

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

***Meeting Minutes
August 28, 2014
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 Sarah Shippee. 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: Sarah Shippee, Jim Lynch, Andy Childs, and Geri Golet. The Zoning Administrator, David Cerchio, and Recording Secretary Jeannette Eckert were also present along with Richard Werner, Linda Anelli, Ed Molitor, Joe Kruszewski, Richard Meduski, Robert Fisher, Ben Joyce, Adam Hubbard, Anthony & Caroline Gaglio, Shannon Bertrand & Jordan Mayer.
- V. A draft of the minutes for the meeting will be posted by Tuesday, Sept 2, 2014 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. **To consider application #14-DO034-01** by Ed and Bobbie Dee Molitor for a one-room B&B in accordance with Section 470 of the Zoning Bylaw. The property is located at 1 Dorr Fitch Road in West Dover. Parcel #DO034.
 - ZA Cerchio testifies that the hearing has been properly warned & posted.
 - Applicant Ed Molitor (property owner) testifies that all abutters were notified in a timely manner.
 - Chair Shippee testifies that she is a neighbor of Mr. Molitor but feels that she can make an impartial decision
 - Applicant reviews ZA Cerchio's summary and testifies that it is accurate

The following exhibit was introduced:

Exhibit A: ZA Cerchio's summary of the application

Applicant Ed Molitor testifies to the following:

- Wishes to open a one unit B&B on the lower floor of his home at 1 Dorr Fitch Rd, West Dover
 - Will be the only bedroom & full bath on that level
 - Office and utilities will also be located on that level
- Owner lives here full time
- B&B will be open year round
- Breakfast will be available for the house guests only

- This is a Conditional Use permit for this district
- B&B will accommodate 2 adults
- Parking required is 4 ¼ spaces which is being met by the Applicant

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

VII. To consider application #14-RT094-01 by Joseph and Wanda Kruszewski for a storage facility as an accessory use to a conditional use in accordance with Sections 375, 380, 385 and 470 of the Zoning Bylaw. The property is located at 248 Route 100, West Dover and is known as the Matterhorn Inn. Parcel # RT094.

- ZA Cerchio testifies that the hearing has been properly warned & posted.
- Applicant Joe Kruszewski (property owner) testifies that abutters were notified in a timely manner.
- Applicant reviews the ZA's summary & testifies that it is accurate.

Exhibit A: ZA Cerchio's summary of application

Applicant Joe Kruszewski testifies to the following:

- Wishes to erect a 30' x 30' storage tent
- It will be a permanent structure
- Will house snowmobiles, trailer for snowmobiles and lawn mowers
- No flammable materials will be stored
- Some power source will be in use to work on any equipment
 - Electricity will come from tennis court lighting that already exists
- Storage tent will be placed on top of tennis courts; a paved surface
- Requests a Change of Use from tennis court to storage facility
- Not within a FEMA flood zone
 - Can supply a letter from FEMA if so desired
- Owner is aware of the proximity to his drilled well which is located at the opposite end of the tennis court

The Board took a brief recess at 7:15pm and returned at 7:17pm

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

VIII. To consider continuance of application #14-SG002-09 by Stevens & Associates on behalf of Richard Meduski for a 10 lot subdivision in accordance with Sections 335.2, 330 and 405 (a) of the Zoning Bylaw. The properties are located on Blue Brook Rd, Someday Rd and Hathaway Trail in West Dover. Parcel numbers SG002, SG002A, B, C, D, E.

