

***Town of Dover  
Development Review Board***

***Meeting Minutes***

**June 13, 2013**

**7:00pm at Town Office**

***THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY  
THE DEVELOPMENT REVIEW BOARD***

- I. The regular meeting was called to order at 7:00pm by Chair Daniels. The Board introduced themselves to the audience.
- II. All parties present were asked to sign in.
- III. The notice of hearing was read into the record.
- IV. Board members present were: Chair Sarah Daniels, Vice Chair Sarah Shippee, Jim Lynch, Geri Golet & alternate Steve Montello  
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Patricia Sweeney, John Dupras, Scott Dupuis, Bob Rubin and Jim Barnes
- V. A draft of the minutes for the meeting will be posted by Tuesday, June 18, 2013 and all Applicants are encouraged to review those minutes for accuracy and any comments or inconsistencies should be sent to the ZA before the next meeting. All exhibits presented are available for public viewing through the ZA or Recording Secretary. All parties intending to give testimony were sworn in.
- VI. A general description of the evening's proceedings was presented by the Chair, as well as a brief explanation of Interested Parties. All Interested Parties were notified of their rights as Interested Parties to speak on the application and to appeal the application. Interested Parties were notified that participation in the hearing, either by verbal or written testimony, is required in order to appeal the Decision to the Environmental Court.
- VII. **Hearing for 13-HL005A-02** by Richard and Nancy St. Jean to construct a single family dwelling in a Sensitive Wildlife Overlay District in accordance with Article 9 of the Zoning Bylaw. The property is located at 40 Handle Road in West Dover.

ZA Cerchio testifies that the hearing was properly posted and warned.

Applicants testify that all abutters have been properly notified in a timely manner.

Scott Dupuis of Dupuis Carpentry LLC has written permission from the St. Jean's authorizing him to act on their behalf.

No conflict of interest was present

Applicants reviewed ZA Cerchio's summary (Exhibit A) of the application and testify to its accuracy

The following exhibits were introduced:

Exhibit A: ZA Cerchio's application summary

Exhibit B: Sheet C-1 by Trinity Engineering, dated April 18, 2013

Exhibit C: Email from Chris Bernier to John Dupras, dated April 29, 2013

Applicant Dupuis testifies to the following:

Requesting approval of the site plan to construct a single family dwelling

- All permits are in place
- Approval from the State Biologist has been granted in regard to the sensitive wildlife district

ZA Cerchio testifies that setbacks, wastewater permits are all in compliance

Chair Daniels walked thru Article 9 with the Applicants

Section 920:

1. Single family home is a Permitted Use; in a Productive Residential District
2. This is a stand-alone lot—not part of a PUD
3. No subdivision of any land
4. Application came before the DRB

Section 930:

1. Minimize the impact on the sensitive wildlife resource area
  - a. No disruption of bear habitat
  - b. 6.5 acre lot, no clearing of trees proposed
2. A buffer of existing vegetation—50 feet of buffer except where the gravel driveway is

Board member Golet inquired as to why the original plan was revised. Chris Bernier, State Biologist, accepted the revision but preferred the original plan.

John Dupras testifies to the following:

- Lot D (on the other side of the road) had a wastewater system on the proposed building lot; it has been rescinded and taken off the permit. Permit is under amendment to get that part revoked.
- Lot D will have to find a way to dispose of its wastewater when it goes forward; still owned by Hermitage and will be connected to the sewer under another permit
- Septic system for proposed lot was moved and the house location was shifted approximately 100 feet to the corner of the lot
- Chris Bernier's major concern was bears getting into the garbage cans

Vice Chair Shippee inquired as to why the home was moved from its original location

Scott Dupuis:

- Client's preference was to move the house further from the road for more privacy
- Chris Bernier requested that all garbage receptacles be kept locked to discourage bear access

Chair Daniels read a portion of Exhibit C into the record: *“Collection and storage of garbage shall be in containers that are inaccessible to bears and other wildlife. In the event that bears begin obtaining such foods from this residence, it will be the responsibility of the landowner to correct the problem.”*

Chair Daniels confirmed with the Applicants that they were in agreement if this became a condition of the DRB’s decision.

ZA Cerchio inquired as to how to enforce the bear/garbage condition on the Town level  
Board member Golet: The State has restrictions in place that involve heavy fines  
Chair Daniels: The Board will discuss in deliberative session

On a motion by Board member Lynch, seconded by Vice Chair Shippee, the Board unanimously agreed to close the hearing.

**VIII. Continuance Hearing for 13-RT016C-01** by Patricia Sweeney and Barker Willard to establish a mixed-use PUD for a service and office space use in accordance with Article 7 of the Zoning Bylaw. The property is located at 78 Route 100 in West Dover.

ZA Cerchio testifies that the hearing was properly posted and warned.  
Applicants testify that all abutters have been properly notified in a timely manner.  
No conflict of interest was present.

