

# Town of Danville Development Review Board Hearing Minutes

5/4/16

(Approved as submitted, 5/18/16)

Page 1 of 4.

## Attendance:

**Present DRB Members:** Mike Smith (Chair), Rob Balivet, Doug Lamothe, John McClung, Sue Pekala, Theresa Pelletier

**Absent DRB Members:** Ted Chase

**Zoning Administrator:** Linda Leone

**Public:** Patty and Dwight Coffrin, Larry Rossi, Michelle Parker, Leonard Wright, Lydia Hagman, Bradley Blackburn, Toby Balivet, Roland D. Bigelow

The hearing was called to order by Chair Mike Smith at 7:00 pm. A quorum was established.

## Permit Hearings:

### Permit #2016-06

*Applicants:* S. Mark and Claudia H. Seymour

*Site:* 631 Bruce Badger Memorial Highway, Danville; SA002-049.000, Bk 94, pages 33.

*Zoning:* MDR II

*Project:* Subdivide 29.4+/- acres into 2 lots: lot #1 (plan west) to consist of 12.4 acres; lot #2 (plan east) to consist of 17.2 acres.

*Relevant Bylaws:*

Medium Density Residential II - MDR I, Section 205.7, page 19.

Subdivisions of Land, Section 806, page 46.

*Bylaw Application:* Section 806.1 requires a hearing.

*Discussion:* This is a continuation of 4/6/16 tabled application hearing pending receipt of required information and documentation. No representative for the applicant was present. No abutters' comments received.

*Findings:*

1. Revised survey plat dated 4/16 and a letter dated 4/21/16 addressing 4/6/16 findings/conditions was received from Margaret Borgstrom of Charles D. Hickey, PLC law office.
2. Letter indicates revisions information before July 1992 are exempt. Revised survey plat references deed for 10/14 revision.
3. Revision date of "4/16" is shown on survey plat.
4. Revised plat shows current owners' names of subject lots and abutting lots, as well as a locus, and conforms with VSA Title 27 Property, Chapter 7, §1403.
5. A note, "center of 50' right-of-way", is added to note "center of existing road" from the Highway ("State Aid #2") through a 30.3 acre parcel owned by H. & L. Webster to proposed 12.4 acre Lot #1 owned by M. & C. Seymour. A partial copy of the deed addressing the right-of-way is attached to the 4/21/16 Borgstrom letter.
6. No deed reference is made on the survey plat that addresses the right-of-way from the 30.3 acre Webster lot to the 29.5 acre lot owned by M. Finger

*Conditions:*

1. Survey plat shall show 1998 Seymour deed reference for continuation of easement from south boundary of proposed 12.4 acre lot #1 (shown as "S8°W") shared with 30.3+/- acre H. & L. Webster lot to its north boundary (shown as "N8°E") shared with 29.5+/- acre M. Finger lot.
2. Subdivision permit will be issued following a 30 day appeal period that starts on 4 May

# Town of Danville Development Review Board Hearing Minutes

5/4/16

(Approved as submitted, 5/18/16)

Page 2 of 4.

2016, pending receipt of mylar copy of survey plat with required revisions to be filed within 180 days. Should such mylar not be received within 180 days, the DRB's approval of the subdivision permit will expire.

*Decision:* Theresa Pelletier moved; Sue Pekala seconded motion to approve permit application 2016-6 with conditions as stated. Motion passed.

## **Permit #2016-11**

*Applicants:* Phillip & Karen Waclawski and Sarah Rowe.

*Site:* 3602 Joes Brook Road; SA001-054.000, Bk 127, page 650. Zoning: LDR

*Project:* Resolve disputed boundary line by adjusting division of 24.6 acres into two lots: Lot #1 owned by Sarah M. Rowe to consist of 13.9 acres; Lot #2 owned by K. & P. Waclawski to consist of 10.7 acres.

*Relevant Bylaws:*

Low Density Residential - LDR, Section 205.6(8), page 20.

Subdivisions of Land, Section 806, page 46.

*Bylaw Application:* 806.1 requires a hearing.

*Discussion:*

1. Toby Balivet, Esq. represents the applicants and explained the boundary dispute and agreement.
2. The 24.6 acres currently consists of two lots with the common boundary defined by three possible locations resulting from previous surveys. Lot #1 is owned by Sarah M. Rowe, Lot #2 is owned by Phillip and Karen Waclawski. The two separate owners have reached a legal agreement to adjust the common boundary as shown on the survey plat accompanying the application by Michael P. Hemond of Northeast Surveys dated January 2016.
3. The proposed agreement will result in two lots with two separate owners as noted above.

