

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 16-OL000-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Clock Tower Development, LLC
2. Applicant: Richard Werner
3. Brief Description of Request: Extension of the construction deadline to December 31, 2028 in accordance with Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on September 13, 2016.
5. On September 16, 2016, 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 September 16, 2016:
 - 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 September 22, 2016.
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 October 27, 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 at 29 North Access Rd in West Dover VT and is located in the Resort Center District (RST). The property is known as The Outlook.
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. "Planned Unit Development" 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.
6. 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.
 2. There are no relevant sections of Article 6 to be considered.
 3. The standards of Section 385.2, 385.3, 385.4, 385.5 and 385.6 are not applicable to this Application.
7. The Applicant is requesting a 12-year extension of the expiration date for the Permit, from December 31, 2016 to December 31, 2028.

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 the extension of the construction deadline to December 31, 2028.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

November 3, 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.