

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

***Meeting Minutes
November 13, 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.
- II. The notice of hearing was read into the record.
- III. Board members present were: Chair Sarah Shippee, Jim Lynch, Geraldine Golet, & Steve Montello. The Zoning Administrator, David Cerchio and Recording Secretary Jeannette Eckert was also present. Adam Hubbard, Robert Fisher, Jordan & Leslie Mayer, Anthony & Caroline Gaglio were also present.
- IV. A draft of the minutes for the meeting will be posted by Tuesday, November 18, 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.
- V. **To consider application #14-SG002-21** by E. Adam Hubbard of Stevens Associates on behalf of Richard Meduski for a nine (9) lot subdivision as conditional use and in accordance with Sections 300, 335.2, 375, 380, 385 and 405.A of the Zoning Bylaw. The property is located between Someday Road and Hathaway Trail in West Dover. Parcel Number SG002 – Tax ID Number 183-058-13006.

ZA Cerchio testifies that the hearing has been properly warned and posted
Applicants testify that all abutters have been properly notified and in a timely manner
Chair Shippee informed all in attendance that any testimony given tonight is considered as a new & separate hearing

The following exhibits were introduced:

- ❖ Exhibit A: FIG1—Overall Site Plan with Hathaway Trail Improvements
- ❖ Exhibit B: C-2—Lot Layout Plan
- ❖ Exhibit C: C-1—Existing Conditions Plan
- ❖ Exhibit D: North Branch letter dated November 13, 2014
- ❖ Exhibit E: Project description dated 10/21/14 (3 pages)
- ❖ Exhibit F: Municipal Impact Questionnaire (3 pages double sided) dated 6/2/14
- ❖ Exhibit G: Letter from Rich Werner, Fire Chief, dated 5/29/14
- ❖ Exhibit H: Letter from Adam Hubbard to Select board dated 6/23/14
- ❖ Exhibit I: Fisheries Biologist Lael Will's email dated 11/6/14 (2 pages)
- ❖ Exhibit J: Conservation Commission letter to DRB dated 11/10/14
- ❖ Exhibit K: Letter from Jordan & Leslie Mayer
- ❖ Exhibit L: Letter from Chris Roy, attorney for Mayers (read into the record)

Adam Hubbard & Robert Fisher have permission to testify on behalf of property owner Richard Meduski as follows:

- Previous application's decision is being appealed
- Mr. Meduski desires to commence with the subdivision & therefore comes before the Board with another proposal in order to proceed with the development in a timely manner
- 4 reasons for this current application:
 - Subdivision into 9 parcels
 - Lot line adjustment
 - Conditional Use review
 - Creation of a lot and conversion of an accessory unit into a primary dwelling unit
- Lot line adjustment—currently two lots (C-1)
 - Property with the car barn, cottage and main house is lot 1
 - Property with the courthouse is lot 2
- Goal of the plan is to take what was non-conforming uses in a residential district and make them all conforming uses
- Much like we did with the courthouse on the previous application, we divided the courthouse which was an accessory use into a primary dwelling unit, it is the same process this time
- Upon completion of the 9 lots, lot 8 will have a principal dwelling unit with an accessory use
- Exhibit C (C-1) reflects the change approximately and is bolded in blue ink
- Subdivision is depicted in C-2—proposes 9 lots all conforming to dimensional standards in the residential district
- Along Someday Rd—each of the existing buildings will then be a principal dwelling unit on its own lot consisting of lot 1,2,7,8
- There will be a deeded access from lot 8 to lot 7—deeded right of way will be provided
- Lot 8—car barn with apt & garage—will become a principle dwelling with accessory unit
- In previous application, these were on two lots
- Now garage is on what had been lot 9 and is now on lot 8
- Definition of “lot” according to bylaws—either occupied or capable of being occupied by one principle building
- Square footage of car barn with apt & garage is unsure (Adam will email numbers to ZA)
- With regard to an accessory usage—there are no limitations with respect to square footage—this is not going to be a dwelling; garage will be an accessory use
- Creation of 9 lots: all would conform to minimum lot size; all are capable of having house and parking within set-backs; on municipal sewage; car barn would be increased to 3 bedroom
- North Branch confirmation of capacity for 5 new three bedroom homes; cost would be \$32,640 (See Exhibit D)
- There is sufficient isolation for drilled wells
- Easements associated with municipal sewer; dry hydrant line from pond on Someday Rd to a dry hydrant on Hathaway Trail
- Road up to the garage could be accessed by the car barn
- Golf course cart path will go away—not intended to access lot 9
- Lot 8 does have frontage requirement off Someday Road

- No non-conforming lots in size, set-back or frontage

Conditional Use review:

General Standards:

