

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

***Meeting Minutes
October 10, 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 7:07pm 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, Andy Childs & Jim Lynch. The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Laurie Newton, Adam Grinold, & Christopher Toupenca. Rich Caplan, Dan Baliotti, Don Mondani, Lars Swenson, & Andrew Nystrom were also in attendance.
- V. A draft of the minutes for the meeting will be posted by Tuesday, October 15, 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-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.
 - 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.
 - Applicants Newton & Grinold reviewed ZA Cerchio's summary of application and testify to its accuracy.
 - The following exhibits were introduced:
 - Exhibit A: ZA Cerchio's summary of application
 - Exhibit B: Photographs of surrounds
 - Exhibit C: Oct 1, 2013 letter from Mount Snow Village Association
 - Exhibit D: Oct 10, 2013 letter from MSVA

Applicants Newton & Grinold testify to the following:

- Approved as mixed use PUD already—including retail shop, check in & real estate office
- Would now like to add food service trailer
- Meets setbacks from property line & road
- Same trailer that was at Carinthia previously
- No water or sewage—will be brought in and out by Adam Grinold—therefore does not need North Branch approval
 - Doesn't need water supplied by the Cupola
- Requesting hours of operation from 7am to midnight—may not be every night
 - Certainly will be open late on holidays
 - Will not be open until midnight if the Cupola is not also open
- Parking—20 spaces were needed for previous PUD; 33 on the site plan minus 1 for the trailer; leaves an excess of 12 parking spaces for the trailer patrons
 - Patrons are not likely to sit in cars and eat
 - No picnic tables, chairs or tents
 - Parking spaces drawn on site map are 9 feet in width
 - There are 6 spaces from the end of the trailer to the parking spot—approximately 54 feet—realistically not encroaching the visibility
 - The Cupola needs 20 parking spaces to operate as permitted including check in and real estate office
- Fencing around the trailer; awning will face the road; service side is towards the road
- Hard to say what the volume of patrons will be; may take a while to establish itself
- Impact the trailer may have on visibility of cars getting onto Route 100? Meets the setbacks
- Flag & awning does not create an obstruction
- Split rail fence across the front of property—distance to food trailer— at least 20 feet
- Snow removal will be addressed—not pressed up against the edge of lot
- Propane and electricity will be used
- Lighting—safety lighting at the back of the trailer
- Trailer is 199 square feet
- 30 gallon water tank will be filled off site not from the Cupola
- ZA testifies that density is fine
- Daily trash removal will be conducted
- No alcohol will be served
- Speakers on trailer—possibility of music
- No previous exit and entrance requirements—willing to monitor the situation but request that it is not a condition of the permit

Chair Shippee read MSVA letters into the record (Exhibit C & D)

Applicants testified to the water and traffic issues as addressed by MSVA letters:

Applicant Newton: Unsure that it is relevant to the application but will answer

- Approximate amount of water used each day:

- As little water as possible will be used—Wahoo's operated out of a trailer for the first 7 years; dishes from trailer will be done at Wahoo's; no water issue—taking as little as possible in and out
- Not anticipating excess traffic—not talking about a lot of cars—not fair to close off exit as there are no current traffic issues
 - Most patrons are going to exit onto Route 100
 - Have not seen any agreement with previous owners regarding the exits & entrances
- No fire suppression system—fire extinguishers are in place
- Request that the Board not take the whole 45 days to render a decision

Dan Baliotti, owner of Coffee Barn Cafe & Don Mondani, property owner of 321 Route 100 requested Interested Party status

ZA Cerchio testifies that Mr. Baliotti is not a property owner

A letter from property owner Don Mondani to ZA Cerchio is required to accept Mr. Baliotti's testimony

Mr. Mondani prepared a written authorization for Mr. Baliotti's testimony

The Board granted Interested Party status to Mr. Mondani & Mr. Baliotti

Mr. Baliotti testifies to the following:

- Two severe car accidents have happened off Mountain View Loop
- Landlord has replaced fence three times in the last year
- Extremely dangerous corner
- MSVA is correct in stating that blocking that entrance is a way to mediate the problem
- Unfair advantage regarding retail space--a premium in this area--waited three years for my space
- Bathroom requirements—MSVA's water from the Cupola will still be used—people do not buy food & drink without using the bathroom
 - Same criteria should be applied to a trailer
- Cannot operate a food place without offering a bathroom—State Health dept. regulations
- Tremendous commitment to keep my business open 7 days a week; pay rent 12 months a year—Mount Snow will only have to pay 6 month's rent
- My customers come from the Cupola; will lose customers to the trailer
- Simple case of unfair advantage—to pull up and put up a trailer is unfair to other business owners in the area

Mr. Mondani testifies to the following:

- Familiar with the operation in Wilmington (Wahoo's)—green space with rocks and plants, picnic tables, set back from the road—nice
- Proposed space for trailer is a parking lot
- Setting a bad precedent; will look terrible
- If approved, other people will have the right to do this on their properties—there could be hotdog & hamburger carts up and down Route 100
- I follow the State regulations with water, sewage, signage and the Town signage ordinance

