

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

**DOVER DEVELOPMENT REVIEW BOARD**  
**NOTICE OF DECISION**  
**Application 18-DO015x-02**

**A. PROCEDURAL HISTORY & APPLICANT REQUEST:**

1. Landowner: North Branch Fire District
2. Applicant: Linda Holland.
3. Brief Description of Request: Request for Variance from the setback requirement to Dorr Fitch Rd, pursuant to Sections 335, 450, 475 and 1140 of the Dover Zoning Bylaw. The property is located at 78 Dorr Fitch Rd, West Dover and is known as North Branch Treatment Facility.
4. A copy of the application was received by the Zoning Administrator on January 17, 2018
5. On January 23, 2018, 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 23, 2018:
  - 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 January 25, 2018.
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. 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 February 8, 2018.
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 78 Dorr Fitch Rd, in West Dover VT. It is located in the Light Industrial (IND) 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. The Applicant is requesting a variance of approximately twenty (20) feet from the 50-foot setback requirements of Zoning Bylaw Section 475 for construction of a protective structure over the Headworks Equipment. The Headworks is installed; the construction would be for the protective structure only.
6. The criteria of Zoning Bylaw Section 1140: VARIANCE apply to the DRB's review of this application.
7. The DRB concludes under Section 1140(1) that the applicant does not suffer from any unnecessary hardship due to the unique physical circumstances or conditions with respect to the applicant's lot size and shape or other physical conditions peculiar to the particular property.
8. Under Section 1140(2), the DRB concludes that the property can be developed in strict conformity with the Zoning Bylaw such that this variance is unnecessary to enable reasonable use of the property.
9. Under Section 1140(3) the DRB finds that the applicant created the hardship due to its construction of the headworks so close to Dorr Fitch Road.
10. Notwithstanding the foregoing, the Town's zoning authority over municipal projects like the subject project proposed by the North Branch Fire District is limited by 24 VSA §4413(a) such that a variance is likely unnecessary to construct the proposed protective structure. The DRB recommends that the applicant submit a second application for the protective structure to the Zoning Administrator since it appears that application of the Dover Zoning Bylaw's setback requirements to the protective structure would interfere with the intended functional use of the structure, which is to protect the Headworks component of the North Branch Fire District facility.

### C. DECISION

Based on the evidence presented and the foregoing Findings of Fact and Conclusions of Law, by a vote of 0-4-0, the Board denies this Application for a variance without prejudice. The Applicant is advised to submit a Permit Application to the Zoning Administrator.

Respectfully submitted,



**February 20, 2018**

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Sarah K. 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 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.**