

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

Meeting Minutes

June 27, 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 Chair Daniels. 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 Daniels, Vice Chair Sarah Shippee, Geri Golet & Steve Montello
The Zoning Administrator, David Cerchio and Recording Secretary, Jeannette Eckert was also present along with Applicants Patricia Sweeney, Bob Fisher, Bob Rubin, Bob Harrington, Jim Barnes, Carl Shepherd, Ken & Paula Pascoe and Phil Gilpin
- V. A draft of the minutes for the meeting will be posted by Tuesday, July 2, 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. 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.
- VII. **Hearing for 13-RT030-01** by Green Mountain Nutmeggers for a change of non-conforming use from office to multi-family dwelling in accordance with Section 330 of the Zoning Bylaw. The property is located at 110 Route 100 in West Dover.

ZA Cerchio testifies that the hearing was properly posted and warned.

Applicants testify that all abutters have been properly notified in a timely manner.

No conflict of interest was present.

Applicants reviewed ZA Cerchio's summary of the application and testify to its accuracy

Applicant Ken Pascoe testifies to the following:

- Building is just north of the West Dover Inn on Route 100.

- Would like to convert the property from office space to multi family dwelling: Two 2-bedroom apartments with one loft bedroom/ workshop
- Repairs are currently being made to the foundation but no change to the footprint.

ZA Cerchio testifies that a valid certificate of gallonage from North Branch has been furnished.

Pre-existing Non- conforming Use but does not meet applicable density (Section 330) Changes in the character or operation of a Non-conforming Use provided that the change does not increase non-compliance with off street parking (Section 330 b.3)

No exterior construction, all interior.

Needed parking spaces for the multi-family are 6; there are 8 spaces available.

Vice Chair Shippee: Regarding the parking diagram, inquires whether any of the Applicant's spaces were 'counted' by the property to the north (formerly Deerfield Valley RE).

ZA Cerchio: Not that I am aware of.

On a motion by Board member Montello, seconded by Vice Chair Shippee, the Board voted 4-0-0 to close the hearing.

On a motion by Board member Golet, seconded by Board member Montello, the Board voted 4-0-0 to reopen the hearing.

The Board unanimously granted Phil Gilpin, owner of the West Dover Inn, Interested Party Status: He testifies that his property abuts the project to the south and is in favor of the project. "Finally the Village is coming back."

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to close the hearing by a vote of 4-0-0.

VIII. Continuance Hearing for 13-RT016C-01 by Patricia Sweeney and Barker Willard to establish a mixed-use PUD for a service and office space use in accordance with Article 7 of the Zoning Bylaw. The property is located at 78 Route 100 in West Dover.

The Board requested the following of the Applicant in a letter dated June 17, 2013:

1. Parking calculations showing the spaces required for the proposed mixed-use building and the spaces provided. If the provided spaces can be added to Request #2, that would be preferred.
2. A copy of the property survey on file in the Town Office. Please note, there is NO need to hire a surveyor to prepare the document, we simply request a copy of what is on file.
3. Confirmation from the North Branch Fire District that the proposed mixed-use facility has adequate wastewater gallonage.

The following exhibits were introduced:

Exhibit D: Parking space design

Exhibit E: North Branch gallonage certificate

ZA Cerchio testifies to the following:

- The 9 parking spaces are more than sufficient
- A survey of the property has not been done
 - Inquires of the Board as to whether a preliminary survey would be acceptable as a survey is rather expensive

Chair Daniels: That is something we can discuss in Deliberative Session

Vice Chair Shippee: In some instances in the past, a preliminary was fine with the application but the approval was not valid until the survey had been stamped. I don't know if that is what we want to do now.

Applicant Sweeney: We would like a survey done just for ourselves, depending on the price. I don't understand how you can buy a piece of property without a survey. Have all the other people just used a deed? There must be something that has property lines at the Town.

Board member Montello: But you take those property lines and put them on a survey.

Chair Daniels: What has been done in the past is irrelevant, if it is not already on file with the Town, it doesn't matter if or how other people have done things. This application stands on its own and the existence or lack of a survey truly has no bearing on our decision.

Chair Daniels affirms that the Applicant will be contacting Ben Joyce regarding a survey.

On a motion by Board member Golet, seconded by Vice Chair Shippee, the Board voted 4-0-0 to close the hearing.

IX. Reopening of Hearing for 13-HL002-01 by Hermitage Inn Real Estate Holding for a two lot sub-division in accordance with Sections 335, 375 and 405 of the Dover Zoning Bylaw. The property is located at 25 Handle Road in West Dover just north of the Hermitage Inn.

