

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

***Meeting Minutes***

**June 8, 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 Vice Chair Jim Lynch.
- II. All parties present were asked to sign in.
- III. The notice of hearing was read into the record.
- IV. Board members present were: Vice Chair Jim Lynch, Steven Montello, Geraldine Golet, Stephen Palermo, Chair Sarah Shippee\*. The Board introduced themselves to the audience. The Zoning Administrator, Wayne Estey and Administrative Assistant, Jeannette Eckert was also present along with Applicant Bob Harrington, Marc Pinard, Applicant Laurie Newton, Ashley Havreduk & Ronald Joseph  
\*Chair Shippee arrived at 7:32pm at the end of the first application
- V. A general description of the evening's proceedings was presented by the Vice 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, June 13, 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-MS500-01** by Brady Sullivan SV, LLC to amend its Planned Unit Development to construct the remaining 38 units and amenities building with a project completion date out to December 31<sup>st</sup>, 2021. See, DRB Decision dated June 26, 2006, Re: Permit #06-MS500-01. This property is located at the base of Mount Snow and known as Snow Vida Loop, **Parcel # VD000**.

ZA Estey testifies that the hearing has been properly warned and posted.  
Applicant testifies that all abutters have been properly warned & in a timely manner.  
Applicant reviews ZA summary and testifies that it is accurate  
Additional packet provided by Bob Harrington (Exhibit A)  
Letter from Fire Chief Rich Werner (Exhibit B)

No interested parties were present.

Applicant Harrington testifies to the following:

- Permit expired Dec 31, 2016; missed the deadline to reapply for extension
- Snow Vidda development has been going on since 2006
- 18 units constructed; 38 units left to build according to approved plans
- Everything in the original plan is the same: No changes to the site, water, sewer, architecture, parking
- When meeting with former ZA Dave Cerchio, he requested that the plans be reviewed by West Dover Fire Dept. & State Fire Marshal Brian Johnson
  - Letters were submitted within application packet

Attorney for Brady Sullivan, Marc Pinard, testifies to the following:

- A brief history presented of Snow Vidda Development
- Brady Sullivan develops commercial and residential real estate in several states
- When economy took a down turn; original project fell on hard times and caused it to fail
- Brady Sullivan purchased the loan 4 or 5 years ago & has been working with Bob Harrington since taking over the project
- Was planning to build out as the economy would allow
- First set of units sold; Just finished second phase of 9 additional units—some units are selling
- Again, faced with the market conditions
- Current plan is to complete the project by 2021
  - Nice looking units, well appointed
  - Plan is to build 9 units per year but that will depend on the economy
    - 9 units allowed per well
  - Don't plan to come back for any further extensions
  - 38 units left to go; believe they can be built in that time schedule

ZA Estey suggests that Mr. Pinard cannot testify as a witness. It might be more complete if the witness would state on the record that he agrees with what the counsel says regarding the matter, then it becomes the witness's testimony. Attorney for Brady Sullivan cannot be a witness. He represents Brady Sullivan. But what he says can be adopted by the witness.

Vice Chair Lynch: We have taken attorney testimony many, many times. Don't recall hearing that before.

Applicant Harrington testifies that he agrees with Mr. Pinard's statements.

Board member Montello asks *at what point will the amenities center be built?*

Mr. Pinard: Is to be built at the end of the project— needs to be supported by unit owners

Board member Golet requests that Mr. Harrington indicate which units have been completed. Units B1-B4 are completed as seen on sheet C3A3. B5-B12 are still to be completed.

Board member Montello asks *when is hydrant situation going to be completed?*

- 4 hydrants in total in the area
  - One is not working properly

- Next building scheduled to be built is B5
- Hydrant will be corrected before any construction is done

On a motion by Board member Golet, seconded by Board member Montello, the Board voted 4-0-1 to close the hearing (Shippee abstained)

2. **To Consider application # 17-MS300-01** by Mount Snow Ltd. pursuant to Zoning Bylaws, Town of Dover Sec. 715, 720, and 725 to amend its existing Planned Unit Development by relocating and refurbishing two duplexes at Carinthia. This property is located at the base of Mount Snow and is known as 2, 11, and 14 Carinthia Ln./Rd.

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

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

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

Applicant Newton testifies to the following:

- Proposing to take two existing duplexes at Mt Snow; one of which is owned by Mt Snow
  - Other duplex is owned by Hexagon Associates—a letter within the packet authorizes him to process the application
- Duplexes will be moved over to building A’s location on Exhibit D S-02 site plan
  - Not being torn down but being moved; redoing the exterior and adding a third floor (see architectural drawing A-2.1 in Exhibit E)
  - The total square footage including parking is 17,070
  - The building height is 41’1”
  - Each duplex will have three bedrooms; three parking places are provided for each unit (see parking plan E-3)
- Current location is seen on drawing C-1 (TR023 & TR023B)

Applicant Newton walks Board through Sections of the Zoning Bylaws:

