

Town of Dover
Development Review Board

Meeting Minutes
March 14, 2019 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, Stephen Palermo, Jon Prial & Alternate Heather Kelly. The Board introduced themselves to the audience. Zoning Administrator Tabi Freedman and Administrative Assistant, Jeannette Eckert was also present along with Mary Elizabeth (Betsey) Reagan, John Guminak, Lynn Bucossi & Steven Garcia.
- 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, March 19, 2019 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.
- VII. **To consider continuance of application #19-RT015-01** by Leatherneck Associates, LLC for a PUD Change of Non-Conforming Use from Retail to Manufacturing, Packaging or Processing (Brewery) and from Office to Bar (Taproom).

Chair Shippee contacted Applicant Walter Bansley via telephone to request answers to a few questions prior to closing the hearing

1. You had mentioned that it was going to be a bar/lounge and some food, will there be a kitchen?
 - a. *Not a formal kitchen, will have a pizza oven and salads*
2. Any retail sales such as T-shirts, hats, beer?
 - a. *No, not initially but ultimately that is the goal*

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

- VIII. **To consider application #19-RT075A-01 by Mary Elizabeth Reagan (Betsy's Dot's of Dover) at 1 Mountain Park Plaza, West Dover VT** to consider approval for a change of conditional use from a multi-business center to a restaurant.

Vice Chair Lynch recused himself from the Board as he is a contractor on this project and joined the Applicant's team

Board members Prial, Kelly and Shippee, indicated that although they participated with fundraising efforts for the Applicant, they feel they can be impartial in this application

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

Applicant & owner of the property, Betsey Reagan, testifies that all abutters have been properly warned & in a timely manner.

However, abutters were notified *in person* rather than in writing; Applicant was not aware that it needed to be in writing

Chair Shippee indicates concern that there is no documentary proof that abutters were notified

It is the Board's consensus to make it a condition of the application that abutters sign off that they were notified

No interested parties were present or provided written testimony.

No conflict of interest was present.

Project designer John Guminak & project administrator Lynn Bucossi testify to the following:

- Building had a fire and intention is to re-build it with the same footprint with the exception of it becoming a single occupancy building for a restaurant only
- One change will be to move the walk-in refrigerators to the south side exterior of the building
 - There is already a concrete pad there; Unknown whether it is the same dimensional size to accommodate the refrigerators
- Change of Use and slight difference in dimension to the floor plan is the reason to bring before the DRB; Multi Use to Single Use
- Existing deck on north east side of building will now become a covered deck
 - Slight discrepancy between what was constructed and what is in town records
 - Built larger than the references in town records
- Existing most recent permit matches the size of the existing deck
- Proposed deck size will 30'6" long x14' deep which is what currently exists & most recently permitted
- Encroaching on abutting property due to bump out of freezer?
 - Very little in town records as to the site conditions of the building
 - Survey by Bruno & Associates dated 12/20/1990 was produced prior to this building's construction
 - Used satellite imaging to locate building; should have 20 feet of clear space from property line to south edge of walk ins
- Undersized lot-- .56 acres
- Parking space change? No change to seating capacity; square footage will increase; sewer gallonage will remain the same; no change in parking requirements
- Hope is to use the existing foundation; default will be to the foundation not the plans; dimensions were arrived at from a separate application back in 1990

On a motion by Board member Prial, seconded by Alternate Kelly, the Board unanimously agreed to close the hearing.

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

- Approve minutes of Feb 28, 2019

On a motion by Vice Chair Lynch, seconded by Alternate Kelly, the Board voted 4-0-1 to approve minutes of Feb 28, 2019 (Palermo abstained)

On a motion by Vice Chair Lynch, seconded by Alternate Kelly, the Board unanimously agreed to move into Deliberative Session at 7:26pm to consider 19-RT015-01

On a motion by Vice Chair Lynch, seconded by Alternate Kelly, the Board unanimously agreed to move out of Deliberative Session at 7:35pm (Vice Chair Lynch exited)

On a motion by Alternate Kelly, seconded by Board member Prial, the Board unanimously agreed to move back into Deliberative Session at 7:35pm to consider 19-RT075A-01

On a motion by Alternate Kelly, seconded by Board member Prial, the Board unanimously agreed to move out of Deliberative Session at 7:55pm

X. Adjournment at 7:55pm

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.*