

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

Meeting Minutes

April 11, 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 7:00pm by Vice 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: Vice Chair Sarah Shippee; Geri Golet; Jim Lynch; Alternates, Ned McElroy & Steve Montello

The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicant Ken Black. Sarah Daniels, Joan Black, Chris Mays, & Nicolas Wallaert were also in attendance.

A general description of the evening's proceedings was presented by the Vice 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.

- V. The Vice Chair advised all in attendance that draft minutes for the meeting would be posted by Tuesday, April 16, 2013 and advised/encouraged all Applicants to review those minutes for accuracy and that 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. Other Business:

- Approve the minutes of March 14, 2013

On a motion by Alternate Montello, seconded by Board member Lynch, the Board approved the minutes by a vote of 4-0-1 (Golet abstained)

Chair Daniels took over the hearing for the appointment of Board members & Alternates:

- Reappoint Board members to a three year term, expiring March 31, 2016
Vice Chair Sarah Shippee
Board member Geraldine Golet

On a motion by Board member Lynch, seconded by Alternate Montello, the Board reappointed Vice Chair Shippee to a three year term by a vote of 4-0-1 (Shippee abstained)

On a motion by Sarah Shippee, seconded by Alternate Montello, the Board reappointed Geraldine Golet to a three year term by a vote of 4-0-1 (Golet abstained)

- Reappoint Alternates for a one year term, expiring March 31, 2014
Steven Montello
Ned McElroy
Laurie Newton

On a motion by Vice Chair Shippee, seconded by Board member Lynch, the Board reappointed Ned McElroy to a one year term by a vote of 4-0-1 (McElroy abstained)

On a motion by Board member Lynch, seconded by Vice Chair Shippee, the Board reappointed Steve Montello for a one year term by a vote of 4-0-1 (Montello abstained)

On a motion by Board member Lynch, seconded by Vice Chair Shippee, the Board reappointed Laurie Newton for a one year term by a vote of 5-0-0

Chair Daniels removed herself from the Board and took her place as Applicant's representative for the remainder of the hearing.

Vice Chair Shippee returned as Chair for the remainder of the hearing.

VII. Hearing for 13-RT067-01 by The Town of Dover for a Change of Non-Conforming Use for an Outdoor Recreation (Non-Motorized) area in accordance with Sections 830, 835, 380, and 385 of the Dover Zoning Bylaw. The property is located at 2 Country Club Road which is at the intersection of Route 100 and Country Club Road in West Dover.

The Zoning Administrator testifies that the hearing has been properly warned and posted.

The Applicant, Ken Black was authorized by the Select Board to represent the property owner, Town of Dover.

The Applicant testifies that all abutters were notified in a timely manner.

No conflict of interest was present.

In the name of full disclosure, Sarah Daniels is Chair of the Development Review Board but is not sitting as Chair this evening. She is part of the Applicant's group for this hearing and will not take part in any deliberations or decision making process with tonight's Board.

Applicant Black will submit a letter stating that Sarah Daniels may testify on his group's behalf.

Vice Chair Shippee requests that the Applicant review the Zoning Administrator's summary of the application and the Applicant testifies that the information is accurate with one correction.

The following exhibits were introduced:

Exhibit A: ZA Cerchio's Review of Application

Exhibit B: Letter from Sharon Klass, secretary of abutting property Swiss Alps Condo Association, dated April 2, 2013, raising questions about the application

Exhibit C: Letter from Ken Black and Sarah Daniels, dated April 11, 2013

Exhibit D: Dover Park Site Plan to scale, dated April 5, 2013

Exhibit E: Hand sketch modification of Dover Park Plan to further identify landscaping items

Exhibit F: Photo- Sample of playground equipment

Exhibit G: Photo- Sample playground map by Bears Playgrounds

Exhibit H: Photo- Sample Gazebo

Exhibit I: Photo- Sample Lamppost

Exhibit J: Photo- Sample Trash receptacle

Swiss Alps Condo Association was identified as an Interested Party.

Applicant representative Daniels testifies to the following:

- Parcel is currently a parking lot
- Proposing a green space—small Town park with access to the Valley Trail
- Majority of the space will become grass with parallel parking along Country Club Rd
 - With picnic tables, lamp posts, children's play area, gazebo

Conditional Use standards

- Existing parking lot meets the definition of a storage facility
- Parcel is 100% in the Commercial District
- Outdoor recreation use is a Conditional Use in the Commercial District so Conditional Use standards apply
- Parking along the Right of Way on Country Club Rd is still a parking lot which is not a Permitted Use in a Commercial District however it is a Non-Conforming Use. It is being changed as allowed by the Bylaws and since it is significantly smaller, it significantly reduces the degree of Non-Conformity

