

Town of Dover
Development Review Board

Meeting Minutes

September 24, 2015 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 introduced themselves to the audience.
- V. Board members present were: Chair Sarah Shippee, Vice Chair Jim Lynch, Geraldine Golet, & Steve Montello*.
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicant Bob Harrington, Joe Klepacki, Applicant Laurie Newton, Ashley Grande, Edie Mas, Tim Callahan, Ronald Joseph, Stephen Paterno, & Jonathan Prial.
- VI. A draft of the minutes for the meeting will be posted by Tuesday, September 29, 2015 and all Applicants & Interested Parties 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. 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.
- VIII. **To consider application #15-TE000-07** by NED Ski Associates, LLC for an amendment to their PUD for an extension of the completion date of the project in accordance with Article 7 of the Zoning Bylaw. The property is located off North Access Road on North Branch Road in West Dover and is known as Trails Edge Condominium. Parcel #TE000.
 - ZA Cerchio testifies that the hearing has been properly warned and posted
 - Applicant Bob Harrington has authorization to act on behalf of the property owner, Donald Klepacki of Ned Ski Associates, LLC
 - Applicant Harrington testifies that all abutters have been properly warned and in a timely manner
 - No Interested Parties were present or offered written testimony

Applicant Harrington testifies to the following:

- Applying for a 5 year extension of the completion date to Dec 31, 2021
- Completed 19 of the 20 units of the project
- Just started constructing one 4 unit building
- One more 3 unit building will complete the project
- Takes 18 months to 2 years to complete each building
- Nothing else has changed or will change on the rest of the project

Board member Golet questions whether the date requested was *Dec 31, 2021* or *Dec 31, 2020* as indicated on the letter from Don Klepacki which was attached to the application

Applicant Harrington clarifies that the date is 2020; 5 years from the end of the current year

The Board took a brief recess at 7:10 pm

The Board resumed the hearing at 7:11pm

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

IX. To consider continuance of application #15-MS300-35 by Mount Snow Ltd. for the construction of the Carinthia pump house and replacement of the Ski Baba double chair with a surface lift in accordance with Section 300 and Article 7 of the Zoning Bylaw. The property is located at 39 Mount Snow Road and along Handle Road at the base of Ski Baba in West Dover and is known as Carinthia at Mount Snow Resorts. Parcel #MS300

*Board member Montello recuses himself from this application as he was not present for the initial hearing on September 10th

The following new exhibits were introduced:

- N. Copy of the Warranty Deed recorded in the Dover Land Records on August 10, 1983
- P. Detailed view of the dimensions of the split rail fence to be placed around the detention pond
- Q. Site plan that displays the entirety of the magic carpet lift
- R. Memo from RSG, Inc. integrating the pump house and snowmobile noise reports
- S. Cover and signature page for the Partial Findings of Fact dated July 3, 2011
- T. Memo from vhb describing the insect mitigation plan for the detention pond
- U. Letter from Laurie Newton addressing the landscape plan concerns
- V. Landscaping plan LA407
- W. Email to Laurie Newton from Diana Stugger, dated September 9, 2015

Applicant Newton testifies in response to the DRB's letter, dated Sept 15, 2015, requesting more information:

1. *A copy of the Glen Run easement and no build agreement that is on file with the Town of Dover.*

- On page 2 of Exhibit N, the second paragraph makes reference to the 10 foot easement, there is no building in that easement as seen on the previous exhibits' plans
- The no build condition is not relevant

- In the 3rd paragraph, it is noted that any structure on a strip of land extending 100 feet from and parallel to the west boundary of the premises herein conveyed for a period of 25 years from 1983
2. *A detailed view and description of the fencing to be used around the detention pond.*
 - The fence surrounding the detention pond will be PVC coated green wire fence backing not to exceed 4"x2" with white cedar posts and split rails
 - The fence was designed by Mt Snow's engineers to meet the necessary requirements
 3. *A site plan that displays the entirety of the proposed Magic Carpet.*
 - The magic carpet is in line with the pump house and would follow the same setbacks
 - 38 foot setback from the pump house to the edge of the property
 4. *A document or formula that integrates the pump house and snowmobile noise reports*
 - RSG, Inc. provided the formula integrating the pump house and snowmobile noise reports (see Exhibit R)
 - Noise from the snowmobiles would be significantly higher than the noise from the pump house so there would be no additive affect
 - Standard formula used by sound engineers
 5. & 6. *Re: Exhibit M: provide the cover and signature pages from the Partial Findings of Fact and Conclusions of Law & Order #2W1281, dated July 3, 2011. Provide confirmation from the preparer of the report #2W1281 that the finding in the report are essentially unchanged from 2011.*
 - Cover page and signature page, dated July 1, 2011 were submitted.
 - District #2 Environmental Commission Chair, Michael Bernhardt's signature appears on the document
 - The Commission finds that a ten year term is appropriate and shall remain in effect from the date of the decision
 7. *Provide a detailed description of the insect mitigation plan for the detention pond.*
 - Quotes several sources on the subject
 - Does not anticipate a large population of undesirable insects in the detention pond
 - Applicant was unsure as to how the drainage of the pond filters out—whether by pipes or filtered through the ground
 - However a storm water permit must be obtained by the State

Applicant Newton met with the Mountain View Cemetery Association several times since the last hearing to discuss the proposed landscape plans.

