

**Town of Dover**  
**P.O. Box 428**  
**West Dover, VT 05356**  
**(802) 464-8720**

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 22-RT037-01**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner: 17 Acres LLC
2. Applicant: Michael Levesque, Sr., Michael Levesque, Jr.
3. Brief Description of Request: Request for construction of an Accessory Building: Entertainment Pavilion, to be placed over an existing tennis court, in accordance with Article 2 and Sections 335, 380, 385, 420, 470, 475, 634, and 636 of the Dover Zoning Bylaw (the "Bylaw" herein). The property is known as Farm Road Estate.
4. A copy of the application was received by the Zoning Administrator on February 28, 2022.
5. On March 1, 2022, a copy of the Notice of Hearing was mailed to the Applicant, along with a sample letter and abutter's list for notifying all abutters.
6. Public notice of the hearing was posted at the following locations on March 11, 2022
  - a. Dover Town Clerk's Bulletin Board
  - b. Dover Town Meeting Room Bulletin Board
  - c. Dover Free Library & Dover Elementary School via email
  - d. East Dover Post Office via regular mail
  - e. Town of Dover website: [www.doververmont.com](http://www.doververmont.com)Public notice of the hearing was also published in the Deerfield Valley News on March 11, 2022.
7. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an interested party the opportunity to do so; no such requests were made or granted.
8. A public hearing was opened on March 24, 2022, continued to and closed on April 21, 2022.
9. A complete list of exhibits and attendees is included in the meeting minutes. Minutes, application and exhibits are available for viewing in the Dover Town Office through the Zoning Administrator.

**B. FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Based on the application, testimony, exhibits and other evidence, the Dover DRB finds as follows:

1. The subject property is located at 7 Crosstown Rd in West Dover in the Village (VIL) District.
2. The hearing was properly warned.
3. All abutters were notified by the Applicant.
4. The Applicant was properly sworn prior to providing testimony.
5. Article 2 defines Hotel as: A public building or group of buildings, containing more than ten (10) guest bedrooms, which provide lodging to transients on a short-term basis, may provide for food preparation and meals in a central dining area and may have a management entity operating the building(s), and may provide maid service and a central switchboard operation. Rooms in the building(s) may be under separate, common, or

- cooperative ownership. There are twenty (20) guest rooms at the subject property.
6. Article 2 defines Accessory Building as: Any building which is subordinate to and which use is incidental and accessory to the use of the principal building on the same lot.
  7. "Hotel" is a conditional use in the VIL District. Pursuant to Section 420 of the Bylaw, the purpose of the VIL District is to support the traditional role of the village as the focus of the Town's economic, cultural, and social activities and to provide for residential and related development, which are compatible with the needs of the village and the Town. Where appropriate, development within the Village District should be reviewed and conditioned in such a way as to protect buildings and sites of architectural and historic value and protect the investment of public facilities through coordination of private development activities.
  8. Accessory Uses to Conditional Uses are conditional in the VIL District.
  9. The Applicant proposes to construct a pavilion, or roofed structure, over part of the existing tennis court, which will remain in place. The purpose of this pavilion is to provide shelter for a variety of entertainment and social events, primarily weddings or private parties or events, but includes coverage for a temporary ice-skating rink that is operated in the winter months, weather permitting.
  10. The permanent structure of the pavilion will be constructed of wooden uprights and trusses. The roofing material shall be asphalt shingle or metal.
  11. There will be 'roll down' sides in place to provide protection in inclement weather.
  12. The pavilion will be visible from Route 100, but shielded by a line of mature trees, which will be maintained at their present height and number.
  13. The tennis court is sixty-five feet (65') by one hundred ten feet (110'); the pavilion will measure fifty feet (50') by one hundred feet (100'). When in use, the ice-skating rink is forty feet (40') by sixty feet (60').
  14. The pavilion's roof ridge will be twenty-seven feet five inches (27' 5") in height at its highest point. There will be a cupola, ten feet (10') by twenty feet (20') centered on the building. The cupola's height will be 10' 1", so total height will be thirty-seven feet six inches (37' 6").
  15. There will interior illumination in the pavilion. There will be no exterior lighting, and all interior lighting will be inward and downward focused to prevent light spillage outside the pavilion structure.
  16. There will be no permanent plumbing or running water in the pavilion.
  17. At present, there are forty-three (43) identified parking spaces on the subject property. Additional parking is available across Crosstown Rd from the primary parking lot. At times, additional parking is permitted by the Applicant in the primary parking lot, but in such a way as to always maintain a usable right-of-way to the properties to the rear of the subject property.
  18. During weddings and other similar events, the entirety of the subject property is made available exclusively to the attendees of the event; therefore, installation of the pavilion does not create a circumstance where additional parking would be required, except during winter months when the pavilion area will be used as a skating rink.
  19. Pursuant to Permit Application and Requirements in Bylaw Section 335.1, the Board finds and concludes that the Accessory Building proposed in the Application has no undue adverse effect on, and therefore satisfy, the following:
    1. The capacity of existing or planned community facilities.
    2. The character of the area effected, as defined by the purpose or purposes of the VIL District.
    3. Traffic on roads or highways in the vicinity.
    4. The current Bylaw and other Town ordinances.
    5. Utilization of renewable energy resources.
  20. Pursuant to the Specific Standards for Conditional Use in Bylaw Section 385, the Boars finds and concludes as follows:

