

Town of Dover
Development Review Board

Meeting Minutes
August 8, 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 Acting Chair 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: Acting Chair Sarah Shippee, Sarah Daniels, Geri Golet, Jim Lynch & Ned McElroy
- The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Rich Perra, Marc Pinard, Lew & Alice Pulliam, Frank & Karen Cangialosi, Andy Childs, Joe Lanzetta, Jared Kaufman
- V.** A draft of the minutes for the meeting will be posted by Tuesday, August 13, 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. To consider application Notice of Appeal #13-VD100-13** by Brady Sullivan LLC and in accordance with 24 VSA Section 4465. The appeal pertains to the Zoning Administrator's Notice of Violation, which states that the use of property as a helipad without a Permit is in Violation of 24 VSA Section 4449(a) and Section 120 of the Dover Zoning Bylaw. The property is located at Snow Vidda Loop and is known as Snow Vidda Condominiums – Parcel #VD100.

ZA Cerchio testifies that the hearing has been properly posted and warned.
Appellant Brady Sullivan's attorneys Rich Perra and Marc Pinard testify that all abutters have been properly warned in a timely manner.
No written testimony was received.

Rich Perra, attorney for the Appellant testifies to the following:

- Occasional use of the Appellant's property to land his helicopter.

- Non-commercial use; One vehicle is anticipated to land there
- Small 4-person helicopter with a 6 cylinder motor; In Mr. Perra's opinion, the noise level is not much louder than a chain saw from 100-200 feet away
- Does not believe that the Appellant's occasional use creates a heliport
- Landing is in an open grassy area
- No lights, beacons, pavement
- Question of definition: landing personal aircraft on your own property does not create a heliport
- PUD in mid phase of construction; 6 more buildings to be built
- Mr. Sullivan is a developer—a dozen other projects are being visited by this helicopter based in NH; efficiently done best by aircraft
- No specific definition in Dover's ordinance as to what does and does not constitute an accessory use: It is defined as "*a use subordinate to and incident to the principal use of land or building.*"
- Incidental use of that portion of the property constitutes an accessory use under the ordinance and as such does not require a permit

Board member Golet: Could the airport be used to land at rather than Snow Vidda?

Mr. Perra: It is my understanding that the airport is for sale presently.

Board member Lynch: The airport has been purchased and is in use

Mr. Perra: Yes, that is possible assuming the airport makes itself accessible to helicopters

Board member Lynch: You are basing your definition of accessory use based on the principal use being development and not its current use which is residential PUD. Is that correct?

Mr. Perra: No, not exactly. I acknowledge that the principal use contemplated under the PUD is residential condominiums, currently it is under development. As with other projects the Appellant has, that is how he visits other projects. Once it has been completely developed, the principal use is clearly residential. I still believe that residential or not, the occasional use by the land owner of its own property to land its private aircraft for non-commercial use is accessory use.

Board member Lynch: I think it would be important for me to understand the percentage of ownership on the land in question. Is the developer the primary owner of the land? What is the share value of land left to be developed?

Mr. Perra: I believe so but I would have to defer to Marc Pinard who is also an attorney representing Mr. Sullivan who has more information about the condo units themselves

Board member Lynch: Based on testimony, it seems to me that you are testifying to the fact that the primary use of the land is development and not the residential aspect of the property.

Mr. Perra: I think that is correct at the moment until it is built out

Board member Lynch: So, the question is does the property belong to the Appellant or to the remaining shareholders of the developer?

Mr. Perra: I believe that Brady Sullivan is the record title holder of the real estate

Mr. Pinard: I am general counsel to Brady Sullivan. Brady Sullivan owns and controls that land. He bought it thru a series of transactions. He bought the development rights. There are 6 – 8 more buildings to go up for a total of 54 units. Brady Sullivan owns two of the existing units and the remainder of those yet to be constructed. Andy Childs, property manager can speak to how many are not owned by Mr. Sullivan.

Acting Chair Shippee swore in Andy Childs in order for him to give testimony because he had not taken the oath previously.

