

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 18-SG006-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Landowner and Applicant: Marc Schauber
2. Brief Description of Request: Construction of a single-family home in the Sensitive Wildlife Resource Overlay District, in accordance with Section 300, 415, 470, and Article 9 of the Dover Zoning Bylaw (the "Bylaw" herein).
3. A copy of the application was received by the Zoning Administrator on March 27, 2018.
4. On April 3, 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.
5. Public notice of the hearing was posted at the following locations on April 3, 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 April 6, 2018.
6. 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.
7. A public hearing was held and closed on May 10, 2018.
8. 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 95 Hathaway Trail in West Dover VT and is located in the Resource Reserve and Conservation District (CON), and the Sensitive Wildlife Resource Overlay District.
2. The hearing was properly warned.
3. All abutters were notified by the Applicant, in a timely manner.
4. The Applicant was properly sworn prior to providing testimony.
5. The property is currently permitted as a restaurant.

6. Single-family dwelling is a permitted use in the CON District but is subject to conditions as part of the Sensitive Wildlife Resource Overlay District.
7. All but five (5) acres of the 95.22-acre parcel are controlled by a Forest Management Plan, prepared by George B. Weir & Hayden W. Lake, developed in October 2017. This 5-acre portion of the land parcel is reserved from use value appraisal.
8. The Applicant proposes to construct a 7,452 square foot single-family dwelling in the five (5) acre excluded portion of the parcel, located in the northern portion of the parcel.
9. Pursuant to Section 930: Special Requirements for Development in the Overlay District, the Board finds and concludes as follows:
 1. The proposed development on the subject property minimizes the impact on the sensitive wildlife resource to the greatest extent possible. All development is limited to a five (5) acre parcel that abuts the northern property boundary.
 2. There are no streams located within the five (5) acre portion of the parcel being developed; therefore, this condition is not applicable.
 3. This condition will be met by fulfilling condition 1, below.

C. DECISION

Based on the evidence presented, by a vote of 3-0-0, the Board approves this Application with the following conditions:

1. Prior to issuance of the building permit, provide the Wildlife Biologist's comments on letterhead, with signature.
2. Provide a map of bear corridors across the subject property. If there are none, provide confirmation of this.
3. No more than one (1) acre of land on the westerly side of the house shall be cleared.
4. Applicant shall be responsible for maintaining access to the subject property via Johnson Hill Trail. Damage, if any, that is caused by projected use of the trail by the National Forest Service shall be addressed by the National Forest Service. The town of Dover will not provide maintenance and/or repair on Johnson Hill Trail.
5. Applicant shall secure all garbage, trash, and recycling inside the garage or other permanent structure on the subject property. At no time will garbage, trash, or recycling be left or stored outside.
6. Applicant shall not petition the town or Selectboard to request an upgrade of the status of the trail.

Respectfully submitted,



June 18, 2018

Sarah K. Shippee
Chairperson, Dover Development Review Board

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