

# **Application for Conditional Use Review**

## **TOWN OF DUMMERSTON**

### **Development Review Board**

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

**Applicant: Scott Farm/Landmark Trust**

**Mailing Address: 707 Kipling Road, Dummerston, Vermont 05301**

**Location of Property: Parcel # 000702, 707 Kipling Road, Dummerston, VT 05301**

**Owner of Record: Scott Farm**

**Application: Conditional Use Permit for Agri-tourism**

**Permit Application No. 3493**

**Date Sent: November 14, 2017**

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

1. This proceeding involves review of an application for conditional use submitted by Tristram Johnson/Scott Farm under the Town of Dummerston Zoning Bylaw.
2. The application was received on November 14, 2017.
3. On November 20, 2017, notice of a public hearing was published at the municipal clerk's office, Dummerston School, the town post office. It was also published in the Commons newspaper.
4. Notice of a public hearing was mailed to the applicant and the following abutters of Scott Farm, 707 Kipling Road, Dummerston, VT:
  - Leon Chamberlin Jr, 739 Kipling Road, Dummerston, VT 05301
  - Barbara Evans Revocable Trust, 518 Kipling Road, Dummerston, VT 05301
  - Landmark Trust Inc (Usa) 707 Kipling Road, Dummerston, VT 05301
  - Malcolm Stevenson Et Al, Wilcox Foley & Barone, 60 Prospect St, Vernon Rockville, CT 06066
  - World Learning Inc, PO Box 676, Brattleboro, VT 05301

- Town of Dummerston, 1523 East-West Road, Dummerston, VT 05346

5. A site visit was held on December 11, 2017

6. The application was considered by the Development Review Board at a public hearing on January 9, 2018. 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

- Cami Elliot
- Chad Farnum
- Dennis Mewes
- Patty Walior
- Jen Sargent

8. Present at the hearing were the following persons:

- Roger Jasaitis (Dummerston Zoning Administrator)
- Paul Normandeau
- JoJean Normandeau
- Tristam Johnson
- Jack Manix
- Jim Johnson
- Margaret Lyons

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 1/9/18
- D Building sketch for proposed change of use.
- E. Permit Application #3493. Dated November 14, 2017
- F. Architectural floor plans, elevation plans

## **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 for Agri-tourism for the enlargement of the 2 apartments in an existing structure by converting an attached garage for additional

living space in those apartments, and adding a handicap ramp and entrance per American Disability Act standards, and also a rear deck that will serve as a fire escape for the second floor at 707 Kipling Road.

2. The proposed meets the definition of Agri-tourism as defined in the Dummerston Town Zoning By-Laws page 54.
3. There is sufficient off street parking.
4. Property has existing well and septic system. These systems have been tested and there is more than adequate septic for the increase of people and research is being conducted for a holding tank that will put out 5 gallons of water/minute to meet the demand.

### **DECISION AND CONDITIONS**

Based upon these findings the Development Review Board grants the application for a change in use of the property at 707 Kipling Road, Dummerston, VT for Agri-tourism. The proposed change of use is deemed a conditional use for a parcel in a Productive Land District and meets the requirements of Sections 210, 660, 715, 720 – 722, of the Zoning Bylaw.

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.

Dated: January 17, 2018 Cami Elliot, Dennis Mewes,  
Chad Farnum, Patty Walior,  
Jen Sargent

### **DUMMERSTON DEVELOPMENT REVIEW BOARD**

Respectfully Submitted,



Jennifer Sargent