Mr. Childs: I am the property manager for Snow Vidda Home Owners Association: there are 8 units that are not owned by Brady Sullivan.

Mr. Pinard: So while the primary use is to attend to the development of the project which clearly would benefit your community, Brady Sullivan does use the helicopter to get to his residences as well as in his role as the developer of the project.

ZA Cerchio: To refer what has been stated here tonight and in his letter, the Appellant says such occasional use is accessory. According to section 470 of the bylaw, accessory use requires a permit and by their own admission they do not have a permit. With regard to other projects in development, that is totally irrelevant. We are talking about Dover, VT. There is nothing in the bylaw that states that sporadic or occasional use does not require a permit. For example, you construct a home and you want to put in a swimming pool. That pool would be used only occasionally in the summer, but it would still need a permit. Appellant has also stated in his letter that this is not land use. It certainly is as defined in our bylaws: Land development: *“The division of a parcel into 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.”* Clearly this is land development which would then require a permit. Also brings into question whether a helipad is a structure. Appellant has also alluded to the fact that the land’s primary use is for development; permit stands as a PUD as primary use; the extension of the use, landing of the helicopter, would then be an accessory use requiring a permit; In addition this is a land use permit that would be recorded in our land records and stay with the land and possibly have ramifications later on when this project is fully completed. I move that the Appellant has not proved his case. This is definitely land development. In Section 120 of our bylaw, use of a helipad is not expressly listed in section 490 so this would be a use not provided for. Therefore that is why the notice of violation was issued. Any uses not provided for are expressly prohibited. I move to the Board to deny the appeal and uphold my notice of violation.

Board member Daniels: In Section 120, uses not provided for are expressly prohibited. To clarify, Section 490 addresses uses that are not provided for and this is part of the bylaw: *“Provision is made for unanticipated future uses. In order to obtain a permit for a use under this provision, it must meet the following standards.”* I want to make sure I understand, you just said that uses not provided for are expressly prohibited but does Section 490 not empower the Board whether it is this use or another to then review it separately or under separate guidelines.

ZA Cerchio: I would welcome the Appellant to provide an application applying to Section 490.

Acting Chair Shippee: Are there any abutters who would like to speak? I need you to come forward, give us your name and how you qualify for Interested Party Status.

Lance Shader: I am a Dover attorney and have been retained by 5 of the current owners of lots in Snow Vidda. ZA Cerchio has authorization letters.

Acting Chair Shippee: Are you talking about land owners within the condominium association or abutting property owners outside the association.

ZA Cerchio: It appears that the parcel numbers are all within Snow Vidda

Mr. Pinard: Lance and I have had an attorney/client relationship and I believe there is a Conflict of Interest with his representation. When we bought the project, Mr. Shader was conferred with on a number of occasions by myself on condominium establishment and

matters relative to that complex. By virtue of those conversations an attorney/client relationship was established. I assert that there is a conflict of interest because Mr. Shader has represented Brady Sullivan. By representing adverse parties, a clear conflict arises. There is an ethical obligation to represent one client over another. So based on that obligation, I would ask that he remove himself as representative.

Mr. Shader: Well, I did represent Brady Sullivan as to certain questions as to how the condominium was set up. I was never consulted on this matter and I don't believe there is a conflict of interest. I am open to understand why.

Mr. Pinard: You had one client that you represented and now you are representing other people that are adverse to that client. Clearly a violation of the rules. It doesn't matter that you represented Brady Sullivan on another matter. You have enough of an obligation to release yourself. You did not even call to ask to waive the conflict. This is problematic.

Mr. Shader: I would like to take a minute to consult with my clients.

Acting Chair Shippee: I am trying to keep order here. Things are getting a little unpleasant and I would like everyone to take a step back and calm down because I want this to be civil and professional. Before you step away, Dave is there something you would like to say relevant to this?

ZA Cerchio: I would like to know if Lance has a current financial relationship with Brady Sullivan.

