

# TOWN OF DUMMERSTON

## Development Review Board

### Conditional Use Application Findings and Decision

**Permit Application Number: 3652**

**Date Received: August 3, 2021**

**Applicant: John & Karin-Aisha Pandelaki**

**Mailing Address: 1107 U.S. Rt. 5, East Dummerston, VT 05346**

**Location of Property: Parcel 802, 1107 U.S. Rt. 5**

**Owner of Record: Karin Aisha Pandelaki Revocable Trust,  
John C Pandelaki Revocable Trust**

**Application: Conditional Use Application for Short Term Rental of Accessory Dwelling Unit.**

**Date of hearing: October 19, 2021**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use permit for Short Term Rental of an Accessory Dwelling Unit under the Town of Dummerston Zoning Bylaw section 720.
2. On September 29, 2021, notice of a public hearing was published in The Commons.
3. On September 29, 2021, notice of a public hearing was posted at the following places:
  - The Dummerston Town Office.
  - The West Dummerston Post Office.
  - The Dummerston School.
4. On October 4, 2021, notice of a public hearing was posted at the following place: 1107 U.S. Rt. 5, which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
5. On September 29, 2021, a copy of the notice of a public hearing was mailed to the applicant.
6. On September 29, 2021, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - a. Burnett Brenda L, Powers Bobbi J & Drake Donna, 53 Monteiro Dr, Hinsdale, NH 03451
  - b. Cavanagh Nancy, 36 Allerton Ave, Brattleboro, VT 05301
  - c. Andrews Joshua & Terry, 21 Dummerston Station Rd, E Dummerston, VT 05346

- d. Lengfellner Jason & Johana, 1127 US Rt 5, E Dummerston, VT 05346
  - e. Ranney Charles H, 1138 US Rt 5, E Dummerston, VT 05346
  - f. Short Terry D, 1071 US Rt 5, E Dummerston, VT 05346
7. The application was considered by the Development Review Board (DRB) at a public hearing on October 19, 2021.
  8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended May 22, 2019.
  9. Present at the hearing were the following:
    - a. Members of the Development Review Board:  
Josh Pacheco, Cami Elliott (via Zoom), Chad Farnum, Natalie Pelham-Starkey
    - b. Others:  
John & Karin-Aisha Pandelaki (Applicants), Roger Jasaitis (Zoning Administrator).
  10. Present at the site visit were the following:
    - a. Members of the Development Review Board:  
Josh Pacheco, Chad Farnum, Natalie Pelham-Starkey
    - b. Others:  
John & Karin-Aisha Pandelaki (Applicants), Roger Jasaitis (Zoning Administrator), Charles Ranney.
  11. During the course of the hearing the following exhibits were submitted to the DRB:
    - a. Application for Zoning Permit, number: 3652.
    - b. Application to the Development Review Board for a Conditional Use Permit, number: 3652.

## **FINDINGS OF FACT**

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

1. The applicant seeks a Conditional Use permit for a 3 season Short Term Rental of an Accessory Dwelling Unit under the Town of Dummerston Zoning Bylaw section 720. The subject property is a 14.2 acre parcel located at 1107 U.S. Rt. 5, in the Town of Dummerston (tax map parcel no. 000802). The property is more fully described in a Deed recorded at Book 124, Page 233, in the Town of Dummerston Land Records.
2. The property is located in the Residential District and Conservation District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 220 of the Zoning Bylaw.
3. Condition Use approval is requested for the Accessory Dwelling Unit as that term is defined in Article VIII, Page 1, of the Zoning Bylaw. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw:
  - a. Article VII, Section 715 Development Review Board.
  - b. Article VII, Section 724 Site Plan Approval.

4. John & Karin-Aisha Pandelaki (applicants) gave an overview of the project. They stated that they request a Conditional Use permit for a 3 season Short Term Rental of an existing Accessory Dwelling Unit (Permit #2708).
5. The applicants stated the current State wastewater permit for this parcel allows for this use.
6. The applicants stated they would like to add minimal lighting to light the walkway to the structure.
7. Karin-Aisha Pandelaki (applicant) stated that the use will be for 3 seasons because the water pipe to the structure freezes during the winter.
8. The applicant states the structure will hold 1 or 2 guests at one time. They do not know what the demand will be for rental and cannot say what the total number of guests will be.
9. The applicant states that a parking spot will be dedicated to this Use near the top of the driveway.
10. The applicants stated that they have no plans for signage yet. They have removed the existing sign for the B&B.
11. The Zoning Administrator advised that the property has an existing sign permit (Permit #0518) granted by the DRB for the B&B. It is allowable under the Zoning Bylaw Section 665 to repaint the sign for this Use. Any signage would be restricted to the size and placement by the existing permit.
12. The main structure on the parcel was a permitted B&B for 20 years prior to the applicants purchase of the property.

