

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 15-MS300-35**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner: Mount Snow Ltd.
2. Applicant: Laurie Newton
3. Brief Description of Request: Construction of the Carinthia Pump House and replacement of the Ski Baba chairlift, in accordance with Section 300 and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on August 6, 2015.
5. On August 14, 2015, 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 August 13, 2015:
  - 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 August 20, 2015 and in the Brattleboro Reformer on August 18, 2015
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 requests for Interested Party status were made or granted.
8. A public hearing was held on September 10, 2015 and continued to October 15, 2015. The hearing was closed on October 15, 2015.
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 and concludes as follows:

1. The property is located on Handle Rd in West Dover VT and is located in the Resort Center District (RST).
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. The Carinthia Pump House will be constructed at the base of the Ski Baba ski run.

6. The following abutters requested and were granted Interested Party Status: Thomas Corell, 261 Handle Rd; Barbara Peters, 3 Slopeside Drive; Ronald Joseph, 4F Carinthia Rd, Unit 11, Glen Run Condominiums; Tim Callahan, 2U Carinthia Rd, Unit 17, Glen Run Condominiums; Anne DiFrancesco, 2H Carinthia Rd, Unit 27, Glen Run Condominiums.
7. Ronald Joseph testified as the President of the Glen Run Homeowners Association; appropriate authorization was supplied.
8. Stephanie Greene, President, Mountain View Cemetery Association, 260 Handle Rd. Appropriate authorization to testify on behalf of the Association was provided.
9. At the October 15, 2015 continuance, Edie Mas replaced Stephanie Greene as representative of the Mountain View Cemetery Association. Appropriate authorization was provided.
10. Testimony regarding the siting of abutter's wells was provided by Kevin Joyce, property manager for Slopeside/Villas Condominiums.
11. Applicant's application materials included a site plan entitled "LA207, Site Plan with Setbacks (Exhibit X)," dated 31 July, 2015, last revised 13 October, 2015, prepared by SE Group, and building elevations plan A-7.2 (Exhibit F), dated 2 April 2015, prepared by LineSync Architecture.
12. The total height of the Pump House, at the cupola, is 32.8 feet. This conforms to the height restriction in Section 475 of the Bylaw.
13. As proposed, the storm water detention pond and parking lot do not appear to meet the 15-foot setback from the Applicant's property boundary, or the 100-foot front yard setback requirement for PUDs from Handle Rd. As such, the DRB grants a waiver (see Bylaw Section 720.F) and requires the Applicant's storm water detention pond and parking lot to meet the 15-foot property boundary setback and a 50-foot setback from the Handle Road centerline as a condition of approval.
14. The other structures proposed in the application meet all other setback requirements of the Bylaw.
15. The Pump House will hold 10 pumps, locker rooms, and a bathroom for use by snowmakers and the freestyle crew.
16. The gallonage of water needed for the bathroom in the proposed Pump House will be the same as was used by the existing Pump House that is being replaced. There will be no change in gallonage requirements.
17. The building exterior appearance was designed to look like a Vermont barn.
18. There will be three exterior lights on the Pump House, one above each door. All will be switch operated and will be downward shielded.
19. The Pump House will be better insulated than the structure it is replacing.
20. Pumps will start sequentially, not simultaneously.
21. RSG, Inc, sound engineers, recommend an architectural design that provides an overall noise reduction of at least 50 dBA. This will result in a maximum sound level (from the pumps) of 43 dBA outside the building; the sound level 20 feet from the building will be approximately 41 dBA.
22. The currently-used 2-stroke snowmobiles will be replaced, as they are retired, by 4-stroke snowmobiles.
23. The existing Ski Baba double chairlift will be removed and replaced with a covered