Mr. Shader: I never had a financial relationship; I did represent him as an attorney a couple of years ago

ZA Cerchio: Do you have an ongoing relationship with Brady Sullivan?

Mr. Shader: I don't at this time

Mr. Perra: With all due respect, the issue of whether Mr. Shader has a conflict of interest relative to his representation....

Acting Chair Shippee: Let me just stop you there. I don't believe this Board is empowered to determine whether there is a conflict of interest.

Board member Daniels: Our conflict of interest policy covers our Board and our applicants.

Acting Chair Shippee: If there is a conflict of interest it needs to be resolved between him and his clients. If you disagree with his decision, you have a right to appeal but I and the Board cannot vote and tell him he can't represent his clients. I am stopping the conversation; your points have been made, they have been heard.

The hearing recessed at 7:40pm to allow Mr. Shader to consult with his clients

The hearing reconvened at 7:50pm

Acting Chair Shippee: In the course of that recess, was there a decision made?

Mr. Shader: I said this to counsel also. I am still of the opinion that there is no conflict of interest but I don't want that to become an issue that affects my clients; we don't need to beat a dead horse. The position of the neighbors is the same as articulated by ZA Cerchio. I will recuse myself but I want to make sure that the folks that are here are recognized as participants. I want to make sure that they are not prejudiced.

Acting Chair Shippee: They have all been sworn in and may give testimony when asked.

Mr. Pinard's response to ZA: When ZA Cerchio contacted me initially he indicated that the site was being used as an airport and that was prohibited in the bylaws. I reviewed the bylaws with him and he agreed with me that his first statement was not true based on the definition in the bylaws. The bylaw does not prohibit the use of vehicles to get to your

property. If you can use your car to get to Snow Vidda or anywhere else and it is not specifically allowed or permitted by the bylaw than you can use another vehicle even though it is not specifically permitted. A function of logic and reason: We are simply using a vehicle on our property; that's what these folks do with their cars, that's what Brady Sullivan does with his helicopter. It is not specifically permitted but the bylaws don't have to allow it because it is just like the use of a car. I'll let Rich summarize his final thoughts.

Mr. Perra: I agree. I was trying to make that point earlier. Dave also made a point that if we assume that the use of a helicopter is an accessory use; it still requires a permit; I won't dispute that. And in fact if the Board would give us guidance and confirm or acknowledge that this is in fact accessory use to the existing PUD. We have not gotten that guidance from the ZA, just a notice of violation. If David had said this is an accessory use which needs a permit according to Section 470, we would have done so rather than appeal. We are certainly ready to go that route now with a permit requirement.

ZA Cerchio: I would ask the Board to note that a lot of evidence being given is hearsay and I object to that. The example of driving cars to their homes is not specified in the bylaws but we also do not mention electricity or running water, I think it is implicit to the fact that parking is delineated. Accessory use requires a permit.

Mr. Pinard: Mr. Cerchio refers to my testimony as hearsay

Vice Chair Shippee: We are done talking about rebuttals and hearsay; Is there anyone on the Board who is unclear on this topic? Is there anyone else who wants to offer testimony on the appeal, not on anything else?

Mr. Shader: The concern I have is that I know there is a requirement for people to participate in order to be considered a part of this forum. We have kind of a difficult situation with my withdrawing. I want to make sure that they are still participating. May they make a brief statement?

Acting Chair Shippee: The specific issue before the Board is whether to uphold the ZA decision or deny it

Mr. Lanzetta: Why would you not want to uphold it?

Acting Chair Shippee: That is why we are here tonight. They have appealed his decision therefore they are entitled to a hearing.

Mr. Pulliam: Does your ruling on the first item have any bearing on our participation in the second item

Acting Chair Shippee: They are two separate items

Mr. Pulliam: So if we say nothing now, it does not preclude us from speaking to the second item?

Acting Chair Shippee: If we uphold the ZA's decision tonight then the application they have given us will need to be heard. If we rule against the ZA, then there is no need to hear the second application. It will give a green light to him landing his helicopter there.

