

**DOVER DEVELOPMENT REVIEW BOARD  
NOTICE OF DECISION**

**I. PROCEDURAL HISTORY & APPLICANT REQUEST**

1. Application Number: 13-HL002A-03
2. Owner: Jim Barnes
3. Co-Applicants: Bob Rubin
4. Brief Description of Request: Construction of a single family dwelling in the Sensitive Wildlife Resource Overlay District
5. A copy of the application was received by the Zoning Administrator on May 30, 2013.
6. On June 3, 2013 a copy of the Notice of Hearing was mailed to the Applicant, along with a sample letter and abutters list for notifying all abutters.
7. Public notice of the hearing was posted at the following locations on June 3, 2013:
  - 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 mailPublic notice of the hearing was also published in the Deerfield Valley News on June 6, 2013 and in the Brattleboro Reformer on June 5, 2013.
8. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an Interested Party the opportunity to do so. There were no such requests.
9. A public hearing was held and closed on June 27, 2013.
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, as is a copy of the complete application.
11. The current Zoning Bylaw is dated March 5, 2013.

**II. FINDINGS OF FACT:**

Based on the application, testimony, exhibits and other evidence, the Dover DRB finds as follows:

1. The project is located at 41 Handle Road in West Dover.
2. The property is located within the Sensitive Wildlife Overlay District.
3. The hearing was properly warned.
4. All abutters were notified by the Applicants and all abutters were afforded ample time to respond to the application.
5. The application is in compliance with all other aspects of the Dover Zoning Bylaw.
6. The sewer system will connect to the Cold Brook Fire District No. 1 (CBFD). CBFD is the wastewater collection and treatment facility primarily serving the

- Town of Wilmington. Cbfd has issued their approval of said connection [Exhibit B] and it is believed that Item #2 in that approval, requiring a Town of Wilmington Zoning Permit, was a boiler-plate piece of language that was overlooked.
7. The Applicant has consulted with the State of Vermont Wildlife Biologists, Forrest Hammond [Exhibit D], Chris Bernier [Exhibit E] and Tina Scharf [Exhibit D].
  8. The Applicant has completed prior DRB requirements regarding the Vermont Land Trust approval [Exhibit B].

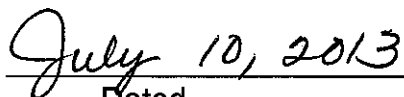
### III. DECISION

The State of Vermont has long recognized this general area as a critical bear habitat area. It is clear that the Applicant has been in coordination with the State of Vermont Department of Fish and Wildlife and that said Department approves of the proposal.

By a vote of 4-0-0, the Board **approves** Application No. 13-HL002A-03 for construction of the single family dwelling at 41 Handle Road in West Dover.

Respectfully submitted,

  
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Sarah A. H. Daniels  
Chair, Dover Development Review Board

  
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Dated

**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.