

Town of Danville Development Review Board Hearing Minutes

11/1/17

(Approved as submitted, 11/15/17)

Page 1 of 2.

Attendance:

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

Absent DRB Members: Theresa Pelletier

Zoning Administrator: Linda Leone

Public: Marilyn McDowell, Vaughn Hoe, Terri Graves, Sue-Ann and Paul Anair, Peter Bowry, Ellen Stone, Mary Scott, Candis and James Leopold, Nelson Dodge, Courtney Noonan.

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

Permit Hearings:

Permit #2017-60

Applicants: James and Candis Leopold

Site: 196 Brainerd Street, Danville Village; SA001-012.000, Bk 128, page 545. Zoning: Historic Neighborhoods District

Project: Subdivision of existing 4.35 acre parcel into 2 lots. Lot #1 is to be 4.32 acres with an existing dwelling. Lot #2 is to be 0.031 acres with an existing garage. Lot #2 is to be conveyed to abutting property owner, C.E. Viano.

Relevant Bylaws:

Historic Neighborhoods District, Section 205.3, page 9.

Subdivisions of Land, Section 806, page 46.

Variances, Section 809, page 48.

Bylaw Application: Sections 806.1 and 809.1 require a hearing.

Discussion:

1. Plot plan survey by Truline Land Surveyors, Inc. dated 9/27/17 and certified 9/30/17 is presented as evidence.
2. Lot #1 has frontage on both Brainerd Street and Peacham Road.
3. History: Garage on proposed Lot #2 was recently built based on owner C.E. Viano's understanding that previous owner had approval to do so, and that proposed site of garage was located on C.E. Viano's lot abutting proposed Lot #1. Subsequent to building the garage it was determined that the garage was on proposed Lot #1. This subdivision application rectifies the situation by separating the garage's site parcel from Lot #1.
4. Access to Peacham Road resulting from any future plans for Lot #1 by applicants will require a curb cut. Doug Lamothe advised applicants to discuss plans for any curb cut with Town.
5. Abutters to proposed Lot #1 expressed concerns about impact on wetlands and lawns that they believe have resulted from grading and construction of garage. They were advised that drainage issues could be addressed with appropriate State agency.

Findings of Fact/Conclusions of Law:

1. Historic Neighborhoods District requires minimum lot size of 10,000 square feet. Proposed Lot #1 is 188,118 square feet. Proposed Lot #2 is 1,374 square feet. Therefore, a variance is required. When Lot #2 is conveyed to abutting property owned by C.E. Viano, the resulting lot will more closely comply with the 10,000 square foot requirement for Historic Neighborhoods District lot size.
2. Garage on proposed Lot #2 complies with required setbacks.

Town of Danville Development Review Board Hearing Minutes

11/1/17 (Approved as submitted, 11/15/17)

Page 2 of 2.

3. Frontage lengths of Lot #1 on both Peacham Road and Brainerd Street comply with requirements of 50'.

Conditions:

1. There is a 30-day appeal period for this permit. An approved permit is issued once the 30-day appeal period has expired and any appeals have been completed.
2. A mylar copy of the survey plot plan must be submitted within 30 days from DRB approval of this application to the Town Clerk via the Zoning Administrator.

Decision:

Doug Lamothe moved; Ted Chase seconded motion to approve permit application's request for a Subdivision and a Variance. Motion passed.

Approval of Minutes: John McClung moved; Ted Chase seconded motion for approval of minutes from the DRB hearing of 10/4/17 as presented. Motion passed.

Other Business:

1. Board discussed 10/23/17 training by Vermont League of Cities and Towns attorney Garrett Baxter, Esq. Chair Mike Smith reviewed Mr. Baxter's response to the DRB's query about delegated municipal authority regarding the State's Shoreline Protection Act. The DRB cannot place compliance with the Act as a condition without assuming delegated municipal authority. However, the Zoning Administrator can reference the Intent of Section 102.2 and provide applicants contact information to other jurisdictions.
2. Zoning Administrator will also make available to DRB members missing slide presentation printouts of even numbered pages.
3. Chair Mike Smith updated the DRB on Planning Commission progress to update ByLaws, especially subdivisions, waivers, and signage requirements.

The hearing was adjourned at 8:35.

Respectfully Submitted,
Rob Balivet