General Standards for Conditional Use

Section 380

1. This is a community facility; expanding the facility but no extra strain on Police or Fire
2. This green space will be minimizing strip development along the main road which is one goal of the Town Plan
3. No V-Trans issues with traffic. Parking is on street but out of the State Right of Way
4. No Bylaws exceptions or variances being requested
5. Energy resources: N/A

Specific Standards of Conditional Use

Section 385:

1. Not in a flood hazard zone according to ZA Cerchio; flood hazard regulations do not apply. However there was flooding in this area during Tropical Storm Irene as in many areas of Town but there are no structures proposed that would need to be protected
 - a. Playground is approximately 46' x 46' area
 - b. Proposed equipment: fort like structure with climbing mountain, monkey bars, faux tree stumps, play tunnel. Wood chips will be used underneath structures; Town is 'hold harmless' at the result of any injury—Use at your own risk (signs will be posted to that effect). Considered a rubberized material which is more expensive
 - c. Public meeting will be held on April 22 to discuss park plans
 - d. Hours: Open dawn to dusk—lights off during the day—photosensitive lights will be on all night. Use of the park after hours will be enforced by Dover Police; will not be open during the winter; interior of park will not be maintained during the winter
2. Most of the park is going to be grass; location of gazebo is in the center of the parcel—all setback requirements have been met
3. Vehicular Traffic—parking spaces are designed to allow for vehicles to turn onto Country Club Rd and maneuver into a space with no interference with Route 100. All parking begins

and ends beyond the State Right of Way. Only foot traffic on the park site. Parking spaces will be gravel for now as they already are; may be paved in the future if Country Club Rd is paved; area is already plowed. Letters of approval from Highway Commissioner Bob Holland and Police Chief Bob Edwards were submitted with the application

4. 4 light poles are proposed on Country Club Rd—recommended height for this park is 10-13 feet above grade. Lights are dark sky compliant—rays of light emanating from the fixture are pointed downward at all times: specification sheet is part of the application.
5. 25 foot “no mow” buffer; “no mow” areas along the 7-11 side will be enhanced by lilacs and rhododendrons; along Valley Trail by two fir trees and a maple tree; along Route 100 by crabapple trees
6. Natural resources: there is a very small intermittent stream, really a drainage ditch, between 7-11 and the park. A 25 foot naturally vegetated buffer will be maintained along the stream bank.
7. DRB process in granting a Conditional Use Permit: Noted.

In response to Exhibit B’s questions that were not previously addressed:

- No overnight parking
- Trucks or busses doing business at 7-11 will not be allowed to use the parking spots on Country Club Rd
- Parking spots will be plowed as needed to maintain safety along Country Club Rd
- Two receptacles will be on site: trash and recycling; Town will maintain the park including emptying of trash and recycling bins
- No permanent BBQ grills on site but they will be allowed to be brought in
- Town leash law will be enforced
- Battery operated flying toys will be allowed unless it is in violation by Zoning Bylaw or Town noise ordinance
- Night curfew will be enforced by Dover PD
- There are 8 parking spaces and no bathrooms; park cannot be reserved for any private or public functions/events—it is a public area, gathering spot for friends and family, Wi-Fi spot
- Alcohol? Open container in public? According to State statutes alcohol is not allowed
- Parking spaces meet the standard requirements
- Vendors? Not our intent; would have to be permitted and approved by the Town; retail is Conditional Use so anyone would have to go through the Town and then DRB
- Quiet hours? Dover Police will enforce--noise ordinance in effect from 10pm to 7am
- Buffers will exist between condos and park

Board member Golet voiced concerns about the lighting—‘shining out’ versus ‘shining down’; will look into the ones used in downtown Bennington which are the same as the ones proposed

ZA Cerchio voiced concerns over a Non-conforming use storage facility still on the site
Applicant Black testifies that previous owner, Eddie Barber, will clean up by June 1st; boulders will be removed

Vice Chair Shippee informed the Applicants of the hearing process. The Board shall act to approve or disapprove within 45 days of the final hearing. The Board has the option to continue the hearing to a date certain if the Board feels it does not have sufficient information.

The Board took a 3 minute recess at 8:10pm

On a motion by Board member Lynch, seconded by Alternate McElroy, the Board voted 4-0-1 to close the hearing. (Golet abstained)

On a motion by Board member Golet, seconded by Board member Lynch, the Board went into Deliberative Session at 8:15pm

On a motion by Alternate McElroy, seconded by Board member Lynch, the Board came out of Deliberative Session at 8:30pm

VIII. Adjournment at 8:31pm

The next hearing is scheduled for Thursday, April 25th at 7pm.

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 month from date of meeting at www.doververmont.com.