

Town of Danville Development Review Board Hearing Minutes

7/19/17

(Approved as submitted, 8/2/17)

Page 1 of 3.

Attendance:

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

Absent DRB Member: Theresa Pelletier

Zoning Administrator: Linda Leone

Public: Steve Larrabee, Allan Lane, Bryan Haldeman, Mark and Betty Greaves, Peter McAlenney, Casey Leithead, Jacque-Lynn Mackay

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

Permit Hearings:

Permit #2017-39

Applicants: Allan and Linda Lane

Site: 307 Route 15, Joes Pond west of Town Beach; JP 200-002.000, Bk 132, page 60. Zoning: MDR II, Design Control West Danville Village

Project: Build a 12'x14' screened gazebo on a 16'x20' deck. Construct a 6' privacy fence on east (left) boundary with Town Beach and a split rail fence on west (right) boundary with Meteer's property.

Relevant Bylaws:

Intent, re: "Local, State and Federal governments" regulations, Section 102, page 4.

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

Design Control, Section 208, page 22.

Variances, Section 809, page 48.

Bylaw Application: Sections 208.3 (Design Control) and 809.1 (Variance) require a hearing.

Discussion:

1. Applicant Allan Lane questioned whether property is in West Danville Village Design Control District. Zoning Administrator confirmed it is.
2. No survey plat is provided with application.
3. Applicant intends to build fences on property lines with no setbacks. A variance is required.
4. Proposed gazebo is to be about 12' from pond where a variance from the 50' setback is requested.
5. Applicant has not requested review by the State of Vermont under the Shoreline Protection Act. The gazebo's deck is considered an impervious surface under this Act. Applicant indicates he will contact the State and report results to Zoning Administrator.
6. Proposed gazebo roof design will mimic existing Town Beach gazebo with a vent at peak.
7. Applicant wishes to fence the west boundary because the abutter rents the camp and renter's activities have encroached on this applicant's property.
8. Applicant wishes to fence east boundary because of increased congestion on the Town Beach and traffic from the LVRT.
9. In response to question about why gazebo and deck are being placed close to the pond *versus* set back further to the north, applicant indicated a wet area exists further to the north as result of grading and filling after hurricane Irene damage and that backfilled "hardpack" impedes drainage.

Findings/Conditions:

1. Zoning permit application instructions and Bylaws Section 102 reference applicants'

Town of Danville Development Review Board Hearing Minutes

7/19/17

(Approved as submitted, 8/2/17)

Page 2 of 3.

- responsibility to comply with local, state and federal government regulations.
2. Applicant has not applied to State of Vermont for approval under compliance with Shoreline Protection Act.
 3. Proposed fences on east and west are on or next to property lines and do not meet Bylaw setbacks of 35'. Applicant requests approval for variances.
 4. Proposed gazebo and deck are 12' from rear property line at Joes Pond and do not meet the Bylaw setback of 50'. Applicant requests approval for variance.

Decision:

John McClung moved; Rob Balivet seconded motion to approve permit application noting that State of Vermont approval under the Shoreline Protection Act is required and is the applicants' responsibility. Doug Lamothe voted against approval. All other DRB members voted for approval. Motion passed to approve both fences' variances from setbacks, and to approve the gazebo and its deck variances from setbacks with completion of additional review and approval by the State of Vermont for compliance with Shoreline Protection Act.

Permit #2017-41

Applicants: Steven Larrabee and Kirk Fenoff

Site: 2211 Route 2 East; 174-055-11533, Bk 156, pages 201-202. Zoning: LDR

Project:

1. Erect 34'x60' building to be used as brewery and tasting area (growler fill room) with driveway and parking.
2. Erect 6'x6' sign at intersection of driveway and Route 2.
3. Attach sign "Red Barn Brewery" to proposed building.
4. Accommodate on-site food truck.

Relevant Bylaws:

Low Density Residential, Conditional Uses (Light Industry), Section 205.6(8), page 20.
Conditional Uses, Section 207, page 22.

Bylaw Application: Sections 207.1 requires a hearing.

Discussion:

1. Facilities will be leased by applicants to Red Barn Brewery (RBB), represented by owner Peter McAlenney.
2. Mr. McAlenney intends to relocate primary RBB brewery production from Oneida Road to this site. He stated Oneida Road facility will host events and remain a sales point, although it may eventually be phased out of operation.
3. Abutters Robert and Priscilla Messier submitted a letter dated 7/8/17 to the DRB designating Casey Leithead as their representative and further supporting nearby property owners (south of site across Route 2) Jacque-Lynn and Randy Mackay to state their concerns.
4. Casey Leithead asked questions about:
 - a. Act 250 permit: Applicants have filed a pre-proposal Act 250 application based on the State's Project Review Sheet. State review will include a public input process.
 - b. Discharge waste: Applicants indicated they will have a 1500-gallon in-ground tank for indirect discharge. It will be pumped out regularly for spreading on fields as fertilizer. Solid waste, consisting of waste grain, is minimal and will be regularly disposed of.
 - c. Odors: bears being attracted by production odors and if ventilation pipe will have

Town of Danville Development Review Board Hearing Minutes

7/19/17

(Approved as submitted, 8/2/17)

Page 3 of 3.

filtration.

- d. Traffic: potential traffic accidents at intersection with Route 2 will be addressed with State.
- e. Access permit: Permit was issued by State in 2003.
5. Jacque-Lynn Mackay asked about traffic using her driveway access to Route 2 across from site for a shortcut to Route 2B. It was recommended that she meet with State VTRANS and Town Road Foreman to address concerns.
6. Bryan Haldeman, an abutter speaking on behalf of himself and his father, asked about:
 - a. Cleaning contaminants;
 - b. Creating new jobs;
 - c. Food trucks; and
 - d. Trash.
7. Applicants responded that they will meet with Mr. Haldeman to address the concerns.

Findings/Conditions:

1. The permit application's project was found to comply with the applicable referenced Bylaws.

Decision:

Doug Lamothe moved; Ted Chase seconded motion to approve permit application. Motion passed.

Approval of Minutes: John McClung moved; Mike Smith seconded motion for approval of minutes from the DRB hearing of 6/21/17 as presented. Motion passed.

The hearing was adjourned at 8:10pm.

Respectfully Submitted,
Rob Balivet