

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 14-SG002-21

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Richard Meduski
2. Applicant: E. Adam Hubbard, Stevens & Associates
3. Brief Description of Request: Creation of a 9-lot subdivision, conditional use and lot line correction in accordance with Sections 330, 335.2, 375, 380, 385, 405(a) of the Dover Zoning Bylaw.
4. A copy of the application was received by the Zoning Administrator on October 23, 2014.
5. On October 23, 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 October 23, 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.comPublic notice of the hearing was also published in the Deerfield Valley News on October 30, 2014 and in the Brattleboro Reformer on October 25, 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 November 13, 2014 to the following:
 - a. Abutter Anthony Gaglio, 32 Hathaway Trail (parcel HT014); participated in person
 - b. Abutter Jordan Mayer, 35 Hathaway Trail (parcel AL012); participated in person
 - c. Abutter Jordan Mayer's attorney, Christopher Roy, participated via written communication. A portion of the letter was read into testimony
8. A public hearing was held and closed on November 13, 2014; deliberative session was continued to November 20, 2014.
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:

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. All Interested Parties and additional representatives of the Applicant were properly sworn prior to providing testimony.
7. The lot line correction is being requested to align the existing lot lines with the proposed subdivided lots. The requested correction is noted on Exhibit B and is between proposed lots 11 and 12.
8. All proposed lots conform to the dimensional standards of the RES district. All lots are capable of having a house and parking constructed within setbacks, and will be on municipal sewer.
9. Proposed lots 1, 2, and 7 have principal dwellings presently in place. Lot 8 will have a principal dwelling in place, subject to approval of Application 14-SG002-23.
10. The existing garage will become an accessory structure to the car barn, subject to approval of Application 14-SG002-23.
11. There will be a deeded access for a driveway across lot 7 to lot 8.
12. North Branch Fire District has confirmed capacity for 5 new, three-bedroom homes.
13. There is sufficient isolation for drilled wells.
14. Applicant proposes to establish appropriate easements for the extension of the municipal sewer and dry hydrant line from the pond on Someday Rd to the dry hydrant on Hathaway Trail.
15. The golf cart path noted on Exhibit B will be taken out of use and, should lot 8 be further subdivided into lots 8 & 9, it will not be used for access to lot 9.
16. Hathaway Trail is a public right of way and its use will not be restricted by the creation of the subdivision or the future landowners within the subdivision.
17. Improvements to the Hathaway Trail traveled way shall be the responsibility of the Landowner (Mr. Meduski). Future improvements and maintenance (including but not limited to grading, snow plowing and/or removal, sanding and salting) of the entire length of Hathaway Trail from Blue Brook Road through the northerly edge of the driveway for lot 13 shall be the responsibility of an Association comprised of at least the future landowners within the subdivision whose property is accessed by Hathaway Trail, established through a Declaration of Covenants or Roadway Maintenance Agreement.. The costs of maintenance shall be shared on a pro rata basis; the Town will not be responsible for maintenance of Hathaway Trail.
18. Development of shoulders along the more heavily traveled portion of Hathaway Trail will contribute to increased traffic safety, most especially during winter months and during times of dual use of the Hathaway Trail by automobiles and snowmobiles.
19. One of the responsibilities of the Association of future landowners described in Finding of Fact 17 (above) will be the continued maintenance (including but not limited to

grading, snow plowing and/or removal, sanding and salting) of Hathaway Trail. All landowners within the subdivision whose property is accessed by Hathaway Trail will be required to join the Association; existing landowners will be invited but not required to join.

C. DECISION

Based on the application and evidence presented, by a vote of 4-0-0, the Board approves the application with the following conditions:

1. This 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. The traveled way of Hathaway Trail shall be constructed to a minimum of 18' in width along its entire length and as shown on the approved plans.
3. A total of 2' of shoulder width shall be created on the portion of Hathaway Trail from Blue Brook Rd to the northerly boundary of the Mayer property (parcel AL012).
4. The improvements to Hathaway Trail must be completed prior to the issuance of the first zoning permit for construction of a structure on any lot that is to be accessed by Hathaway Trail.
5. The eighteen-foot width of the Hathaway Trail traveled way shall be maintained (including but not limited to grading, snow plowing and/or removal, sanding and salting) throughout its entire length from Blue Brook Rd to the northerly limits of the driveway for Lot 13 year-round.
6. The pullouts being created along Hathaway Trail shall be maintained (including but not limited to grading, snow plowing and/or removal, sanding and salting) and fully accessible year-round.
7. The hammerhead turnaround being created on Hathaway Trail shall be maintained (including but not limited to grading, snow plowing and/or removal, sanding and salting) and fully accessible year-round.
8. The Applicant shall post signage on Hathaway Trail for a 15 MPH speed limit for all motorized vehicles. VAST-supplied appropriate signage for hazards shall be installed by the Applicant. This includes but is not limited to 'blind corner' signage.
9. The Applicant shall install a hydrant at the pond off of Someday Rd, with a pipe leading from Someday Rd to a hydrant off of Hathaway Trail, to serve as fire protection for lots accessed from Hathaway Trail. Construction of the hydrant and installation of the pipe shall commence when the first building permit for any lot accessed by Hathaway Trail is granted and shall be completed prior to occupancy of any lot accessed by Hathaway Trail.
10. The Applicant shall submit a signed Roadway Agreement and Waiver to the Town prior to execution and recording of the final plat, subject to approval by the Town Attorney, for the continued private use and maintenance of Hathaway Trail.
11. The Applicant shall provide an irrevocable offer of dedication, signed by the Applicant, prior to execution and recording of the plat dedicating a permanent easement to the Town for accessing the hammerhead turnaround for fire protection and other emergency purposes, subject to the Town Attorney's review. This easement to be dedicated to the Town shall not relieve the Applicant and its successors and assigns of its maintenance responsibilities pursuant to Conditions 5, 6, and 7, above.
12. Prior to execution and recording of the final plat, the Applicant shall provide the proposed deeds for lots 7 and 8 for review by the Town's Attorney to ensure that there is deeded driveway access across lot 7 to lot 8.

13. Prior to execution and recording the final plat, the Applicant shall provide the proposed deeds for lots containing the easements for the extension of the municipal sewer and dry hydrant line from the pond on Someday Rd to the dry hydrant on Hathaway Trail for review by the Town's Attorney.

14. Prior to execution and recording of the final plat, the Applicant shall submit the proposed Declaration and/or the Roadway Maintenance Agreement, establishing the responsibilities for the Association for the continued maintenance (including but not limited to grading, snow plowing and/or removal, sanding and salting) of Hathaway Trail.

15. The Applicant shall submit an amount of \$500.00 to the Town's zoning office to be held in escrow to cover the expense of the Town's legal review of the Roadway Agreement and Waiver, the Irrevocable Offer of Dedication for the permanent easement for the hammerhead turnaround, the deeds for lots 7 and 8 for the driveway easement, the deeds containing the easements for the municipal sewer and dry hydrant, the proposed Declaration and/or Roadway Maintenance Agreement.

16. The plat shall be recorded in the land records within 180 days or this approval is null and void.

Respectfully submitted,



December 16, 2014

Sarah K. Shippee
Chairperson, Dover Development Review Board

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.