## **DECISION AND CONDITIONS**

**Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the applicants a Conditional Use permit for 3 season Short Term Rental of an Accessory Dwelling Unit.**

As conditioned, the proposed development meets the requirements of *Sections 721 of the Zoning Bylaw General Standards*:

1. *The capacity of existing or planned community facilities;*
  - a. The application meets this requirement.
2. *The character of the area affected;*
  - a. The application meets this requirement.
3. *Traffic on roads and highways in the vicinity;*
  - a. The application meets this requirement.
4. *By-laws then in effect;*
  - a. The application meets this requirement.
5. *Utilization of renewable energy sources;*
  - a. The application meets this requirement.
6. *Furtherance of the provisions of the Dummerston Town Plan.*
  - a. The proposed development conforms to the Town Plan.

*i. Housing Goals, Policies, and Action Steps*

1. *Goal 1: To create flexibility and diversity in Dummerston's housing stock.*
2. *Policy 1.3 Promote accessory dwelling units as a way to increase the rental supply of housing.*

As conditioned, the proposed development meets the requirements of *Sections 722 of the Zoning Bylaw Specific Standards:*

1. *Section 225 Residential District*
  - a. The proposed project will still conform to the purpose of the zoning district (as stated in *Sections 205-240* of these Bylaws) in which the land development is located. Specifically, service establishments in scale with the neighborhood.
2. *Section 615 Setback Requirements*
  - a. The proposed development meets the requirements for the district.
3. *Section 620 Off-Street Parking Requirements*
  - a. The proposed development meets the requirements with the condition of dedicating a parking space for the Accessory Dwelling Unit (*Section 620, (2)*).
4. *Section 635 Landscaping Requirements*
  - a. The proposed development meets the requirements.
5. *Section 640 Erosion and Sediment Control*
  - a. The proposed development meets the requirements.
6. *Section 660 Performance Standards*
  - a. The proposed development meets the requirements with the note that under *Section 660 (8) Fire, Safety, explosive , or other hazard*, Short Term Rental properties are considered Public Buildings by the State of Vermont and fall under the State Fire Regulations. This structure will be subject to inspection by the State Fire Marshal and must conform to State Fire Regulations for Public Buildings.
7. *Section 669 Permittable On-Premise Signs*
  - a. As conditioned by the existing Sign Permit #0818, the proposed development meets the requirements.

As conditioned, the proposed development meets the requirements of *Sections 726 of the Zoning Bylaw Site Plan Review Procedure:*

1. *Compatibility with adjacent land uses.*
  - a. The proposed development meets the requirements.
2. *Maximum safety of vehicular circulation between the site and the street network.*
  - a. The proposed development meets the requirements.
3. *Adequacy of circulation, parking and loading facilities with particular attention to safety.*
  - a. The proposed development meets the requirements with the condition of dedicating a parking space for the Accessory Dwelling Unit (*Section 620, (2)*).
4. *Adequacy of landscaping, screening and setbacks in regard to achieving maximum*

*compatibility and protection of adjacent property.*

- a. The proposed development meets the requirements.
5. *Lighting, noise, odors, protection of renewable energy resources.*
  - a. The proposed development meets the requirements with the condition that all added exterior lighting must be shielded to prevent glare to adjoining properties (*Section 660, (6)*).
1. Expiration: Zoning Permit approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the Administrative Officer prior to expiration. Requests for extensions must be made in writing to the Administrative Officer.
2. 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 this approval is null and void.

The following members of the Dummerston Development Review Board participated and concurred in this decision: Josh Pacheco, Cami Elliott, Chad Farnum, Natalie Pelham-Starkey.

Dated at Dummerston, Vermont, this 9 day of November, 2021.

  
Signed for the Dummerston Development Review Board

**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.