

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 17-JH005-03**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner (Appellant): Megan Sparks
2. Applicant: Megan Sparks
3. Brief Description of Request: Appeal of Zoning Administrator Notice of Violation for commencement of land development without a valid building permit, in accordance with Sections 300, 655, 651, and 830 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on January 23, 2017.
5. On January 26, 2017, 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 January 26, 2017:
  - 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 February 2, 2017.
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; Abutters Glenn Dulmage (93 Jockey Hollow Rd) and Jeffrey Tullman (70 Jockey Hollow Rd) requested and were granted Interested Party status. Both provided written testimony that was read into the record.
8. A public hearing was opened on February 23, 2017, continued to March 9, 2017, continued to March 23, 2017, and subsequently continued to March 30, 2017. The hearing was closed on March 30, 2017.
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 subject property is located at 65 Jockey Hollow Rd in East Dover VT and is located in the Resource Reserve and Conservation District (CON).

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 travel trailer was placed on the property. It remained there for longer than ninety (90) days. Additionally, an unpermitted structure was constructed attached or adjacent to the trailer.
6. It appears that the travel trailer is being used as a residence.
7. On April 12, 2016, the Zoning Administrator made a formal request that the trailer be removed from the property within ninety (90) days. The trailer was not removed.
8. In the absence of a principal building or use of the property, the occupied travel trailer is considered a non-accessory or temporary structure, which requires a zoning permit.
9. The placement of the travel trailer for longer than ninety (90) days, with the construction of the attached or adjacent structure, constitutes land development and, as such includes:

- 1) Addition of a new use without a zoning permit, in violation of Section 300 of the Zoning Bylaw, which states that

No land development may commence unless a Zoning Permit has been duly issued by the Zoning Administrator, as provided for in Section 4449 of the Vermont Planning and Development Act, 24 V.S.A., Chapter 117;

- 2) Placement, operation, occupation and use of a travel trailer without a zoning permit, in violation of Section 655 of the Zoning Bylaw, which states that

It shall be unlawful for any person to park a recreational vehicle/travel trailer, or to erect a tent except in accordance with the following regulations:

1. The non-commercial use of recreational vehicles/travel trailers or tents shall be permitted upon the specific approval of the landowner for camping not to exceed ninety (90) days. Any non-commercial recreational vehicles/travel trailers and tents remaining longer than ninety (90) days shall require the Zoning Administrator to demand conformity with the rest of these regulations, including but not limited to Section 650 or Section 660.

2. The owner of a recreational vehicle/travel trailer may park the vehicle/trailer or erect a tent on his own property. A recreational vehicle/travel trailer or tent so parked or erected shall not be used as living quarters and shall not be permanently hard wired to any electrical utility or directly connected to any sewer system;

- 3) Placement, operation, occupation and use of a temporary residence or structure without a zoning permit, in violation of Section 651 of the Zoning Bylaw, which states that:

A zoning permit may be granted by the Zoning Administrator for a period of up to one (1) year for the placement of a temporary residence on a parcel of land for the purpose of construction. The temporary residence must be removed upon expiration of one year or completion and occupancy of the structure, whichever comes first; and

- 4) Placement, operation, occupation and use of an Accessory Dwelling Unit or structure without both a principal structure on the lot and a zoning permit, in violation of Section 830 of the Zoning Bylaw, which states that

One Accessory Dwelling Unit that is contained within, or attached to an existing or proposed owner-occupied single family dwelling or its accessory building, shall be considered a permitted use provided that the Accessory Dwelling Unit complies with the

following:

1. The property has sufficient wastewater capacity as evidenced by a revised septic permit or, if the building is on municipal sewer, evidence that additional gallonage from the North Branch Fire District #1 has been obtained.
  2. The additional unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling. The habitable floor area of the dwelling unit shall include the interior area of the dwelling unit including basements and attics, but not including a garage or accessory building.
  3. The Accessory Dwelling Unit complies with all applicable setback, coverage, and parking requirements.
  4. Accessory Dwelling Units are exempt from Land Trust requirements.
10. The Bylaw does not provide for violations created on properties by non-owners. Therefore, the Zoning Administrator cannot issue a Notice of Violation to an occupant who is not a property owner.

## DECISION

Based on the evidence presented and the Boards Findings of Fact and Conclusions of Law, by a vote of 0-3-0, the Board denies the Appeal of the Zoning Administrator's decision.

Respectfully submitted,



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Sarah K. Shippee  
Chairperson, Dover Development Review Board

May 4, 2017

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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.**