Mr. Pulliam: There is no harm in putting forth arguments now....

Acting Chair Shippee: I will not hear any testimony relating to the second application. We need to keep things segregated.

Mr. Pulliam: Clarification between residential and development sites; there is no construction going on here. He is using his helicopter to get to his house.

Acting Chair Shippee: They can start construction any time. Their PUD is still active until Dec 31, 2014.

Karen Cangialosi: Resident of 6F Tenon Lane: Confirm that we were advised to come this evening or we would not have a voice in this matter in future discussions. We don't want to waste your time but we want to make sure that you know that we are here.

The Board recessed at 8:05pm to discuss interested party status going forward
The Board returned from recess at 8:12pm

On a motion by Board member Lynch, seconded by Board member Golet, the Board unanimously agreed to continue the appeal to August 22nd

Acting Chair Shippee: After deliberation, the Board will notify the applicants if more information is needed. Since this appeal is continued, we have the option to continue the application or go ahead and hear the application tonight, possibly close it, and possibly have to continue it. Would the Applicants like to proceed?

Mr. Pinard: We would like to proceed.

VIII. To consider application #13-VD100-01 by Brady Sullivan, LLC which requests an amendment to its PUD for designation of a 100-foot by 100-foot area for helicopter landing for both a Rescue Facility use and incidental and accessory personal use under Article 7 and Sections 470 and 490 of the Zoning Bylaw. The property is located at Snow Vidda Loop and is known as Snow Vidda Condominiums – Parcel #VD100.

Board member Daniels: We just want to state for the record because there are some questions with the clients who have submitted the letters to Dave in order for Mr. Shader to represent them. There is also confusion with the conflict of interest between counsel and the recusal of Mr. Shader. All very unusual and very confusing too. What we are going to do at this point, you have all submitted letters approving Lance, it was awkward, consider yourselves participants, you're good for the appeal. Does that work for everyone?

Acting Chair Shippee: The appeal is what we just continued...Dave's decision to issue a notice of violation.

Mr. Lanzetta: I am speaking on behalf of Joseph Lanzetta Trust as trustee, residing at 3C Tenon Lane

Board member Daniels: To the Appellants: you are good with that decision on the interested parties?

Mr. Pinard: We are good.

Acting Chair Shippee advises participants to speak only when requested by the Board.

ZA Cerchio testifies that the hearing has been properly posted and warned.

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

Acting Chair Shippee: Were abutters notified of both applications?

Mr. Perra: I don't believe I sent a separate notice of the application itself

Acting Chair Shippee: Do you have a copy of the letter that was sent out?

Board member Daniels: Do any of the abutters in the audience have one on hand, sent from the Applicant to the abutters?

Mr. Shader: I actually may have one

The letter from Applicant to abutters was read into the record by Acting Chair Shippee which indicates that both appeal and application were noted.

The following exhibits were introduced:

- Exhibit A: Order of confirmation of sale
- Exhibit B: Aerial photograph
- Exhibit C: Town view map
- Exhibit D: Byrne letter (16 Snow Vidda Loop)
- Exhibit E: Friedman letter (14 Snow Vidda Loop)
- Exhibit F: Pulliam letter (48B Hammer Loop)
- Exhibit G: FAA regulations for helicopter landing zones
- Exhibit H: Town view plan with hand drawn elevations
- Exhibit I: Dartmouth Hitchcock landing zone preparation for DHART helicopter
- Exhibit J: Helicopter landing procedures

Applicant Perra testifies to the following:

- 100x 100 foot area as indicated on the aerial photograph (Exh. B)
 - Medical rescue landing aircraft such as DHART
- Incidental use of the owner's personal aircraft
- Plenty of area on the parcel to accommodate it
- Spoke with Mt Snow and Dover Fire Chief—expressed that the more of these landing areas the better
- Close proximity to the mountain—for use by Mt Snow
- Alternative basis for granting application—consider as a use not provided for
- Confusion or dispute about whether this is an accessory use
- No construction is anticipated—level open grass area, nothing is proposed as far as landscaping or construction at this time

Board member Daniels: The second option you provide the Board is to consider it under section 490 as a use not provided for. What is the *use not provided for* that you are requesting? Rescue use is a permitted use elsewhere. To clarify, what is our second option? It is no longer a rescue facility or do we consider it under 490 as a rescue facility?