At the request of the DRB in a letter dated Aug 20, 2014 (point #6), Richard Werner, West Dover Fire Chief testifies to the following:

- WDFD signed off on the 18 foot road width as decided by the Select board
 - Believe it to be a sufficient width
 - Road situation is a lot better than in many places
- Property owner is providing truck turn outs
 - Hammerhead turn-around is the driveway at the top
 - Two turnouts will also be provided along the trail
- Providing a water supply:

- Currently looking at a pressurized system or pipe up to tanker truck from fire pond
- Possibly 60,000 gallon storage tank
- One concern is if the proposed system will work—engineers will certify that system works
- Entire road will be 18 feet in width
- Home Owners Association will maintain the road; plowing & sanding agreement will be in place
- Municipal Impact Questionnaire is part of the Act 250 process—Applicants met with the Fire Officers several times as 90% of what is discussed is fire protection related
 - Then goes before the review board made up of Select board members, Road commissioner, Police & Fire Chiefs
 - Signatures on questionnaire indicate agreement
- Feel that safety is our main concern—we would not have signed off on it if we did not feel it was safe
- There are two houses already up there that were allowed to be built
- In a perfect world, would like to see a hydrant system throughout the whole town
- We try to work with people and come up with the best possible solution

Chair Shippee requests that any **new** testimony be given at this time

Ben Joyce, licensed land surveyor, consultant to the Applicant testifies to the following:

Exhibit R was introduced: Preliminary ROW survey prepared by Ben Joyce as requested by DRB letter dated August 20, 2014 (point #7)

- Preliminary survey was prepared—actual survey was for a parcel owned by Mr. Meduski on the east side of Hathaway Trail
- Requested to give oversight on how the Right of Way (ROW) was established
- Survey of the ROW—back line of property that runs parallel to the ROW on rear side of parcel
- Has always been a 3 rod road—49.5 feet wide which runs down the center line of the existing traveled way
- Go to great extent to maintain the monumentation along the road as the ROW limits and don't deviate from that unless there are major differences in the center line of the road
- Area along Gaglio and Mayer properties—recovered 4 iron pins on the easterly ROW of Hathaway Trail
- Monumentation has been there for many years; most likely since 1990
- Conducted other surveys west and east of Hathaway Trail and was able to tie into some of those pins
- Evidence in my professional opinion is that pins were there in 1990
- Refer to Select board notes from 1848 meeting
- Survey is recorded in the Dover land records
 - Reference the State statute on the survey—assume 3 rod road based on the center line

Adam Hubbard, Robert Fisher and Richard Meduski testify to the following:

Applicants walked the Board through the requested information as stated in a letter from the DRB dated August 20, 2014

(point #1) Providing copy of letter to Jordan Mayer's attorney from the Town of Dover dated March 8, 2007

(point #2) Providing copy of letter from Adam Hubbard regarding road width, safety and design dated July 15, 2014

- Proposal does not require Conditional Use review as evidenced in the language in Section 375 of the Dover Zoning bylaw
 - *"No land development is permitted on lots that do not have either frontage on a public road or a permanent easement or right of way of record approved by the DRB as a conditional use"*
 - The subject property is located on a permanent easement
 - The ROW is public, not on private land
- Appreciate the concerns of the DRB in making sure the access and development are safe, functional and appropriate
- By engineering standards access to upper Hathaway Trail meets the requirements at 18 feet wide for roads with less than 100 vehicle trips per day
 - Average daily trips for single family residential—5 new homes would roughly add 16 trips per day
 - 18' wide road will provide two 9' travel lanes and two full vehicle pull outs for large vehicles or snowmobiles
- Road conforms to VT State Road Design Standards & American Association of State Highway Transportation Officials (AASHTO) for local service roads (point #4)
- Turn-arounds have been successfully tested
- There is one section where grade is 12.5% all others are at or below 12% which is a safe and accepted standard
- All town road specs will be met with the exception of the road width and requirement for road shoulders
- Private responsibility of the property owner to maintain road
 - Town does not want to own this road
- Continuous, open access is guaranteed for snowmobilers
 - Signage will be implemented by the property owner
 - Police will not be enforcing on a daily basis, therefore signage is important
- A narrower road will serve to maintain the local, rural character, without compromising public safety or emergency vehicle access
- Any future build outs will require review by DRB, SB and Act 250 agencies
- If the road does not work to satisfaction in expansion standards, then you may require a wider road

Robert Fisher in regard to point #3 of previously stated letter request:

