

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use; Short Term Rental and Site Plan Review Findings and Decision

Permit Application Number: 3800

Date Received: March 6, 2025

Applicant: Landmark Trust USA

Mailing Address: 707 Kipling Rd., Dummerston, VT 05301.

Location of Property: Parcel 702.1, 477 Kipling Rd., Dummerston, VT

Owner of Record: Landmark Trust USA

Application: Conditional Use; Short Term Rental of Apartment in Stable and Site Plan Review

Date of Hearing: April 15, 2025

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Conditional Use; Short Term Rental of Apartment in Stable and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 204, 210, 720-728, at parcel #000702.1.
2. On March 26, 2025, notice of a public hearing was published in The Commons.
3. On March 26 2024, 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 March 27, 2025, notice of a public hearing was posted at the following place: 477 Kipling 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 March 26, 2024, a copy of the notice of a public hearing was emailed to the applicant.
6. On March 26, 2024, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Bacon William E Sr Trustee, Bacon William E Sr Revocable Trust, 442 Kipling Rd, Dummerston, VT 05301
 - b. Evans Barbara S Revocable Trust, 518 Kipling Rd, Dummerston, VT 05301

- c. Fischer Terrence M, Norris Joseph W, 404 Kipling Rd, Dummerston, VT 05301
 - d. Kocher Jerry & Carol, 472 Kipling Rd, Dummerston, VT 05301
 - e. Scott Farm Inc, 707 Kipling Rd, Dummerston, VT 05301
 - f. World Learning Inc, PO Box 676, Brattleboro, VT 05302
7. The application was considered by the Development Review Board (DRB) at a public hearing on April 15, 2025.
 8. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended April 6, 2022.
 9. Present at the hearing were the following:
 - a. Members of the Development Review Board:
Patty Walior (via Zoom), Alan McBean, Chad Farnum, Peter Doubleday.
 - b. Others:
Lyssa Papazian (Applicant), Roger Jasaitis (ZA).
 10. A site visit was conducted on April 15, 2025.
 11. Present at the site visit were the following:
 - a. Members of the Development Review Board:
Alan McBean, Chad Farnum, Peter Doubleday.
 - b. Others:
Lyssa Papazian (Applicant), Roger Jasaitis (ZA).
 12. During the course of the hearing the following exhibits were submitted to the DRB:
 - a. Application for Zoning Permit, number: 3800.
 - b. Application to the Development Review Board for a Conditional Use; Short Term Rental and Site Plan Review #3800.

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; Short Term Rental and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 204, 210, 720-727, at parcel #000702.1.
2. The subject property is 29.3 acres, located at 477 Kipling Rd, in the Town of Dummerston (tax map parcel no. 000702.1). The property is more fully described in a Deed recorded at Book 59, Page 337, in the Town of Dummerston Land Records.
3. The property is located in the Productive Lands District as described on the Town of Dummerston Zoning Map on record at the Town of Dummerston municipal office and Section 210 of the Zoning Bylaw.
4. The DRB Application states Conditional Use; Short Term Rental of Apartment in Stable and Site Plan Review approval is requested for the parcel.

5. The application requires review under the following sections of the Town of Dummerston Zoning Bylaw: 204, 210, 720-727.
6. Applicant: Lyssa Papazian discussed the plans for the property, in a historic stable building. The applicant, Landmark Trust U.S.A., plans to adaptively reuse the unused loft and outbuildings on the property. The project aims to preserve historic properties and support the business model of the Landmark Trust. The project is the conversion of the loft area of an existing historic stable, one of the outbuildings on the Naulakha Property at 481 Kipling Rd, into a studio-sized short term vacation rental unit. The project would be a change of use with no change to the building's footprint or exterior appearance. A staircase would be built to access the loft which will be insulated and equipped with a bathroom and kitchen. The new finished space will be approximately 600 sf. The proposed changes include a new state approved, septic system (linear biofilter leaching system) to be located NE of the structure, and well, with minimal disturbance to the existing landscape. New exterior lighting will be limited to a wall fixture near the entrance door. The project will be accessed by an existing gravel driveway and parking area. The structure will use the existing electricity service and have a thermal envelope for year-round use. The rental is expected to be for 2 persons only and have a 40-50% occupancy rate. The local traffic will not be impacted.
7. The DRB asked questions about the septic system location and installation because the provided site plan was not up to date with the current application.
8. The DRB asked about signage. Ms. Papazian stated that there would be no additional signage.
9. The DRB thanked Ms. Papazian for her clear and comprehensive presentation.

DECISION AND CONDITIONS

The Development Review Board (DRB) finds that this application meets the requirements of the Town Plan and the Zoning Bylaw and Approves the application with conditions.

1. The DRB approves the Conditional Use for Short Term Rental of the historic stable building with conditions.

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.

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

1. *Section 210 Productive Lands*

- a. The proposed project will 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, to preserve extensive woodlands and undeveloped fields, while accommodating low residential development that avoids the need for new roads. Clustering of detached dwelling units is encouraged as a means for leaving land undeveloped and protecting natural resources and allowing for low intensity recreation. This is a low impact rental of an historic structure.

2. *Section 660 Performance Standards*

- a. The proposed development meets the requirements with the following conditions:
 - i. Glare, lights, reflections: No proposed development or use shall create, cause, or result in glare, lights, or reflections which constitute a nuisance to other property owners or tenants or which are detrimental to the public safety, health or welfare. All exterior lighting must be shielded to prevent glare to adjoining properties.

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 of *Section 722 Specific Standards*:
 - i. *Section 660 of the Zoning Bylaw Performance Standards*:
 - ii. #2., a., i.(see above) Shielding of lighting.
6. Furtherance of the provisions of the Dummerston Town Plan.
 - a. The proposed development conforms to the Town Plan by helping to preserve historic structures.
 - b. The following structure in Dummerston is listed on the National Register of Historic Places:
 - i. Naulakha
 - i. Naulakha is the historic home of author Rudyard Kipling, located in Dummerston, Vermont. It is significant as the place where Kipling wrote some of his most famous works, including parts of *The Jungle Book* and *Captains Courageous*. The property is architecturally unique and reflects Kipling's vision, making it an important cultural and literary landmark.
7. Expiration: All activities authorized by this approval shall be commenced within two years of the date of issue, or the zoning permit shall become null and void and re-application to implement any activities shall be required. (*Section 703*) 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.
8. 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: Patty Walior, Alan McBean, Chad Farnum, Peter Doubleday.

Dated at Dummerston, Vermont, this 5th **day of** May, 2025.



Signed for the Dummerston Development Review Board

ALAN J. McBEAN, CHAIR

Printed 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.