



TOWN OF WESTFIELD
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TOWN OF WESTFIELD
Development Review Board (DRB)

Application for Change of Use
Findings and Decision

In re: Conditional Use; Change of Use
Permit Application No.: 2025-10

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding reviews an application for change of use submitted by **Peak View Properties** under the Town of Westfield Zoning Bylaw:

∞ Application 2025-10 submitted by Peak View Properties for conditional use; change of use at 232 Forest Haven Road. The property is in the Rural Agricultural District.

A change of use from camp to year-round dwelling at this address requires access by right of way to be obtained prior to the application being approved. Access by right of way is subject to conditional use review and requires a public hearing by the Development Review Board (DRB) in compliance with 24 V.S.A. §4464.

2. A completed application was received by the Zoning Administrator (ZA) on July 28, 2025. A copy of the application is available at the Westfield Town Office, 38 School Street, Westfield, VT.

3. On August 15, 2025, notice of a public hearing was published in the *Newport Daily Express*.

4. On August 11, 2025, notice of a public hearing was posted at the following places:

- A. The Westfield Town Clerk's office.
- B. Westfield General Store bulletin board (24/7 access).
- C. Recycling Center Town bulletin board (24/7 access)

D. Permit request sign posted at the property for which the application was made, and within view of Kennison Road, the nearest public right of way.

5. On August 11, 2025, a copy of the notice of a public hearing was mailed to the applicant. On August 11, 2025, a copy of the notice of public hearing was mailed to the following owners of abutting properties:

- Durwood & Deborah Blay
- Todd & Vicki Draper
- Jethro & Kenneth Nisson
- Shelly Pfenning

6. The application was considered by the Development Review Board at a public hearing on September 2, 2025.

The hearing was adjourned at 7:06 pm.

7. Present at the hearing were the following Development Review Board members:

- Brian Dunn
- Kitty Edwards
- Ellen Fox
- Loren Petzoldt - Vice Chair
- Pat Sagui – Chair

8. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following are the interested parties that attended the hearing:

- Deborah Blay
- Kyle Blay
- Shelly Pfenning
- Pete Koutros (Applicant)
- Dennis Partridge II (Applicant)

9. During the course of the hearing the following exhibits were submitted to the Development Review Board:

Submitted by the Applicants:

- Copy of Zoning Permit Application
- Realist.com aerial view map of the parcel
- Warranty Deed from Westfield Land Records book 62, page 75
- Right of Way Plan
- Copy of survey map showing parcel and abutting properties

Submitted by Deborah Blay:

- Letter from Deborah and Durwood Blay
- Letter from Dennis Partridge II and Pete Koutros to Deborah and Durwood Blay
- Warranty Deed from Westfield Land Records book 29, page 191
- Warranty Deed from Westfield Land Records book 21, page 364

These exhibits are available at the Westfield Town Clerk's office.

FINDINGS:

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a change of use to change from camp to year-round dwelling at 232 Forest Haven Road. The subject property is a 10.4 acre parcel located at 232 Forest Haven Road in the Town of Westfield (tax map parcel number 03-003-10). [The property is more fully described in Warranty Deed Book 62, page 75 of the Town of Westfield Land Records].
2. This change of use constitutes development according to §401.01 as a change or expansion of use.
3. The property is located in the Rural Agricultural Zoning District as described on the Town of Westfield Zoning Map on record at the Westfield Town Clerk's office and §301.01 of the Zoning Bylaw.
4. Single household dwelling is permitted use in the Rural Agricultural Zoning District.
5. The Dimensional Standards in the Zoning Bylaw require 150 feet of frontage in the Rural Agricultural Zoning District for a parcel to be developed (Table 2 Dimensional Standards). This frontage must be on a town road or navigable waterway (§801.01).
6. The property is located on Forest Haven Road, which is a private road. The dimensions of the right of way are described in properly recorded deeds of abutting property owners.
7. Being situated on a private road, the parcel at 232 Forest Haven Road has no frontage on a town road or navigable waterway.
8. In lieu of the minimum frontage, a development may be permitted on lots without adequate frontage if access through a permanent easement or right of way has been recorded in the deed of each affected property and approved as access by right of way by the Development Review Board under Conditional Use approval in §502 and according to the following standards:
 - A. Access easement or right of way shall not be less than 25 feet in width.
 - B. If serving more than two lots or uses, the Development Review Board may require a right of way up to 50 feet in width to ensure public safety and orderly development.

C. Development on lots with access by right of way is subject to the setback requirements for the Zoning District.

To approve the change of use, the parcel requires access by right of way, which requires a public hearing by the Development Review Board in compliance with §801.01 and 24 V.S.A. §4464.

9. The Development Review Board finds that 232 Forest Haven Road has a right of way of at least 25 feet in width according to the abutting property owner's deeds, from Kennison Road to the applicant's property. Lots 5, 12, 9 and 6 show right of way access in their properly recorded deeds, leading to the applicant's property, which is lot 8. This meets the requirements for deeded access by right of way as stated in §801.01 of the Westfield Zoning Bylaws.

10. The Development Review Board Conditional Use Review of access by right of way considers impact on:

- A. capacity of existing or planned community facilities
- B. character of the area affected, as defined by the purpose of the Zoning District in which the project is located, and specifically stated policies and standards of the Town Plan
- C. traffic on roads and highways in the vicinity
- D. utilization of renewable energy
- E. performance standards as defined in §501.

11. The application will not impact existing or planned community facilities.

12. The development proposed in the application will have an impact on the condition and upkeep of the right of way access on Forest Haven Road.

13. The application will cause an increase in traffic in this location due to year-round use of the dwelling. It will also cause additional ongoing road maintenance and repairs.

14. The application will have no effect on utilization of renewable energy sources.

15. The development described in the application meets the Performance Standards of §501 with no excessive noise, vibration dust, glare, disposal of refuse, fire or explosive hazard.

DECISIONS AND CONDITIONS

The proposed application is approved, based on the satisfaction of access by right of way requirements of §801.01 of the Westfield Zoning Bylaw, and subject to conditions below.

1. The application will not have an undue adverse impact on the capacity of existing or planned community facilities.

2. The application will not have an undue adverse effect on the character of the area affected, as defined for the Rural Agricultural Zoning District in the Town of Westfield Zoning Bylaw.
3. The application will impact the access road. The improvement and maintenance of a private road is at the discretion of the property owners whose properties are abutting the private road.
4. The application will not have an undue adverse effect on the current Westfield Zoning Bylaw.
5. The application will not have an undue adverse effect on utilization of renewable energy resources.
6. The proposed development meets the Performance Standards as defined in §501.

The Development Review Board approves the permit application subject to the following conditions:

- A. Road maintenance, repairs and upgrades comply with all Federal and State regulations.

Dated at Westfield, Vermont this 7th day of October, 2025.

	Pat Sagui, Chair
	Loren Petzoldt, Vice Chair
	Ellen Fox, Secretary
	Kitty Edwards
	Brian Dunn

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.