1. Any adverse effects on capacity of existing or planned community facilities?

- There is capacity in sewer system for 900 more bedrooms in the community
- Hathaway Trail is a public right of way and will remain open for snowmobiling, hiking, skiing
- Effect of adding 5 new homes would create 16 vehicle trips per day—this increase will not have an undue adverse effect
- The meat of the proposal is narrowing the road
- Select board granted permission to use the trail for access
- FD granted permission for 18 foot road for safety purposes with the condition of either a dry hydrant or water tank—dry hydrant was decided upon
- Regulations for town trails and pent roads—SB has the authority to modify the town standard
- In anticipation of that modification an MIQ was completed which (Exhibit F) includes representation by the SB, Police, Fire and Highway
 - Act 250 permit requires the MIQ
- Improvement to the trail will be maintained by Mr. Meduski; future improvement and maintenance will be maintained by an Association of future land owners
 - Shared on a pro rata basis—common benefit
 - No responsibility of the Town to maintain trail
- Regarding safety, 18 foot roads are common—provides two 9 foot travel widths
 - At request of FD, pullouts have been added
- Currently width varies from 16-20 feet—will maintain a consistent 18 foot width
- Grade does not exceed 12% grade standard except one at 12.5%
- Stopping distances, intersection geometry meet State road standards
- Narrow road minimizes environmental impacts
- Referring to environmental email (Exhibit D)—clarification on the wetland line will be addressed in the Act 250 application
- Referring to Exhibit B (C-2): wetland line that goes up to dry hydrant on Hathaway Trail; roadside ditch shows a stream—delineated as a narrow wetland; 24 foot road would require significant impact to this roadside stream/ditch/wetland—does not have a buffer at this time—would be provided on the upper side
- Location of hammerhead turnaround is the furthest north we can go
- Conservation Commission letter (Exhibit J)
 - No adverse impact on Dover’s natural resources
 - Reluctant to review road building in a Town right of way as this has never been previously done

2. Character of the area affected , as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan

- Purpose of residential district is to support low to high density development
 - Project meets the definition and is in the residential district
 - No undue adverse effects to the character of the area
 - 18 foot road will retain Hathaway Trail’s rural character and environmental impacts will be minimized
3. *Traffic on roads and highways in vicinity*
- Do not expect to exceed
 - Safety will be maintained
 - Concern for snowmobile traffic was expressed by SB
 - PD and FD did not have major concerns on safety or accessibility
 - 18 foot road was accepted
 - Blind corners to be addressed?
 - Signage will be put up at the expense of Mr. Meduski—VAST has all the standard road signs
 - Widening of the road and blasting a significant amount of ledge will be beneficial
 - Once foliage is cut back—10 feet back from road—will provide a clearer path of vision
 - Who is going to maintain this?
 1. HOA will be formed—current homeowners will be asked to joined however they do not have to do so
 2. For new homeowners joining the Association will be a condition of ownership
 3. Upper lots 9-13 are already members of the Someday HOA
 - Turnouts are located above and below on straightaways
 - How many roads are traveled by cars and snowmobiles sharing a roadway?
 - By law, any class 4 or Town trail has that ability
 - Any class 3 road requires Select board approval
4. *Bylaws and ordinances then in effect*
- Proposed project conforms to bylaws and ordinances
5. *Utilization of renewable energy resources*
- No undue adverse effect on natural resources

Specific Standards for Conditional Use:

1. Flood hazard regulations and general regulations will be met
2. Minimum standards will be met
3. Max safety of vehicular traffic: visibility and turning geometry is adequate for safe flow of vehicular traffic
4. Circulation adequacy: each lot will have adequate room for emergency access, parking, turn around, deliveries, snow storage
5. Adequacy of landscaping is sufficient; protected vegetated stream buffer exists
6. Protection of Dover’s natural resources—refer to Conservation Commission meeting

- C-2 lot layout plan—proposed dwelling sites and access to those sites—normally subdivisions are based on what is presented in the zoning bylaw; Act 250 will address this issue

Abutter Anthony Gaglio, owner of 32 Hathaway Trail testifies to the following:

- Appreciate the testimony of Mr. Hubbard and Mr. Fisher
- As a developer, I wish Mr. Meduski all the luck in the world
- My major concern is the safety of the trail; guidelines not being followed
- Shows 1-8 lots for future development; possibly making 14 house sites
- Issue with FD that 18 foot road is safe—there is no way a fire truck and ambulance can pass each other on that road width—downhill slope is very steep
 - 20 feet with 2 foot shoulders would be safer
 - Lower section is the concern
 - Very dangerous situation—documented accidents
 - Snow plowing—barely two cars can pass when we have the heaviest snows of the winter
- In 2007 put house in and was required to put in two turnouts as the 2nd house on road at request of then Road Commissioner Gary Carruthers—felt road was too narrow for two houses
- What is the hardship for Mr. Meduski for not doing that for 6 or 14 units on the same road?
 - There is no hardship—only cost and that is what was bought into by developer
 - Don't want to see a double standard
 - Should not deviate from past standards/rules
- Believe the vehicular traffic numbers presented are flawed
- Hard to enumerate how many snow mobiles are on that trail until you live on it
- Hathaway Trail is a main thoroughfare—using businesses for gas, food, drink etc.
- Devise a simple plan to widen the road
- Would like to see how Association will work
- I grade and re-crown road every year
- What happens above our houses is not a real concern for us
 - Lion share of traffic happens below our houses
- Dry hydrant—after series of houses/lots are sold? Feel it should be done with the first house
- Mechanism should be put in place for financial security that all these guidelines be met

