

Town of Dover
Development Review Board

Meeting Minutes
October 24, 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 7:05pm by 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: Chair Sarah Shippee, Steve Montello, Andy Childs & Jim Lynch
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Laurie Newton, Adam Grinold, & Michael O’Shea. Michael Kondracki, Dan Baliotti, & Don Mondani, were also in attendance.
- V.** A draft of the minutes for the meeting will be posted by Tuesday, October 29, 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. To consider application #13-MS100-21** by Mount Snow Ltd. to amend their PUD for the installation of energy efficient downward-shielding lighting in accordance with Article 7, Sections 375, 380 and 385 of the Zoning Bylaw. The property is located at 47 Mount Snow Road in West Dover. – Parcel #MS100.
ZA Cerchio testifies that the hearing has been properly posted and warned.
The Applicants testify that all abutters have been properly notified in a timely manner.
No conflict of interest was present.

Exhibit A: Property map indicating the placement of the lighting—circled building is the clock tower

Applicant Newton testifies to the following:

- Mount Snow will be upgrading & replacing parking lot lighting over the next several years—11 lights in total
- Older, non-dark sky compliant will be replaced
- New ones will be LED and dark sky compliant—more energy efficient
- Mounted at a height of 18 feet
- Request a three year replacement
- New lights shine downward rather than out eliminating light pollution

- Lights will be put in parking lot in between mountain ops building and discovery hill and continue to the drop zone by the clock tower

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

VII. To consider continuance of application #13-MV000V-03 by Adam Grinold of Three Dogs LLC on behalf of Mount Snow Ltd. To amend their existing PUD for mixed commercial use to include a food service trailer in accordance with Article 7 and Sections 380 and 385 of the Zoning Bylaw. The property is located at 316 Route 100 in West Dover and was known as the Cupola. – Parcel #MV000V.

As previously noted in the October 10th minutes:

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

Chair Shippee confirms that both Adam Grinold & Laurie Newton are authorized to give testimony on behalf of Mount Snow

The Applicants testify that all abutters have been properly notified in a timely manner. No conflict of interest was present.

The following new exhibits were introduced:

Exhibit E: Land Use 933: Fast Food Restaurant without Drive-Through Window

Exhibit F: State of Vermont Health Regulations for Food Service Establishments

Exhibit G: Page 80 section 5-220 of the above document (Outdoor Dining Areas) was read into the record by Chair Shippee

The Board requested the following information in a letter to the Applicants dated October 18, 2013:

1. A traffic study for the addition of the ZooHoo's cart, including a recommendation for traffic flow, ingress and egress.
2. Alternatively, provide information on a comparable winter-operated business that includes daily and peak traffic levels, and traffic management/flow.
3. State regulations regarding restroom facilities for outdoor restaurants.
4. Any other state regulations pertinent to outdoor food service.
5. Confirm that proper notice was given to the Mount Snow Village Association (reference their letter dated October 1, 2013, which states they were not aware of the pending application item 1, second paragraph).

(Applicants passed on number 1 and opted to answer number 2):

2. As there is no such business operated in Dover, the Applicants understood the request to include areas beyond Dover which was confirmed by Chair Shippee.

The Institute of Transportation Engineers publishes *Parking Generation*, a resource widely used in Vermont, Windham County and Town of Dover Zoning Department.

- Refer to survey of hamburger and non-hamburger establishments as indicated on Exhibit E
- Peak period of demand was 12-1pm
- Average peak period parking demand per 1000 square feet was between 8.2 and 12.4 vehicles
- Proposed trailer is 250 square feet—using the 12.4 figure per 1000 sq. ft.—even cutting that in half, peak parking demand would be 6 vehicles

- Anticipate that a majority of vehicles will exit and enter onto/from Route 100 curb cut.

3. Reference pages 2-4 of Exhibit F (section 5-202) Classification of Food Establishment Licenses

Commercial Caterer: *(includes permanent food stands and motorized and push cart type mobile units)*

Temporary outdoor seating for no more than 16 people may be allowed in this classification for establishments that operate fewer than six months of the year.