1. The lands under consideration do not fall within a Flood Hazard Zone; therefore Article 5 is not applicable. The proposed Accessory Building meets the General regulations of the Bylaw; therefore Article 6 is satisfied.
2. Sections 385.2, 385.3, and 385.6 are not applicable.
3. Pursuant to Section 385.4, the Applicant shall deny access to the skating rink whenever use of the rink would cause the permitted parking capacity to be exceeded.
4. Pursuant to Section 385.5, the Applicant shall not remove or substantially prune the trees that presently serve to obstruct the view of the pavilion area from Route 100. Any dead or diseased trees shall be replaced as provided in Condition #6, below.
21. Pursuant to Area, Dimension, and Coverage Standards in Bylaw Section 475, the Board finds and concludes that the proposed Accessory Building will have no adverse effect on the lot coverage and setback from the property lines.
22. Pursuant to Minimum Parking Requirements in Bylaw Section 634, and Special Parking Requirements for all Conditional Use Permits in Bylaw Section 636, the proposed Accessory Building will not cause an increase in the number of parking spaces required.

### C. DECISION

Based on the evidence presented, by a vote of 5-0-0, the Board approves this Application, subject to the following conditions:

1. The project shall be completed as shown on the application, plat, and plans submitted by the Applicant and in accordance with all representations made in the application and at the Board's Hearing.
2. During events in which the pavilion is in use, the Applicant shall not allow parking in excess of the number of spaces available in the primary and secondary parking areas; should such an excess occur, the Applicant shall arrange for shuttle services to overflow parking areas off-premises, which have been approved for use by the Applicant.
3. The Applicant shall monitor parking whenever the pavilion area is open for ice-skating, and shall decline access when not so doing would result in the number of vehicles in the primary and secondary parking areas exceeding the number of parking spaces required.
4. No parking shall be permitted outside of the designated parking lots on the property, and Applicant shall prohibit parking on the Crosstown and Farm Road, and any shared driveway rights-of-way.
5. The Applicant shall conform to the requirements set forth by the Deputy State Fire Marshall.
6. The Applicant shall maintain the line of mature trees on the subject property that shields the pavilion from VT Route 100. If any of such trees shall die or become diseased, the Applicant shall replace dead or diseased trees with a similar species that has a caliper of at least 3" DBH (diameter at breast height) and 10 feet tall within six months of the death, disease or removal of the existing tree.

Respectfully submitted,



Sarah Shippee  
Chairperson, Dover Development Review Board

**April 21, 2022**

\_\_\_\_\_  
Date

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested party who participated, through oral or written testimony, in the proceeding(s) before the DRB. Such appeal must be taken within 30days of the date of this decision, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**NOTICE:** Additional state permits may be required for this project. Call 802-885-8850 to speak to the regional Permit Specialist before beginning any construction.