

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 15-RT032-05

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Landowner: Fryer Realty LLC
2. Applicant: Elizabeth Fryer
3. Brief Description of Request: Change of use, from office to retail, in accordance with Sections 300, 375, 380, 385, and 470 of the Dover Zoning Bylaw.
4. A copy of the application was received by the Zoning Administrator on October 15, 2015.
5. On October 22, 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 October 22, 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.comPublic notice of the hearing was also published in the Deerfield Valley News and in the Brattleboro Reformer on October 22, 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; Tony Tribuno/APT Properties, owner of 116 Route 100, is an abutter, he requested and was granted Interested Party status.
8. A public hearing was held and closed on November 12, 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 as follows:

1. The property is located at 112 Route 100 in West Dover VT and is located in the Village District (VIL).
2. The hearing was properly warned.

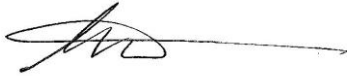
3. All abutters were notified by the Applicant.
4. The Applicant was properly sworn prior to providing testimony.
5. The first floor of the property is currently permitted as Office space; which is a conditional use in the District. The Application seeks to change the use to Retail. Both uses are conditional in the District. The second floor is currently an apartment and will remain so.
6. The first floor of the building is approximately 1,200 square feet; approximately 700 square feet of which will be used for Retail operations. The balance of the first floor of the building will be used for storage.
7. The Applicant proposed to construct a deck on the second floor of the property, on the rear of the building. The proposed dimensions of the deck are 10' x 14'. There will be no stairs leading from the deck to ground level. The deck will be constructed within the original footprint of the building and will not impinge on the travelled way between this building and the adjoining building.
8. There will be 7 parking spaces, 9' x 20', provided. Retail operations require 1 parking space for every 200 square feet of floor area. 700 square feet of retail space requires 4 parking spaces; therefore the required number of parking spaces are provided.
9. A Certificate of Gallonage was provided by North Branch Fire District, demonstrating that there is adequate gallonage for the proposed use.
10. "Retail" is a conditional use in the VIL 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 VIL District, which are: to support the traditional role of the village as the focus of the Town's economic, cultural and social activities and to provide for residential and related development, which are compatible with the needs of the village and Town.
 3. Traffic on roads or highways in the vicinity.
 4. The current Bylaw and other Town ordinances.
 5. Utilization of renewable energy resources.
11. 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 proposed use meets the General Regulations of the Bylaw; therefore Article 6 is satisfied.
 2. The standards of area, dimension, and coverage are met, except for the setback from Route 100. This non-conformity is pre-existing and therefore does not require a variance.
 3. The proposed use does not cause alterations to the areas covered by Sections 385.3, 385.4, 385.5 and 385.6 of the Bylaw.

C. DECISION

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

1. The owner shall maintain the property such that a minimum of 6 parking spaces remain clear and accessible at all times.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

December 9, 2015

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.