

*Town of Dover*  
*Development Review Board*

*Meeting Minutes*

**February 8, 2018 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 7:00pm by Chair Shippee.
- II. All parties present were asked to sign in.
- III. The notices of hearings were read into the record.
- IV. Board members present were: Chair Sarah Shippee, Stephen Palermo, Jon Prial, Steve Montello. The Board introduced themselves to the audience. The Zoning Administrator, Wayne Estey and Administrative Assistant, Jeannette Eckert was also present along with Linda Holland, Edward Floyd, Edie Mas, Robin Sweetapple, Stephanie Greene, Marshall Brooks, Bob Hayes, Diane DePalmer, Ashley Havreluk, Eric Craven, Dave Moulton, & Laurie Newton
- 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, February 13, 2018 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 Application #18-DO015X-02** by North Branch Fire District seeking variance to construct new building over Headworks Equipment within 50 feet of the center line of Dorr Fitch Road.

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

Applicants Linda Holland & Edward Floyd testify that all abutters have been properly warned & in a timely manner.

Applicant Holland has permission to represent North Branch Fire District

Applicants review ZA summary and testify to its accuracy (Exhibit 1)

No interested parties were present or provided written testimony

No conflict of interest was present; Chair Shippee testifies that she is currently the moderator for North Branch but feels she can remain impartial on this application

The Applicants testify to the following:

- Headworks is an open tank where several pieces of equipment are housed
- Would like to enclose the headworks to diminish freezing and prolong equipment life; easier for workmen to operate
- Metal building; must be non-combustible due to potential methane gas
  - Equipment senses air quality—detects types of gases
  - Currently equipment is out in the open
- Building dimensions would be 45 ft x 15 ft—16ft high
- Headworks is presently 5ft from the edge of the roadway; setback requirement is minimum of 50ft from center line, therefore Headworks is approximately 30 ft from the centerline
  - Asking for a variance of 20ft
- Screening around the building will be arborvitae
- Equipment sticks up 10ft high; tank is about 2ft above grade
- Could not be moved easily; relocate sewer building; affects the rest of the reactors
- Road is higher than the building: grade is 48ft; building is 36ft

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

2. **To Consider Application #18-RT075-01** by The Gathering Place for a change of use from Restaurant to Adult Day Care Facility. The property is commonly known as the First Wok.

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

Applicants Robin Sweetapple & Eric Craven testify that all abutters have been properly warned & in a timely manner.

Applicant Sweetapple has written permission to represent The Gathering Place

Applicants review ZA summary and testify to its accuracy (Exhibit 1)

No interested parties were present or provided written testimony

The Applicants testify to the following:

- Change of Use from restaurant to adult day care; conditional use of the property; currently zoned as Planned Commercial
- Building code falls under daycare; a bit nebulous as adult daycare is such a new thing
- Nursing home assisted living facility is allowed in Planned Commercial Zone
- Ten employees will be sharing in the parking spaces
- Most clients are dropped off in the morning and picked up at evening
- Moover also provides transportation
- Request three ADA parking spaces
  - Standard parking space is 9ft x 22ft—van space needed is 11ft x 22ft
- ADA ramp in the front of the building; plan is to make it a gentler slope, for every 2ft it goes up one inch; more classified as a walkway which will be 14ft in length; no handrails required
- Overhang is being extended 2ft; peak will be just under the current roof line

The Board inquires as to what First Wok's parking requirement was. Applicant will provide via phone or email to ZA Estey

The Board took a brief recess at 7:29pm and returned at 7:30pm

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

3. **To Consider application #18-MS300-01** by Mount Snow Ltd. to amend its Planned Unit Development to construct an underground parking garage at Carinthia at Mount Snow, See DRB Decision dated April 18, 2016 Permit #016-MS300-01

ZA Estey testifies that the hearing has been properly warned and posted *as applied to amend PUD to construct underground parking garage, not warned as relocation of excavated dirt to other locations on the property. Unsure if it is a zoning issue; was not part of the application.*

Chair Shippee agrees to contact the town attorney regarding the moving of excavated dirt by Mt Snow; possibly address the separate component in another warned hearing

Applicant Newton does not believe it is the purview of the DRB but rather part of the state permitting process. Any construction is going to involve the moving of dirt and believes it to be part of this application.

Applicants have permission to represent Mt Snow Ltd

Applicants Newton & Moulton testify that all abutters have been properly warned & in a timely manner.

Applicants review ZA summary and testify to its accuracy (Exhibit 1)

The following exhibits were introduced:

Exhibit 2: Layout & Materials Plan C2.01

Exhibit 3: Layout & Materials Plan C2.02

Exhibit 4: Color Rendering Upper Parking Area

Exhibit 5: Color Rendering Lower Parking Area

Exhibit 6: Garage Interior looking south

Exhibit 7: Rendering of Upper Lot with Ramp

Exhibit 8: Letter from Fire Chief Rich Werner dated January 8, 2018

Exhibit 9: Project Summary

Exhibit 10: Notice of DRB Decision for 16-MS300-01 dated April 16, 2016

Exhibit 11: Natural Resource Map—Soil Disposal Area Assessment dated 12/19/17

The Applicants testify to the following:

