

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

Meeting Minutes

March 14, 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 Vice 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: Vice Chair Sarah Shippee, Jim Lynch, Andy Childs & alternates Steve Montello & Ned McElroy
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Donald Klepacki & Bob Harrington.
- V. A draft of the minutes for the meeting will be posted by Tuesday, March 19, 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. **Hearing for 13-TE000-01 continuance from February 28, 2013** by Ned Ski Association to amend their PUD in accordance with Article 7 and Section 335 of the Zoning Bylaw for a 6 lot sub-division, which would add two additional lots. The property is located on North Branch Rd in West Dover and is known as Trails Edge condominiums.

Point of order: ZA Cerchio requested that the Applicants testify to confirm the sending of letters notifying the abutting property owners

Applicants affirmed that all abutters have been properly notified of the initial hearing

No conflict of interest was present.

The following exhibits were introduced:

Exhibit E: Sheet C2B: Existing (4 Lot) subdivision lines as originally approved by Dover DRB, dated 2/25/08

Exhibit F: Sheet C2B-1: Proposed 6 Lot sub division; latest revision dated 3/12/13—replaces Exhibit B

Exhibit G: Bound document which represents originals and amendments to Trails Edge HOA PUD—replaces Exhibits C&D

Exhibit H: Revised summary by ZA Cerchio, replaces Exhibit A

Applicant Harrington testifies to the following referring to Exhibits E & F:

- Lots 1&2 will remain the same
- Lot 3 will change slightly; primarily changes to Lot 4
- Making two lots (5 & 6), one for each of the single family dwellings on the south side of the property
- Setbacks of 15 feet to property lines are maintained throughout the PUD
- The percentage of hard surface coverage does not exceed the maximum allowable coverage (75%) on any of the lots within the PUD; acreage of coverage per lot is calculated on Exhibit F
- There is a 50 foot right of way into both lots 5 & 6 with 75 feet abutting a 50 foot right of way. The right of way is shown coming into the western most lot 6 with 75 foot frontage along that lot.
- Setbacks from center line of the road are commonly granted a variance within a PUD
- Language was changed slightly in the condition on Exhibit H to include a Lot 6— (Applicant read it into the record)
- Amendment 4 of Exhibit G does not include Lot 6—will resubmit once attorney has reviewed it
- Minimum lot size is a .25 acre: the smallest parcel is .32 acres (Lot 5)

ZA Cerchio testifies to the following:

- When Applicant Harrington refers to hard surface he is essentially referring to coverage ratio which is 75%

Board member Lynch: Setbacks are normally 50 feet from the center line; what are proposed set backs on buildings 10 & 8?

Applicant Harrington: Building 10: 32 feet to center line of right of way
Building 8: 27 feet to center line of right of way

Vice Chair Shippee: In looking at the right of way the way it is drawn on Exhibit F the road isn't centered in the right of way. The road is shifted closer to the buildings. It appears to go into the wetlands.

Applicant Harrington: It is right on the fringe of it

Vice Chair Shippee: What is the distance between the closest corner of building 8 (Lot 5) and unit 5D (Lot 3)?

Applicant Harrington: 48 feet

Vice Chair Shippee: Prior to this change you only needed a 50 foot right of way onto Lot 4 which contained units 14A, B, C and Buildings 8 & 10 but now that you are making these separate lots, now your 50 foot right of way has to make it over to the lot with unit 8 on it. Now that you are asking to create Lot 5 & 6 and since Lot 6 is land locked, it has no frontage. You have to have a 50 foot right of way up to that lot; which you didn't have to before. Now basically the space between those buildings is the right of way.

Applicant Harrington: That is correct. 75 feet of frontage is needed on the right of way; technically when the right of way hits the eastern most property line you have 25 feet; then we really only have to go 50 feet to get the 75 total

Vice Chair Shippee: Creative way of establishing a right of way designation. In my mind a right of way is what you are driving on. I intend to speak to the Town attorney to clarify it
ZA Cerchio: Section 405A of the Zoning Bylaws states that as long as it is accessed by a 50 foot right of way, then that makes it a legal lot; it doesn't necessarily have to have 75 feet on the right of way. Section 715H indicates that the Applicant can request a modification of the Bylaw

Vice Chair Shippee: What is the goal of creating two lots, each with one house?

Applicant Harrington: Goal is simply to allow a little more independence to the owners of the two houses

Applicant Klepacki: Mr. Hoekstra wants as little involvement from the HOA as possible with the two homes being built. Two free standing units—He wants to maintain himself. He must comply with the permits as stated in the HOA amendments. He and his attorney feel more comfortable doing it this way.

Applicant Harrington: Big difference is the maintenance—more freedom for taking care of their own places, rather than the common shares between the condos

ZA Cerchio: Don, are you going to build the homes?

Applicant Klepacki: Not necessarily. If we don't build the homes, we would have to convey our declarant rights under Ned Ski, LLC to do such. That would be part of the conveyance. Ned Ski, LLC presently has the sole right to construct.

Applicant Harrington: Looking at the General Requirement under section 405A; *Frontage applies to all property lines bordering public or private roadways but not driveway easements. Permits may be granted for land that does not have frontage on a public road provided access is available by a permanent easement or right of way. The required easement or right of way shall be at least 50 feet in width for any such landlocked parcels.*

Board member Lynch: It seems as if you are extracting two parcels from a PUD and making them their own entities. I am ok with it as long as the Town attorney approves the legality of it all.

Vice Chair Shippee: The lots cannot be stand- alone lots; Mr. Hoekstra cannot come forward in the future to desire to break off from the PUD. This needs to be made clear to him. Did Hoekstra's attorney see Exhibit H? Good idea to have each attorney review it again

The Board took a 3 minute recess to consider closing the hearing.

On a motion by Alternate McElroy, seconded by Alternate Montello, the Board unanimously agreed to close the hearing

VII. Other Business:

Minutes were approved for the following date:

Feb 28, 2013

On a motion by Board member Lynch, seconded by Alternate McElroy; the Board unanimously approved the minutes

On a motion by Alternate Montello, seconded by Vice Chair Shippee, the Board moved into Deliberative Session at 7:55pm

The Board came out of Deliberative Session at 8:20pm and the meeting was adjourned.

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.*