

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 16-RT094-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Landowner: Joseph Kruszewski
2. Applicant: Todd Ormiston, Mount Snow Academy
3. Brief Description of Request: Change of conditional use, from Hotel to Educational or Institutional Facility, in accordance with Sections 375, 380, 385, and 470 of the Dover Zoning Bylaw.
4. A copy of the application was received by the Zoning Administrator on February 23, 2016.
5. On March 3, 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 March 3, 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 on March 10, 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 such requests were made or granted.
8. At the outset of the hearing, the Applicant was given and accepted the opportunity to review the application summary submitted by the Zoning Administrator, Exhibit A. The Applicant agreed with the summary provided by the ZA.
9. A public hearing was held and closed on March 24, 2016.
10. 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 248 Route 100, in West Dover VT and is known as The Matterhorn Inn. It is located in the Commercial District (COM).
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 change the use of the property described herein from Hotel to Educational or Institutional Facility. Both are conditional uses in the COM District.
6. The building contains 27 guest rooms with 73 “pillows” or bed space. There are 50 seats in the restaurant and 17 in the bar area.
7. Hotel facilities require one and one-quarter parking spaces for every guest bedroom; restaurants and bars require one parking space for every three persons permitted for occupancy. Therefore, the parking requirement for the existing use is 56 spaces; however, the currently available parking for 35 spaces has been approved by the Health Department of the State of Vermont. There is no specific requirement in the Bylaw for parking spaces for an Educational or Institutional Facility, only that the Development Review Board apply the requirement for the most similar listed use. The most similar listed use is Hotel, Motel, lodge, or bed & breakfast, which has a requirement of one and one-quarter spaces per guest bedroom, making the parking requirement 33.75 (or 34) spaces. The parking requirement is met.
8. There are no proposed changes or renovations to the building exterior, and the building footprint will not be changed.
9. ” Educational or Institutional Facility” is a conditional use in the COM 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 COM District, which are: to accommodate most of Dover’s future commercial growth.
 3. Traffic on roads or highways in the vicinity.
 4. The current Bylaw and other Town ordinances.
 5. Utilization of renewable energy resources.
10. 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 not affected, as there are no changes to any building dimensions.
 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 5-0-0, the Board approves this Application with the following condition:

The change of use from Hotel to Educational or Institutional Facility shall not occur unless and until the property is transferred to the ownership of Mount Snow Academy.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

April 19, 2016

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.