

Application for Conditional Use Review

Town of Dummerston

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Dustin and Courtney Manix
Mailing Address: 564 Nourse Hollow Road, Dummerston, Vermont 05346
Location of Property: 564 Nourse Hollow Road, Dummerston, VT 05346
Owner of Record: Dustin and Courtney Manix
Application: Conditional Use Permit under Dummerston Zoning Bylaw:
Section 603 for an Accessory Structure with an Accessory Apartment at Parcel#775, a
Residential District.
Permit Application: #3546
Date Sent: April 3, 2019

Introduction and Procedural History

1. This proceeding involves the review of an application for conditional use Permit under Dummerston Zoning Bylaw: Section 603 for an Accessory Structure with an Accessory Apartment at Parcel#775, 564 Nourse Hollow Road, Dummerston, VT a Residential District
2. The application was received April 3, 2019
3. A notice of public hearing was posted within view of the public right-of-way May 1, 2019
4. The notice was posted at the Town Office, Post Office and Dummerston School on 4/30/19
5. The Notice was published in The Commons on 4/30/19.
6. Notice of public hearing was mailed to the following abutters on April 24, 2019
 - *Barrows, Brian T and Talbot, Nicole A.
 - *Coyle Claiborne H & Webber Martha
 - *Lane Mark & Kimberly J
 - *Normandeau Paul & Jo Jean
 - *Powers Donald
 - *Wood Albert & Carol Lee
7. A site visit was conducted on 5/21/19.
8. The application was considered by the Development Review Board at a public hearing 5/21/19
9. Present at the hearing were the following members of the DRB:
 - Chad Farnum, Acting Chair
 - Patty Walior
 - Jen Sargent

Dennis Mewes
Josh Pacheco
Cami Elliott

10. Present at the hearing were the following persons:

Dustin Manix
Courtney Manix
Roger V. Jasaitis (Dummerston Zoning Administrator)

11. During the course of the hearing the following exhibits were submitted to the DRB.
Applicant Certification of Notice

- A. Zoning Permit Application, Permit # 3546, dated 4/3/19
- B. New structural drawing
- C. Copy of "Town of Dummerston DRB" Attendance sign in for Permit #3546
- D. Map of Parcel #3546 and abutters.
- E. Wastewater System and Potable Water Supply Permit WW-2-3995

These exhibits are available at Dummerston Town Office

FINDINGS OF FACT

Based on the application, testimony, exhibits and other evidence the DRB makes the following findings:

- 1. The applicants seek a conditional use permit to build an Accessory structure with an accessory apartment.
- 2. The existing dwelling has 3 bedrooms and is approx 1700 sq. feet.
- 3. The accessory structure will be a one bedroom, 1.5 bathroom apartment.
- 4. The current wastewater system is designed for a four bedroom single family residence with a design flow of 490 gpd. A 3 bedroom and detached one bedroom has a design flow of 560gpd.
- 5. The accessory structure will use the existing well.
- 6. There will be two parking spots in the accessory structure and an additional two parking spots outside of the structure.
- 7. The footprint of the Accessory Structure will be 24x28 feet; this is a change from the original proposal of 36x24 feet.
- 8. The square footage of the accessory structure will be approx. 672 square feet.
- 9. Access to the accessory structure will be from the existing driveway so there will be no change to Nourse Hollow Road.
- 10. No objections from the abutters were presented to the board.

DECISION AND DISCUSSION

Based on these findings, and subject to the conditions set forth below, The Development Review Board grants the applicant a conditional use permit for an accessory structure with an accessory apartment, **with the understanding that the current Wastewater Permit is inadequate and this conditional use permit is not valid until such time that a valid Wastewater Permit is issued and reported to the zoning administrator.**

The proposed accessory structure meets the **following** requirements of Section 603 "Equal Treatment of Housing" of the Zoning Bylaw.

The Accessory apartment is subordinate to the existing single-family dwelling.

The Accessory apartment has all of the facilities for independent living.

The unit does not exceed 1,000 square feet.

All applicable setback, coverage and parking requirements have been met.

It is a new accessory structure.

* The current Wastewater Permit does not meet the requirements for 3-bedroom single family home **and** a detached one-bedroom apartment, (a flow of 560gpd).

*The applicant needs to be aware that in order to rent the apartment to someone outside of the family the well will need a full battery of water quality tests.

It is the applicant's responsibility to obtain and be in compliance with all Town and 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.

Chad Farnum, Patty Walior, Jen Sargent, Dennis Mewes, Cami Elliott, Josh Pacheco

DUMMERSTON DEVELOPMENT REVIEW BOARD


Cami Elliott

Dated: June 12 , 2019