

TOWN OF DUMMERSTON

Development Review Board

Conditional Use and Site Plan Review Application Findings and Decision

HEARING SPECIFICS

Permit Application Number: 3789

Date Received: October 10, 2024

Applicant: Helen R. Hawes

Mailing Address: P.O. Box 42, West Dummerston VT, 05357.

Location of Property: Parcel 589.1, 183 Bear Hill Rd., Dummerston, VT

Owner of Record: Helen R. Hawes

Application: Conditional Use Application; Short Term Rental and Site Plan Review.

Date of Hearing: November 19, 2024

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use, Short Term Rental and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections 720 - 726.
1. On October 30, 2024, notice of a public hearing was published in The Commons.
2. On October 24, 2024, notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.
3. On October 31, 2024, notice of a public hearing was posted at the following place: 183 Bear Hill Rd., Dummerston, VT, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
4. On October 24, 2024, a copy of the notice of a public hearing was emailed to the applicant.
5. On October 24, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Evans Brooke E, 25 High Bridge Rd, Dummerston, VT 05301
 - b. Harlow Elizabeth Trustee, 1915 Main St, E Hartford, CT 06108
 - c. Momaney Mitchel & Martha W/Life Estate, Momaney Ross & Momaney Tyler, P0

Box 563, Brattleboro, VT 05302

- d. Turner Rebecca Wood, 1309 Wickopee Hill Rd, Dummerston, VT 05301
6. The application was considered by the Development Review Board (DRB) at a public hearing on November 19, 2024.
7. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
8. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Cami Elliott, Chad Farnum, Peter Doubleday, Patty Walior.
 - b. Others:
Helen Hawes (applicant), Roger Jasaitis (Zoning Administrator).
9. No site visit was conducted.
10. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3789.
 - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3789.
 - c. State Wastewater Permit: WW-2-6736R.

FINDINGS OF FACT

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

- The applicant seeks a Conditional Use permit for Conditional Use, Short Term Rental, under Sections 720-726 of the Dummerston Zoning Bylaw, at parcel #589.1, 183 Bear Hill Rd., Dummerston, VT. The subject property is a 5.1 acre parcel located at 183 Bear Hill Rd., in the Town of Dummerston (tax map parcel no. 000589). The property is more fully described in a Deed recorded at Book 134, Page 347-348, in the Town of Dummerston Land Records.
- The property is located in the Rural District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 215 of the Zoning Bylaw.
- The Application states Conditional Use approval is requested for:
 - a. Short Term Rental of Residence and Accessory Structures (3).
- The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: Article 7; Section 720 Development Review Board and Article 7; Section 724 Site Plan Approval.
- Applicant: Helen Hawes states that she wants to use the property for Short Term Rental of the "studio" (residence) and 3 "huts" (accessory structures). She discussed her new waste water permit, approved by the state, that allows for composting bins aged a couple of years and then using an open air forest environment. She clarified that the outhouse is part of a composting toilet system. The shared kitchen has indoor plumbing. She clarified that the

cabins are not used by, multiple people simultaneously, with a maximum of 2-3 people at any given time. The renters have access to a shared kitchen and indoor toilet room. She also mentioned that, the cabins are not credited with any water or wastewater usage in the design flow.

- The Zoning Administrator mentioned the need for Town CU permits for Airbnb usage on the property, which he confirmed was in compliance with wastewater regulations at this time.
- Alan McBean (DRB) asked if the Accessory Structures were now permitted? The ZA replied that the structures ended up being “grandfathered” because, although built without proper permits, they were now more than 15 years old and beyond the State statute of limitations.
- Helen said there would be no additional signage or lights. She clarified that there is parking for at least, seven cars, more than enough.
- She commented on the recent damage to a ceramic sign and an American chestnut tree caused by a town plow.
- Helen also mentioned the possibility of short-term rentals in the winter, but noted that heating the studio building would be a significant expense.

DECISION AND CONDITIONS

The Development Review Board (DRB) finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and Approves the application.

1. The DRB approves the application for Short Term Rental.

a. The DRB found this application meets the requirements in the following ways:

i. The site visit and testimony showed:

1. 3 Accessory structures (designated as “huts”) that are being used as dormitories on site.
2. An outhouse on site.
3. Composting of human solid waste on site.
4. The number of bedrooms on site is potentially 5.

These facts are included in the State Wastewater permit WW-2-6736R. The State permit allows for; *An existing 1 bedroom home for up to 2 occupants and an existing studio apartment for up to 2 occupants on a lot with 3 campsite cabins.*

2. No changes can be made to this site without prior approval from the State Drinking Water and Groundwater Protection Division.
3. The Applicant must follow all State Short Term Rental safety, health and financial obligations from the Department of Health and the Vermont Division of Fire Safety.

The following members of the Dummerston Development Review Board participated and concurred in this decision: Chad Farnum, Peter Doubleday, Cami Elliott, Alan McBean, Patty Walior.

Dated at Dummerston, Vermont, this 3rd day of December, 2024.



Signed for the Dummerston Development Review Board

ALAN J. MCBEAN

Printed Name

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.