**Section 715: Application and Review Procedures**

- A. Name, address of applicant & property deed (see Exhibit B); owners of adjoining lands (see Exhibit M)
- B. Survey of the property (see Exhibit C-1)
- C. Site Plan (see Exhibits D through G)
- D. Construction sequence is contingent on funding; requesting extension to Dec 31, 2021
- E. North Branch is under a new board & proposing new regulations; may be a new priority list (see Exhibit I)  
Any gallons would be additional; more than adequate capacity for the project. Calculating 2040 gallons. Suggest a permit condition of a signed contract with North Branch before any construction begins
- F. MIQ: Exhibit H-1 & H-2 Refers to entire Carinthia project; reviewed by Fire, Police and Selectboard
- G. Not applicable as it is not a condo association
- H. No variances are being requested

**Section 720: General Development Standards**

- A. Project meets all Conditional Uses in the Resort District
- B. PUD is consistent with Town Plan
- C. Density requirements are met
- D. Mt Snow has an existing, approved PUD; amendment does not impact streams, wetlands, open lands, manmade features
- E. Not applicable
- F. Requesting exemption to building height requirement; All other zoning requirements will be met
- G. Request expiration date of Dec 31, 2021
- H. No variances are requested; multi family dwelling is a conditional use in the Resort District

**Section 725: Additional Requirements**

- A. Fire Dept. has signed off on proposed height & distance between buildings
- B. Proposed building exceeds setback requirements
- C. Fire hydrant will be installed for new base lodge & can serve Building A
- D. See Exhibit I; A signed contract with North Branch will be submitted prior to construction
- E. Relocation of existing duplexes. No burden on transportation network, municipal facilities or services
- F. Not applicable
- G. Emergency access is provided along the south side of the building
- H. Not applicable
- I. Not applicable as it is not a public building and has no commercial facilities
  - a. All state fire inspection permits will be obtained
- J. Improving the aesthetics of the area

**Section 380: General Standards for Conditional Use**

- 1. No undue adverse effect on the capacity of existing or planned community facilities
- 2. No undue adverse effect on the character of the area
- 3. No impact on roads and traffic; no additional cars
- 4. No undue adverse effect on bylaws or ordinances. No variances requested
- 5. No undue adverse effect on utilization of renewable energy sources

**Section 385: Specific Standards for Conditional Use**

- 1. Not in the floodway (see Exhibit L)
- 2. Addressed in Section 720 C.
- 3. Not applicable
- 4. Not applicable
- 5. Addressed in Section 725 J.
- 6. No impact on Dover's natural resources

**Section 328: Exemptions to the Building Height Requirement**

- 1. Proposed building is 41 feet in height. Signed off on by Fire Dept. to allow building heights in excess of 36 feet; fire protection and safety are addressed

ZA Estey asks what happens to the permit if the buildings when moved & placed are not structurally sound? And the damage is so much that the buildings have to be stick built from the beginning.... not sure it is relevant...

Chair Shippee will contact the town attorney on that concern

Applicant Newton suggests that it be a condition of the permit to come back if the buildings are not usable

Applicant Newton:

- Regarding the current site once the buildings are removed:
  - Old foundations will either be covered with soil or removed
  - Any environmental situations (propane, oil tanks etc.) that we need to be aware of will be explored
    - Would be willing to make it a condition of the permit
    - Know at least one of the houses uses propane
    - Any necessary precautions will be taken

ZA Estey: Section 685 is a section of the bylaw that addresses the removal of a building and what happens to the site afterwards; may want to review that section

Applicant Newton: Site will be covered and level graded; will not be a mound; will comply with Section 685

Written testimony from Michael Conover, owner of a Slopeside Condo & secretary of Slopeside Owner's Association was read into the record by Chair Shippee (Exhibit 2). Mr. Conover has authorization from the Association's Board of Directors

- Owner sites well water problems; brown and filled with sediment
- Unsure if Mt Snow is responsible; but problem became more noticeable after Mt Snow began work on new development adjacent to his property
- Believe it is Mt Snow's responsibility to investigate water problems; no concrete action has been taken by Mt Snow

Applicant Newton responded given the Board feels it may be relevant to the application

- Had not seen this letter until just now
- Familiar with the situation; Dave Moulton reached out to the Association
- There have been water issues there for several years
- If a pipe was broken by Mt Snow, we would have repaired it
- No proof that it was caused by Mt Snow's construction
- It is a matter between Slopeside & Mt Snow

The Board took a brief recess at 8:20pm

The Board resumed at 8:23pm

On a motion by Vice Chair Lynch, seconded by Alternate Palermo, the Board unanimously voted to continue the hearing

Motion amended to a date certain of July 13, 2017 at 7pm. Unanimous.

A notice will be sent to the Applicant either requesting more information or stating that no further information is needed

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

None. Minutes of March 30, 2017 cannot be approved given the Board members present

On a motion by Board member Montello, seconded by Board member Golet, the Board unanimously agreed to go into Deliberative Session at 8:30pm

On a motion by Board member Golet, seconded by Board member Montello, the Board unanimously agreed to move out of Deliberative Session at 8:35pm

4. **Adjournment at 8:35pm**

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).*