

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Stewart & Kristen McDermet
Mailing Address: 62 Butterfield Rd Dummerston, VT 05301
Location of Property: Parcel # 577, 62 Butterfield Rd. Dummerston, VT
Owner of Record:
Application: Conditional Use Permit for the residential use of a second principle building on the lot and short term rental of the second principle building, an unspecified use in the conservation zoning district.

Permit Application No. 3496
Date Received: January 31, 2018

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Kristen & Stewart McDermet under the Town of Dummerston Zoning Bylaw.
2. The application was received on January 31, 2018
3. On March 14, 2018, 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 Stewart & Kristen McDermet of 62 Butterfield Rd Dummerston.
 - Arthur S Ellor Revocable Trust 247 Cemetery Rd Dummerston, VT 05301
 - Sandra Kim Leary & Ricky Donald Ballantine 283 Kelly Rd Dummerston, VT 05301
 - Alex Ansaldi & Aaron, Adam & Casey Amoree 186 Bidwell St Manchester, CT 06040
 - Brattleboro Water Dept. 230 Main St Brattleboro, VT 05301
 - Rjae LLC 169 Rye St Broadbrook, CT 06016
5. A site visit was made to 62 Butterfield Rd. at 6:15 on March 20, 2018.

6. The application was considered by the Development Review Board at a public hearing on March 20, 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
 - Sam Griffis,
 - Cami Elliott
 - Jen Sargent
 - Patty Walier
 - Chad Farnum
8. Present at the hearing were the following persons:
 - Roger Jasaitis, Zoning Administrator
 - Stewart McDermet, Applicant
 - Kristen McDermet, Applicant
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 3/20/2018
 - D. Permit Application #3495 Dated January 31, 2018. Including site drawings, wastewater permits, abutter list and previous DRB decision dated Feb. 22, 1994.

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 Residential Use of the secondary building on a lot.
2. The applicant seeks a Conditional Use permit for Short Term Rental of the secondary principal building.
3. The dwelling is a permitted structure and is in compliance with State Water and Wastewater rules.
4. The structure shares well and septic system with the primary dwelling.

5. There are two parking spots designated for the rental property.
6. Access to the accessory dwelling will be from the existing driveway so there is no change to the access to Butterfield 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 were no abutters present at the hearing or objected in writing to the intended uses.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for the residential use of the secondary principal building on the lot and short-term rental of the secondary principal building described above with the following stipulations:

- A Zoning permit will be required for the garage that was built to replace the burned out shed.
- A Zoning permit will be required for the rear porch of the secondary principal building.

This decision grants conditional use approval for the residential use of secondary principal building on the lot under section *611 Buildings and Uses on Lots* as required by the Land Use Decision dated February 22, 1994 by the Dummerston Zoning Board of Adjustment.

This decision grants Conditional Use approval under section *121 Unspecified Use* for Short Term Rental and is deemed a conditional use for a parcel in a conservation district and meets the requirements of *Sections 205, 611, 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 required 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. Sam Griffis, Cami Elliott, Patty Walior, Jen Sargent, and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Chad Farnum

Dated: April 10, 2018

