

# Town of Danville Development Review Board Hearing Minutes

06/06/18 (Approved as submitted, 6/20/18)

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## Attendance:

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

**Absent DRB Members:** Henry Pearl

**Zoning Administrator:** Linda Leone

**Public:** Berton Frye, Everett Drew, Roena Whitehill, Kris Jurentkuff (Chase & Chase), Ruth Clark, Larry Rossi, Spencer Hudson, Denis Chamberline, Sharon Daniell

The hearing was called to order by Chair Mike Smith at 7:02 pm. A quorum was established.

## Permit Hearings:

### Permit #2018-14

*Applicants:* Eric & Karen LaBree, Bob & Sue LaBree

*Site:* 3106 Oneida Road, West Danville; TH012-022.000, Bk 130, pages 334-335. Zoning: Low Density Residential

*Project:* Dig and landscape up to 1.5 acre pond.

*Relevant Bylaws:*

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

Conditional Use, Section 207, page 22.

*Bylaw Application:* Section 207.1 requires a hearing.

*Discussion:*

1. Applicants not present at hearing.
2. Berton Frye, resident of Oneida Road and familiar with property, advised the pond would be less than an acre.
3. Apparently, there will be no dam and pond will be filled by watershed, including springs.
4. It was noted that, if there is a dam, applicants must comply with Vermont Act 250 and any other requirements.

*Findings of Fact/Conclusions of Law:*

1. A man-made pond is a Conditional Use under LDR.
2. The pond site's location is depicted with a hand-drawn "X". It's precise location and size is not shown.
3. The location, size and scope of the pond are unclear.
4. The DRB requires a site visit and hearing to clarify scope and location in order to act on the application.

*Decision:*

Theresa Pelletier moved; John McClung seconded motion to table action on permit application pending DRB site visit accompanied by one or all of applicants to clarify pond location and size. Motion passed. Tentative site visit is scheduled for June 20. Zoning Administrator will notify applicants.

### Permit #2018-18

*Applicants:* Spencer Hudson & Larry Rossi

*Site:* US Route 2, Danville; UE002-012.000, Bk 141 and 162, pages 44-46 and 434-435, respectively. Zoning: Route 2 District

*Project:* Subdivide 22.01 acre parcel into four lots: Lot #1 1.78 acres; Lot #2 1.27 acres; Lot #3

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1.75 acres; and Lot #4 17.21 acres.

## *Relevant Bylaws:*

Route 2 District, Section 205.5, page 15.

Required Frontage on, or Access to Public Roads or Public Waters, Section 302, page 24.

Subdivisions of Land, Section 806, page 46.

*Bylaw Application:* Section 806.1 requires a hearing.

## *Discussion:*

1. Lots 1, 2 and 3 have frontage on Route 2. The major portion of Lot 4 is north of lots 1, 2, and 3 and has a dedicated 60' wide access between lots 1 and 2.
2. Bylaw provisions for Route 2 District require 100' frontage. The intent of the 100' frontage appears to be for development of lot directly facing Route 2.
3. Lot 4's access fronts 60' on Route 2. Applicants noted any development will take place in the larger area north of lots 1, 2, and 3 and the sole purpose of the 60' frontage is for access to the larger developable area.
4. Section 302 only requires a 50' wide access.
5. Applicants presented an Access Letter of Intent approving curb cuts pending approval by Danville DRB.
6. Applicants indicate no development is planned at this time, however, parcels will be marketed with the intent of commercial on the front lots and residential on the rear Lot 4.

## *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. Applicant shall not begin any construction work on the project until an approved permit is issued.
2. A mylar copy of the survey plot plan must be submitted within 30 days to the Town Clerk via the Zoning Administrator.

## *Findings of Fact/Conclusions of Law:*

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

## *Decision:*

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

**Approval of Minutes:** Doug Lamothe moved; John McClung seconded motion for approval of minutes from the DRB hearing of 5/16/18 as presented. Motion passed.

**Other Business:** Chair Mike Smith updated the Board on By-Law changes being addressed by the Planning Commission. Linda Leone passed out changes in a "February 2018 Version" adopted by the Board of Selectman to be included in each DRB member's By-Law binder. Linda Leone also distributed a list of zoning permits issued to date in 2018.

The hearing was adjourned at 7:56pm.

Respectfully Submitted,  
Rob Balivet