

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

Meeting Minutes

June 12, 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 Vice Chair Lynch. 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: Vice Chair Jim Lynch, Andy Childs*, Steve Montello, Geri Golet & Ned McElroy
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Robert & Roberta Stone, Robert Fisher, Taylor Wilkins and John Brunin
- V. A draft of the minutes for the meeting will be posted by Tuesday, June 17, 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-MS100-01** by the Mount Snow Resorts to amend their PUD to include a retail sign facility in accordance with Article 7 of the Zoning Bylaw. The property is located on Route 100 in West Dover. Parcel Number MS100.

*Board member Childs recused himself from application 14-MS100-01 due to a conflict of interest

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

Interested party status was requested by Andy Childs, representative from Snow Tree Home Owners Association, an abutter to Mount Snow.

It came to the Board's attention by Board member Montello & Applicant Taylor Wilkins that not all the abutters were properly notified and therefore the application cannot be heard.

On a motion by Board member Montello, seconded by Alternate McElroy, the Board unanimously agreed to continue the hearing to July 10, 2014.

VII. To consider application #14-BX008-01 by Robert and Roberta Stone and Jack & Carrie-Lynn Whitman for a 2-lot subdivision and a side boundary variance in accordance with Sections 335 and 1140 of the Zoning Bylaw. The properties are located at Bears Den Road 21 and 23 in West Dover. Parcel Numbers BX007 and BX008.

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

Applicant Stone & Attorney Fisher testify that all abutters have been properly notified.

The following exhibits were introduced:

Exhibit A: Boundary Adjustment Survey Map dated 10/1/2013 by Dauchy-Creamer Associates, LLC

Exhibit B: Letter of support from Anthony Famiano, President of Bear's Crossing Condominium Assoc.

Exhibit C: Letter of support from Joe Lodi, head of Architectural Review Committee, dated May 22, 2014

Exhibit D: Letter of support from Michael Goodman, current treasurer of Bear's Crossing, dated May 24, 2014

Exhibit E: Warranty Deed for Stone property

Exhibit F: Aerial photograph of properties BX007 & BX008

Applicants Stone & Fisher testify to the following:

- Seeking a lot line adjustment which is considered a 2 lot subdivision between the Stone's home at 21 Bear's Den Rd and the Whitman's home at 23 Bear Den's Rd
 - This would allow Applicant's home to sit entirely on his own lot
 - This would also reduce the degree of non-conformity
- Currently the Stone's home encroaches on the Whitman's property
 - This fact was revealed by a recent survey (see Exhibit A)
 - Corner of the house encroaches on the Whitman's property
- Attempting to remedy this situation by doing a land swap—both parties are in agreement
 - The lot line would be 4 feet off the edge of the Stone's home
- A variance is requested for the 15 foot set back
- Applicants submit that the physical condition of an existing home encroaching on the neighbor's lot has created a hardship on both parties
 - Now being aware of the encroachment, Applicant Stone will have problems financing or selling the property in the future
 - The Whitman's will suffer hardship if the lot line is placed 15 feet into the their lot
- Hardship created by the encroachment was not created by either owner but rather by the original developers of the house lots
- The Whitman's are willing to help and have agreed to a side boundary line set back of 4 feet from the Stone property
 - There will be no altering of the character of the neighborhood
 - The encroachment situation will thereby be fixed and corrected

Section 1140 of the Zoning Bylaw on Variance was reviewed:

1. Unique physical circumstances exist: narrowness and shallowness of the property

2. Property cannot be developed in strict conformity to the bylaw
3. Hardship was not created by the Applicant
4. Will not create a detrimental impact to adjacent property or alter essential character of the neighborhood
5. Represents the minimum variance & least deviation possible

On a motion by Board member Golet, seconded by Alternate McElroy, the Board unanimously agreed to close the hearing.

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

- Approve minutes of March 13, 2014:

On a motion by Board member Montello, seconded by Board member Childs, the minutes of March 13, 2014 were approved by a vote of 3-0-2 (McElroy & Golet abstained)

- One Alternate position still needs to be filled.

On a motion by Board member Golet, seconded by Alternate McElroy, the Board unanimously agreed to move into Deliberative Session at 7:41pm

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to move out of Deliberative Session at 7:45pm and the meeting was adjourned.

- Next hearing scheduled for June 26th, 2014 at 7pm

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.*