

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 13-MV000V-03**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner: Mount Snow Ltd
2. Applicant: Laurie Newton & Adam Grinold of Three Dogs, LLC
3. Brief Description of Request: Amendment to a PUD for mixed commercial use to include a food service trailer.
4. On September 19, 2013 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.
5. Public notice of the hearing was posted at the following locations on September 19, 2013:
  - 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 mailPublic notice of the hearing was also published in the Deerfield Valley News on September 26, 2013 and in the Brattleboro Reformer on September 26, 2013.
6. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an interested party the opportunity to do so; the following parties were granted status:
  - William A. (Buzzy) Buswell on behalf of Mt. Snow Village Association. Portions of the Mt. Snow Village Association abut the Applicant property
  - Dan Baliotti, owner, Coffee Barn Café, 321 Route 100, West Dover, VT. NOTE: Mr. Baliotti is a tenant, not a property owner and as such could not be granted Interested Party status without permission from property owner Mondani. Written permission from Mr. Mondani provided written permission and Mr. Baliotti was granted IP status.
  - Don Mondani, 321 Route 100, West Dover, VT
7. A public hearing was held on October 10, 2013 and continued to October 24, 2013. The hearing was closed on October 24, 2013.
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 at 316 Route 100 in West Dover VT, and was formerly known as the Cupola.
2. The property is located in the Planned Commercial District (COM).
3. The hearing was properly warned.
4. All abutters were notified by the Applicant.
5. The Applicant and Interested Parties were properly sworn prior to providing testimony.
6. Amendments to Planned Unit Developments must be approved by the Development Review Board.

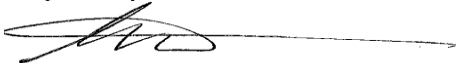
7. The Applicant proposes to install a food service trailer in the parking lot at the property. The trailer is approximately 199 square feet in size.
8. The siting of the trailer will result in the loss of one parking space; however, the existing PUD contained 33 parking spaces, with only 20 being required for the permitted mixed use. Therefore, the loss of the one parking space does not reduce the total spaces below the required minimum.
9. The trailer is equipped with 2 water tanks, for fresh and gray water. Water will be brought to the trailer and waste water disposed of at the primary restaurant location in Wilmington VT (Wahoo's). The trailer will not use any water from the Cupola.
10. Hours of operation may extend from 7:00 am to 12 midnight, but at no time will the food service trailer be open for operation when the retail and check in operations in the Cupola are closed.
11. There will be no seating provided for patrons.
12. The trailer will be partially enclosed in fencing, including preventing access to the tow end of the trailer. The awning/service side of the trailer will face Route 100.
13. There will be a flag positioned by the awning; the trailer will be sited far enough from Route 100 that these will not create a visual obstruction.
14. The trailer will use liquid propane and electricity. Electricity will be provided from a nearby pole on the premises.
15. There will be lighting on the back of the trailer for the safety of the employees, and there will be lighting on the service area of the trailer.
16. Placement of the trailer will not cause the density of the lot to exceed the maximum permissible.
17. Trash will be removed daily.
18. The trailer is intended as a seasonal business; it would be placed on site in October of each year and removed by the end of April of the following year.
19. All setbacks are met.

### C. DECISION

Based on the evidence presented, by a vote of 3-0-0, the Board approves this Application with the following conditions:

1. Lights will only be on during hours of operation.
2. Applicant shall place a portable toilet on site, and it shall remain in place for the portion of the year that the food service trailer is on site. The toilet shall be 'blinded'; that is, installed within fencing or in some way visually shielded. We reference the portable toilet used at Wahoo's as an example. The toilet should not be visible to the Cupola or Route 100.
3. Applicant shall ensure that all necessary permits are obtained and all state and federal requirements are adhered to.

Respectfully submitted,



11/18/2013

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Sarah K. Shippee  
Chairperson, Dover Development Review Board

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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.**