

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 17-MS300-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Mount Snow Ltd.
2. Applicant: Laurie Newton
3. Brief Description of Request: Relocation and refurbishment of two duplexes at the Carinthia base area, in accordance with Sections 328, 475, 632, 634 and 685, and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein). The proposed structure is hereinafter referred to as Building A.
4. A copy of the application was received by the Zoning Administrator on May 12, 2017.
5. On May 12, 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 May 12, 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.comPublic notice of the hearing was also published in the Deerfield Valley News on May 18, 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. Michael Konover, owner at Slopeside Condominiums, submitted written testimony, which was read into the record (Exhibit 2).
8. A public hearing was held on June 8, 2017 and continued to July 13, 2017. The hearing was closed on July 13, 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:

The property is located on Handle Rd in West Dover VT and is located in the Resort Center District (RST).

1. The hearing was properly warned.
2. All abutters were notified by the Applicant.
3. The Applicant was properly sworn prior to providing testimony.

4. Two duplex properties, currently located at 2 Carinthia Lane and 11 Carinthia Road, will be relocated to 14 Carinthia Road and joined to create a 4-unit property (Building A).
5. One of the duplexes is owned by Mount Snow; the other is owned by Hexagon Associates. A letter from Hexagon Associates, authorizing this application, was provided as part of the application materials.
6. Applicant's application materials included the application, Exhibits A-M.
7. Additional Exhibits 1 (Zoning Administrator's summary) and 2 (letter from M. Konover) were submitted.
8. The Project consists of relocating and merging two duplex residential units to create a single 4-unit residential unit. This merged structure is referred to as Town House A or Building A in the Carinthia Master Plan (Exhibit E-1).
9. The footprint of Building A will be 50' x 100' (Exhibit E-3).
10. After the foundation for Building A is poured and the duplexes relocated, an addition will be constructed and a third floor will be added to the structure.
11. The height of Building A will be 41' 1". Per Section 328, building heights may exceed 36 feet so long as fire protection and safety are adequately addressed, taking into consideration the guidelines of the West Dover and East Dover fire departments. The Applicant presented a Municipal Impact Questionnaire (MIQ) signed by the Town of Dover indicating sign off of the project under conditions included in the MIQ (Exhibit H-1).
12. The Applicant will install fire hydrants to serve the base area, including Building A. Exact locations will be determined in collaboration with the West Dover fire chief.
13. Building A meets the setback requirements of the Resort Center (RST) zoning district (Exhibit C).
14. Per Section 475, the density requirement for a multi-family unit is 1 (one) acre. From the findings of the issued Permit 10-MS300-1 (Exhibit K), the Carinthia Base Lodge and the Carinthia Pump House require 4.25 acres. The Carinthia parcel totals 189.5 acres of which 25.9 are in the RST district. The requirements for Building A is 1 (one) acre. Therefore, the density requirements are met.
15. There will three parking spaces per unit, as required in Section 634 of the Bylaw, for a total of 12 parking spaces (Exhibit E-3).
16. Building A will require 2,040 gallons for sewage disposal. North Branch Fire District confirms that there is sufficient gallonage available at present to satisfy the requirement (Exhibit I).
17. A landscaping plan is provided as per Section 632 of the Bylaw (Exhibit F).
18. The Dover Sensitive Wildlife Overlay District is located at the southern end of the Carinthia parcel. A buffer of forest land approximately 220 feet wide shall be maintained along the southern boundary of the parking lot (previously approved under Application 16-MS300-01) extending to the southern edge of the Carinthia parcel. There will be no impacts to the Sensitive Wildlife Overlay District.
19. There are several potential bat roosting trees located near the project area (Exhibit D-4). Mount Snow will restrict the cutting of all Project-related trees between April 15 and October 31 in order to avoid impacts to bats. If blasting is required, it will not occur between October 1 to April 15, which is the bat hibernation period.
20. Building A will be supplied with potable water from Well A (Exhibit G).
21. The current design of Building A requires a flow of 4.5 gallons per minute of water (gpm).

The safe yield of Well A is 25.5 gpm. Therefore an adequate supply of potable water is available for the project. The excess water capacity may be available to additional buildings to be constructed at the Carinthia Base Area.

