

Application for Conditional Use Review

Town of Dummerston

Development Review Board

Application for Conditional Use Review Findings and Decision

Applicant: Keith Arnold

Mailing Address: 268 Rice Farm Road, Dummerston, VT, 05301

Location of Property: 268 Rice Farm Road, Dummerston, VT, 05301

Owner of Record: Keith Arnold

Application: Conditional use for Accessory Dwelling Unit, Variance to setback requirements

Permit Application: No. 3537

Date Sent: 1/17/19

Introduction and Procedural History

1. This proceeding involves the review of an application for conditional use for single person accessory dwelling and a Variance to setback requirements. The application was received 1/17/19.
2. The required Warning notice of public hearing was posted 3/14/19 and hung for 5 days, not the required 15 days. The Statutory requirement (24 V.S.A. § 4464) was not met by the applicant. There was no Certification of Notice submitted by the applicant
3. Notice of public hearing was mailed to the following abutters on 2/26/19.
 - Richard A. Epstein
 - Andrew R. Ingalls
 - Roberta M Johnson and Lewis E Young
 - Anne and Milton H. Sharman Jr.
5. The notice was posted at the Town Office, West Dummerston Post Office and Dummerston School on 2/27/19.
6. The Notice was published in [The Brattleboro Reformer](#) on 2/26/19.
7. A site visit was conducted on 3/19/19.
8. The application was considered by the Development Review Board at a public hearing 3/19/19.

9. Present at the hearing were the following members of the DRB:

Alan McBean, Chair
Chad Farnum
Jennifer Sargent
Dennis Mewes
Patty Walior
Cami Elliott

10. Also present at the hearing were the following persons:

Roger Jasaitis (Dummerston Zoning Administrator)
Keith Arnold
Danielle Itin

11. During the course of the hearing the following exhibits were submitted to the DRB.

1. Zoning Permit Application, Permit #3537
2. Copy of "Town of Dummerston DRB" Attendance sign in for Permit #3537
3. Ariel photograph of 268 Rice Farm Road, Dummerston, Vermont
4. Surveyor's Report, Slide 95A (Weston Howland Survey)

These exhibits are available at Dummerston Town Office

FINDINGS OF FACT

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

1. Applicant is requesting a Conditional use permit for an accessory dwelling and a variance to setback requirements for said accessory dwelling.
2. The accessory dwelling is a canvas yurt (210 sq.ft, 9'10" height).
3. The dwelling is erected on a temporary wooden platform on an existing cement pad from a prior outbuilding.
4. Water supply is bottled water.
5. The building setback from adjoining property is 14' on the north and 150' on the east.
6. The subdivision in 2012 did not take into consideration the existing outbuilding referred to in line 3.
7. The dwelling has been occupied since September 2018 and will be taken down in June 2019.
8. Method of sewage disposal is composting which has not met the approval of Wastewater System and Potable Water Supply Rule, §1-922 Composting or Incinerating Toilets and Greywater Disposal Systems:
1) Composting toilets may be approved in place of conventional water carried toilets. Use of these toilets in buildings or structures and campgrounds is subject to review related to the adequacy of the particular unit for the proposed use.

9. The existing waste water system does not meet Wastewater System and Potable Water Supply Permit (WW-2-4138, 3/19/2012) provisions regarding this parcel as follows:
This project has been reviewed and approved for the existing single-family residence on Lot 1 with maximum four (4) bedrooms and maximum seven (7) person occupancy. Construction of additional buildings, including public buildings, single family residences, duplexes and condominium units, is not allowed without prior review and approval by the Division, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations

DECISION AND DISCUSSION

Based on these findings, and subject to the conditions set forth below, The DRB does not grant the variance to setback requirements for the application as follows:

1. The applicant does not meet all 5 of the criteria for Variance Section 728.
2. Applicant does not meet criteria #3: "the unnecessary hardship has not been created by the applicant" – The hardship was created by the applicant erecting the accessory structure within the rear property setback.

The DRB does not grant Conditional Use Permit as follows:

1. As the variance for the setback is denied, the location asked for in the conditional use permit is denied.

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.

Dated 4/3/2019

Alan McBean, Chair, Chad Farnum, Jennifer Sargent, Dennis Mewes, Patty Walior, Cami Elliott

DUMMERSTON DEVELOPMENT REVIEW BOARD



Cami Elliott

Date: April 3, 2019