Mr. Perra: No, I think this ties into some of the last points I was making on the appeal. If this use is already considered accessory use and requires that permit, then I think that permit possibly comes under Section 490. If the Board doesn't feel it can grant the application under rescue use, I am asking that it be a use not provided for as an accessory

Board member Daniels: But an accessory use is provided for. The conditional use is the PUD that we have all been referencing. The PUD in this district which is the decision that allows the overall condo development, that is the conditional use in this case. An accessory use to that in the resort district is also conditional use, it just means that it needs to come before the DRB for approval. So, if it is a use not provided for but you want us to consider it under 490 as an accessory use but the accessory use for a conditional use is a use not provided for in Section 470....Are you looking for a whole new name? Helipad? Heliport?

Mr. Perra: I agree with you 100%. But Mr. Cerchio said that an accessory use needs an application. I clearly heard that. So I am providing for that in the application. By all means permit it as an accessory use.

Board member Golet: I am not sure where you want to put this. There is an X on the aerial map but I know there is a no build zone here. I am uncomfortable permitting anything if I don't know where you are going to put it. There is no scaled map here.

Mr. Pinard: There will be no building on the site. This is to designate a landing area in the middle area of the large lot away from the structures.

Acting Chair Shippee: Without any dimensional information regarding setbacks. An x on a map is not adequate; would like to see how far it is from the property lines, where trees & vegetation are, wells, buried propane, everything on that property. I want that map that was submitted with the original application indicating exactly where you want to put it.

Board member Golet: I would like to see the same thing.

Mr. Pinard: We would be happy to provide that.

ZA Cerchio introduced 3 letters from abutters to the Board.

Mr. Pinard: I would like to make a point of order on the abutter letters provided by ZA Cerchio. Earlier in the evening he objected to admission of hearsay; he is now attempting to admit hearsay to the Board.

Acting Chair Shippee: Except that our bylaws specifically give people the right to accept written testimony and they mail them to Mr. Cerchio.

Mr. Pinard: These letters are a form of hearsay.

Acting Chair Shippee: I don't want to hear any more about the previous hearing. These letters are acceptable because our bylaws say they are acceptable.

Mr. Pinard: Understood.

The Board voted 5-0-0 to grant Interested Party Status (IPS) to the Byrnes, owners of 16 Snow Vidda Loop.

The Board voted 5-0-0 to grant IPS to the Friedman Family Irrevocable Trust of 14 Snow Vidda Loop represented by Daniel Friedman.

The Board voted 5-0-0 to grant IPS to Lewis & Alice Pulliam of 48 Hammer Beam Loop Each letter (Exhibits D, E, F) was read into the record by Acting Chair Shippee.

Acting Chair Shippee: Do you want to respond to the letters?

Mr. Perra: Do you want us to respond? We have the pilot here who has knowledge in regard to downdraft, fuel storage etc.

Mr. Kaufman: I am the helicopter pilot for Brady Sullivan

Mr. Perra: Briefly describe the helicopter

Mr. Kaufman: 4 person helicopter including pilot; operating every day in these kinds of areas; do not fly if there are adverse weather conditions. I have 2200 hours of flight time; comply with 100 hour inspection; very safe craft and pilot. There is no fuel storage on site. Downdrafts: 150 feet below the ship; northeast side of the property is predominately the easiest way to get in and out; snow in winter, grass in summer; no vehicles; head out in the same direction-northeast; FAA requires me to not create damage to property or vehicles. I take off and land in crosswinds and tailwinds all the time.

Board member Lynch: At any time particularly in the winter after a fresh snowfall, what would you be doing if someone is using the property for snowmobiling and it is left out under a snowfall? How can you tell if a snowmobile or anything is buried under all that snow?