Prior to implementation of the plan, Mt Snow will meet and review with the Association

Regarding Exhibit V. landscape plan LA407:

Chair Shippee clarifies with the Applicant that the trees depicted across the street from the pump house on Exhibit V are pre-existing trees & not part of the landscape plan

Chair Shippee clarifies that the wide dashed line running at a diagonal from the detention pond to the road is a drainage pipe

There is also a drop inlet that takes water from the parking lot into the detention pond

Vice Chair Lynch requests clarification on the rectangular objects resembling stones that are depicted near the top and bottom of the detention pond

Applicant Newton: Guessing it is some sort of stone filter and will be below ground; definitely not a structure; part of the engineering of the storm water pond

The 4 bay area (bulb like area) is at the top of the detention pond where most of the storm water comes in and captures most of the sediment. Cleaner water comes into the larger detention pond

The Board took a brief recess at 7:40pm to make copies of Exhibit V available to the audience. The Board resumed at 7:42pm

The following Exhibits were introduced by the abutters:

Abutter Exhibit AA: Glen Run owners' bylaw document

Abutter Exhibit BB: Bannon Engineering letter

Ronald Joseph, interested party & owner at Glen Run, testifies to the following:

- Submits a copy of what every owner (to his knowledge) has in their possession; part of the bylaws that gives the different easement dimensions & the no build clause
- Much different document than the deed that exists in Town office land records; it is dated June 22, 1983
- Requests to also submit documentation referring to previous anecdotal discussion on the lift ticket pricing to Glen Run owners

Chair Shippee declines to accept as it does not relate to the application

Ashley Grande testifies that she obtained the copy of the warranty deed (Exhibit N) from the Town Clerk's office; it is dated August 10, 1983 and signed by the then Town Clerk, Virginia Carruthers

Applicant Newton testifies that there may be other documents but that Exhibit N is the legal document recorded with the Town

Tim Callahan, interested party & owner at Glen Run, testifies to the following:

- Regarding the detention pond, there will be a lot of storm water running down into this pond from buildings up above as well as the pump house
- Is the pump house ventilated to the outside?
- Auxiliary power source or generator in the event of a power failure?
- Sound level of the generator when the pumps are not running?
- Concerns about the noise—we are not technical experts. We are volunteering our time to represent the Association. We have contracted with a noise specialist—request a one month continuance to complete this review process
 - Mark Bannon Engineering located in Randolph, VT will need a full copy of the noise study, review it for completeness, check their assumptions, see how it conforms to general engineering principles, visit the site and prepare a letter

Applicant Newton testifies in response:

- Louvered windows which will be closed when the pumps are running

- There will be a life safety generator located outside the building; pumps will not be operating when the generator is
- Refer to Exhibit C which indicates location of the generator
- It would create less noise than the snowmobiles and grooming machines that currently exist there

Eddie Mas testifies to the following:

- Submits a letter indicating authorization from Stephanie Greene to represent the Mountain View Cemetery Association
- Had a good meeting with Mt Snow regarding the landscaping plan
- Would like the discussed plan to be a condition of the permit
- Very pleased; huge improvement
- As an aside, water does run off Handle Rd into the Iron brook

Chair Shippee clarifies that the plan would not necessarily be a “condition” of the permit but becomes part of the application as submitted

Applicant Newton testifies in response to abutters:

- Respectfully requests that the Board close the hearing tonight
- Abutters have had sufficient notice and time to review the noise study
- Glen Run was built after Ski Baba lift was there; snowmobiles, grooming, lifts etc. were already there
- Ski Baba lift was built in 1979; Glen Run in 1983 (see Exhibit W)
- Diana & Walter Stugger were owners & developers of Carinthia ski area and sold it to Mt Snow
- Pump house parking area will be used in the summer but it depends on where employees are working that day

ZA Cerchio requests clarification on the Abutter’s consultant

- Would he have to interact with Mt Snow or does he have enough information?

Tim Callahan testifies:

- The engineer has requested a full copy of Mt Snow’s report; will be interpreting and evaluating the report and give his opinions on the conclusions
- Pages have been removed from the Applicant’s submitted copy which I don’t agree with

Applicant Newton testifies that the parts of the noise study report that were removed were not related to this application; nothing was taken out that relates to the pump house or snowmobiles

Applicant Newton agrees to send a full copy to Mr. Callahan via email

Chair Shippee clarifies that the DRB is approving one phase of one aspect of Mt Snow’s plan and weighs it strictly on its own merits

Tim Callahan testifies:

- At night the area is dead quiet, hardly any noise at all; perhaps a groomer comes through once at night about 3am

- Lots of little kids there during the day
- No snowmobile traffic at night

The Board took a short recess at 8:18 pm
The Board resumed the hearing at 8:22 pm

On a motion by Vice Chair Lynch, seconded by Board member Golet, the Board unanimously agreed to continue the hearing to Oct 8th at 7pm

The Board will provide an additional request for information to the Applicant

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

- Approve Minutes of September 10th

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

Jonathan Prial and Stephen Paterno expressed interest in serving on the DRB.
The Board will interview Jonathan at 6:30 pm on Oct 8th and Stephen on Oct 22nd and make recommendations to the Select Board accordingly

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously moved into Deliberative Session at 8:35pm

The Board came out of Deliberative Session at 8:45pm and the meeting was adjourned.

Next hearing is scheduled for October 8th

Respectfully submitted by 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.