

# **Application for Appeal of Land Division Permit**

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## **TOWN OF DUMMERSTON**

### **Development Review Board**

#### **Application for Appeal of Land Division Permit Findings and Decision**

**Applicant:** Samuel Greenhoe and Eliza Greenhoe-Bergh  
**Mailing Address:** 283 Greenhoe Road, E. Dummerston, VT 05346  
**Location of Property:** 345 Greenhoe Road, E. Dummerston, VT 05346  
**Owner of Record:** Samuel Greenhoe and Eliza Greenhoe-Bergh  
**Application:** Appeal of Application #LD379 for denial of Land Division Permit  
under Dummerston Zoning Bylaw section 716  
**Permit Application #LD379**  
**Date Received:** 8/16/18

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

1. This proceeding involves review of an application for appeal of a denial of land division permit submitted by Samuel Greenhoe and Eliza Greenhoe-Bergh under the Town of Dummerston Zoning Bylaw.
2. The application was received on August 16, 2018.
3. On August 29, 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 345 Greenhoe Road, E. Dummerston, VT
  - William E. Bandish, 358 Greenhoe Rd, East Dummerston, VT 05346
  - Clifford A. Bergh W/ Life Estate, Eliza-Greenhoe Bergh W/ Life Estate 283 Greenhoe Road, East Dummerston, VT 05346
  - David L. Greenewalt, 1130 Bunker Rd, East Dummerston, VT 05346
  - Andrew Morrison, Katie E. Ross, 147 Greenhoe Road, East Dummerston, VT 05346
  - Nancy Storrow Trustee, 139 Plowden Road, Putney, VT 05346

5. A site visit was made to 243 Greenhoe Rd, E. Dummerston VT on September 18, 2018.
6. The application was considered by the Development Review Board at a public hearing on September 18, 2018. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended March 28, 2018.
7. Present at the hearing were the following members of the Development Review Board
  - Cami Elliott
  - Patty Walior
  - Dennis Mewes
  - Chad Farnum, Acting Chair
  - Jen Sargent
8. Present at the hearing were the following persons:
  - Roger V. Jasaitis, Zoning Administrator
  - Eliza Greenhoe-Bergh
  - Cliff Bergh
  - Barbara Greenhoe
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 9/18/18.
  - D. Permit Application #LD379 Dated 7/25/18.
  - E. Letter to Dummerston DRB from Eliza Greenhoe-Bergh and Samuel Greenhoe dated September 17, 2018.
  - F. Copy of tax map showing property lines
  - G. Email from Nancy Storrow to Roger V. Jasaitis, Zoning Administrator

## **FINDINGS OF FACT**

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant appeals the denial of a land division permit under Dummerston Zoning Bylaw section 715.2 for appeals of any decision of the Zoning

Administrator and associated variance request, at 345 Greenhoe Road, East Dummerston, a conservation district.

2. After review of section 728 of the Dummerston Zoning Bylaw, the Board has determined that not all of the 5 facts listed under this section have been met.

These are the Board's findings:

1. The unique physical circumstances or conditions of the property fit the description of conserved lands in the town plan. See section 205 of the town Bylaw
2. A variance for a sub-division of 2 acres from parcel 150 is not the only option available. The authorization of a variance is not necessary to enable the reasonable use of the property.
3. The board does not see this as an unnecessary hardship due to the options available to the appellant.
4. If authorized, a variance would change the character of the Conservation District; see section 205--- specifically, mention made of priority and purpose and the importance of maintaining vital conservation areas.
5. Subdivisions of less than 10 acres in a Conservation District are not permitted. The board does not wish to deviate from the Town Plan.

## **DECISION AND CONDITIONS**

Based upon these findings, the Development Review Board denies the request for a variance sought by the appellant to subdivide parcel #150 in a conservation district.

At the conclusion of deliberations, an appeal of application LD379, a motion was made and seconded to deny the application and stated that a yes vote would signify a denial of the application. The resulting vote was 4-1 in favor of denial.

The following members of the Dummerston Development Review Board participated and voted in this decision. The Decision is subject to appeal as provided by Vermont statutes. Cami Elliott, Dennis Mewes, Patty Walior, Jen Sargent and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD

  
Dennis Mewes

Dated: October 16, 2018