

Town of Dover
PO Box 428
West Dover, VT 05356
802/464.8720

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION

I. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Application Number: 13-TE000-01
2. Owner: NED Ski Associates, LLC
3. Applicant: Donald Klepacki, Bob Harrington
4. Brief Description of Request: Request to amend the PUD for the Trailsedge Condominium Development, increasing the number of subdivided lots within the PUD from four to six.
5. A copy of the application was received by the Zoning Administrator on January 23, 2013.
6. A copy of the Notice of Hearing was mailed to the Applicant by the Zoning Administrator on January 24, 2013 along with a sample letter and abutter's list for notifying all abutters.
7. Public notice of the hearing was posted on January 24, 2013 at the following locations:
 - a. Dover Town Clerk's Bulletin Board
 - b. Dover Town Meeting Room Bulletin Board
 - c. Dover Free Library & Dover Elementary School via email
 - d. East Dover Post Office via regular mail
 - e. Town of Dover website

Notice of hearing was published in the Deerfield Valley News on January 31, 2013 and in the Brattleboro Reformer on January 30, 2013.

8. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an Interested Party the opportunity to do so. No such request was made.
9. A public hearing was held on February 28, 2013 and continued to March 14, 2013. The hearing was closed on March 14, 2013.
10. A complete list of exhibits and attendees is included in the meeting minutes. Minutes, Application and exhibits are available for viewing in the Dover Town office through the Zoning Administrator.
11. The current Zoning Bylaw is dated March 7, 2007.

II. FINDINGS OF FACT:

Based on the application, testimony, exhibits and other evidence, the Dover DRB finds as follows:

1. Applicant's property is located at North Branch Rd. in West Dover, Vermont and is known as Trailsedge Condominiums. It is located within the Resort District (RES).
2. The hearing was properly warned by the Zoning Administrator.
3. All abutters were notified in a timely manner by the Applicant.
4. The applicants were properly sworn prior to providing testimony.

5. The applicant seeks to amend the subdivision as follows:
 - a. Lot 3 will be decreased in size from 2 acres to 1.8 acres. The number of residential units (8) in Lot 3 will not change.
 - b. Lot 4 will be decreased in size from 2.7 acres to 1.8 acres. The number of residential units in Lot 4 will be revised from 5 units to 3 units.
 - c. Lot 5 will be created. This lot will be 0.32 acres and there will be one residential unit on this lot.
 - d. Lot 6 will be created. This lot will be 0.84 acres and there will be one residential unit on this lot.
3. Lots 1 & 2 will remain unchanged.
6. There is no net change in the total number of units within the plan, and so the overall density within the PUD remains the same as was originally approved.
7. There will be no change to the number of parking spaces provided; there will still be 3 spaces per unit.
8. The subdivision revisions will have no impact on or fall within the noted Wetlands areas within Trailsedge.
9. Variances to the setback requirements for Front Yards remain the same as in the original PUD application.

III. DECISION

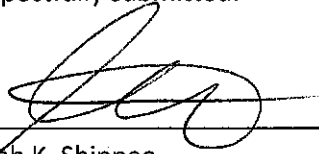
Based on the preceding Findings of Fact, the Dover Development Review Board unanimously approves the Application. The amendment to the PUD is granted with the following conditions:

1. For all Town zoning and subdivision purposes, the lots and land, referenced above, shall be reviewed as, and remain components of, the Planned Unit Development approved by decision of this Board date May 9, 2009 (Application 09-NB000-1), regardless of any subsequent conveyance or change of ownership. No lot or lots may be withdrawn from the PUD without prior approval of the DRB. The terms and conditions of all prior plans and approvals shall continue in full force and effect, except as modified by this decision.

2. Amended Condominium & Homeowners Association documents (Exhibit G in its entirety) shall be submitted to the Dover Zoning Administrator within 60 days of the date of this decision.

3. An amended subdivision plan prepared, stamped and signed by a Vermont licensed professional land surveyor, shall be submitted to the Zoning Administrator within 60 days of the date of this decision. The plan shall be duly recorded in the office of the Town Clerk within 180 days of this decision.

Respectfully submitted.



Sarah K. Shippee
Acting Chair, Dover Development Review Board

4/15/13

Dated

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested party who participated, through oral or written testimony, in the proceeding(s) before the DRB. Such appeal must be taken within 30-days of the date of this decision, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

NOTICE: Additional State permits may be required for this project. Call 802/885.8850 to speak to the regional Permit Specialist before beginning any construction.