

Town of Dover
P.O. Box 428
West Dover, VT 05356
(802) 464-8720

DOVER DEVELOPMENT REVIEW BOARD
NOTICE OF DECISION
Application 22-VD100-01

A. PROCEDURAL HISTORY & APPLICANT REQUEST

1. Landowner: Brady Sullivan SV, LLC
2. Applicant: Horizons Engineering, Devan Currier, PE
3. Brief Description of Request: Construct thirty-eight (38) residential units, and an amenities center, in accordance with Sections 300, 335, 365, 375, 380, 385, 435, 634, 636, 690, and Article 7 of the Dover Zoning Bylaw (the "Bylaw" herein). The original permit, and its extensions, expired on December 31, 2021.
4. A copy of the application was received by the Zoning Administrator on November 14, 2022.
5. On November 15, 2022, a copy of the Notice of Hearing was mailed to the Applicant, along with a sample letter and abutter's list for notifying all abutters.
6. Public notice of the hearing was posted at the following locations on November 15, 2022.
 - 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: www.doververmont.comPublic notice of the hearing was also published in the Deerfield Valley News on November 17, 2022.
7. At the outset of the hearing, the Chair afforded all persons wishing to establish status as an interested party the opportunity to do so. Anna Marieb, 30 Snow Vidda Loop, requested and was granted Interested Party status.
8. A public hearing was held on December 8, 2022 and continued to January 12, 2023, February 9, 2023, March 9, 2023, April 13, 2023, May 25, 2023, June 22, 2023, July 20, 2023, and August 24, 2023. It was closed on August 24, 2023.
9. 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.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

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

The property is located on Snow Vidda Loop in West Dover VT and is located in the Resort Center District (RST) District.

1. The hearing was properly warned.
2. All abutters were notified by the Applicant.
3. The Applicant was properly sworn prior to providing testimony.
4. Under application 06-MS500-01, the previous Property Owner applied and was approved for construction of fifty-six (56) residential units and an amenities center. Ten (10) units were constructed in 2006-2008. The property was purchased in 2010 by the current property owner, who constructed an additional eight (8) units in 2015-2016. Additionally, site preparation for subsequent construction was undertaken in 2017, although no additional units were constructed at that time. The permit, including extensions, expired December 31, 2021, hence the Applicant is requesting a new permit.
5. The Applicant proposes to construct two (2) buildings in 2024, B5 and B6, which will contain a total of twelve (12) units.
6. The Applicant proposes to construct the additional twenty-six (26) units, as well as the amenities center, by a completion date of December 31, 2028.
7. The Applicant testified that construction will conform to the originally-proposed site layout and proposed utilities.
8. The subject property is located on Snow Vidda Loop in West Dover and is located in the Resort Center (RST). Pursuant to Section 435 of the Dover Zoning Bylaw, the purpose of the RST District is to support resort related residential and mixed-use commercial development. Development shall be located near existing resort areas and services that are readily accessible by the Town's existing road system.
9. Pursuant to Bylaw Section 335.3, Permit Application and Requirements, the Board finds and concludes that up-to-date reports from a hydrogeologist shall be provided to the Zoning Administrator and shall demonstrate sufficient available water capacity for each dwelling unit's use once each proposed new well is installed and tested, prior to any commencement of construction of the corresponding phase(s) of the project.
10. "Planned Unit Development" is a conditional use in the RST District. Pursuant to the General Standards for Conditional Use in Bylaw Section 380, the Board finds and concludes that the project, as proposed, has no undue adverse effect on, and therefore satisfies, the following:
 1. The capacity of existing or planned community activities.
 2. The character of the area affected.
 3. Traffic on roads or highways in the vicinity.
 4. The current Bylaw and other Town ordinances.
 5. Utilization of renewable energy resources.
11. Pursuant to the Specific Standards for Conditional Use in Bylaw Section 385, the Board finds and concludes as follows:
 1. The lands under consideration do not fall within a Flood Hazard Zone; therefore Article 5 is not applicable.
 2. The relevant sections of Article 6 are considered elsewhere in this decision.
12. Pursuant to the Area, Dimension and Coverage Standards in Bylaw Sections 385.2 and 475, the Board finds and concludes as follows:
 1. The construction of thirty-eight (38) residential dwelling units and an amenities center does not exceed the maximum overall coverage and density standards for the RST District.
13. Pursuant to Section 385.3, the Board finds and concludes that the traffic study, conducted by the Wall Consultant Group, dated August 15, 2023, affirms that the safety of vehicular circulation between the site and the street network is met, subject to conditions. Further, there are no cul de sacs included in the Application.

