

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 14-SG002-09**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner: Richard Meduski
2. Applicant: Stevens & Associates
3. Brief Description of Request: Creation of a 10-lot subdivision in accordance with Sections 335.2, 330 and 405(a) of the Dover Zoning Bylaw.
4. A copy of the application was received by the Zoning Administrator on May 15, 2014.
5. On June 3, 2014, 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 June 5, 2014:
  - 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 June 12, 2014 and in the Brattleboro Reformer on June 7, 2014.
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; Interested Party status was granted on July 10, 2014 to the following:
  - a. Abutters Anthony & Caroline Gaglio (owners of parcel HT014); participated via written testimony from the IP as well as written testimony from their attorney, Chris Cady.
  - b. Abutter Bill O'Connell (owner of parcels HT008, HT010 & HT012); participated via e-mail testimony.
  - c. Abutter Jordan Mayer (owner of parcel AL012); participated via representation of his attorney, Chris Roy. A letter granting Mr. Roy position to represent Mr. Mayer was received.
  - d. Abutter Linda Anelli (owner of parcel SG004); participated in person.
8. A public hearing was held on July 10, 2014, continued to July 15, 2014 for a site visit and to August 28, 2014 for further testimony. The hearing was closed on August 28, 2014.
9. At the outset of the hearing, the Applicant was given and accepted the opportunity to review all information submitted by the Zoning Administrator, Exhibit A. The Applicant agreed with items 1 & 2 but not items 3 & 4 of the application summary provided by the ZA. Exhibit A is amended to include only items 1 & 2.

10. 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 Meduski property is located at Someday Road and Hathaway Trail in West Dover VT.
2. The property is located in the Residential District (RES).
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. As part of the subdivision, a lot will be created which contains an accessory structure but not a primary residential structure. This would be a non-conforming lot. As no non-conformity to the Bylaw currently exists, the creation of this lot would increase the degree of non-conformity.
7. Enlargement of non-conformity is not permitted in the Bylaw. It can be addressed by Section 490: Uses Not Provided For, which directs requests for such uses to the Planning Commission for review. The Planning Commission then generates Findings of Fact, by which the Development Review Board is to be guided in their decision. The subsequent application to the Development Review Board will be a Conditional Use application.

## **C. DECISION**

By a vote of 0-4-0, the Board denies this Application without prejudice, based on the requirements of Section 490 of the Dover Zoning Bylaw as detailed in the Findings of Fact noted above.

Respectfully submitted,



**September 9, 2014**

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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.**