22. The stormwater and erosion control plan is adequately addressed in the PUD; no separate plan is required for this phase of construction.
23. "Multi-family dwelling" is a conditional use in the RST 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 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 roads or highways in the vicinity.
 - 4) The current Bylaw and other Town ordinances.
 - 5) Utilization of renewable energy resources.
24. 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 Planting Plans (Exhibit F), dated January 22, 2016, satisfy the requirement of Section 632. Parking requirements (Section 634) are met as addressed elsewhere in this Decision. Exterior lighting will be installed on the building, by the doors and garage entrances only, and will be down-shielded and dark-sky compliant. Therefore, a separate lighting plan is not required.
 2. The standards of area, dimension, and coverage are met.
 3. Sections 385.3 and 385.4 are not applicable.
 4. The standards of Section 385.5 and 385.6 are addressed elsewhere in this Decision.
25. Pursuant to Section 328, the Board finds the Applicant has met the requirements, as discussed elsewhere in this Decision, for an exemption to the building height requirement.
26. Pursuant to the General Development Standards for PUDs in Bylaw Section 720, the Board finds and concludes as follows:
 - A. The Application proposes a multi-family dwelling that is a conditional use in the RST District.
 - B. The Application is consistent with the provisions of the Town Plan (the "Plan") adopted October 15, 1991 and revised January 4, 2016, particularly the conservation of the bat hibernaculum in Section 5.8, Policy 2.2 of the Plan.
 - C. The overall density proposed by this Application does not exceed what would be allowed if the Applicant's property were subdivided into lots in accordance with the Bylaw's requirements for the RST District.
 - D. The Application is an effective and unified treatment of the development

- possibilities of the project site, as it appropriately provides for streams, steep slopes, wetlands, soils unsuitable for development, open lands, and unique natural and manmade features. Appropriate conditions will be in place to minimize any impacts to the Little Brown and Northern Long-eared bats, both of which are on the Vermont endangered species list, as well as the tri-colored bat.
- E. The phasing of the construction is such that it will not unduly burden transportation networks, municipal facilities and/or services.
 - F. As noted above, the application meets the zoning requirements for the RST District. An exemption to the height requirement has been granted, subject to conditions.
 - G. This approval shall expire December 31, 2021.
 - H. As noted in subsection A, above, the Application proposes multi-family dwelling, which is a conditional use in the RST District.
27. Pursuant to Additional Development Standards in Section 725 of the Bylaw, the Board finds and concludes as follows:
- A. Not applicable because only one building is being proposed.
 - B. The proposed Building A exceeds setback requirements. Landscaping proposed will provide both screening along the perimeter of Building A's permit area and to soften the appearance of the structure.
 - C. An MIQ has been submitted with requirements for fire protection. In addition, the Applicant will be collaborating with the West Dover Fire Chief as to the location of fire hydrants.
 - D. The Applicant will submit a signed contract with the North Branch Fire District prior to the start of construction.
 - E. Improvements to town and state roads are not required.
 - F. Mount Snow is participating in a local committee tasked by the Dover Selectboard to make improvements for pedestrian safety and the recreational experience along Handle Road. Emergency vehicle access is provided for.
 - G. There is emergency access provided along the south side of Building A.
 - H. Not applicable.
 - I. Addressed elsewhere in this Decision.

C. DECISION:

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

1. The project shall be completed as shown on the application, plat and plans submitted by the Applicant and in accordance with all representations made in the application and at the Board's hearing.
2. A signed contract with the required amount of gallonage for sewage disposal for Building A shall be submitted to the Zoning Administrator prior to the start of construction. Construction may not begin until the contract is submitted.
3. As applicable to Building A, all specifications, including comments, contained in the MIQ (Town of Dover, Project Review Board) shall be followed.
4. No project-related trees may be cut between April 15 - October 31 in order to avoid impacts to protected bat species that may be using them for roosting.
5. No blasting may occur between October 1 - April 15 in order to avoid impacts to protected bat

- species that may be hibernating.
6. Landscaping shall be installed in accordance with the landscaping plans submitted.
 7. The construction zone shall be enclosed in such a way as to preclude access by and ensure safety of the public, either on foot or by vehicle.
 8. If either or both duplexes are damaged, during relocation or construction, the Applicant may construct a replacement structure, provided it is identical to the replaced structure in dimensions and footprint.
 9. Prior to issuance of the building permit, a letter or email from Richard Werner, West Dover Fire Chief, is provided, confirming that the Fire Department can provide service to Building A, based on its height of 41' 1".
 10. Prior to issuance of the building permit, a copy of Exhibit K from Application 16-MS300-01 shall be submitted to the Zoning Administrator. This includes the Wildlife Habitat Summary, the Memorandum from Vermont Fish & Wildlife Department (date 12-3-2015), and the letter from the Dover Conservation Commission (date 12-18-2015).
 11. The slabs on which the two duplexes now sit will be removed or covered with soil. If covered with soil, they will be at grade, not mounded.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

July 17, 2017

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 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.