

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

Meeting Minutes

**July 13, 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 7:00pm 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. The Board introduced themselves to the audience. The Zoning Administrator, Wayne Estey and Administrative Assistant, Jeannette Eckert was also present along with Applicant Ashley Havreluk, Tim Dolan, Laurie Newton, Linda Kersten, Applicant Bob Fisher, Catherine Kaufmann, Fred Greenewalt
- 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, July 18, 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 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.

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

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

Written permission has been submitted for the Applicant to represent Hermitage Inn Real Estate Holding Co. LLC

Applicant reviews ZA summary and testifies that it is accurate (Exhibit 1)

Subdivision Plan by Ben Joyce (Exhibit 2—sheets 1 and 2)

Applicant Fisher testifies to the following:

- The sub division plan presented as Exhibit 2 was only made available yesterday to the Applicant

- Three lot subdivision—creating three lots, one lot for each existing main building on the Sawmill Inn Property
 - 1st parcel: Parcel A-1.1 with existing Inn and restaurant (*parcel also includes the Spring House, the Wood Shed, and an outbuilding/storage shed*); 5.32 acres
 - 2nd parcel: Parcel A-1.2 includes Carriage house; 2.15 acres
 - 3rd parcel: Parcel A-1.3 Single family residence—rest of long field; 8.34 acres

Board member Golet inquires as to the reason for the subdivision

Applicant Fisher: To convey these three parcels separately; May be owned in the future by three different people

Chair Shippee inquires as to the relevant sections of the Bylaw which are not referenced in the application

Applicant Fisher:

- Land development is deemed to be a subdivision into two or more lots
 - Article 2: definition of land development
- Located in Village District—minimum acreage is ½ acre for residential
 - Section 470 is regard to districts
- R-O-W to interior two lots is depicted on the survey
 - Article 4 section 405—R-O-W is at least 50 feet wide

ZA Estey testifies that there is no single subdivision section within the Bylaws

- When there is a subdivision within a particular zone, the individual subdivided parcels should satisfy the zones individual requirements

Board member Montello inquires about the turn around, right of way, water & sewer

- Turnaround abuts property—is within A-1.1 & A-1.2; rest of right of way goes to third lot
- Sewer--everything is connected to Northbranch—only applying for an existing increase in # of rooms to cure a previous zoning violation to add gallonage—Woodshed--one guestroom
- Water--well serves all three properties—depicted on parcel A-1.2
 - Do not see a separate well head depicted
 - Any easements would be taken care of in deeds
 - Also serves Village at Sawmill Farm—will have to confirm
- What will happen to parking spaces in the ROW? Either will be moved over to the west or onto existing A-2 or ROW is shifted to come between parking spaces. The parking may not move, as the spots are in the ROW but not part of the travelled lane.
- No new construction whatsoever
- Parcel A-2 is owned by same LLC—already exists on its own; titled separately
- All sewer easements in existence are located on the survey
- Underground or over-head electrics? Unsure which but will likely remain as they currently are
- All the easements listed in the deed apply to entire parcel
 - As individual deeds are created—each parcel will be done one by one

- What is the current seating capacity at the Sawmill? *Believe it to be 36 but Applicant will confirm*

ZA Estey testifies to the following:

- Believes there should be at least a continuance of this application or
- Believes this application should be dismissed without prejudice
 - Exhibit 2 was not seen prior to the hearing and several people who came to the office have not seen it
 - Due to my inexperience as the ZA, the application should not have even been presented to the Board in the state it was
 - Questions regarding parking, sewer would have already been identified
 - Another plot plan included in the application was presented to interested parties and believe I misled them since it was not a proper plan

Applicant Fisher:

- It is true that the survey was not filed with original application
- What was filed was the existing survey of the entire parcel with lines drawn but not certified by the surveyor & this was provided to abutters
- Certainly, it is fair to offer a continuance but I oppose a dismissal without prejudice

Interested Party, Catherine Kaufmann, resides at 12 Cross Town Rd (XT006); abutting property owner testifies to the following:

- Came in to see Wayne to find out why they are subdividing
- Plot plan that was part of application was difficult to understand; could not tell what was going on
- With the amount of acreage, concerned about the number of buildings being shoved into that piece of property

Chair Shippee: This is not a building permit; not part of this application. If/when they decide to build more, they would need to request a permit and there would be opportunity to speak to it then

Interested Party, Linda Kersten, of 97 Route 100 (RT043); abutting property owner testifies to the following:

- Did not see the first plan; husband did see it earlier
- Concerns for the right of way—back 8 acres of open land—could in the future have a lot more buildings back there
 - Learned that lesson as previous owner of Austin Hill Inn
- Conflict with number of parking areas? Can they be restricted to no further subdivision? Believe this would protect the property back there
- Believed there were once two wells—one well just for the Inn—new well was put in when the Village was put in, long after the Inn was in existence
- You have addressed the deeds concerning the wells, ROW
- How many people is the Inn going to serve? *Unknown but do know the number of rooms*

Interested Party, Fred Greenewalt, owner of 1 Bogle Rd (BO001); abutting property owner testifies to the following:

- Regarding parcel A-1.3—is there any ROW from that parcel to Route 100?