- Conditional Use criteria has been met should you choose to review the roadway under CU standards
- MIQ has been approved by the appropriate town officials
- This is a permanent easement of a public trail
- Maintain that the ROW does not need to be approved under CU criteria
- Community facilities needs are met, character of the area is not unduly adversely affected
- Traffic has been addressed by the AASHTO standards

- VLCT trail policies have been supplied (point #5)

Anthony Gaglio, abutting property owner of 32 Hathaway Trail and his attorney Shannon Bertrand testify to the following:

- Concern is for the safety of the road
- Been in construction trade for 32 years, road builder, general contractor; understand the limits of the road
- Built house 8 years ago
- Part of permission to build as second guy on the trail--had to provide 2 turn outs in the interest of safety as required by then Road Commissioner, Gary Carruthers
 - Was told that the third person would have to widen road up to town standards
- Maintain trail with neighbor, grading, sure pac, share cost of plowing, sanding
- New culverts have been put in
- Center line error by Mr. Joyce—believe it to be on the western side of road
- Right now trail is 14-18 feet wide
 - Several accidents with snowmobiles since I have been living there
 - Blind spots
 - Witnessed police at the bottom of trail with radar
- Town standards are very clear and that is there for safety
- Applaud what the Fire Chief has done but I have built and designed several fire houses—average width of fire truck is 9 feet 6 inches at the mirrors—you will not get by with two trucks passing
- Appreciate that water supply is being addressed
 - Building another house—should follow all the rules
- There is no hardship here for a variance, only about money & the cost of the trail
- Attempted to limit the density of the lot levels by buying some acreage
- Support the development—but you need to widen the trail to provide the safety
- Enjoy this area for boating, skiing, snowmobiling
- Have been maintaining sanding and snow removal
- These are vacation homes—for large families--more than one vehicle will be there
- Weathered rock on east side of trail
- Built thousands of units and I understand the road conditions and the safety standards
- Concern over the lack of 2 foot shoulders

Jordan Mayer, abutting property owner of 35 Hathaway Trail, testifies to the following:

- Mr. Gaglio and I were not notified of the MIQ meeting
- Act 250 is predicated on the very notion that all projects should be done in a neighborly fashion including all the various people so when this goes to Act 250 they have not acted in that fashion
- Home Owner Association concept is professed but abutting property owners were not included
- Will have a survey done of my property

- 1848 notes from Select board—horse and buggy days, how can those standards relate to today?
- Join Mr. Gaglio with regard to the safety concerns
 - Entire project has been driven by costs concerns—every aspect has been minimized
- Do project correctly or do not do the project

Copies of the documents prepared by Stevens & Associates will be provided to Mr. Gaglio, Mr. Mayer and Ms. Anelli by ZA Cerchio.

Email from Bill O’Connell, owner of parcels HT010, HT008, HT012 was read into the record by Chair Shippee:

- Sites concerns with his driveway development/access and fire truck turnout at parcel HT010
- Requests to move turn out up to HT014
- Would create hardship if turn out is not moved
- Requests update on the status

Applicants believe that Mr. O’Connell’s request is one that can be honored; will look at it more closely

The Board took a brief recess at 8:27pm and returned at 8:32pm

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

IX. To consider any other business which may legally come before the Development Review Board.

Approve the Minutes from July 10 and 24, 2014:

On motion by Board member Golet, seconded by Vice Chair Lynch, the minutes of July 10, 2014 were unanimously approved.

On a motion by Board member Childs, seconded by Board member Golet, the minutes of July 24, 2014 were unanimously approved.

X. Deliberative Session:

On a motion by Vice Chair Lynch, seconded by Board member Childs, the Board unanimously agreed to move into Deliberative Session at 8:35pm

On a motion by Board member Golet, seconded by Vice Chair Lynch, the Board unanimously agreed to move out of Deliberative Session at 9:00pm

Meeting adjourned.

Respectfully submitted,
Jeannette Eckert, Recording Secretary

*POSTED AT: Town Clerk’s Office, Administration Office, Dover Free Library,
East Dover Post Office & www.doververmont.com.*