

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 19-RT016-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Property Owner: Darryl Belval
2. Applicant: CS Wurzburger
3. Brief Description of Request: Change of Use to add Indoor Recreation and Accessory Apartment to the existing Retail use pursuant to Article 5 and Sections 300, 335, 365, 375, 380, 385, 405, 420, 470, 634, and 690 of the Dover Zoning Bylaw. The property is located at 84 VT-Rt 100 in West Dover.
4. A copy of the application was received by the Zoning Administrator on April 30, 2019
5. On May 2, 2019, 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 May 1, 2019:
 - 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 May 3, 2019.
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; abutters Steven Anderson and Brooke Boucher of 85D VT-Rt 100 were granted Interested Party status.
8. A public hearing was held on May 23, 2019. The hearing was continued to and closed on June 13, 2019. 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 84 VT-Rt 100 in West Dover VT and is located in the Village District (VIL).
2. The hearing was properly warned.
3. All abutters were verbally notified by the Applicant.
4. The Applicant was properly sworn prior to providing testimony.

5. The property is currently permitted as a Retail business.
6. The Applicant proposes to retain the Retail business and add Indoor Recreation and an Accessory Apartment. Retail Business, Indoor Recreation, and Accessory Apartment are all conditional uses in the VIL District.
7. The existing deck and ramp on the north end of the building will be removed and replaced with a twelve-foot (12') x thirty-foot (30') deck with railing. This construction will not impinge on the setback requirements.
8. The hours of operation for the Retail business and Indoor Recreation facility will be seven (7) days per week, 8 am to 10 pm.
9. Pursuant to Permit Application and Requirements in Bylaw Section 335, the map included in the application is incomplete. The map should include:
 - a. the dimensions of the lot;
 - b. location and dimension of the proposed building and accessory structures;
 - c. proposed extensions or changes to existing buildings;
 - d. existing structures, driveways, roads, rights-of-ways, streams, rivers or lakes, wells and septic systems;
 - e. E-911 number for all lots and/or units.

The Board finds and concludes that the supplied map does not include items a. or d.
10. Pursuant to Coordination with Health/Sewage and Sewer Ordinances in Bylaw Section 365, the Board finds and concludes that a letter of commitment to discharge effluent into the North Branch Fire District #1 or other municipal sewage treatment facility is required.
11. Pursuant to General Standards for Conditional Use in Bylaw Section 380, the Board finds and concludes that the proposed project will have no undue adverse effect on any of the items noted in the Section.
12. Pursuant to the Specific Standards for Conditional Use in Bylaw Section 385, the Board finds and concludes as follows:
 1. The lands under consideration fall within a Flood Hazard Zone; therefore Article 5 is applicable. However, the new construction is limited to a deck with railing; therefore, it is the Board's opinion that this does not represent a substantial improvement to the existing building and no additional conditions are required.
 2. The proposed use meets the General Regulations of the Bylaw; therefore Article 6 is satisfied.
 3. The standards of area, dimension, and coverage are met.
 4. The proposed use does not cause alterations to the items covered by Sections 385.3, 385.4, 385.5 and 385.6 of the Bylaw.
13. Pursuant to General Requirements for all Districts in Bylaw Section 405, the Board finds and concludes that the project as proposed meets all the requirements of the Section.
14. Pursuant to the Minimum Parking Requirements in Bylaw Section 634, and applying the standard for Retail Business, such a facility shall have one (1) parking space for every two hundred (200) square feet of floor area. The Retail/Indoor Recreation space is 2,696 square feet; therefore fourteen (14) parking spaces are required. The Accessory Apartment requires two (2) additional spaces, for a total of sixteen (16) required spaces. There are twenty-one (21) spaces available; therefore, the parking requirement is met. Additionally, there is a Moover bus stop and a bus parking space.

C. DECISION

Based on the evidence presented, by a vote of 4-0-0, the Board approves this Application with the following conditions:

1. Pursuant to Permit Applications and Requirements in Bylaw Section 335, the Applicant shall provide a site map, signed and dated by the Applicant, that indicates the following:


- a. dimensions of the lot;
- c. proposed extensions or changes to existing buildings; and
- d. existing structures, driveways, roads, rights-of-way, streams, rivers or lakes, wells and septic systems (as applicable).

2. Pursuant to Coordination with Health/Sewage and Sewer Ordinances in Bylaw Section 365, the Applicant shall supply a letter of commitment to discharge effluent in the North Branch Fire District #1 or otherwise demonstrate adequate disposal of domestic or other wastes or effluent.

3. Pursuant to Compliance with Fire Codes in Bylaw Section 690, the Applicant shall provide written documentation of compliance with all State and Local fire codes.

All the required documents noted above shall be submitted to the Zoning Administrator prior to issuance of a Zoning Permit.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

June 17, 2019

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.