

Application for Conditional Use Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Lauren Shockley and Daniel Folgar
Mailing Address: PO Box 110 Putney, VT 05346
Location of Property: Parcel # 126.100, 2915 W. River Rd. Dummerston, VT
Owner of Record: Lauren Shockley and Daniel Folgar
Application: Conditional Use Permit for an Accessory Dwelling unit in the Rural Commercial Zoning District, under Section 603 of the Zoning Bylaw.

Permit Application No. 3550

Date Received: April 30, 2019

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use submitted by Lauren Shockley and Daniel Folgar under Section 603 of the Dummerston Zoning Bylaw.
2. The application was received on April 30, 2019.
3. On May 29, 2019 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 Lauren Shockley and Dan Folgar at 2915 W. River Road:
 - David and Rebecca Koski PO Box 504 West Dummerston, VT 05357
 - Mapleton Farm, Inc. 19 Timber Lane Brattleboro, VT 05301
5. A site visit was made to 2915 West River Road on June 18, 2019.
6. The application was considered by the Development Review Board at a public hearing on June 18, 2019. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended and approved on May 22, 2019.

7. Present at the hearing were the following members of the Development Review Board

- Alan McBean, Chair
- Cami Elliott
- Chad Farnum
- Dennis Mewes
- Josh Pacheco
- Jen Sargent
- Patty Walior

8. Present at the hearing were the following persons:

- Roger Jasaitis, Zoning Administrator
- Lauren Shockley
- James and April Donachy

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 June 18, 2019.
- D. Permit Application #3550 Dated April 30, 2019.

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 an accessory dwelling for the purpose of full time occupancy. The dwelling is a 30' diameter, 706 sf., 14'4" high yurt which will be erected on a platform.
2. An application has been submitted for a State Water and Wastewater permit.
3. The accessory dwelling is less than 30% of the habitable area of the main residence or less than 1000 sf in size.
4. The structure will share the well with the primary dwelling if it passes quality testing and if not they will drill a second water supply for the accessory unit.
5. There are at least two extra parking spots which have a minimum size of 9' x 22' designated for the rental property and parking is adequate for the primary dwelling.
6. The location and size of the accessory dwelling meet the zoning requirements for setback and percent coverage of the parcel.
7. Access to the accessory dwelling will be from the existing driveway so there is no change to the access to West River Road.

8. No lighting beyond typical residential lighting will be used and the lighting pools will not extend beyond the property boundaries.
9. There are no objections from the abutters entered at the hearing regarding the intended use.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the application for an Accessory Dwelling described above. The proposed use is deemed a conditional use for a parcel in a rural commercial district and meets the requirements of Sections 235, 603, 620 and 720-722 of the Zoning Bylaw. All setbacks, building area, dimensional, and coverage requirements are met. Any change in the accessory dwelling structure or occupancy requires resubmission of this permit for conditional use approval.

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. Alan McBean, Cami Elliott, Chad Farnum, Dennis Mewes Josh Pacheco, Jen Sargent and Patty Walior.

DUMMERSTON DEVELOPMENT REVIEW BOARD



Alan McBean, Chair

Dated: July 24, 2019