

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 22-BC000-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Forest Craft Supply Corporation
2. Applicant: Paul Goguen, Goguen Construction, and Eric Dobbin Construction
3. Brief Description of Request: Amendment of the PUD for construction of 2 Two-Family dwellings, in accordance with Sections 300, 335, 375, 380, 385, 425, 470, 475, 634, 636, 637, 690, and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on February 1, 2022
5. On March 11, 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.comPublic notice of the hearing was also published in the Deerfield Valley News on March 11, 2022.

At the outset of the hearing, the Chair afforded all persons wishing to establish status as an interested party the opportunity to do so; Allan Chen (62 Edwards Village Loop) and Amy Tittarelli (55 Edwards Village Loop) requested and were granted Interested Party status.
7. A public hearing was held on March 24, 2022, continued to and closed on April 21, 2022.
8. 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:

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

1. The property is located on Route 100 and Edwards Village Loop in West Dover is located in the Commercial (COM) District. Pursuant to Section 425 of the Bylaw, the purpose of the COM District is to accommodate most of Dover's future commercial growth. These lands shall be situated near the Town's principle arterial road and shall not contribute to strip development.

2. The original permit was issued for a PRD, which no longer exists in the Dover Zoning Bylaw. An intervening application was made and approved on October 30, 2015. The project was properly defined as a PUD at that time.
3. The hearing was properly warned.
4. All abutters were notified by the Applicant.
5. The Applicant was properly sworn prior to providing testimony.
6. This application was previously approved on April 22, 2005, with a completion date of December 31, 2006.
7. A subsequent application was approved on October 30, 2015.
8. The original application and subsequent applications' completion dates have passed and therefore the applications have expired.
9. The Applicant proposes to complete construction of two (2) Two-Family dwellings, on the same footprints for which the dwellings were originally permitted. There are no changes from the original application.
10. The infrastructure for the existing Two-Family dwelling, as well as for the proposed two (2) additional Two-Family dwellings (for six total dwelling units in three Two-Family dwellings), including underground electrical service, water, and septic, has been installed. Meters will be installed on the foundations prior to being occupied.
11. There is a completed Two-Family dwelling on the subject property, herein after referred to as Building 2. The E-911 addresses for this structure are 6A, 6B Edwards Village Loop.
12. The foundation for the Two-Family dwelling, referred to herein as Building 1, has been installed. The wood decking previously installed is in disrepair and will be replaced. The E-911 addresses for this structure are 4A, 4B Edwards Village Loop.
13. The location where the Two-Family dwelling, referred to herein as Building 3, has been cleared but the foundation has not been installed. This area will be re-cleared, as vegetation has grown up since its original clearing. The E-911 addresses for this structure are 8A, 8B Edwards Village Loop.
14. "Planned Unit Development" is a conditional use in the COM District. Pursuant to the General Standards for Conditional Use in Bylaw Section 380, the Board finds and concludes that construction of two (2) Two-Family dwellings, as 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 affected, as defined by the purpose or purposes of the COM District, which are: to accommodate most of Dover's future commercial growth.
 3. Traffic on roads or highways in the vicinity.
 4. The current Bylaw and other Town ordinances.
 5. Utilization of renewable energy resources.
15. Pursuant to the Specific Standards for Conditional Use in Bylaw Section 385, the Board finds and concludes as follows:
 1. The lands under consideration do not fall within a Flood Hazard Zone; therefore Article 5 is not applicable.
 2. The relevant sections of Article 6 are considered elsewhere in this decision.
 3. Pursuant to Section 385.2, the proposed construction does not exceed area, dimension, and coverage standards for the COM District.

4. Pursuant to Section 385.3, a secondary driveway, delineated on the original application, will not be constructed; all traffic shall enter and exit via the primary driveway, which accesses Edwards Village Loop on the section that is perpendicular and immediately connects to Route 100.
5. Pursuant to Section 385.5, brush clearing will be done as necessary to allow for construction on the building footprints delineated in the Plan. No trees shall be removed between the proposed buildings and neighboring properties, except where they obstruct construction of the buildings and/or infrastructure for the subject property.
6. The standards of Sections 385.4 and 385.6 are not relevant to this Application.
16. Pursuant to the Minimum Parking Requirements in Bylaw Section 634, and the Special Parking Requirements for all Conditional Use Permits in Bylaw Section 636, the Board finds and concludes as follows: the proposed construction plan includes at least six (6) parking spaces for each Two-Family Dwelling; therefore, the requirements are met.
17. Pursuant to the General Lighting Requirements in Bylaw Section 637, the Board finds and concludes that all exterior lighting shall be installed and employed in a manner consistent with the requirements of this Section.
18. Pursuant to Compliance with Fire Codes in Bylaw Section 690, The Applicant shall provide evidence of compliance with all State and Local fire codes.
19. Pursuant to Application and Review Procedures in Bylaw Section 715, the Board finds and concludes as follows:
 1. The documents required under Sections 715.A, 715.B, 715.C, and 715.G have been provided.
 2. The construction sequence as required under Section 715.D is addressed elsewhere in this decision.
 3. A letter from North Branch Fire District, as required under Section 715.E, affirming that sufficient gallonage has been allocated for the project, has been provided.
 4. Sections 715.F and 715.H are not relevant to this Application.
20. Pursuant to the General Standards for PUDs in Bylaw Article 7, the Board finds and concludes the following:
 1. This Application proposes no changes that affect, materially alter, or would have an undue adverse impact on, the standards of Sections 720.A, 720.B, 720.C, 720.D, 720.E, 720.F, 720.H, and 725.
 2. Pursuant to Section 720.G, the Zoning Permit shall have an expiration date of December 31, 2022.

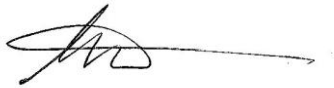
C. DECISION

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 the representations made in the application and at the Board's hearing.
2. Prior to issuance of a zoning permit and commencement of construction, the Applicant shall provide an updated site plan to the Zoning Administrator, showing all the subject property's boundaries correctly, the relocated driveway, and the E-911 numbers of each dwelling unit. This site plan shall be professionally prepared, dated after the date of this

- decision, and stamped and certified by a licensed engineer, surveyor or site designer.
3. Prior to issuance of a permit, the Applicant shall provide updated architectural drawings to the Zoning Administrator. These plans shall be updated to show the overall building height, dated after the date of this decision, and stamped and certified by a licensed architect or engineer.
 4. No trees other than those that are dead or diseased shall be removed between the proposed buildings and neighboring properties, except where they obstruct construction of the buildings and/or infrastructure for the subject property. This condition shall continue to apply after construction.

Respectfully submitted,



Sarah K. 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 30-days 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: State permits may be required for this project. Call 802-885-8850 to speak to the regional Permit Specialist before beginning any construction.