Mr. Kaufman: If it just snowed, I would not go out on that day

Board member Lynch: Will it be marked in some way to designate the site?

Mr. Pinard: We would post the area. There is no blind landing; pilot would contact project manager if area needs to be plowed.

Board member Golet: Are you planning any concrete landing zone?

Mr. Pinard: No, it is a grassy area. It is naturally covered with vegetation, preserving the area without there being any debris flying around.

Board member Golet: How close is the nearest condo to the landing site?

Acting Chair Shippee: I think we need to get that addressed when we get the site plan.

Board member Daniels: How often are we landing helicopters?

Mr. Pinard: It is a periodic thing; 2 or 3 times a month; transporting subcontractors to give bids during project development. I can understand concerns about safety; we are more than happy to meet the Board at the airport and have each member experience a flight. It feels tremendously safe. Mr. Kaufman is a very safe pilot.

Board member Daniels: ZA Cerchio: are there other similar landing zones in the Town of Dover?

ZA Cerchio: No, only rescue landings. I would also like to point out that landing a medevac helicopter and the regulations thereof is different than landing of a private/commercial helicopter. Does the pilot follow FAA regulations?

Mr. Kaufman: 100% compliance

ZA Cerchio: FAA regulations are considerably different than landing a helicopter for personal, private or commercial use as opposed to a medical helicopter. The FAA requires 300 feet of level landing zones.

Mr. Perra: I must object to the extent that Dave is asking the Board to apply FAA regulations. I don't think you are qualified or allowed to.

Acting Chair Shippee: We can assign such conditions as we deem appropriate. Just because someone offers testimony, we don't have to follow it. If we choose to, we are empowered to because the PUD allows such conditions.

ZA Cerchio: To clarify the definition of rescue facility: *"A structure used to store rescue equipment. Also used to dispatch personnel providing emergency services, usually associated with recreational activity."* How many engines does the helicopter have?

Mr. Kaufman: One

ZA Cerchio: If you are coming straight down and you lose that engine what do you do?

Mr. Kaufman: Auto rotate

ZA Cerchio: Would you explain that?

Mr. Kaufman: Autorotation is our term for glide. Prefer coming in at an angle

Board member Lynch: What kind of noise are we dealing with, would like more specifics on the aircraft? Other requirements of the aircraft to make a final decision

Mr. Kaufman: Piston engine sounds a little bit different than a turbo engine

Board member Lynch: Give Board an estimate from 300 feet as to noise impact—decibel level to the closest residence; better site plan with setbacks; any change of use for a PUD requires that information.

Mr. Perra: I apologize. If I had known these should be included in the application, I would have done so.

Applicant response to ZA Cerchio regarding Exhibit G: Can Mr. Kaufman explain if it is applicable to site?

Mr. Kaufman: This document is about registering a heliport with FAA; this would not apply to us as we are not building any structures

Acting Chair Shippee: If you are flying anything, doesn't the FAA get involved? What does it say?

Mr. Kaufman: Every state is different; I will notify authorities ahead of time and research address of landing; will check location prior to landing; preflight planning. No requirements to register a heliport with FAA.

Acting Chair Shippee: When you did your research on the State of Vermont, what did you find about their regulations?

Mr. Kaufman: I did not find anything expressly talking about helicopters. I don't remember finding anything at the State level.

Mr. Pinard: Could you ask Mr. Kaufman to describe whether the other exhibits are relevant I would object to Dave's statements as being relevant to the application.

Mr. Perra: I would point out that Mr. Cerchio is misrepresenting what these say. He has mentioned 225 feet. Dartmouth clearly states 75 x 75 feet by day and 100 x 100 by night.

Acting Chair Shippee: That has been noted.

Board member Golet: What is it you are applying for: a rescue site or personal landing zone? These things that ZA has provided do apply to a rescue facility.

