

TOWN OF DUMMERSTON

Development Review Board

Application for Right of Way and Site Plan Review

Findings and Conditions

HEARING SPECIFICS

Permit Application Number: 3832

Date Received: November 18, 2025

Applicants: David Ryan

Mailing Address: 202 Ryan Rd.,Dummerston, VT 05301

Location of Property: Parcel 705, 202 Ryan Rd.,Dummerston, VT 05301

Owner of Record: David Ryan

Application: Right of Way

Date of Hearing: December 16, 2025

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of application #3832 for Right of Way under the Town of Dummerston Zoning Bylaw Section 602.
2. The subject property is 56 acres, located at 202 Ryan Rd.,Dummerston, VT 05301, in the Town of Dummerston (tax map parcel no. 000705). The property is more fully described in a Deed recorded at Book 118: Page 505 in the Town of Dummerston Land Records.
3. The property is located in the Rural Residential and Conservation Districts as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Sections 205 and 220 of the Zoning Bylaw.
4. On November 26, 2025 notice of a public hearing was published in The Commons.
5. On November 26, 2025 notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
6. On December 1, 2025, notice of a public hearing was posted at the following place: 202 Ryan Rd.,Dummerston, VT 05301, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.

7. On November 20, 2025, a copy of the notice of a public hearing was mailed to the Applicant.
8. On November 20, 2025, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Dews Edwin, 123 Ryan Rd, Dummerston, VT 05301
 - b. Elder Rod W & Alison M, 966 Kipling Rd, Dummerston, VT 05301
 - c. Evans Barbara S Revocable Trust, 518 Kipling Rd, Dummerston, VT 05301
 - d. Evans Kathleen M, 150 Ryan Rd, Dummerston, VT 05301
 - e. Forester Lois J, 355 Kipling Rd, Brattleboro, VT 05301
 - f. Little Joseph E & Anne M, 433 Middle Rd, Dummerston, VT 05301
 - g. Rooney Brian & Carolyn, 25 Central Park West Apt 7M, New York, NY 10023
 - h. Sopper Francis P, 25 Ryan Rd, Dummerston, VT 05301
9. The application was considered by the Development Review Board (DRB) at a public hearing on December 16, 2025.
10. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
11. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Alan McBean, Patty Walior, Peter Doubleday, Chad Farnum, Cami Elliott
 - b. Others: Roger Vincent Jasaitis (ZA)
12. A site visit was conducted on December 13, 2025. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean (Chair), Patty Walior, Peter Doubleday.
 - b. Others:
Roger Jasaitis (ZA), Skip Fletcher, Kim Fletcher.
13. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Right of Way, number: 3832.
 - b. Application to the DRB for Right of Way and Site Plan Review number: 3832.

FINDINGS OF FACT

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

1. The application (#3832) describes a request for a Right of Way (RoW) to access an abutting property (000705.2, Sopper, Frances). The RoW will run from Ryan Rd. along the southern parcel boundary to the Sopper parcel.
2. Alan McBean (DRB) clarified that the minimum width for a RoW is 20' wide.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a Right of Way:

1. The DRB finds that this application for a Right of Way meets the requirements of the Town Plan and Zoning Bylaw.
2. The application was considered under *Section 726 of the Zoning Bylaw; Site Plan Review Criteria*.

- 1. Compatibility with adjacent land uses.*

The DRB finds that this application is compatible with the adjacent land uses.

- 2. Maximum safety of vehicular circulation between the site and the street network.*

The DRB finds that this application provides adequate safety and vehicular circulation.

- 3. Adequacy of circulation, parking and loading facilities with particular attention to safety.*

Not applicable.

- 4. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.*

Not applicable.

- 5. Lighting, noise, odors, protection of renewable energy resources.*

Not applicable.

3. *The Zoning Bylaw Section 602* requires that access easements or rights-of-way shall not be less than 20 feet in width. The applicant must comply with this Section.
4. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued permits at all times or be in violation of the Zoning Bylaw. A Town Access Permit will be required for this Right of Way if it is developed.
5. Expiration: This Zoning Permit approval will expire by limitation two (2) years from the date of approval. All work must be completed as shown on any approved plan before the expiration date.

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

Dated at Dummerston, Vermont, this 22 day of December, 2025.

A handwritten signature in cursive script, appearing to read "Chad Farnum", written over a horizontal line.

Signed for the Dummerston Development Review Board

A handwritten name "Chad Farnum" in a cursive script, written over a horizontal line.

Print 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.