- In April 2016, a permit was issued for the redevelopment of existing parking lot
- Current application is an amendment to that permit
- Conditions in previous permit still apply; perhaps make conditions of this new requested permit; no changes to dimension, landscape or lighting
  - Simply below grade level parking in addition to existing parking area
- A 13x13x18 structure will cover pedestrian stairway access
- Number of existing parking spaces is 476
- Redeveloped lot was permitted for 331
- New application is for 471 spaces. The surface level spaces are reduced from 331 to 327, and 144 subsurface spaces are added, for a revised total parking of 471 spaces
- Subsurface parking will be accessed by a downward sloping ramp
- Somerset access is still the same; not going through the parking area
- No alteration to dimensions of the surface

- Parking adjacent to shuttle stop? *Drop off area has 10 spaces which is included in the parking plan calculations*
- Concerns about what is happening on Handle Rd—will it create a big bottleneck of traffic?
- Preferred parking spaces? *No plans for them*
- Parking plan remains the same—see decision from April 2016
- Will address the issue—don't want back up of traffic either—at minimum we are required to have attendants and signage at Handle and Carinthia Roads per the original decision
- Illumination of the lower parking garage? *Motion sensitive lighting is intended; not fully light after 9-10pm at night*
- Signage will indicate when lot is full— however drop off zone will still be accessible
- Construction proposed for spring of 2018

ZA requests copies of the soil disposal area assessment which Applicant supplies (Exhibit 11)

- Was not intentionally left out of application. It will require storm water permit and review by Act 250
- Original application involved removing just enough soil to level out parking lot and treat rest with limestone treatment
- Now, all of the iron rich soil will be removed
- Soil is rich in iron and will be distributed throughout the mountain in areas that are not below the water table
- Iron in existing Carinthia parking lot is saturated because it lies below the water table, so it is wet all the time
- When water infiltrates the iron, iron dissolves in the water and as oxygen hits it, it oxidizes and the iron precipitates out of the water; creating red streaming water
- Sites have been indicated on the exhibit as to where the fill can be relocated
- All will be reviewed by ANR and ACT 250—suggest making their approval a condition of this permit
- Met with Windham Regional Commission's Alyssa Sabetto—usually comment on Act 250 hearings, not DRB—WRC did not feel it had the expertise and requests the ANR issue an opinion

Two Interested Parties were present:

Edith Mas, adjoining property owner on eastern side of parking lot (Handle Rd) as well as being president of Tannery Wildlife Refuge, testifies to the following:

- Improvements to the height of the parking lot wall: 4ft to 50 ft
- Fill in the current parking lot is not natural soil; in the past it was a stump dump—unknown as to what is in it
  - Existing parking lot is not paved; petrochemical deposits are possible; important that the soil is tested
  - Minimal disturbance—in favor of getting it out because it is causing problems
  - Concerns about where the soil is going
  - Improvement from what was originally planned
- Was original application including a second level on the parking garage?

Applicant Newton:

- Act 250 had given approval for a second level, but it was not applied for

Chair Shippee clarifies that the applicants would have to apply again for DRB approval if a second level is proposed

Applicant Moulton:

- Cautious & careful about where the soil is being dispersed—not constantly exposed to groundwater
- Well #27 at Grand Summit that has not been used for some years—when it is put back into use—will pump out; iron concentration is there but will be tested
- We are making sure that the problem is not moved from one place to another
- Siting of deposits will be submitted by Act 250 commission
- Disposal will be appropriate to the material found (metal, wood, hydrocarbons, etc.)
- Stumps will be sorted and sent to an approved State stump dump site

Bob Hays, owner of 2 Carinthia Rd, #34 Glen Run unit, testifies to the following:

- Number of egresses into the garage, both surface and subsurface? *Entrance/exit into the subsurface is one ramp. Guardrails will cover east & west sides of the parking area*
- Height of the project? *No increase in elevation on the top deck from the original permit*
- Suggestion: Seasonal traffic light to control traffic pattern that comes in
- The structure over the walkway is above the elevation of the original plan

Edie Mas: FYI a traffic study report by Handle Rd Committee was submitted to the Select board

The Board took a brief recess at 8:41pm and returned at 8:45pm

On a motion by Board member Montello, seconded by Board member Prial, the Board unanimously agreed to continue the hearing to Feb 22, 2018 at 7pm

If any additional information is needed, a letter will be sent to the Applicants. It is possible that on the 22<sup>nd</sup> the meeting will open & close without any testimony being needed

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

- Approve Minutes of Sept 28, 2017

On a motion by Board member Montello, seconded by Alternate Palermo, the Board voted 4-0-0 to approve the minutes of Sept 28, 2017 (Shippee, Palermo, Prial, Montello)

- Approve Minutes of Oct 12, 2017

On a motion by Board member Montello, seconded by Vice Chair Lynch (via telephone), the Board voted 3-0-0 to approve the minutes of Oct 12, 2017 (Shippee, Lynch, Montello)

- Approve Minutes of Oct 26, 2017

On a motion by Alternate Palermo, seconded by Vice Chair Lynch (via telephone), the Board voted 3-0-0 to approve the minutes of Oct 26, 2017 (Shippee, Lynch, Palermo)

On a motion by Board member Montello, seconded by Board member Prial, the Board unanimously agreed to go into Deliberative Session at 8:55pm

On a motion by Board member Montello, seconded by Alternate Palermo, the Board unanimously agreed to move out of Deliberative Session at 9:30pm

**5. Adjournment at 9:30pm**

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).*