Chair Daniels confirms with ZA Cerchio that the continuance did not need re-warning. Interested parties and Applicants were notified of the re-opening.

Hearing was primarily re-opened after consulting with Town Attorney in order to discuss and consider adding a condition.

Chair Daniels read into the record the proposed condition.

ZA Cerchio testifies to the following:

If the Board so deems it as a condition, the Applicant would complete the Notice of Condition of Subdivision Approval and present it to the Board or ZA. The Town Attorney would review and the document would then be recorded in the Dover Town Land Records.

Applicant Fisher: The condition is fine; the question was whether this parcel stays within the PUD. Down the road whoever owns/sells the property, it will remain in the PUD. We are happy to fill out form and submit it.

Chair Daniels: If the Board deems this to be a condition, does the completed form need to come back before the Board for final approval after reviewed by counsel?

ZA Cerchio: If you make it a condition, I am responsible for enforcing the condition.

On a motion by Board member Golet, seconded by Board member Montello, the Board voted 4-0-0 approving the Application with the condition as noted.

On a motion by Board member Montello, seconded by Vice Chair Shippee, the Board voted 4-0-0 to close the hearing.

X. Hearing for 13-HL002A-03 by James Barnes of Hermitage Real Estate, LLC to amend their PUD to construct a single family dwelling in a Sensitive Wildlife Resource Overlay District in accordance with Article 3, 7 and 9 of the Zoning Bylaw. The property is located north of the Hermitage Inn on Handle Road in West Dover.

ZA Cerchio testifies that the hearing was properly posted and warned.
Applicants testify that all abutters have been properly notified in a timely manner.
Applicants reviewed ZA Cerchio's summary of the application and testify to its accuracy

Applicant Fisher: Vermont Land Trust report was completed and documents were recorded in the Dover Town Land Records.
Referring to the Orthophoto Map in the Application, the 5 acres in the southeastern corner of the property (represented by a small square) was the parcel that was allowed to be subdivided in a prior decision—that is now coming out of the restricted lands of the Land Trust and in return 28 acres to the north is being added & encumbered with the Land Trust. This meets the requirements of the Board's prior decisions.

The following Exhibits were introduced:

Exhibit A: Land Trust approval

Exhibit B: Cold Brook Fire District gallonage report

Exhibit C: Subdivision Plan prepared for Hermitage Inn Real Estate Holding Co. LLC, remaining portion of the Fagge Lot, dated July 8, 2011

Applicant Harrington: Wildlife Biologist Tina Scharf has reviewed the lot and confirmed with Forrest Hammond that the position is the same as in the 2010 letter from Chris Bernier.
ZA Cerchio: If you read Forrest's comments you will see that the new placement of the home is more advantageous than the original placement. It is moving south by 120 feet, closer to the Inn.

Chair Daniels confirms with Applicants that the referenced property (5 acres) is known as the "Kingsley" property.

Vice Chair Shippee: Confirms that section 2. on the Cold Brook Fire District document reads "Town of Wilmington" where it should read "Town of Dover".

Applicant Fisher: None of the lot is in Wilmington

Board member Montello: Confirms that construction will begin soon as the document mentions there is only gallonage hook up for 12 months. If hook up connection is lost, Applicants would need to come back to the Board.

Chair Daniels confirms with ZA Cerchio that if gallonage expires, they would be in violation of the permit.

Applicant Rubin: All of Hermitage goes thru Cold Brook Fire District

Chair Daniels walked through Article 9 (Sensitive Wildlife) with the Applicants

- This is a Permitted Use under Section 920
- It shall be considered as a Conditional Use
- Property has been moved further south from any wetlands area minimizing its impact on sensitive wildlife resource
- Buffer of existing vegetation is at a minimum of 50 feet from the nearest bank

Board member Golet: Confirms the location on sheet A1.1 of the 50 foot setback line. The stream is 3-400 feet to the east.

On a motion by Board member Montello, seconded by Vice Chair Shippee, the Board voted 4-0-0 to close the hearing.

Other Business:

The following minutes were approved:

June 13th:

On a motion by Vice Chair Shippee, seconded by Board member Montello, the Board voted 4-0-0 to approve the minutes.

On a motion by Alternate Montello, seconded by Vice Chair Shippee, the Board unanimously moved into Deliberative Session at 7:46pm

The Board came out of Deliberative Session at 7:57pm and the meeting was adjourned.

Next hearing is scheduled for July 11th

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.*