Applicant Fisher testifies that there is no ROW from Route 100 according to Ben Joyce’s map

- Which district? *Village—falls under the Village District guidelines in the Bylaws*

Chair Shippee: Building on the site would have to be a separate application—does not apply to this application; there would be another opportunity to address that
All easements would be addressed in individual deeds before subdividing
A single well is located on parcel A-1.2 that serves all three lots. When deeds for individual lots are written, easements would be granted for 1.1 & 1.3 to access well on 1.2

ZA Estey:

- Who is responsible for maintaining electric and water systems? Who is responsible party for repairing or replacing? Does one parcel become the “electric company” for the others?

Applicant Fisher:

- All are dealt with thru the deeds
- Nothing in Zoning about providing maintenance for the water well, etc.
- Well depicted serves all the properties—I would modify that statement—based upon my knowledge which is this map, that is the well that shows here--somewhere the Inn got its water prior to the Village at Sawmill Farm
- Will provide additional information from the surveyor on the exact well locations if there are more than one

The Board took a short recess at 7:50pm & returned at 7:54pm

On a motion by Vice Chair Lynch, seconded by Board member Montello, the Board unanimously agreed to continue the hearing
Motion amended to a date certain of August 10th, all in favor

In deliberative session, the Board will develop a list of additional information which will be passed on to the Applicant

Applicant will prepare a revised plan as it may pertain to additional information requested by the Board

2. **To Consider application # 17-MS100-01** by Mount Snow Ltd. for a temporary Campground during the Eastern States Cup Downhill Finals. This property is located at the base of Mount Snow.

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

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

Written permission has been submitted for the Applicant to represent Mt Snow

Applicant reviews ZA summary and testifies that it is accurate (Exhibit 1)

Applicant Havreluk testifies to the following:

- Requests to establish a temporary campground—dates amended on Exhibits to October 13-16 Friday night *through* Monday morning (original dates listed on application state October 13-15)
- Camping will take place in Parking Lots B & C
- No camp fires or pets allowed
 - Cooking may occur on camp stoves, grills
- 3 port-a-potties will be on site—will that be enough?
 - Mostly used at night although will be available throughout the event
 - Used servicesanitation.com to determine the number of port-a-potties
 - A.1 Sanitation is the company providing the services
 - Currently no plan for showers—will have access to running water in the lodge bathrooms
 - Can accommodate with outdoor showers like at the Tough Mudder event
- Potential 72 camp sites on 6 acres
- 24-hour security monitoring the site

Board recommends consulting A.1 Sanitation for pumping regularity as well as how many to place. ZA Estey would also recommend another set of port-a-potties on the opposite corner of the parking lot along with a dumpster

The Board took a brief recess at 8:11pm
The Board resumed at 8:12pm

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

With regard to the Continuance of Application 17-MS300-01 which was scheduled for tonight's hearing date, the Board made the following motion:

On a motion by Vice Chair Lynch, seconded by Board member Golet, the Board unanimously agreed to close the hearing for 17-MS300-01

3. **To Consider 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.

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

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

Written permission has been submitted for the Applicant to represent Scott & Katheryn Meade

Applicant Fisher reviews ZA summary and testifies that it is accurate (Exhibit 1)

Applicant Fisher testifies to the following:

- No new construction
- The Meades wish to change the use of the buildings from commercial to residential
- Property is in Village District—single family residential dwelling is a permitted use in that district
- Originally created as a PUD—no change to any open space
- Overall density requirement is met

- Parking requirement would be less for residential use—no changes being proposed
- Connected to North Branch Fire District; an April 5, 2017 contract with North Branch was submitted (Exhibit 2)

Interested Party, Fred Greenewalt:

- Why convert from both to purely residential? What is the purpose?
- Would changing those five structures increase population or traffic?

Chair Shippee: Why it is being done or if changes occur.... that would not be our job to give an opinion. We could request that information from the applicant

There are five decisions that can be made:

1. Approve
2. Deny
3. Approve with conditions
4. Continue and ask for additional information
5. Deny without prejudice

Bylaw does not allow the Board to take abutters desires into account unless they feel there is a section of the Bylaw that is being violated

Applicant Fisher:

- Agree that intent is not relevant
- Commercial village has never really worked there and is the main reason for the change
- Not subdividing –still one lot with 5 residential units under a PUD

The Board took a brief recess at 8:28pm and returned at 8:30pm

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to continue the hearing to Aug 10th

4. **To consider any other business** which may legally come before the Development Review Board.
 - Minutes of March 30, 2017: cannot be approved given the Board members present
 - Minutes of June 8, 2017:

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously approved the minutes of June 8, 2017

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to go into Deliberative Session at 8:32pm

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously agreed to move out of Deliberative Session at 9:15pm

5. **Adjournment at 9:15pm**

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.