Any person desirous of obtaining a commercial caterer's license must meet the requirements of the Department of Health, Vermont Health Regulations Chapter 5, Subchapter 2 Food Service Establishments, Sections 5-204 through 5-219, with the following exceptions: a. Section 5-212, Item 31., A. Toilet Rooms: *Patron toilet and hand washing facilities are strongly recommended, but will not be required. The establishment, however, must furnish a restroom(s) for their employees.*

Requirements – Mobile Units

*The following requirements apply **only** to motorized units that prepare and serve food:*

a. All mobile units must be registered and capable of being moved at any time.

b. They must have either:

*I. **Two properly** constructed food grade tanks, each containing a minimum of 15 gallons of water, one for cold water and the other for hot water at 140°F; or*

*II. One water supply holding tank containing a total of 30 gallons of tempered water at **110°F to 120°F.***

*III. The water must run to a sink with a **mixing faucet** or single faucet if using tempered water by pressure **or gravity.***

c. Wastewater from the sink must be piped to a wastewater holding tank with a minimum capacity of 35 gallons.

Approved Sewage Disposal System – Mobile Units

Sewage shall be disposed of through an approved facility that is:

a. A public sewage treatment plant; or

b. An individual sewage disposal system that is sized, constructed, maintained, and operated according to law

4. Reference page 80 of Exhibit G (section 5-220) Outdoor Dining Areas
Restaurants may provide on-premise outdoor dining with prior approval from the Department of Health.

A. Open Outdoor Dining Areas.

Unscreened or unfanned outdoor dining areas may be provided when:

1. All foods served are properly protected;

2. Roaming animals such as cats and dogs are controlled so as they do not inhabit the dining area.

- No outdoor seating will be available

5. Proper notice was given to MSVA. They are not abutters to the property. An association is not required to be notified. Notice was also posted in the newspaper and on the Cupola. Only way to be harmed by this is if you have no idea a hearing is taking place. They obviously knew the hearing was taking place as indicated by the letters received.

- Request exterior lighting under service awning-- direct down florescent light-- on only during operating hours
- Food is being prepared on premises
- Designated restrooms for employees—at the cupola
- Expectation is for patrons to purchase food and drive away

ZA Cerchio: An association does not own property and is therefore not an abutter. They did apply for interested party status which was granted.

Dan Baliotti, owner of Coffee Barn Cafe, testifies to the following:

- Only strip mall in Town that has a 50 miles per hour speed limit outside of it
- Presented several photographs of two accidents that occurred in October and November 2012
 - Landlord has replaced the fence 4 times
- Tent appears to be 30x30 or larger
- Patrons *will* come across the street and use my bathroom
 - Will affect the landlord's water system
- How will they get the water in and out in below freezing weather?
- If they cannot use the Cupola water, where else will they go?

Don Mondani, owner of 321 Route 100, across the street from Applicants' property, testifies to the following:

- Sold commercial real estate for thirty years
- Bad idea, setting a precedent doing food trailers along Route 100
- This site is going to be dangerous, snow & ice; parking is going to shrink
- People will be walking across the street to use the bathroom, in the dark, a dangerous situation
- How will employees wash hands, serve food when the Cupola is closed?
- Prior restaurant owner
- This is a good thing for Mr. Grinold and Mount Snow but not for everyone else

The Board took a brief recess at 7:34pm, back at 7:37pm

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

VIII. To consider application #13-WH020-01 by Michael O'Shea to construct a seasonal camp structure in accordance with Sections 375, 380, 385 and 470 of the Zoning Bylaw. The property is located at 136 Whites Hill Road in East Dover. - Parcel #WH020.

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

The Applicant Michael O'Shea testifies that all abutters have been properly notified in a timely manner.

The Applicant reviewed ZA Cerchio's summary of application and testifies to its accuracy.

No conflict of interest was present.

Applicant O'Shea testifies to the following:

- In 2007, purchased property to build a camp
- Was not aware that a building permit was needed
- Would never have gone forward with the building project in 2008 if it was thought to be in violation
- Currently lives in Nashville, Tennessee
- Comes before Board due to the Conditional Use requirements of the Zoning Bylaws
- Propane heat is being used
- Electricity and running water is not being used
- No drilled water, no spring. Bottled water is brought in.
- 448 square feet on 12.72 acres
- Driveway is on Whites Hill Rd

ZA Cerchio: Mr. O'Shea has been very cooperative in the process. Correspondence between the ZA & Applicant was not received due to circumstances beyond their control.

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

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

Steve Montello was approved by the Select board as a Board member at their Oct 15th meeting.

An Alternate is still needed; send any interested applicants names to Jeannette; Board will review at a future meeting.

On a motion by Board member Lynch, seconded by Board member Childs, the Board unanimously agreed to move into Deliberative Session at 7:50pm

The Board came out of Deliberative Session at 8:50pm
Meeting was adjourned at 8:50pm

Next hearing is scheduled for November 14th.

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.*