

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 18-MS300-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Mount Snow Ltd.
2. Applicant: Laurie Newton
3. Brief Description of Request: Amendment of the Planned Unit Development for construction of an underground parking structure at the Carinthia Base Area, in accordance with Sections 375, 380, 385, 435 and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein).
4. A copy of the application was received by the Zoning Administrator on January 17, 2018.
5. On January 18, 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 18, 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.comPublic notice of the hearing was also published in the Deerfield Valley News on January 26, 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. Edie Mas, 226 Handle Rd, and Bob Hayes, 2 Carinthia Rd, unit 34 of Glen Run, requested and were granted Interested Party status.
8. A public hearing was held on February 8, 2018 and continued to February 22, 2018. The hearing was closed on February 22, 2018.
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 property is located on Handle Rd in West Dover VT and is located in the Resort Center District (RST).
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. Applicant's application materials included the application, and Exhibits 2-11. Exhibits 2 & 3 replaced documents submitted with the original 2018 application and were updated versions of the same documents.
6. Additional Exhibit 1 (Zoning Administrator's summary) was submitted.
7. The Applicant proposes to add subsurface parking beneath a portion of the currently-permitted parking area. The currently-permitted parking area includes 331 parking spaces. The proposed structure would add 144 subsurface parking spaces, and would reduce the surface parking spaces by four (4). The resulting parking space count is 471 spaces (331 original spaces-4 surface spaces+144 subsurface spaces).
8. The landscaping plan approved as part of Notice of Decision and Permit #16-MS300-01 as per Section 632 of the Bylaw (Exhibit F) shall remain in effect.
9. 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 16-MS300-01) extending to the southern edge of the Carinthia parcel. There will be no impacts to the Sensitive Wildlife Overlay District.
10. 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 and included in 16-MS300-01, satisfy the requirement of Section 632. As this application will increase the number of parking spaces by 141, the parking requirements (Section 634) are met. Lighting for the subsurface parking area will be controlled by a timer and motion sensors.
 2. The standards of area, dimension, and coverage are met.
 3. Ingress and egress for the subsurface parking area is provided by a single entrance, located at the bottom of a ramp on the easterly side of the parking structure. Access to the surface parking area, and Carinthia Rd, shall remain as described in Permit #016-MS300-01. Since the proposed parking area expansion is below ground, the effect of noise, glare and odors to adjoining properties will be minimal. This satisfies the requirement of Sections 385.3 and 385.4.
 4. The standards of Section 385.5 are addressed in the conditions for 16-MS300-01.
 5. Section 385.6 is addressed elsewhere in this decision.
11. Pursuant to the General Development Standards for PUDs in Bylaw Section 720, the Board finds and concludes as follows:
 - A. The Application proposes construction of a subsurface parking structure. "Parking" is not a specific and separate use, but is required for the overarching PUD.

- 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 of the project is not impacted by this Application.
 - D. The Application is an effective and unified treatment of the development possibilities of the project site, as it proposes redevelopment of an existing parking lot with limited impacts beyond the area of the existing parking lot. Thus, the proposed project 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. The Application meets the zoning requirements for the RST District.
 - G. This approval shall expire December 31, 2021.
 - H. “Parking” is not a permitted or conditional use but is a required component of the overall PUD. The parking requirements for the overall PUD are met.
12. Pursuant to Additional Development Standards in Section 725 of the Bylaw, the Board finds and concludes as follows:
- A. Not applicable because no buildings are proposed as part of this Application.
 - B. The proposed parking structure does not alter the setback for the parking area. Landscaping proposed will provide screening along the perimeter of the relevant section of the PUD.
 - C. Creation of a subsurface parking structure will not require alterations to or increases in the fire protection/prevention mechanisms. Not applicable.
 - D. Improvements to town and state roads are not required.
 - E. The Applicant 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.
 - F. The traffic flow pattern proposed as part of this Application adequately addresses circulation within the subject property.
 - G. As noted with respect to Bylaw Section 385(2), above, the effect of noise, glare and odors to adjoining properties will be minimal since the proposed parking area expansion is below ground.
 - H. Addressed elsewhere in this Decision.

2. DECISION:

Based on the evidence presented and the Board’s Findings of Fact and Conclusions of Law, by a vote of 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. Except as expressly modified herein, all the conditions contained in Notice of Decision and Permit #16-MS300-01, dated April 18, 2016, shall remain in effect.
3. 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.
4. No blasting may occur between October 1 - April 15 in order to avoid impacts to protected bat species that may be hibernating.
5. Landscaping shall be installed in accordance with the landscaping plans submitted.
6. 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.
7. Should the Agency of Natural Resources and/or the Act 250 Commission require revisions to the storm water and erosion control plan, the revised plan shall be submitted to the Zoning Administrator prior to issuance of the building permit.
8. Prior to issuance of the building permit, a copy of Exhibit K from 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).
9. When there are 40 or fewer available spaces in the Carinthia base area parking structure proposed as part of this application, a "Lot Full" sign shall be placed at Carinthia Road where it junctions Handle Road.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

Date: February 27, 2018

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 802-262-6488 to speak to the regional Permit Specialist before beginning any construction.