden.

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 change the use of the property from single family dwelling to be used for short term rentals.
2. The proposed use is an example of a trend that is currently the subject of review by the Dummerston Planning Commission and the State of Vermont: it is likely that there will be new rules in place for such use in the foreseeable future.
3. Lack of adequate space for parking is a serious concern in the West Dummerston Village. It is not reasonably practicable to park more than two vehicles in the available space in front of the building safely.
4. Concern has been expressed as to the effect which the proposed use might have on the character of the neighborhood. The character of the Dummerston West Village consists largely, but not entirely, of owner occupied single family residential dwellings. However, the character of the Village has undergone many changes over its long history: there was once a railroad station and businesses to accommodate the needs of railroad travelers; the Grange building was actively used for events that brought many people to the Village; the school hosted a great deal of traffic and activity. The Post Office continues to be an active location in the Village. It is not likely that the proposed use would have a noticeable impact on the current character of the area: the number of anticipated guests is not large, nor is there any evidence that guests are of questionable character.
5. Property has existing spring and septic system.
6. Previous permit #3230 and DRB Decision for a Variance in 2010 remain in effect.

DECISION AND CONDITIONS

Based upon these findings and subject to the conditions set forth below, the Development Review Board grants the application for a change in business use of the property at 154 West Street, Dummerston, VT for use as a short term rental, with maximum of six person occupancy. The area in front of the building may be used for the parking of not more than two vehicles when short term rentals are taking place on the property. The proposed change of use is deemed a conditional use for a parcel in a Settlement Area District and meets the requirements of Sections 121, 230, 620, 715 and 720 – 722 of the Zoning Bylaw. This permit shall be valid for a two year term, at which time applicants may re-apply under rules and regulations that are in effect at that time.


It is the Applicant's responsibility to be in compliance with any and all State permit requirements 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.

Dated: November 28, 2017

Alan McBean, Chair, Cami Elliott, Chad Farnum,
Dennis Mewes, Sam Griffis, Patty Walior, Jenn
Sargent

DUMMERSTON DEVELOPMENT REVIEW BOARD

A handwritten signature in black ink, appearing to read 'AJM', is written over the printed name of Alan J. McBean.

Alan J. McBean for the Board