

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use; Short Term Rental

Findings and Conditions

HEARING SPECIFICS

Permit Application Number: 3732

Date Received: June 28 2023

Applicant: Gerald Alvarez.

Mailing Address: 627 Hague Rd., Dummerston, VT 05301.

Location of Property: Parcel 192, 627 Hague Rd., Dummerston, VT

Owner of Record: Alvarez Gerald & Beata

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

Date of Hearing: September 19, 2023

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of application #3732 under the Town of Dummerston Zoning Bylaw Sections 720 and 724.
2. The subject property is a .9 acre parcel located at 627 Hague Rd., in the Town of Dummerston (tax map parcel no. 000192). The property is more fully described in a Deed recorded at Book 132, Page 189-191, in the Town of Dummerston Land Records.
3. The property is located in the Rural Residential 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.
4. On August 30, 2023, notice of a public hearing was published in The Commons.
5. On August 30, 2023 notice of a public hearing was posted at the following places:
 - The Dummerston Town Office.
 - The West Dummerston Post Office.
 - The Dummerston School.

6. On September 6, 2023, notice of a public hearing was posted at the following place: 627 Hague Rd., which is within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
7. On August 30, 2023, a copy of the notice of a public hearing was mailed to the Applicant.
8. On August 30, 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. 66 Leverwood Llc, Attn: Ari Jackson, PO Box 44, Putney, VT 05346
 - b. Annis D Glenn, Neer Charlotte M, PO Box 8, W Dummerston, VT 05357
 - c. Kortfelt Francesca P & Andrew M, 11 Anderson Lane, Oakdale, CT 06370
 - d. Nickerson Pamela Wass, 23 Draper Lane, Brattleboro, VT 05301
 - e. Pelletier Gary S &, Fryncko Lesley A, PO Box 103, Bellingham, MA 02019
 - f. Putney Mountain Association Inc, PO Box 953, Putney, VT 05346
9. The application was considered by the Development Review Board (DRB) at a public hearing on September 19, 2023.
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 (Chairperson), Chad Farnum, Cami Elliott.
 - b. Others:
Roger Jasaitis (Zoning Administrator), Via Zoom: Charlotte Annis, Francesca Korfelt, Glen Jurgen, Melissa Jurgen, Leslie Franco, Steve Kapral, Gerald Alvarez (Applicant).
12. A site visit was conducted on September 19, 2023.
13. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean (Chairperson), Chad Farnum, Cami Elliott.
 - b. Others:
Roger Jasaitis (Zoning Administrator)
14. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Conditional Use; Short Term Rental and Site Plan Review, number: 3732.
 - b. Application to the DRB for Conditional Use; Short Term Rental and Site Plan Review, number: 3732.

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 #192, 627 Hague Rd., Dummerston, VT.
2. 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.
3. Gerald Alvarez (Applicant) introduced the application stating that he wants to be able to share the house when he is not present.
4. Alan McBean (DRB) asked for specifics regarding the rental. The Applicant responded that he expects a total of 3 people and 2 cars maximum. It is listed as 2 bedrooms on AirB&B but is really one bedroom and a pull out couch.
5. Cami Elliott (DRB) asked about exterior lighting and security. The Applicant stated that there is exterior lighting on the front and back of the house. There are also security cameras in front and back.
6. Cami Elliott (DRB) asked how often the rental is occupied. The Applicant answered that it is not often, between 10 to 20 times per year.
7. Alan McBean (DRB) asked about the water supply. The Applicant confirmed a spring on the side of the house and a septic system in the back of the house. He stated that there is a water filter and it is drinkable. The water has been tested.
8. Alan McBean (DRB) asked if the structure had fire inspections by the State Fire Marshal? 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.
9. The applicant said that there will be no signage.
10. Francesca Korfelt (Abutter) asked how long rentals would be. The Applicant responded it could be a week or two. She added that the character of the neighborhood is peaceful and serenity and will be lost by allowing Short Term Rentals.
11. Leslie Franco (Abutter) voiced the concern that the rental will change the character of the neighborhood. Increased traffic, crime, other properties being rented.
12. Glen Jurgen (Neighbor) stated that this will potentially change the character of the neighborhood. Increased traffic, unknown persons, that the vetting process for Short Term Rentals is not as thorough as long term rentals. There are already other Short Term Rentals in the area and his concern is that this will become dominant in the neighborhood.
13. Andrew Korfelt (Abutter) said he was worried about additional people showing up in campers or tents to stay at the property. Parties, noise, etc., we don't know what is going to happen.
14. Gerald Alvarez (Applicant) stated that there is a hiking trail and parking lot at the end of the road past his house that would generate more traffic than his rental activity.

15. Melissa Jurgen (Neighbor) said that they are second home owners that visit on weekends and want the neighborhood to remain as it is. She is concerned with strangers, noise, and traffic.
16. Alan McBean (DRB) stated that the DRB follows the Zoning Bylaw in regards to the criteria considered for Short Term Rental applications. If Townspeople want different criteria to be considered, they need to contact the Planning Commission to propose having the Zoning Bylaw updated.

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. The nearest community facility is the hiking trail and parking at the end of the road. This rental has no impact on that facility.
2. *The character of the area affected;*
 - a. The DRB noted that the nearest permitted Short Term Rentals (2) are $\frac{3}{4}$ of a mile away and are not on Hague Rd. This neighborhood has historically been a second home and vacation rental area in Town (colloquially known as "Little Connecticut"). This rental will not significantly change the character any more than traditional vacation rentals or second home ownership. Furthermore, the DRB requires adherence to the Conditions of this Decision regarding rental occupancy and parking. Violations of these Conditions are considered Zoning Violations and are subject to fines.
3. *Traffic on roads and highways in the vicinity;*
 - a. The application meets this requirement. This rental does not increase the traffic any more than if the owners were present.
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 220 Rural 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.
- 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 4 persons and 2 vehicles on site.**
 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: Alan McBean, Chad Farnum, Cami Elliott.

Dated at Dummerston, Vermont, this 11 day of October, 2023.



Signed for the Dummerston Development Review Board



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.