

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 15-RT090-03**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST:**

1. Landowner: R2 Corporation
2. Applicant: Kathy Gaede
3. Brief Description of Request: Placement of two storage containers as an Accessory Use to a Conditional Use, 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 September 21, 2015.
5. On October 2, 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 2, 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 October 8, 2015 and in the Brattleboro Reformer on October 6, 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 such requests were made.
8. A public hearing was opened on October 22, 2015 and continued to December 10, 2015. The hearing was closed on December 10, 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 238 Route 100 in West Dover VT and is located in the Commercial District (COM) and is known as Sports Odyssey.

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 Applicant proposes to install two temporary storage containers, 40' x 8' x 16' each, parallel to Route 100. In this orientation, only one of the containers will be visible from the road.
6. The container nearest to Route 100 will be 74' from the center line, at its nearest point.
7. The container farthest from Route 100 will be 51' from the river behind the property, and 93' to the north property boundary.
8. The containers will be 20' from the north side of the building.
9. The Applicant does not plan any landscaping or screening around the containers.
10. The storage containers will be temporary; the Applicant anticipates that they will be removed by the end of the summer of 2015.
11. The placement of the containers will result in the loss of 5 parking spaces; this brings the number of spaces down to 52. The required number of spaces for the retail space is 51.5 spaces; therefore, the required number of parking spaces are provided.
12. "Retail" is a conditional use in the COM District. "Accessory Use" is defined as "a use subordinate to the principal use of land or building"; storage is an appropriate accessory use to Retail Operations.
13. 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 COM District, which are: to accommodate most of Dover's future commercial growth. These lands shall be situated near the Town's principle arterial road and shall not contribute to strip development.
  3. Traffic on roads or highways in the vicinity.
  4. The current Bylaw and other Town ordinances.
  5. Utilization of renewable energy resources.
14. 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.
  3. The proposed use does not cause alterations to the areas covered by Sections 385.3, 385.4, and 385.6 of the Bylaw.
  4. The landscaping and screening for the proposed use are not considered adequate; however, due to the temporary nature of their placement, The Board will allow them with conditions (below)

### C. DECISION

Based on the evidence presented, by a vote of 4-0-0, the Board approves this Application with the following condition:

1. This Application shall expire on December 31, 2016 and the storage containers shall be removed from the property prior to that date.

Respectfully submitted,



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Sarah K. Shippee  
Chairperson, Dover Development Review Board

January 22, 2016

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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.**