

Town of Dover
Development Review Board

Meeting Minutes

March 24, 2016 at 7:00 PM
Dover 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 Shippee.
- 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 Shippee, Vice Chair Jim Lynch, Laurie Newton, Stephen Palermo & Jonathan Prial. The Board introduced themselves to the audience. The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Todd Ormiston, Betsy Wadsworth, Joe Kruszewski, John Redd.
- V. 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.
- VI. A draft of the minutes for the meeting will be posted by Tuesday, March 29, 2016 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.
- VII. **To consider application #16-RT094-01** by Mount Snow Ski Education Foundation (MSSEF) on behalf of Joseph Kruszewski for a Change of Conditional Use from a Hotel to an Educational or Institutional Facility in accordance with Sections 375, 380, 385 and 470 and Article 2 of the Zoning Bylaw. The property is located at 248 Route 100 in West Dover and is known as the Matterhorn Inn. Parcel Number RT094.
 - ZA Cerchio testifies that the hearing has been properly warned and posted
 - Applicant Todd Ormiston of Mount Snow Ski Education Foundation has a letter of consent authorizing him to testify on behalf of property owner Joseph Kruszewski
 - Applicant Ormiston testifies that all abutters have been notified and in a timely manner
 - No conflict of interest existed among the Board members. However, Alternate Newton disclosed that although she works for Mount Snow, she has no working relationship with either MSSEF or the Matterhorn Inn.
 - Applicant Ormiston reviews ZA Cerchio's summary and testifies to its accuracy

Exhibit A: ZA Cerchio's summary

Applicant Ormiston testifies to the following:

- Mt Snow Academy has been part of the valley for 35 years
- MSSEF is certified by the State of VT for grades 6-12
- Many students come from the valley and also from afar
- Focus is on athletic, personal and academic development
- Maintains its academic facility in the ski club building
- Residence for students has been in the Snow Vidda development
- Desire for growth in the program
- Propose to go from 24 to 55 students in the next 5 to 7 years
- Need the ability to support that size of an institution & attract more students
- Matterhorn affords enough space to achieve this goal
- ½ of enrollment are day students, ½ are boarding students
- Usually ratio is much higher—hoping to increase to 25-30 boarding students
- Primary objective of the Inn is for residential and academic purposes
- Proposing to close on the property on September 23
- Hoping to begin enrolling students by first week in November
- Change of Conditional Use—otherwise could have been permitted by the ZA

Board comments:

- *Will there be full time residents year round?* While students are present, there will be full time residents but not permanent residents
- *What type of special events will take place as mentioned in the application?* Fundraising dinners; nothing more than what would be accommodated by the parking parameters; no ski competitions
- *How are students transported to and from the mountain?* 10-seat passenger vans are rented annually; perhaps looking to deal with the Moover
- *Will there be a shift in the number of boarding students?* Possibly as the quality of the residential experience increases, more families will be comfortable boarding their children in that residential space
- *If for some reason, the Inn sale should not go through...will the permit for change of use stay in effect? Should this be a condition of the permit? Board will discuss in Deliberative Session and/or consult Town Attorney*

Joe Kruszewski testifies to the following:

- The Matterhorn has 27 bedrooms that are approved by the State
- 73 people can occupy the premises
- 67 people can occupy the restaurant/bar area combined
- Health, fire & safety regulations are controlled by the State
- Water from North Branch is also approved for the same occupancy
- Conditions of the permit—change of use would happen when the property changes ownership
- The property will continue to be operated as an Inn until the closing in September

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

VIII. To consider application #16-AS005-01 by Four Seasons Sotheby's International Realty for three (3) additional signs in accordance with Section 130 of the Sign Ordinance. The property is located at 148 H Route 100 in West Dover. Parcel number AS005.

- ZA Cerchio testifies that the hearing has been properly warned and posted
- Applicant Betsy Wadsworth testifies that all abutters have been notified and in a timely manner
- Applicant Wadsworth reviews ZA Cerchio's summary and testifies to its accuracy

Exhibit A: ZA Cerchio's summary

Applicant Wadsworth testifies to the following:

- Requesting 4 signs placed on the north, south and west sides of the building
- Since last meeting, Four Seasons Sotheby's merged with Palmiter Realty
- Requests to replace existing signs, including Mount Snow Vermont Rentals; will not increase the number of signs that presently exist
- Proposed signs have been reduced in size to comply with sign ordinance
- Did not address the plaza sign in this application; did not realize it was an issue
- These are two different businesses under one ownership
- Sotheby's does not recognize Rentals, therefore both cannot appear on the same signage

ZA Cerchio refers to sections of the sign ordinance:

- **MULTI-RELATED BUSINESSES:** *Commercial activities of a related, customary or incident nature where one or more businesses are located in a single building, appurtenant to the building or in an adjacent building are considered to be single individual businesses for the purpose of this Ordinance. Multi-related businesses shall include, but not limited to, a ski shop which sells, repairs and rents skis or a real estate business, which sells, rents and maintains properties, both of which are considered one business.*
- This section was written to prohibit two related businesses having too many signs
- Applicant is allowed two plaza signs which equal one sign double sided—it is their choice
- Section 130 A: *Conditional Sign approval may be granted by the Development Review Board for a pre-existing or new sign(s) in a specified location, which will, in the opinion of the Development Review Board, substantially comply with the intent of this Ordinance.*

Board comments:

- Each business is allowed two signs on the sign plaza
- According to the way the ordinance is written, it is considered one business
- Could they have Mt Snow Rentals on the plaza sign? The Applicant has a choice as to which business appears on the plaza sign
- Clearly an approval would not substantially comply with the intent of the Ordinance; definition is explicit in this regard
- Sign Ordinance was written after Palmiter Realty put their signs up
- Signage request would result in four Sotheby's signs on two buildings in the plaza
- If the Applicant desires to have the signs made prior to approval, it would be at the Applicant's own risk

On a motion by Vice Chair Lynch, seconded by Alternate Newton, the Board unanimously agreed to close the hearing

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

- Reappointments: Board members Geraldine Golet, Jim Lynch, Steve Montello, and Alternate Laurie Newton all need to be reappointed as of March 31, 2016
- Chair Shippee will draft a letter to the Select board recommending the appointments

On a motion by Alternate Prial, seconded by Vice Chair Lynch, the Board unanimously agreed to move into Deliberative Session at 7:45pm.

On a motion by Alternate Prial, seconded by Alternate Palermo, the Board unanimously agreed to move out of Deliberative Session at 8:00pm and the hearing was adjourned.

Respectfully submitted by Jeannette Eckert, Recording Secretary

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