

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

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 19-RT075A-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST:

1. Property Owner: Mary Elizabeth Reagan (Betsey's Dot's of Dover)
2. Applicant: Mary Elizabeth Reagan
3. Brief Description of Request: Change of Use from multi-business center to a restaurant, pursuant to Sections 300, 335, 375, 380, 385, 405, 425, 470, 475, 634, and 690 of the Dover Zoning Bylaw. The property is known as Betsey's Dot's of Dover.
4. A copy of the application was received by the Zoning Administrator on February 19, 2019.
5. On February 19, 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 February 26, 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 March 1, 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; no requests for Interested Party status were made or granted.
8. A public hearing was held and closed on March 14, 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 1 Mountain Park Plaza in West Dover VT and is located in the Commercial District (COM).
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 multi-business center, comprised of an office,

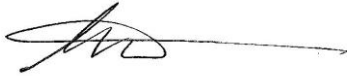
- retail space, and a restaurant.
6. The Applicant proposes to eliminate the office and retail use, retaining only the Restaurant use. "Restaurant" is a conditional use in the COM District.
 7. The construction shall use the existing foundation as its footprint. Where there is a discrepancy between the previously permitted construction and the existing foundation, the new construction shall adhere to the existing foundation. In no case shall the new construction impinge on the required setbacks from roads, driveways or property lines.
 8. In addition to the building foundation, there is at present a concrete pad on the south end of the foundation. The refrigeration units will be moved to the building exterior and be sited on the 140 square-foot concrete pad. If the existing pad is not of sufficient size or correct configuration to accommodate the refrigeration units, it will be altered to provide for this use. In no case shall this construction impinge on the fifteen-foot (15') setback from the property line.
 9. The proposed deck will be thirty feet six inches (30' 6") in length and fourteen feet (14') in depth, which are the dimensions most recently permitted for the deck. The new deck shall be covered; the deck was previously uncovered.
 10. The building height is reduced from twenty-six feet eight inches (26' 8") to twenty-four feet 6 inches (24' 6").
 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 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 met.
 3. 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, as the proposed restaurant use is less intense than the previously permitted multi-business center with a restaurant, office and retail space.
 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 Area, Dimension, and Coverage Standards in Bylaw Section 475, the minimum lot size in the COM District is one-half (1/2) acre for "Other Uses". Restaurant is not listed as a specific use in the Section and therefore the requirement for "Other Uses" is applied. The lot is .56 acres and therefore meets the minimum lot size requirement.
 15. There are thirty-three (33) parking spaces allocated to this location within the Plaza at present. Pursuant to the Minimum Parking Requirements in Bylaw Section 634, and applying the standard required for Restaurant, such a facility shall have one (1) parking space for every three (3) persons permitted for occupancy by the Vermont Department of Labor and Industry. The Restaurant is permitted for occupancy of ninety-nine (99) persons; therefore, thirty-three (33) parking spaces are required and the parking requirement is met.

C. DECISION

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

1. Written confirmation of notification of abutters shall be supplied to the Zoning Administrator for inclusion in the Zoning Records. Said confirmation will affirm that notice was given prior to the hearing date.
2. 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 and submit it to the Zoning Administrator prior to issuance of a Zoning Permit.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

May 14, 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.