

# **TOWN OF DUMMERSTON**

## **Development Review Board**

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

**Permit Application Number: 3805**

**Date Received: April 2, 2025**

**Applicant: Elizabeth Collard**

**Mailing Address: 33 Warde Dr., Dummerston, VT 05301.**

**Location of Property: Parcel 048.1A, 33 Warde Dr., Dummerston, VT**

**Owner of Record: Elizabeth Collard**

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

**Date of Hearing: May 20, 2025**

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a Conditional Use; Short Term Rental of Residence and Site Plan Review under the Town of Dummerston Zoning Bylaw Sections: 204, 220, 720-728, at parcel #000048.1A.
2. On April 30, 2025, notice of a public hearing was published in The Commons.
3. On April 30, 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 May 13, 2025, notice of a public hearing was posted at the following place: 33 Warde Dr., 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 May 1, 2024, a copy of the notice of a public hearing was mailed to the applicant.
6. On May 1, 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. Federal National Mortgage Association, Granite Park VII, 5600 Granite Pkwy, Plano, TX 75024
  - b. Greene James W W/Life Estate, 39 Warde Dr, Dummerston, VT 05301
  - c. Grubinger Vernon P & Devlin Tracey G, 438 Hague Rd, Dummerston, VT 05301

- d. Harwood Gary, 1227 Marlboro Rd, Brattleboro, VT 05301
  - e. Holmquist Karla & Duane, 466 Hague Rd, Dummerston, VT 05301
  - f. Leavy Travis, 30 Warde Dr, Dummerston, VT 05301
  - g. Mills Bertram Richard & Jeanette E, 452 Hague Rd, Dummerston, VT 05301
  - h. Nolan Thomas C, 11 Warde Dr, Dummerston, VT 05301
  - i. Romanoff Richard Estate, 110 Carolina Nooseneck, Wyoming, RI 02898
7. The application was considered by the Development Review Board (DRB) at a public hearing on May 20, 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, Alan McBean, Chad Farnum, Peter Doubleday, Cami Elliott.
  - b. Others  
Elizabeth Collard (Applicant), Roger Jasaitis (ZA), Travis Leavy, Gary Harwood, Thomas Nolan, Chris Patton.
10. A site visit was conducted on May 20, 2025.
11. Present at the site visit were the following:
- a. Members of the Development Review Board:  
Patty Walior, Alan McBean, Chad Farnum, Peter Doubleday, Cami Elliott.
  - b. Others:  
Elizabeth Collard (Applicant), Roger Jasaitis (ZA), Travis Leavy, Gary Harwood.
12. During the course of the hearing, the following exhibits were submitted to the DRB:
- a. Application for Zoning Permit, number: 3805.
  - b. Application to the Development Review Board for a Conditional Use; Short Term Rental, and Site Plan Review #3805.

## **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 #000048.1A.
- 2. The subject property is 7.8 acres, located at 33 Warde Dr., in the Town of Dummerston (tax map parcel no. 000048.1A). The property is more fully described in a Deed recorded at Book 130, Page 610, 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. The DRB Application states Conditional Use; Short Term Rental of Residence 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, 220, 720-727.
6. Applicant: Elizabeth Collard discussed plans to rent out her home, emphasizing that community is more important than money and setting clear guidelines for tenants. She specified a maximum of 6 people, 3 cars, and no college students or parties, targeting families and couples over 30. She stated that no animals would be permitted. She also mentioned renting out the property for about 5 weeks annually at a 5-10% occupancy rate, and she assured that any issues would be handled promptly.
7. Neighbors expressed concerns about noise and disruption from previous tenants, emphasizing the need for respectful and quiet behavior from future occupants. They discussed the possibility of using the property year-round, with Elizabeth indicating a preference for maintaining the current setup (year round) without modifications. One neighbor mentioned his intention to potentially use Airbnb for his property.
8. Elizabeth said that she would limit short-term rental occupancy to maximum of 6 people and 3 cars.
9. She also wanted to ensure quiet hours are maintained for neighbors after 10 pm.
10. The Applicant said that she would respond promptly to any neighbor complaints about rental guests.
11. Elizabeth said that she is aware of having to comply with State regulations for short-term rentals, including fire safety inspections.
12. She added that there would be no additional outdoor lighting or signage.
13. The DRB noted that there were adequate parking spaces for 4 cars on site.

## **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 Residence 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. This parcel has access to the Town's hiking trails.
- 2. *The character of the area affected;*
  - a. The application meets this requirement. This rental will not significantly change the character any more than traditional vacation rentals or second home ownership.
- 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 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, The purpose of the Rural Residential District is to provide for low to moderate density housing while maintaining a rural feel. This is a low impact rental of an existing residential structure.
- 2. *Section 660 Performance Standards*
  - a. The proposed development meets the requirements with the following conditions:
    - i. 660 (1). Noise: No noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development, so as to be incompatible with the reasonable use of the surrounding area, shall be permitted.
    - ii. 660 (6). 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.

- iii. 660 (8). Fire, safety, explosive, or other hazard: 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.

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*:
      1. #2., a., i.(see above) Noise
      2. #2., a., ii.(see above) Glare, Lights, Reflections: Shielding of lighting.
      3. #2., a., iii.(see above) Fire Safety
6. Rental occupancy is limited to 6 persons per State Wastewater Permit rules and 3 vehicles on site.
7. Any pets present must abide by the Town of Dummerston Animal Nuisance Control Ordinance (24 VSA 1971, 2291). All pets must not be allowed to run at large. They must either be on a leash or in the presence of the owner and obedient to their commands. Violations of the Ordinance are subject to a penalty of up to \$300 per day.
8. 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.*

9. It is the Applicant's responsibility to be in compliance with any and all Town or State required or issued permits and regulations at all times or this approval is null and void.
10. 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.

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

Dated at Dummerston, Vermont, this 29th day of May, 2025.



Signed for the Dummerston Development Review Board

ALAN J. MCBEAN

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.