14. Pursuant to Section 385.4 and 385.6, the Board finds and concludes that requirements of these sections are met.
15. To conform to Sections 385.5 and 632, the Applicant shall provide and conform to the landscaping plan for the PUD that was approved by the Act 250 District Environmental Commission in Land Use Permit # 2W1221-3, dated January 12, 2023, which is incorporated by reference herein as made more fully a part hereof.
16. Pursuant to the Minimum Parking Requirements in Bylaw Section 634, the Board finds and concludes that the individual units will contain four (4) bedrooms each. The Dover Bylaw stipulates that residences containing three (3) or more bedrooms must provide three (3) parking spaces. The Applicant proposes to provide nine (9) parking spaces each for Buildings B5 and B6 as follows: there will be thirteen (13) spaces in front of each B5 and B6, and there will be ten (10) parking spaces located on the easterly side of Hammerbeam Loop, roughly across from Buildings B2 and B3. The Applicant shall submit a revised parking plan that reflects these changes.
17. 24 V.S.A. § 4414(4), as amended by Act 47, will become effective December 1, 2024, and states that a municipality may only require 1.5 parking spaces per dwelling unit for duplexes and multi-unit dwellings, in areas not served by sewer and water, and in areas that are located more than one-quarter (1/4) mile away from public parking, rounded up to the nearest whole number when calculating the total number of spaces. There is no public parking located within one-quarter (1/4) mile of the subject property, and there is no municipal water service; therefore, based on this standard, Buildings B7, B9, B10, and B11, which each contain four (4) dwelling units, shall provide a minimum of six (6) spaces per building and Buildings B8 and B12, which each contain five (5) dwelling units, shall provide a minimum of eight (8) spaces per building. Until the amended 24 V.S.A. § 4414(4) is effective, any construction beyond Buildings B5 and B6 as referenced above, shall provide for three (3) parking spaces per dwelling unit constructed.
18. The Board finds and concludes that the Special Parking Requirements for all Conditional Use Permits in Bylaw Section 636 is not applicable.
19. The Board finds and concludes that the lighting plan submitted with the application meets the standard of Bylaw Section 637 as follows:
 1. Outdoor lighting shall be kept to the minimum required for safety, security, and intended use, and will be consistent with the character of the neighborhood.
 2. Permanent outdoor lighting fixtures shall be cast downward and/or designed to minimize glare, and will be dark-sky compliant.
 3. Security lighting will not allow any upward distribution of light, and floodlights shall not be installed.
20. Pursuant to Bylaw Section 637.5, the Applicant has submitted a lighting plan.
21. Pursuant to Bylaw Section 690, the Applicant will comply with all State and Local fire codes.
22. Pursuant to the Application and Review Procedures for PUDs in Bylaw Section 715, the Board finds and concludes as follows:
 - A. The requirements of Bylaw Sections 715A, 715B, 715C, and 715D have been met.
 - B. Pursuant to Bylaw Section 715E, the Applicant has confirmed availability of the requisite wastewater capacity from North Branch Fire District; the Applicant proposes to purchase said capacity upon approval of this Application.
 - C. Pursuant to Bylaw Section 715F, a traffic study has been submitted, confirming that an undue adverse impact on traffic is not anticipated. Additionally, the Applicant has submitted a Municipal Impact Questionnaire (MIQ), dated January 31, 2023, confirming that an undue impact on the Town's municipal services is not anticipated.
23. Pursuant to the General Development Standards for PUDs in Bylaw Section 720, the

