

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 17-RT037-01**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Landowner: Hermitage Inn Real Estate Holding Co., LLC
2. Applicant: Robert Fisher
3. Brief Description of Request: Subdivision of a single parcel into three parcels, in accordance with Article 2 and Sections 335, 380, 385, 405, 470, 475, and 634 of the Dover Zoning Bylaw. The property is known as The Inn at Saw Mill Farm.
4. A copy of the application was received by the Zoning Administrator on June 1, 2017.
5. On June 5, 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 June 5, 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 June 8, 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; Cathy Kaufman, 12 Crosstown Rd (parcel XT006), Linda Kersten, 97 Route 100 (parcel RT043), and Fred Greenwalt, 1 Bogle Rd (parcel BO001) requested and were granted Interested Party Status.
8. A public hearing was opened on July 13, 2017 and continued to and closed on August 10, 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 as follows:

1. The subject property consists of approximately 15.8 acres and is located on Crosstown Rd in West Dover in the Village (VIL) District.
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. Article 2 defines Land Development as: the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill, or any change in the use of any building or other structure, or land, or extension of use of land.
6. The Property into 3 unequal parcels. Proposed Parcel A-1.1 shall be 5.32 acres and shall contain the existing buildings known as the Main House, the Cider House, the Farm House, the Spring House, the Wood Shed, the tennis court, the pool, and two (2) storage sheds. Parcel A-1.2 shall be 2.15 acres and shall contain the Carriage House; Parcel A-1.3 shall be 8.34 acres and shall contain the existing Single-Family Residence.
7. "Hotel" is a conditional use in the VIL District.
8. The Board finds that the reduction of lot size for the Hotel, from 19.70 acres to 5.32 acres, does not create undue adverse effect on the general standards of Section 380 of the Bylaw.
9. The Board finds that the Hotel, on its reduced-size lot, meets the standards of Section 385.1, 385.2, 385.3, 385.5 and 385.6 of the Bylaw. The adequacy of parking, Section 385.4, is met with the condition noted below.
10. Parcels A-1.2 and A-1.3 are land-locked parcels. They shall be served by a 50'-wide right of way, as required in Section 405 of the Bylaw.
11. There is a proposed change of use on parcel A-1.2, from Hotel to Single Dwelling; this is a change from a conditional use to a permitted use, per Section 470 of the Bylaw.
12. Despite the reduction of size of lot A-1.1 from 19.70 acres to 5.32 acres, the Hotel will remain in compliance with the requirements of Section 475 of the Bylaw with respect to the density and coverage standards.
13. The well sited on lot A-1.1, abutting the Cider House, serves all of the buildings on lot A-1.1 with the exception of the Spring House. The well sited on lot A-1.3 serves the single-family residence also located on lot A-1.3, the Carriage House located on lot A-1.2 and the Spring House on lot A-1.1. The well depicted on lot A-1.2 serves parcels and buildings off the Property.
14. Per Section 634 of the Bylaw, one and one quarter (1 ¼) parking spaces are required per guest bedroom in a Hotel, and one (1) parking space is required for every three (3) persons permitted for occupancy for Restaurants. There are 22 guest bedrooms and 85 seats in the restaurant; therefore, the parking requirement for lot A-1.1 is 56 spaces.

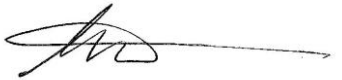
### **C. DECISION**

Based on the evidence presented, by a vote of 5-0-0, the Board approves this Application, subject to the following conditions:

1. Lot A-1.1 shall contain 56 parking spaces. No more than four (4) of these 56 parking spaces may be provided in the southwesterly corner of lot A-2, located across Crosstown Road from Lot A-1.1. For the purposes of planning and zoning, Lots A-1.1 and A-2 shall be considered one (1) lot. Prior to recording the plan, the Applicant must record a "Notice of Conditions" to this effect, which the Town Attorney has approved.

2. All easements, rights of way, and utility access shall be provided for in the deeds for the individual parcels, in conformance with the Applicant's testimony. Prior to recording the plan, the Applicant must record a "Notice of Conditions" to this effect, which the Town Attorney has approved.
3. A permit for a Change of Use, from Hotel to Single Family Residence, shall be obtained for the building located on parcel A-1.2 before any change of use may be commenced.

Respectfully submitted,



**September 18, 2017**

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Sarah Shippee  
Chairperson, Dover Development Review Board

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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 30days 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 802-282-6488 to speak to the regional Permit Specialist before beginning any construction.**