*Findings/Conditions:*

1. The permit application's project was found to comply with the applicable referenced Bylaws.
2. A mylar copy of the survey map identical to the submitted survey map must be submitted within 30 days to the Town Clerk via the Zoning Administrator.
3. There is a thirty day appeal period for this permit.
4. The subdivision permit is not issued until the 30 day appeal period has expired and any appeals have been concluded.

*Decision:*

Theresa Pelletier moved; John McClung seconded motion to approve permit application. Motion passed.

## **Permit #2016-14**

*Applicants:* Bradley Blackburn and Lydia Hagman.

*Site:* 3542 US Route 2 West; Joes Pond, 22-2W-008, Bk 67, page 17. Zoning: LDR

*Project:* Construct 24'x22' 2-car garage with finished floor at approximately same elevation as Route 2.

*Relevant Bylaws:*

Medium Density Residential II - MDR I, Section 205.7, page 19.

Variance, Section 809, page 48.

*Bylaw Application:* 809.1 requires a hearing.

# Town of Danville Development Review Board Hearing Minutes

5/4/16

(Approved as submitted, 5/18/16)

Page 3 of 4.

## *Discussion:*

1. Setbacks vary from Bylaws: 40' from centerline of Route 2 versus 50' required on front (25' from centerline plus 25' from property line); 5' versus 35' required on right side.
2. Site slopes abruptly down to Joes Pond with an existing retaining wall at 35' from property line. This constrains possibility of moving proposed garage to 25' property line setback.
3. Existing house is between proposed garage and Joes Pond shoreline.
4. An existing driveway to west of proposed garage will be occasionally used for access to a lower level of the garage and the existing house, but the main driveway is directly accessed from Route 2.
5. Dwight Coffrin, adjacent property co-owner with Patty Coffrin on west, expressed concern about encroachment of existing driveway onto their property. After assurances by Bradley Blackburn, Mr. Coffrin's concerns were allayed.

## *Findings/Conditions:*

1. A variance is warranted for setbacks due to site constraints.
2. There is a thirty day appeal period for this permit.
3. The subdivision permit is not issued until the 30 day appeal period has expired and any appeals have been concluded.

## *Decision:*

Theresa Pelletier moved; John McClung seconded motion to approve permit application. Motion passed.

## **Permit #2016-16**

*Applicants:* Sellars, LLC represented by Larry Rossi and Michelle Parker.

*Site:* 72 Windy Acres Road; US Route 2 area west of Danville Green, UW002-024-001, Bk 156, pages 119-120. Zoning: LDR

*Project:* Construct 20' x 120' storage unit south of two existing storage units.

## *Relevant Bylaws:*

Low Density Residential - LDR, Section 205.6(8), page 20.

Conditional Use, Section 207, page 22.

*Bylaw Application:* 207.1 requires a hearing.

## *Discussion:*

1. Proposed unit will be south of two existing units.
2. Two center bays will be full width to accommodate larger items, such as vehicles or boats.
3. Applicant intends to repeat exterior design comparable to existing units.
4. Roland D. Bigelow, adjacent property owner, expressed concern about maintenance of right-of-way easement to his property with increased traffic anticipated by the additional storage unit, especially regarding snow removal. Mr. Rossi assured him it would be maintained year-round for access to adjacent property.

## *Findings/Conditions:*

1. The permit application's project was found to comply with the applicable referenced Bylaws.
2. There is a thirty day appeal period for this permit. No construction shall begin prior to expiration of appeal period.

## *Decision:*

Sue Pekala moved; Theresa Pelletier seconded motion to approve permit application. Motion passed.

# **Town of Danville Development Review Board Hearing Minutes**

5/4/16

(Approved as submitted, 5/18/16)

Page 4 of 4.

**Approval of Minutes:** Doug Lamothe moved; Theresa Pelletier seconded motion for approval of minutes from the DRB hearing of 4/6/16 as presented. Motion passed.

**Other Business:** Rob Balivet proposed future discussion by DRB of adopting a practices and procedures provision addressing boundary line adjustments and their relationship to the Bylaws. Toby Balivet, Esq. drafted an option which was distributed to Board members. Chair Mike Smith agreed to hold future discussions on the subject.

The hearing was adjourned at 8:20.

Respectfully Submitted,  
Rob Balivet