Mr. Pinard: To clarify, the application is two-fold: a) a standby rescue facility b) landing zone for owner

Acting Chair Shippee: Nothing has been initiated by Dartmouth?

Mr. Pinard: No

The Board granted IPS to Alice Pulliam of 48B Hammer Beam Loop by a vote of 5-0-0.

Acting Chair Shippee advised abutters that they have 5 minutes each to respond.

Ms. Pulliam: Speaking as an emergency medical technician from CT; on the chances that we need a helicopter, when it is needed rescue helicopters will land wherever and whenever they can; even ski trails have level areas that can be landed on, I have seen them land at the discovery zone and on top of the mountain. Where my residence is and because I work EMS so often I have seen many traumas. By the time they got to our units with a snowmobile, with a parking lot plowed, with a road plowed, the person strapped to a board is not going to make it. That is a long distance to go. Our area is not a ski area; we are a walk to and walk back. We do not ski in and ski out. It is not a feasible medical need there.

The Board granted IPS to Joe Lanzetta of 3C Tenon Lane by a vote of 5-0-0.

Mr. Lanzetta: In an emergency is there a need to have a permit to land a helicopter?

Acting Chair Shippee: Technically we cannot answer your question as we are not allowed to offer testimony

Mr. Lanzetta: Noise is a concern; when making a decision about this it is always a question of risk and benefit; if there was no close landing zone in the area for all sorts of aircrafts there may be pause to think about this but since there is an airport less than say 5 miles away. I just don't understand why we are all here.

The Board agreed to grant IPS to Lewis Pulliam on the basis that he resides with his wife Alice at 48B Hammer Beam Loop

Mr. Pulliam: A quick point regarding safety. Regardless of the safety and quality of the pilot, helicopters crash, airplanes crash. Is it worth the risk? There is an airport close. And if it crashes there are homes, people, and children. Is it worth the risk to entertain?

The Board granted IPS status to Karen Cangialosi of 3F Tenon Lane by a vote of 5-0-0

Ms. Cangialosi: I have 4 young children and a dog; I am trying to figure out safety and how we will be warned when a helicopter is coming in? I think it is insanity; I understand it is luxury for some. I live near an airport in NJ. I did not buy a condo in Vermont to hear the same thing in my backyard. I am very upset about it. My kids are outside with the dog all the time. I don't understand how they can regulate this. I don't think they have thought it through; if they had any concern for the people living in their backyard. A million things could happen. The whole development is families and children. I can't comprehend that this has come to this point.

The Board granted IPS to Frank Cangialosi of 3F Tenon Lane by a vote of 5-0-0

Mr. Cangialosi: I agree with everything that has been said; it is a safety hazard no matter what, it is a residential area. We don't have helicopters landing by our homes at home; The airport is close enough and it's not much of an inconvenience; I love this city and I drive 3

½ hours to get here; anyone else could drive just as far and spend their vacation here. It is definitely not needed with children, pets, and the quality of life. It is peacefulness up here.

ZA Cerchio presented the following to the Board:

Definitions of accessory use and incident were read into the record

Mr. Pinard: Testimony just provided is a subjective interpretation by an individual

The Board took a 3 minute recess at 9:32pm to decide whether to close the hearing.

The Board reconvened at 9:35pm

On a motion by Board member Golet, seconded by Board member Lynch, the Board unanimously agreed to continue the application to August 22

Board member Daniels confirmed the following with the Applicants and abutters present:

- The Board will issue a letter to the Applicants requesting any additional information it feels it needs to render a decision.
- The letter will be sent via certified mail as well as via email.
- The Applicants may submit the requested information to the Board prior to the continuance date of August 22.
- The contents of that submitted letter will be available for review at the Town office but it is the responsibility of the abutting property owners to obtain said information.

On a motion by Board member Golet, seconded by Board member McElroy, the Board unanimously moved into Deliberative Session at 9:40pm

The Board came out of Deliberative Session at 9:50pm and the meeting was adjourned.

Next hearing is scheduled for August 22nd.

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 months from date of meeting at www.doververmont.com.*