

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 15-MS100-86

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Mount Snow Ltd.
2. Applicant: Laurie Newton
3. Brief Description of Request: Correction of mathematical error in parking calculations, in accordance with Sections 375, 380, 470, 634 and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on December 24, 2015.
5. On December 24, 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 December 24, 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 on December 31, 2015 and in the Brattleboro Reformer on December 29, 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 and closed on January 14, 2016.
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 and Mount Snow Rd in West Dover VT and is located in the Resort Center District (RST). The property is known as Mount Snow Resorts Ltd to include Carinthia Ski area, parcel codes MS100 & MS 300.

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. A mathematical error made in calculating in the number of parking spaces was discovered by the Applicant. This error was made on an Application that was approved on August 17, 2010. Based on that application, the number of parking spaces required was 3,006.
6. The Grand Summit Hotel required an additional 317 spaces.
7. The installation of the Bluebird Express lift required an additional 415 spaces. In the calculations accompanying the Bluebird Express application, the number of additional required spaces was mistakenly noted as 452 spaces.
8. The installation of a Magic Carpet at Carinthia requires the addition of 15 parking spaces.
9. The total number of required spaces, based on approved construction, is 3,753.
10. The total number of spaces on the approved parking plan is 4,010. The approved, but not yet constructed, parking area at the Carinthia pump house, will add 19 spaces, bringing the total number of approved spaces to 4,029.
11. "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 correction of the mathematical error proposed in the Application has 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.
12. 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. Section 634, governing parking requirements, is the only relevant section of Article 6. As parking requirements and number of spaces is not changing, the requirements of Section 634 are met.
 2. The standards of Section 385.2, 385.3, 385.4, 385.5 and 385.6 are not applicable to this Application.
13. As there are no changes proposed in this Application, the requirements of Article 7 may be considered to have been met.

C. DECISION

Based on the evidence presented and the Boards Findings of Fact and Conclusions of Law, by a vote of 4-0-0, the Board approves this Application with the following conditions:

1. Until such time as the approved 19 spaces are constructed at the Carinthia pump house, they may not be used to satisfy parking requirements for new construction on or development of the Mount Snow Resort and Carinthia ski area.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

January 25, 2016

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.