

# Application for Conditional Use Review

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## TOWN OF DUMMERSTON

### Development Review Board

### Application for Conditional Use Review Findings and Decision

<b>Applicant:</b>	<b>Cyrus Shaoul and Kerstin Roos</b>
<b>Mailing Address:</b>	<b>1109 Black Mtn. Rd. Dummerston, VT 05301</b>
<b>Location of Property:</b>	<b>1109 Black Mtn. Rd. Dummerston, VT 05301</b>
<b>Owner of Record:</b>	<b>Cyrus Shaoul and Kerstin Roos</b>
<b>Application:</b>	<b>Permit for short term rental, a conditional use in a rural residential district.</b>

**Permit Application No. 3620**

**Date Received: October 28, 2020**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use of a short-term rental in a rural residential district submitted by Cyrus Shaoul and Kerstin Roos under the Town of Dummerston Zoning Bylaw.
2. The application was received on October 28, 2020.
3. On November 13, 2020, notice of a public hearing was published at the municipal clerk's office and post office.
4. Notice of a public hearing was mailed to the applicant and the following abutters of 1109 Black Mtn. Rd. Dummerston, VT 05301:
  - Danzi, Robert F and Brubaker, Melanie A 1247 Black Mtn. Rd Dummerston, VT 05301
  - Doubleday Jason Peter and Kuralt, Lynn M 470 Rice Farm Rd. Dummerston, VT 05301
  - Ellison, David and Wendy 14 South Lane Hingham, MA 02043
  - Epstein, Richard Aldis 117 Howland Rd. Dummerston, VT 05301-9563
  - Lee, Barbara and Autenrieth, Ronald 64 Oak Hill Dr. Dummerston, VT 05301

5. A site visit was made to 1109 Black Mtn. Rd. Dummerston, VT 05301 at 9:30 am on Saturday, November 14, 2020. Those present at the site visit were:
  - Cami Elliott, DRB
  - Patty Walior, DRB
  - Josh Pacheco, DRB
  - Roger Jasaitis, Zoning Administrator
  - Cyrus Shaoul, Applicant
6. The application was considered by the Development Review Board at a public hearing via Zoom videoconference on November 17, 2020. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
7. Present at the hearing were the following members of the Development Review Board:
  - Alan McBean, Chair
  - Cami Elliott
  - Patty Walior
  - Chad Farnum
  - Josh Pacheco
8. Present at the hearing for this permit review were the following persons:
  - Roger Jasaitis, Zoning Administrator
  - Cyrus Shaoul
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 May 19, 2020 obtained by video conferencing.
  - D. Permit Application #3620 dated October 28, 2020.

## **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 short term rental in a rural residential district.
2. The rental consists of 1 bedroom, a living space, and a kitchen; that sleeps 4 (via a couch in the living space and a queen bed in the bedroom).

3. The rental is on the first floor of the residence and has its own entrance.
4. The unit has been used as a rental in the past.
5. The home is secluded from all neighbors and sits on 12.6 acres.
6. The septic is grandfathered due to the clean slate rule and as there have been no changes since before 1/1/2007, by the rule a septic permit is not required.
7. Current lighting consists of a flood light and a small light above the entrance.
8. Parking is adequate for the 2 required parking spots.
9. The unit is planned to be rented 4 days a month or 2 weekends a month.
10. The applicant will add no signs for the rental and no additional lighting.
11. The home is not being changed and therefore fits all permits in current use.

### **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for conditional use of a short term rental in a rural residential district as all conditions of Sections 220 and 620 are met.

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, Patty Walior, Josh Pacheco and Chad Farnum.

DUMMERSTON DEVELOPMENT REVIEW BOARD

  
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Joshua Pacheco

Dated: December 1, 2020