

Town of Danville Development Review Board Hearing Minutes

10/19/16

(approved as submitted, 11/16/16)

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Attendance:

Present DRB Members: Mike Smith (Chair), Rob Balivet, Doug Lamothe, Sue Pekala,

Absent DRB Members: Ted Chase, John McClung, Theresa Pelletier

Zoning Administrator: Linda Leone

Public: Larry Rossi, Tiffany Johnson, Brooke Pierce

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

Permit Hearings:

Permit #2016-57

Applicant: Tiffany Johnson (business owner and property owner of 18 Crystal Avenue), Martin Beattie (property owner of 15A Hill St)

Sites: 18 Crystal Avenue, Danville, Deed TH020-001.000, Bk 139, pages 548-554. Zoning: Low Density Residential District

and

15A Hill Street Danville Green; Deed UW002-001.000, Bk 154, pages 491-492. Zoning: Village Core District - Mixed Use

Project: Establish a home-based mobile massage business at 18 Crystal Avenue. Subcontract with Azalea Sun Tanning owner Brooke Pierce for a massage station at 15A Hill Street.

Relevant Bylaws:

18 Crystal Avenue:

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

15A Hill Street:

Village Core District - VCD, Section 205.2, page 6.

Both:

Conditional Use, Section 207.1, page 22.

Off-Street Parking, Section 311, page 25.

Bylaw Application: Section 207.1 requires a hearing.

Discussion:

1. Permit Application only addresses 15A Hill Street under "Step 4 Physical Project" references, although 18 Crystal Avenue is also noted without any Parcel ID# or Deed references.
2. Massage services will be provided at both 18 Crystal Avenue and, alternatively, massage client's location. Applicant also intends to provide services at Azalea Sun Tanning located at 15A Hill Street (see Permit #2016-43 approved 9/7/16).
3. In each case, the services are Conditional Uses.
4. Application Fee erroneously reads \$30. Zoning Administrator will adjust this to Conditional Use's \$50 in discussion with applicant.
5. Applicant will serve one client at a time with 30-minute breaks between clients.
6. Applicant indicates her 18 Crystal Avenue address has parking for 3 vehicles.
7. No approval for signage is requested at this time. Any signage will go through the appropriate application process.
8. Abutters to 18 Crystal Avenue were not notified by letter. Abutters to 15A Hill Street were notified.

Findings:

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1. Abutters to 18 Crystal Avenue have not been notified of permit application by letter.
2. Lack of formal notification to 18 Crystal Avenue abutters means that application process is incomplete and risks liability should the DRB approve the application without due process.
3. The permit application's projects are Conditional Uses.
4. Conditional Use and Off-Street Parking have been approved for 15A Hill Street location (see Permit #2016-43).

Conditions:

1. Land Owners abutting 18 Crystal Avenue must be duly notified by letter of permit application request with proper allotment of time for response at a future DRB hearing.
2. Fee for Conditional Use of \$50 must be reflected on permit application and paid for by applicant.
3. Application for project at 15A Hill Street is approved, but project for 18 Crystal Avenue is disallowed pending completion of application process.

Decision:

Doug Lamothe moved; Sue Pekala seconded motion to approve permit application for project at 15A Hill Street, but to table action on 18 Crystal Avenue until such time as that portion of the application complies with the three conditions stipulated above. Motion passed.

Permit #2016-58

Applicant: Lois Begin, represented by Larry Rossi, builder

Site: 64 Otis Drive, Joes Pond; JP 200-040.000, Bk 105, pages 26-27. Zoning: Medium Density Residential II.

Project:

1. Remove existing camp and shed.
2. Construct new wood frame 1-1/2 story house south of Otis Drive and garage north of Otis Drive.

Relevant Bylaws:

Medium Density Residential II, Section 205.7, page 19.

Variance, Section 809, pages 48-49.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. House will be built now and garage will be built at a later date.
2. House will tie into recently developed septic system north of the site in an old gravel pit serving 12 homes. State of Vermont has approved septic system.
3. None of the existing setbacks meet MDR II requirements. Proposed setbacks of house will reflect existing setback on left, increase setbacks on front and rear (Joes Pond side), and decrease setback on right. Proposed setbacks for Garage will be less than required setbacks on right and front, but will meet requirements on left and rear setbacks.

Findings:

1. Existing setbacks do not conform to bylaws.
2. Proposed house setbacks lessen variance on front and rear, reflect existing on left, and decrease setback on right.
3. Proposed garage complies with required setbacks on left and rear, but are less than required setbacks on right and front.

Conditions:

1. Applicant must obtain all State and local permit approvals.

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2. There is a thirty day appeal period for this permit. A permit will be issued once the 30-day appeal period has expired and any appeals have been concluded.

Decision:

Sue Pekala moved; Doug Lamothe seconded motion to approve permit application subject to meeting the specified conditions. Motion passed.

Approval of Minutes: Doug Lamothe moved; Mike Smith seconded motion for approval of minutes from the DRB hearing of 10/5/16 as presented. Motion passed.

Other Business: DRB members reviewed upcoming training sessions with Linda Leone.

The hearing was adjourned at 8:08.

Respectfully Submitted,
Rob Balivet