

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 17-RT101-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Andrew and Marie Nystrom
2. Applicant: Andrew and Marie Nystrom; Richard Werner
3. Brief Description of Request: Construct addition to retail/commercial establishment, pursuant to Sections 300, 375, 380, 385, 470, and 475 of the Dover Zoning Bylaw. The property is located at 321 Route 100 in West Dover and is known as the Dover Center Plaza (The Plaza).
4. A copy of the application was received by the Zoning Administrator on September 5, 2017.
5. On September 7, 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 September 7, 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 September 14, 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; no requests for Interested Party status were made or granted.
8. A public hearing was held and closed on September 28, 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 Dover Center Plaza is located at 321 Route 100 in West Dover VT. The property is located in the Planned 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 demolish existing building #1, also known as the round building, and construct a new round building as well as additions to existing building #2.
6. The current lot coverage is 50,435 square feet, or 68.1% coverage.
7. Pursuant to Section 475, lot coverage may not exceed 50%; however, the nonconformity is pre-existing.
8. The current lot coverage is comprised of 12,443 square feet of buildings and 37,992 square feet of pavement and gravel.
9. The proposed lot coverage will be comprised of 13,779 square feet of buildings and 36,656 square feet of pavement and gravel.
10. The reduction in pavement and gravel coverage will be achieved by replacement of 1,336 square feet of pavement and gravel with permeable EcoRain Pavers (or equivalent product), with 2" drainage cells.
11. Pursuant to Section 475, the setback requirement for buildings is fifteen (15) feet from any property line. The northwest corner of building #2 has a setback of fourteen feet four inches (14' 4"), and the south corner of building #3 has a setback of ten feet (10'). These nonconforming setbacks are pre-existing.
12. The Applicant proposes to install gas pumps, north of the end of building #2 (Exhibit 4).
13. Retail store parking requirements are one (1) space for every two hundred (200) square feet of floor space; restaurant parking requirements are one (1) parking space for every three (3) persons permitted for occupancy.
14. The Dover Bar & Grill comprises 2,500 square feet and is permitted for ten (10) seats, and therefore requires four (4) parking spaces.
15. The Dover Bar & Grill is primarily open in the evenings. The other permitted businesses in the Plaza are primarily open in during daytime hours.
16. The proposed building square footage is 13,779; reducing that by the 2,500 square feet attributed to the Dover Bar & Grill leaves 11,279 square feet of retail space. This requires 57 parking spaces (11,279/200). The proposed plan shows fifty (50) spaces.
17. "Retail Business or Service >2,500 square feet" 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.
18. 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 the proposed

increase in building square footage is offset by an equal reduction in the square footage of the pavement and gravel coverage.

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 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. The Applicant shall install and maintain bear-proof dumpsters that shall be used by all retail/commercial establishments in the Plaza.
3. All requirements of the most recently amended Act 250 permit shall be adhered to.
4. There shall be 57 parking spaces provided and, prior to issuance of the building permit, a revised site plan delineating these spaces shall be provided to the Zoning Administrator.
5. As the Dover Bar & Grill is only open in the evenings, the parking requirement for this establishment may be 'overlapped' with the 57 spaces required for the remainder of the retail establishments in the Plaza. No additional spaces will be required.
6. The Applicant shall certify that the lot coverage is 68.1%. Lot coverage may not be increased unless the Zoning Bylaw is amended to permit coverage in excess of 68.1%.
7. The request for installation of gas pumps was not indicated on the original application, nor was it part of the warning for the hearing. Therefore, this portion of the application is denied without prejudice; the Applicant may submit a separate application for consideration, if desired.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

November 7, 2017

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.