- My tenants rent space 12 months of the year; hiring employees
- Not using water and toilets is ridiculous—serving food, people will have to use toilets and wash hands
 - They will either go to the Cupola or use my establishment
- Winter driving is crazy—replaced fence three times
- Believe it to be a bad idea—not against the guy but it is unfair for those who run a year round business
- Concerned about trash removal
- Turn-around time for a decision from the DRB should be 45 days like everyone else

Applicant Grinold:

- My understanding is that the law does not require a bathroom for a trailer
- Necessary to separate summer operations from winter operations
- In terms of water, there is no limit to what we can transport in & out
- Operated in Carinthia without any issue or taking any water from Carinthia

The Board took a brief recess at 8:05pm

The Board resumed the hearing at 8:12pm

On a motion by Board member Lynch, seconded by Board member Childs, the Board unanimously agreed to a continue the hearing to October 24th

If needed, a letter will be drafted with a list of additional information and sent to the Applicants

VII. To consider application #13-RT065-15 by Haywire Action Sports on behalf of Andirons Re-Development, LLC to amend their PUD to operate a Big Air Bag - Ski and Snow Board Air Awareness Camp as a conditional accessory use in accordance with Article 7 and Sections 380, 385 and 470 of the Zoning Bylaw. The property is located at 183 Route 100 in West Dover and is known as One More Time Billiards and Dover Forge Restaurant - Parcel #RT065.

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

Applicant Chris Toupencc testifies that all abutters have been properly notified in a timely manner.

No conflict of interest was present.

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

The following exhibits were introduced:

Exhibit A: ZA Cerchio's summary of application

Exhibit B: Computer drawn rendering of site

Exhibit C: Computer drawn rendering of site

Exhibit D: Lighting plan

Applicant Toupencc testifies to the following:

- Owner of Haywire Action Sports
- Would like to bring to Town an Air Awareness Camp for pre-season training for skiers and snowboarders from professional coaches
- Air bags have been used for 10 years now

- Would like to introduce it to the Town as Mount Snow is an action sports community
- Mount Snow has two air bags
- Nice asset for kids
- Would like an *indoor* training facility eventually but this is outdoors
- Uses a ski & snowboard winch to transport participants
 - Self- contained 10 horse-powered motor
 - Gasoline powered engine
 - 2000ft cable made out of rope; pulled toward starting gate; tows participant at select miles per hour according to height, weight and riding ability; safety brake is in place should anything go awry
 - Exact decibel range is not known but it is fairly quiet
 - Air is maintained in the bag with two electric motors
 - Have never had any complaints at other venues regarding noise
 - Uses 1 gallon of gas per hour
 - 2 generators will be in use for combustible engines
- Set back is at least 100 feet from center of road
- Utilizing Tennis Courts 1 & 2 on the Andirons property
- When not in use the air bag is folded up and secured under a tarp
- Tower pictured in Exhibits B & C is not part of application
- Bag and jump are same height-- 13 feet, 8 feet wide
- Lighting—running until 10 pm; Portable lighting will run off a generator
 - Lights on tennis courts could be made useful again
 - Lighting to face tree line
 - Plan to use LED lights—don't want to create an eyesore
 - Each light is 500 watts
 - Green low emission lights are the ones I would desire to use
- Nothing for kids to do around here right now—a great opportunity for them to either watch or participate; opportunity for parents to frequent area restaurants
 - If successful, would want to get rid of gasoline and use hardwire electricity
 - Plan to be in operation up until Dec 15th
 - Hours: Mon-Thurs. 11am to 8pm; Friday 11am to 10pm; Saturday 10am to 10pm; Sunday 10am to 6pm—Lights are off by 10pm
 - Gasoline storage onsite at night: Rich Caplan offered the use of a shed on the property if that is not acceptable then it will be transported off site
 - 10 x 10 tent within the diagram is for registration
 - Scrim fencing—event fencing—4 feet tall; will stay in place for duration of event
 - 2 years of experience with Haywire Action Sports; owned an airbag for 8 months; coached for 8 years
 - Operated events similar in nature to this location
 - Expect 10-20 participants on a slow day; 100-150 on a busy day

ZA Cerchio testifies to the following:

- Signage allowances: Three 32 square foot signs and one sandwich sign

- Sponsor signage—if it is visible from the road or Valley Trail it is not allowed
- Special event permit could be applied for to incorporate sponsor signage
- Definition of outdoor recreation from the bylaws—Planning Commission has made a distinction on regulating hours in a commercial district as opposed to residential district
- Andirons has 30-40 more parking spaces than are needed
- Fence has been put up delineating the parking spaces in a more orderly fashion

The Board took a brief recess at 8:58pm

The Board resumed the hearing at 9:00pm

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

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

IX. Other Business:

Approve minutes of September 26th

On a motion by Board member Lynch, seconded by Board member Childs, the Board voted 3-0-0 to approve the minutes

Meeting was adjourned at 9:05pm

On a motion by Board member Lynch, seconded by Board member Childs, the Board unanimously agreed to hold Deliberative Session at 5pm on Oct 11th

The Board came out of Deliberative Session at 7pm on Oct 11th

Next hearing is scheduled for October 24th.

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.*