- Magic Carpet surface lift. The Magic Carpet will be installed, at minimum, 33' 2" from the nearest property line.
24. A gravel parking lot will be constructed for use by Mount Snow employees at the Pump House. There will be 19 parking spaces in the lot.
  25. A 2010 decision by the Development Review Board approving an amendment to the Mt. Snow planned unit development authorized Mount Snow's parking plan to be based on lift capacity. The parking requirement is based on the comfortable carrying capacity (CCC) divided by 3.25.
  26. The replacement of the Ski Baba chairlift with the Magic Carpet will result in an increase of 50 in the CCC. Currently Mount Snow's CCC requires 3,843 parking spaces. There are 4,010 parking spaces at present; the addition of the proposed gravel parking lot's spaces results in a total of 4,029 spaces. The increase of 50 CCC results in an increased parking requirement of 16 spaces. Therefore, 3,859 spaces are needed and 4,029 exist. The parking requirement of the Bylaw is met.
  27. A portion of the parcel MS300 falls within the Sensitive Wildlife Overlay District; however, the lands under consideration in this application do not fall within this District.
  28. The Agency of Natural Resources Wildlife Biologist reviewed the Mount Snow Master Plan in October, 2010 and determined there would be no impact on the sensitive wildlife overlay as a result of this Application. The Partial Findings of Fact from which this information was communicated is in effect for a period of ten years from the date of the decision.
  29. "Ski Area" is a conditional use in the RST District. Pursuant to the General Standards for Conditional Use in Bylaw Section 380, the Board concludes the improvements proposed in the Application have 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 RST District, which are: to support resort related residential and mixed-use commercial development. Development shall be located near existing resort areas and services that are readily accessible by the Town's existing road system.
    3. Traffic on roads or highways in the vicinity.
    4. The current Bylaw and other Town ordinances.
    5. Utilization of renewable energy resources.
  30. 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. The Grading and Drainage Plan C3.07 (Exhibit D), dated 15 July 2015, addresses and satisfies Section 630, Erosion and Sediment Control. The Planting Plan LA407 (Exhibit V), dated 31 July 2015, revised 21 September 2015, satisfies the requirement of Section 632.3.
    2. The standards of area, dimension, and coverage are met, except as noted specifically elsewhere in this Decision.
    3. The standards of Section 385.3, 385.4, 385.5 and 385.6 are addressed elsewhere in this Decision.
  31. Pursuant to the General Development Standards for PUDs in Bylaw Section 720, the Board finds and concludes as follows:

- A. The Application proposes a mix of uses – ski lifts (ski area) and snowmaking facilities – that are conditional uses in the RST District.
  - B. The Application is consistent with the provisions of the 2014 Town Plan (the “Plan”), particularly the description of appropriate land uses for the RST District in Chapter 3 of the Plan and Goal 1, Policy 1.4 in Chapter 4 of the Plan; .
  - C. The overall density proposed by this Application does not exceed what would be allowed if the Applicant’s property were subdivided into lots in accordance with the Bylaw’s requirements for the RST District.
  - D. The Application is an effective and unified treatment of the development possibilities of the project site, as it appropriately provides for streams, steep slopes, wetlands, soils unsuitable for development, open lands, and unique natural and manmade features.
  - E. The criterion of Section 720(E) is not applicable because this development will be constructed in a single phase.
  - F. As noted above, the application meets the zoning requirements for this district, except for a 100-foot setback and buffer from Handle Rd and for PUDs in Section 475 of the Bylaw, which the DRB has waived along Handle Road to allow construction of the storm water detention pond, though approval of the pond will be conditioned on the Applicant meeting both the 15-foot property line and the 50-foot road centerline setbacks.
  - G. This approval shall expire 31 December 2020.
  - H. As noted in subsection A, above, the Application proposes a mix of uses allowed in the RST District.
32. The Board finds and concludes that the Additional Development Standards in Section 725 of the Bylaw generally do not apply to this Application because only a stormwater detention pond, a new Pump House and an associated staff parking lot are proposed. The Application makes appropriate and adequate provision for emergency vehicle access, traffic circulation, parking and landscaping.

### **C. DECISION**

Based on the evidence presented and the Boards Findings of Fact and Conclusions of Law, by a vote of 3-0-0, the Board approves this Application with 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. The parking lot and the detention pond’s defined edge (top of slope) shall be constructed such they meet the setback requirements of 15 feet from the side property line and 50 feet from the centerline of Handle Rd.
- 3. The fencing surrounding the detention pond shall be constructed and maintained so as to preserve the aesthetics of the project area as well as to reasonably prevent access to the detention pond, as required by State statute and as shown on Applicant’s Exhibit P, Split Rail Fence.
- 4. No more than two snowmobiles or Snowcats may travel to and from the Pump House simultaneously, unless equipment failure or damage of the pumps results in the pump station operating at less than 30% of its capability during the ski season. The snowmobiles will not be allowed to idle when parked at the Pump House.

5. The applicant shall adhere to all Recommended Mitigation measures outlined in Section 6.0 (p. 12) of the RSG Noise Impact Assessment.
6. The garage door of the Pump House shall be a sound attenuating door (>STC27), and the door shall remain closed while the pumps are in operation.
7. Entrance to the gravel parking area for the Pump House shall be gated, with signage indicating that the parking area is for employees only.
8. Landscaping shall be installed in accordance with the revised landscaping plan, Applicant's Exhibit V, LA407 (rev. date 9/21/15).
9. Should a safety issue arise regarding the proximity of the Pump House to skied terrain, Mount Snow will install appropriate fencing to preclude skier's accidental contact with the Pump House.

Respectfully submitted,



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Sarah K. Shippee  
Chairperson, Dover Development Review Board

**November 25, 2015**

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Date

**NOTICE: This decision may be appealed to the Environmental Division of Vermont Superior Court by an interested party who participated, by offering oral or written testimony, evidence or a statement of concern regarding this application 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.**