The following Exhibits were introduced:

Exhibit A: ZA Cerchio’s summary revision, dated June 13, 2013

Exhibit B: ZA’s original summary

Exhibit C: Warranty deed, dated April 12, 2013

Exhibit D: Floor design for Dandelions Apothecary Inc. which indicated parking spaces

Applicant reviewed ZA Cerchio’s revision of the original summary of the application, dated June 13, 2013 and testifies to its accuracy

ZA Cerchio testifies to the following:

- Applicant purchased the property which was zoned for a single family dwelling with a business occupation permit
- Applicant’s massage business will be in a portion of the building with an option of another business in the additional office space
- A mixed-use PUD would allow the Applicant to do so although no specific form of business has been specified for the additional space
- Basement will be used for storage for both businesses
- Adequate parking spaces exist
- Pre-existing, non-conforming structure

Chair Daniels walked through Article 7 with the Applicant

- Warranty deed was presented (Exhibit C) dated April 12, 2013
- Survey of the property is on file in the Town Clerk’s Office
- Site map condition has been satisfied
- No exterior construction being done—interior only
- North Branch gallonage needs to be secured from Linda Holland

- Analysis of impact of traffic, fire protection will be discussed by the Board

ZA Cerchio requested that the Applicant define the intended Use of the business, whether service, retail, office.

Chair Daniels read into the record the definition of **Service Business** from Article 2:

*“A business providing personal service including but not limited to masseuse...”*

Vice Chair Shippee read into the record the definition of **Retail Business**:

*“A business wholly contained within a building selling in small quantities or providing services to the customer.”*

Board member Lynch: Any retail business provides a service to their customers

Applicant confirmed that she is a service business.

Chair Daniels inquired of the ZA as to whether the Board can determine that the rented office is approved for service or retail use.

ZA Cerchio: Applicant should establish a Use and if it changes, she would have to come back to the Board

Alternate Montello: Applicant should have the option of all three, so that she doesn't have to come back to the Board

Vice Chair Shippee: If we establish that the building is permitted for mixed-use, Applicant should not have to come back

Chair Daniels: That would be approving two uses for the same space and I don't believe that is the intent of the Bylaw coverage

ZA Cerchio: Normally one Use is set to begin with

Board member Lynch: Each space of business needs to be established and if it changes, the Applicant needs to come back

The Board took a five minute recess at 7:52pm

The Board reconvened at 7:58pm

On a motion by Vice Chair Shippee, seconded by Alternate Montello, the Board unanimously agreed to continue the hearing to June 27th.

The Board will draft a letter to Applicant Sweeney requesting the following:

1. Parking calculations
2. Copy of the property survey that is on file at Town Office
3. Confirmation of gallonage from North Branch

#### **Other Business:**

The following minutes were approved:

April 11: On motion by Board member Golet, seconded by Board member Lynch, the Board voted 4-0-1 to approve (Daniels abstained)

April 25: On motion by Vice Chair Shippee, seconded by Board member Golet, the Board voted 3-0-2 to approve (Lynch, Montello abstained)

May 9: On a motion & a second by Vice Chair Shippee, the Board voted 1-0-4 to approve (Daniels, Golet, Lynch, Montello abstained)

May 23: On a motion by Board member Golet, seconded by Board member Lynch, the Board voted 3-0-2 (Montello and Shippee abstained)

ZA Cerchio testifies regarding the re-opening of Hermitage application 13-HL002-01

- Trails Edge and Hermitage had requested subdivisions within their PUD

- According to the Town attorney subdivision lots must remain in the PUD
- A Notice of Condition of Subdivision Approval must be incorporated with any subdivision of a PUD and recorded with the Town Clerk
- Town attorney states that the hearing can be reopened within 30 days of a decision
- Applicant would complete the document, Town attorney would review it, legal and recording costs would be billed to the Applicant
- Applicant and Interested Parties would need to be notified of the reopening of the hearing
- Exhibit A was introduced: a blank copy of the document

On a motion by Alternate Montello, seconded by Vice Chair Shippee, the Board unanimously agreed to reopen hearing 13-HL002-01 (5 acre subdivision on Hermitage property) on June 27th

A letter from the Board will be drafted and sent to the Applicant

On a motion by Alternate Montello, seconded by Board member Shippee, the Board unanimously moved into Deliberative Session at 8:20pm

The Board came out of Deliberative Session at 8:29pm and the meeting was adjourned.

Next hearing is scheduled for June 27<sup>th</sup>.

Respectfully submitted,  
Jeannette Eckert  
Recording Secretary

*POSTED AT: Town Clerk's Office, Administration Office, Dover Free Library  
and East Dover Post Office.*

*After minutes are approved, they will be posted on the Town website for a period  
of six month from date of meeting at [www.doververmont.com](http://www.doververmont.com).*