Board finds and concludes as follows:

- A. Pursuant to Bylaw Section 720A, PUD is a Conditional Use in the RST District.
 - B. The Application is consistent with the provisions of the Town Plan (the "Plan") adopted October 15, 1991 and revised January 4, 2016.
 - C. In accordance with the requirements of Bylaw Sections 720C, the subject property consists of fourteen point two-two (14.22) acres; the minimum lot size for one- or two-family residences in the RST District is one-quarter (1/4) acre. Therefore, the proposed total number of units, fifty-six (56), meets the standard.
 - D. Pursuant to Bylaw Section 720D, the PUD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and manmade features, including historic sites and structures, watersheds, wildlife habitat, floodplains, and scenic features.
 - E. Pursuant to Bylaw Section 702E, construction is planned to begin in 2023 and be concluded by December 31, 2026.
 - F. Pursuant to Bylaw Section 720F, the application meets the zoning requirements for the RST District.
 - G. Pursuant to Bylaw Section 720.G, this approval shall expire on December 31, 2026.
 - H. "PUD" is a Conditional Use in the RST District; therefore, the requirements of Bylaw Section 720H are met.
24. The Additional Requirements in Section 725 of the Bylaw, as well as the requirements of Sections 730 and 740, are not pertinent to this Application, and therefore not discussed herein.

C. DECISION:

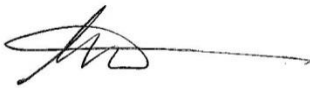
Based on the evidence presented and the Board's Findings of Fact and Conclusions of Law, by a vote of 5-0-0, the Board approves this application with the following conditions:

1. The project shall be completed as shown on the application, plat, and plans submitted by the Applicant and in accordance with all the representations made in the application and at the Board's hearing.
2. Evidence of purchase of sufficient wastewater capacity from the North Branch Fire District shall be submitted to the Zoning Administrator prior to issuance of a zoning permit and commencement of construction.
3. The PUD shall be constructed, operated, and maintained in a manner consistent with revised project plans, approved herein, the terms and conditions of this approval, and the application, plans, and exhibits on file with the Zoning Administrator.
4. Except as otherwise provided herein, or reflected in the revised plans approved in conjunction herewith, all other aspects of the previously approved PUD, and all terms and conditions of town approvals and court stipulations related hereto, shall remain binding and in full force and effect.
5. The Applicant shall repair and maintain on site fire hydrants, as well as a hydrant to be located at the base of Snow Vidda Loop, across from the project's entrance.
6. Prior to commencement of the construction of any phase of the project, the Applicant shall provide the results of well testing to the Zoning Administrator, confirming the well(s) meet or exceed State standards for interference within a three hundred (300) foot testing radius and that sufficient

available water capacity for each dwelling unit's use.

7. The Applicant shall provide a revised parking plan to the Zoning Administrator that delineates the requisite eighteen (18) spaces for each of Buildings B5 and B6, prior to issuance of a zoning permit and commencement of construction.
8. The Applicant shall provide a revised parking plan to the Zoning Administrator for Buildings B7 through B12 (inclusive) that reflects the parking spaces required at the time of construction, prior to issuance of a zoning permit and commencement of construction.
9. The Applicant shall provide and conform to the landscaping plan for the PUD that was approved by the Act 250 District Environmental Commission in Land Use Permit # 2W1221-3, dated January 12, 2023 prior to issuance of a zoning permit and commencement of construction.

Respectfully submitted,



Sarah K. Shippee
Chairperson, Dover Development Review Board

September 11, 2023

Date

NOTICE: This decision may be appealed to the Environmental Division of Vermont Superior Court by an interested party who participated, by offering oral or written testimony, evidence or a statement of concern 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: State permits may be required for this project. Call 802-885-8850 to speak to the regional Permit Specialist before beginning any construction.