

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

***Meeting Minutes***

**August 10, 2017 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 7:10pm 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 present were: Chair Sarah Shippee, Vice Chair Jim Lynch, Steven Montello, Geraldine Golet, Jon Prial. The Board introduced themselves to the audience. The Zoning Administrator, Wayne Estey and Administrative Assistant, Jeannette Eckert was also present along with Applicant Merrill Mundell & Applicant Bob Fisher.
- V. 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.
- VI. A draft of the minutes for the meeting will be posted by Tuesday, August 15, 2017 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.

1. **To Consider Continuance of Application # 17-HI072-01** by James M. Sutter, Jr. for a variance to enable construction of a single-family home. This property is located at the end of a cul-de-sac on 18 Catamount Ln.

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

Applicant Mundell testifies that all abutters have been properly warned & in a timely manner.

Written permission has been submitted for the Applicant Mundell to represent James Sutter Applicant Mundell reviews ZA summary and testifies that it is accurate (Exhibit 1)

Applicant Mundell testifies to the following:

- A larger version of the overall plot plan was introduced
- Mr. Sutter has owned this lot for some time
  - Has come to the point where he would like to put a house on it
  - State Wetlands rules have come about since ownership

- The plans on the house have been scaled back considerably
- Seeking variance on the set back from Route 100: from 100 feet to 78.9 feet
  - All other pertinent zoning setbacks are met
  - If no variance is granted, house would be in the wetland buffer; there were no rules regarding wetland buffers when the property was purchased
- House has been redesigned to its limit

Letter from abutters, Peter & Tarun Bertolami, owners of 15 Catamount Lane was read into the record by Chair Shippee (Exhibit 2)

Mr. Mundell had a chance to speak to Mr. Sutter about the letter's contents

- Willing to participate in some of the requested tasks (plowing, leveling, sanding, no snow mobile & dirt bike use) but feels they belong in a Home Owner's Association document rather than in a deed
- No HOA exists presently
- #15 is the only developed property on Catamount Lane using the road
- There will be impact during construction but the road will be maintained; Very narrow lane road

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

2. **To Consider Continuance of Application # 17-RT037-01** by Hermitage Inn Real Estate Holding Co., LLC. for subdivision of this parcel into three (3) lots. This property is commonly known as The Sawmill Inn.
  - Updated survey supplied by Applicant Fisher (Exhibit 3) by Ben Joyce as revised August 10, 2017 (replacing Exhibit 2)

Applicant Fisher responds to the August 4<sup>th</sup> letter from the Board requesting additional information:

1. # of restaurant seats: **85**
2. # of guest rooms: **20**: 17 in main section, 1 in woodshed suite, 2 in spring house  
Exhibit 3 indicates **22** rooms in total: 19 in main section, 1 in woodshed, 2 in spring house—will go with this updated number
3. Uses for each of the accessory buildings on lot A1.1 (confirm they are staying as part of the inn/hotel or if they are changing) **Yes, staying as part of inn/hotel**
4. Use for Carriage House (lot A1.2) **Proposed use is Residential which would be a change of use**
5. Use for Residence (lot A1.3) **Always been Residential use**
6. Confirm location of ALL wells on the property and which wells service which buildings. We have reason to believe there is more than one well on the property.
  - **Well depicted on plan just outside the main house serves lot A1.1: everything but the spring house**
  - **Well on furthest lot in, A1.3—serves single family residence, carriage house and spring house**
  - **Well depicted on A1.2 serves Sawmill Village up the hill, off property**

Parking:

