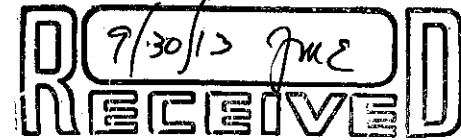


Town of Dover
P.O. Box 428
West Dover, VT 05356
(802) 464-8720



DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application: 13-VD100-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Brady Sullivan LLC
2. Applicant: Brady Sullivan LLC
3. Brief Description of Request: Amendment to a PUD to designate a portion of the property as a helicopter landing for a Rescue Facility and an accessory personal use.
4. The Application was received by the Zoning Administrator on June 12, 2013.
5. On June 18, 2013, 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 June 18, 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 20, 2013 and in the Brattleboro Reformer on June 20, 2013.
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, and accepted letters from abutters establishing their IPS. IPS was granted to:
 - i. Cathy & Jarlath Byrne, 16 Snow Vidda Lp, unit 6, West Dover VT; 5-0-0
 - ii. Daniel Friedman, Trustee, Friedman Family 2005 Irrevocable Trust II, 14 Snow Vidda Lp, West Dover VT; 5-0-0
 - iii. Lewis & Alice Pulliam, 48B Hammer Beam Lp, West Dover VT; 5-0-0
 - iv. Joe Lanzetta, 3C Tenon Lane, West Dover VT; 5-0-0
 - v. Karen & Frank Cangialosi, 3F Tenon Lane, West Dover VT; 5-0-0
8. A public hearing was held on August 8, 2013 and continued to August 22, 2013. The hearing was closed on August 22, 2013.
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:

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

1. Brady Sullivan LLC (Applicant) is located at Snow Vidda Lp in West Dover VT and is

known as Snow Vidda Condominiums (parcel VD100).

2. The property is located in the Resort District (RST).
3. The hearing was properly warned.
4. All abutters were notified by the Applicant.
5. The Applicant was properly sworn prior to providing testimony.
6. All individuals granted Interested Party status were sworn prior to providing oral testimony.
7. All amendments to a PUD must be approved by the Development Review Board.
8. Section 120 of the Bylaw states: Except as hereinafter provided, no land development as defined herein may occur unless in conformity with the regulations herein specified for the district in which it is located.

Any use not permitted in this Bylaw shall be deemed prohibited, except as provided in Section 490.

9. Land development is defined as: "The division of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or of any mining, excavation, or landfill, *or any change in the use of any building or other structure, or land, or extension of use of land*". (*italics for emphasis*)

The definition does not reference frequency of use, nor does it allow for certain uses based on the frequency or infrequency of that use.

10. Accessory Use is defined as: "A use subordinate to and incident to the principal use of land or building".

From Merriam-Webster:

Subordinate: less important than someone or something else.

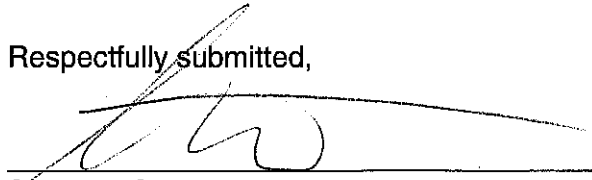
Incident: something dependent on or subordinate to something else of greater or principal importance.

11. Based on the definitions above, the use of the land in the PUD as a helipad is subordinate to but not incident to the primary use (residential) of the PUD.
12. Airport is defined as: Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft, as well as control towers and facilities for passengers.
13. Rescue facility is defined as: Structure used to store rescue equipment. Also used to dispatch personnel providing emergency services, usually associated with recreational activity.
14. Any uses in a PUD must be permitted or conditional uses in the underlying district in which it is located.
15. Landing facilities, including airports or helipads, are not permitted or conditional uses in the Resort district.
16. The PUD is granted for residential development. Landing facilities, either for an emergency or personal helicopter, are not incident to this use.
17. There is no other comparable use or facility in the Town of Dover.
18. This does not qualify as an accessory use because it meets the definition of an airport, which is not a permitted or conditional use in the underlying district.
19. The proposed use does not meet the definition of a Rescue Facility.

C. DECISION

Based on the evidence presented and the sections of the Bylaw noted above, by a vote of 0-4-0, the Board unanimously denies the Application.

Respectfully submitted,



Sarah K. Shippee
Acting Chair, Dover Development Review Board

9/30/13

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.