At the request of ZA Cerchio, Chair Shippee read the first 2.5 pages of Exhibit L into the record

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

- Mr. Meduski is acting as a developer for the sake of subdividing; he has no intent of living on this road
- He is trying to subdivide this property simply for economic gain
- Use Someday Road and leave Hathaway Trail alone
- Discrepancies exist between the Dover Town Plan, Road Specs and WRC plan with Mr. Meduski's plan
- WRC issued a transportation plan that declares that "*Development should avoid extension of roads into and through resource lands*"
- No safety issues because under 75 vehicle trips? I disagree
 - Spoke with VTrans & Act 250 representative April Hensel
 - Configure 10 cars per 8 households= 80 which exceeds 75
- Motor vehicles include snow mobiles which are 100's per day

- Requesting a traffic study be done—in the winter could be done by camera or count
- SB went ahead and granted a variance—according to minutes it was “not in the purview of this Board to determine safety”
 - If a fiduciary group of people who are voted in to protect the lives of those who live here and come visit aren’t interested in safety then I don’t know who has that responsibility
- VTrans stated that they would be concerned about a conflict between snowmobilers and cars
- April Hensel stated that the Commission would consider this a major concern and would need to be addressed in the safety portion of the Act 250 hearings

Chair Shippee suggests Mr. Mayer provide any *written* testimony he has from VTrans, Act 250 and Town of Dover

Mr. Mayer continues testimony:

- According to Dover’s Town Plan:
 - Recreational corridors include trails for foot travel, bike paths, roadways accommodating bicycle lanes and snowmobile trails
 - Goal 1 under section 9.4 is to economically provide quality recreational programs, facilities and open spaces which are designed to enhance the leisure time experience in Dover. And retain class 4 town roads, legal town trails, and other public rights of way for use as recreational trails.
 - Policy 1.3: Provide adequate and safe opportunities to travel as a pedestrian or bicyclist, both for recreation and transportation purposes
- Gary Carruthers correspondence—a formal agreement exists with the Gaglio’s for maintaining the roads
- An incident occurred with a propane truck which did not navigate Gaglio driveway properly—took out Mayers front porch
- No place to put snow in the winter; can’t pass as it is now
- Walking pedestrians and dog walkers on the trail
- Concerned about absence of legitimate guidelines for Association of upper part
- Water issues at my home: in order to mitigate water runoffs, water is redirected
 - If project goes through, the even grade will cause runoff to go into my property
- 18 foot road width is not safe, does not fit into guidelines of road specs
- 20 foot width with 2 feet shoulders—maintaining safety and long term landscape of Dover are more important

VI. To consider application #14-SG002-23 by E. Adam Hubbard of Stevens Associates on behalf of Richard Meduski for change of use from a Storage Facility (car barn) to a Single Family Dwelling in accordance with Sections 300, 375, 380, 385 and 470 of the Zoning Bylaw. The property is located between Someday Road and Hathaway Trail in West Dover. Parcel Number SG002 – Tax ID 183-58-13006.

The following exhibits were introduced:

Exhibit 1: C-2 (Exhibit B in first application)

Exhibit 2: North Branch gallonage dated 7/19/11

Testimony as stated above applies to this application in conjunction with the 1st application (14-SG002-21)

At 9:10pm the Board took a short recess

At 9:12pm the Board returned

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously agreed to close the hearing

The Board took a brief recess and returned at 9:20pm

VII. To consider any other business that may legally come before the Development Review Board.

Approve minutes of Aug 28 & Sept 25, 2014

On a motion by Board member Golet, seconded by Vice Chair Lynch, the Board voted 3-0-1 to approve the minutes of Aug 28, 2014 (Montello abstained)

On a motion by Board member Montello, seconded by Board member Golet, the Board voted 3-0-1 to approve the minutes of Sept. 25, 2014 (Lynch abstained)

VIII. Deliberative Session:

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously agreed to move into Deliberative Session at 9:22pm

On a motion by Board member Lynch, seconded by Board member Golet, the Board unanimously agreed to move out of Deliberative Session at 10:25pm and continue it to November 16th at 4pm at Seasons Clubhouse.

Meeting adjourned at 10:25pm.

Respectfully submitted,
Jeannette Eckert, Recording Secretary

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