- Two houses have typical driveways—can fit far more than # of parking spaces depicted (A1.2 and A1.3)
- A1.1 --41 spaces marked out: 28 spaces needed for 85 seats & 1.25 spaces per guest room
- Request Board to grant a waiver on the # of parking spaces based on the following:
  - Guests in the rooms may also be the same guests that are in the restaurant
  - But typically, may not have all guests eating in the restaurant on a given night
  - There will be some overlap
  - On the North side of Cross Town Rd—there are a couple of parking spots mainly used by employees—this area could be expanded
  - 41 parking spots indicated on Exhibit 3; 56 parking spots required—variance requested is for 15 spaces
  - Never had a problem parking up and down Crosstown Rd, except perhaps on a holiday
  - Prepared to put in more parking if variance is denied
- Carriage House is to be used as a single-family residence; currently holds 2 guest rooms--# of bedrooms is unknown
  - # of bedrooms is not relevant to single family use in Village District—is a function of Northbranch & waste water, not Zoning because it is a permitted use within the district
  - Bedroom is not a dwelling unit by virtue of Zoning bylaw
- Other than drawing lines for parking—there is nothing additional that is being built; all buildings are existing, no new rooms
- Abutter at first hearing was concerned about future development on the parcel that abuts his property—large section of A1.3
  - Any further subdivisions would have to go through DRB and Act 250

Wayne Estey testifies to the following:

- Other than at the Inn there aren't any other kitchen facilities in either of the two other dwellings; question whether they qualify as residential without kitchen facilities

Chair Shippee testifies that the single-family residence was a fully functioning private residence

Vice Chair Lynch testifies that there was an operating kitchen in that home as he performed the work on it

ZA Estey testifies that as of last month, there were no kitchens in the two dwellings

Applicant Fisher: Someone buying any of these properties to use as dwelling units would have to install kitchens; does not mean you can't issue a permit

It is a proposed use permitted in the District; Not a relevant problem

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

3. **To Consider Continuance of Application # 17-RT039-01** by Scott & Katheryn Meade to amend their Planned Unit Development to allow for the conversion of use from commercial to residential. This property is located at 85 RT 100 and known as Tollgate Village.

Applicant Fisher responds to the August 3rd letter from the Board requesting additional information:

Regarding Article 7, Section 715:

- A. Copy of the deed (Exhibit 2)
- B. Copy of survey (Exhibit 3)
- Tax Map (Exhibit 4)
- Landscape Plan (Exhibit 5)
- Site Plan (Exhibit 6)
- C. Site plan including parking spaces as well as all other items referenced in 715.C including the number and location of sleeping spaces/bedrooms (Exhibit 7) depicts 22 parking spaces
- Tollgate Village Units (Exhibit 8) depicts # of bedrooms per unit
- Building A, B, D & G—1 bedroom; Building C—2 bedrooms
- D. N/A
- E. Provided already
- F. Traffic impacts (can be copy from original PUD) (Exhibit 9: Decision from 1991)
- G. Articles of Association & Bylaws, if applicable (N/A)
- H. Proposed modifications to zoning regulations, if applicable (N/A)

Section 720:

- PUD is consistent with Town Plan
- Overall density does not offend the ordinance at 2.57 acres

Renovation plans:

- Three units to be converted to residential use by the end of the year
- Over the winter, the other two units will be converted
- Unit A will add  $\frac{3}{4}$  bath
- Unit B no improvements
- No footprints will be altered

No Association is required because merely converting the use; rental units to be separately conveyed

If change from rental to condo—is that considered a change of use? ZA Estey does not believe so

ZA Estey: Considering the age of the building, are health codes being met? Not necessarily related to DRB but health ordinances

Applicant Fisher: None are pre-1978 buildings—no lead paint exists; all meet rental housing codes of Vermont

On a motion by Board member Golet, seconded by Vice Chair Lynch, the Board unanimously agreed to close the hearing

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

- Minutes of March 30, 2017: still cannot be approved given the Board members present

- Minutes of July 13 & 27, 2017

On a motion by Board member Golet, seconded by Board member Montello, the Board approved the minutes of July 13, 2017 with a vote of 4-0-1 (Prial abstained)

On a motion by Vice Chair Lynch, the minutes of July 27 were unanimously approved by a vote of 1-0-0 (Lynch was only member attending)

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to go into Deliberative Session at 8:15pm

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously agreed to move out of Deliberative Session at 8:50pm

**5. Adjournment at 8:50pm**

Respectfully submitted by Jeannette Eckert, DRB Administrative Assistant

*POSTED AT: Town Clerk's Office, Administration Office, Dover Free Library, East Dover Post Office & Town website [www.doververmont.com](http://www.doververmont.com).*