

# TOWN OF DUMMERSTON

## Development Review Board

### Conditional Use Application for Short Term Rental and Site Plan Review

#### Findings and Conditions

##### HEARING SPECIFICS

**Permit Application Number: 3733**

**Date Received: July 5, 2023**

**Applicant: Rosalind Fritz**

**Mailing Address: P.O. Box 189, Newfane, VT 05345**

**Location of Property: Parcel 755, 453 East West Rd., Dummerston, VT 05346**

**Owner of Record: Eve H Fritz & Rosalind J Fritz**

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

**Date of Hearing: August 15, 2023**

##### 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 and 724.
2. On July 26, 2023, notice of a public hearing was published in The Commons.
3. On July 26, 2023, 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 July 29, 2023, notice of a public hearing was posted at the following place: 453 East West 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.
5. On July 26, 2023, a copy of the notice of a public hearing was emailed to the applicant.
6. On July 26, 2023, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - a. Bolster Cleon & Theresa, 475 East West Rd, E Dummerston, VT 05346
  - b. Meckle Herbert, 12 Autumn Gem Drive, E Dummerston, VT 05346

7. The application was considered by the Development Review Board (DRB) at a public hearing on August 15, 2023.
8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2023.
9. Present at the hearing were the following:
  - a. Members of the Development Review Board:  
Alan McBean, Chad Farnum, Peter Doubleday.
  - b. Others:  
Rosalind Fritz (Applicant, Owner, via Zoom), Eve Fritz (Owner, via Zoom), Anneli Curnock, Brett Bartolotta (Barco Construction), Roger Jasaitis (Zoning Administrator).
10. A site visit was conducted on July 20, 2023.
11. Present at the site visit were the following:
  - a. Members of the Development Review Board:  
Alan McBean, Peter Doubleday, Chad Farnum.
  - b. Others:  
Roger Jasaitis (Zoning Administrator), Brett Bartolotta (Barco Construction) Eve Fritz, Anneli Currock.
12. During the course of the hearing the following exhibits were submitted to the DRB:
  - a. Application for Zoning Permit, number: 3733.
  - b. Application to the Development Review Board for a Conditional Use Permit and Site Plan Review, number: 3733.

## **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 Conditional Use, Short Term Rental, under Sections 720-726 of the Dummerston Zoning Bylaw, at parcel #755, 453 East West Rd., Dummerston, VT. The subject property is a .6 acre parcel located at 453 East West Rd, in the Town of Dummerston (tax map parcel no. 000755). The property is more fully described in a Deed recorded at Book 124, Pages 265-267, in the Town of Dummerston Land Records.
2. The property is located in the Settlement Area (Slab Hollow) District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 230 of the Zoning Bylaw.
3. The Application states Conditional Use approval is requested for:
  - a. Short Term Rental.

4. 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.
5. Brett Bartolotta (Barco Construction) stated that he renovated the upstairs space into a 1 bedroom open floor plan with bathroom to be used for Short Term Rentals. He also stated that he built new decks and an outside staircase for access.
6. Alan McBean (DRB) asked how many bedroom are in the house? Mr. Bartolotta indicated 3 total which is in line with the parcel State Wastewater permit. 2 bedroom on the first floor and 1 bedroom on the 2nd floor, currently 2 occupants on the first floor and 1 occupant for the rental space. The ZA clarified that the permit is for 3 bedrooms, 6 occupants.
7. Alan McBean (DRB) confirmed with the Applicant that the only exterior lighting is on the barn; house side and road side (motion sensitive) and next to the entry doors and is shielded from adjoining properties. with parking for 4 cars. There is no signage (except for the existing business sign for the Home Business (Dog Daycare) .
8. Chad Farnum (DRB) asked how often the rental is occupied. Anneli Currock answered that it is sporadic, mostly on weekends, busier in the fall and ski seasons. Rosalind Fritz added right now it is every other weekend. The space is for one occupant and a pet.
9. Alan McBean (DRB) asked the ZA if there is any conflict in the Bylaw with having 2 businesses on the property. Roger answered; no conflict. One business (Dog Daycare) is a Home Business and this application for Short Term Rental is a Conditional Use.
10. Alan McBean (DRB) asked if the structure had fire inspections by the State Fire Marshal? Brett Bartolotta (Barco Construction) replied no but there is a fire extinguisher and smoke detector present. He also thought that the building would not fall under the State jurisdiction. The Zoning Administrator clarified that all rental properties are considered public buildings by the State and are subject to inspections from the Fire Marshall. He said he would forward the State requirements to the Applicant if approval is granted by the DRB.
11. Anneli Curnock stated that the income from this Short Term Rental is really needed because the Home Business is not a steady income.
12. Brett Bartolotta (Barco Construction) stated that this Short Term Rental will have the owners present at all times.

## DECISION AND CONDITIONS

1. **Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a Conditional Use permit for Short Term Rental:**

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.*

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

1. *Section 235 Settlement Area 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.
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.
- 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 condition 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 665 Outdoor Advertising Signs*
  - a. No signage is requested.

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.
- 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 exterior lighting must be shielded to prevent glare to adjoining properties (*Section 660, (6)*).
- 2. Rental occupancy is limited to 2 persons per bedroom per State wastewater rules. The house is a 3 bedroom house so the maximum occupancy is 6 persons.**
- 3. This Conditional Use permit will be reviewed by the Zoning Administrator every 5 years per Section 727.**

- a. **Section 727 Conditional Use /Site Plan Permit Review: *Conditional Use and Site Plan permits shall be reviewed every five (5) years by the Administrative Officer for compliance to the conditions granted in the permit.***
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 this approval is null and void.**

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

**Dated at Dummerston, Vermont, this 6<sup>th</sup> day of September, 2023.**



**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.