

Town of Danville Development Review Board Hearing Minutes

5/17/17

(Approved as submitted, 6/7/17)

Page 1 of 2.

Attendance:

Present DRB Members: Mike Smith (Chair), Rob Balivet, Ted Chase, John McClung, Theresa Pelletier

Absent DRB Member: Doug Lamothe

Zoning Administrator: Linda Leone

Public: Diana and Roger Cote, Malcolm Lang, William Neylon

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

Permit Hearings:

Permit #2017-21

Applicants: Roger M. and Diana M. Cote

Site: 292 Oneida Road; TH 012-003.001, Bk 99, pages 130-131. Zoning: LDR

Project: "To construct a fence along the left side of our lot and along the roadside of our lot to help control our dog from barking at unnecessary things. #2: To put up a new garage 24' wide by 30' long [changed to 25' wide by 25' long during DRB Hearing]. The fence is a slip fence [with] 6'-8' sections. Privacy fence will run 125' [long] on left side and 150' [long] across the front".

Relevant Bylaws:

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

Permitted and Conditional Uses, Section 807, page 46.

Variances, Section 809, page 48.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. William Neylon, Esq. represents abutter Jennifer M. Hagen of Reno, NV.
2. Malcolm Lang, father of applicant Diana Cote, did not have comments, and no comments were received from other abutters Messrs. Palmer and Flanders.
3. Linda Leone stated garage is a Permitted Use and does not require a hearing if setbacks are met.
4. Step 6 of application lists setbacks for fence as follows: Front 52', Right* 2'+/-, Rear 50'+, Left* 35'.
5. Step 6 also lists setbacks for garage as follows: Front 50', Right 35', Rear 50', Left 35'.
6. *Application errs in calling actual left side the right side and *vice versa*.
7. Applicants are unclear regarding how much fence will actually be constructed as it will be limited by their funding capabilities. They may not build what is shown on sketched site plan.
8. The site plan indicates no dimensions and, from the applicants' testimony, the extent of fencing is unclear and defined only by a sketch.
9. William Neylon provided a copy of subject property survey.
10. During DRB Hearing, applicants verbally agreed to meet all setbacks.
11. William Neylon requested a Certificate of Compliance be issued showing all setbacks have been met upon completion.
12. Once fence is installed, Zoning Administrator and DRB representative(s) will visit site to verify all setbacks are met.

Findings/Conditions:

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Page 2 of 2.

1. Application indicates a request for a Variance.
2. Application shows no fence details, dimensions or materials.
3. Sketch of site plan submitted by applicants shows no dimensions of either lot or proposed improvements. However, the sketch's geometry shows that the left side fence will come close to the property line's north boundary, hence a 2'+/- setback is reflected on the application.
4. Applicants verbally agreed to meet all setbacks.
5. If all setbacks are met, no Variance is required and Zoning Administrator will adjust applicants' fee accordingly.
6. *Condition:* The applicant's garage and all fencing will comply with setbacks specified in the Zoning Bylaws of the Town of Danville.
7. There is a thirty-day appeal period for this permit. The permit is not issued until the 30 day appeal period has expired and any appeals have been concluded.

Decision:

Ted Chase moved; John McClug seconded motion to approve permit application with specified condition. Motion passed.

Approval of Minutes: Mike Smith moved; Theresa Pelletier seconded motion for approval of minutes from the DRB hearing of 5/3/17 as presented. Motion passed.

Other Business: Linda Leone distributed flier announcing 6/14/17 VLCT Spring Planning and Zoning Forum. No DRB member indicated interest in attending.

The hearing was adjourned at 7:35pm.

Respectfully Submitted,
Rob Balivet