

Town of Danville Development Review Board Hearing Minutes

8/1/18

(Approved as submitted, 8/15/18)

Page 1 of 2.

Attendance:

Present DRB Members: Mike Smith (Chair), Rob Balivet, Doug Lamothe, Henry Pearl, Theresa Pelletier

Absent DRB Member: John McClung

Zoning Administrator: Linda Leone

Public: Pamela Heffernan, Nick Flanders

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

Permit Hearings:

Permit #2018-36

Applicant: Pamela Heffernan, representing Calderwood Cottage Trust

Site: 234 North Shore Road, Joes Pond, West Danville; JP 200-150.000, Bk 110, page 278.

Zoning: MDR II

Project: Install prefabricated 8'x10' shed mounted on concrete masonry units for storage of wood pellets.

Relevant Bylaws (adopted May 3, 2018):

Medium Density Residential II - MDR II, Section 205.7, page 18.

Variance, Section 809, page 50.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. A variance is required due to lot size and front setback.
2. No comments from abutters.
3. Location is within 250' of Joes Pond shoreline, therefore State's Shoreline Protection Act provisions are to be considered.
4. According to Zoning By-laws, applicant is responsible for obtaining all state and local governing permits.
5. Camp was built in 1939.
6. Theresa Pelletier asked if shed could be moved 6' further from road in order to meet 50' front setback. There would be an issue with a large and old "wolf" tree being cut down and consequent reduction of its roots moisture absorption.
7. Applicant intends to use proposed shed to store wood pellet bags.

Findings of Fact/Conclusions of Law:

1. Lot size is about 0.78 acres. Section 205.7 for MDR II requires a minimum 1.5 acres. Therefore, a variance is requested.
2. Proposed front setback is 44'. Section 205.7 for MDR II requires 50' setback. Therefore, a variance is requested.
3. Proposed location is within 250' of Joes Pond shoreline, therefore it falls under Shoreline Protection Act.
4. Section 102.2 references compliance with Local, State and Federal government regulations remain in effect, not to be superseded by Danville Zoning Bylaws.

Conditions:

1. Applicant is to obtain written approval from State of Vermont for compliance with Shoreline Protection Act.
2. There is a 30-day appeal period for this permit. An approved permit is issued once the 30-

Town of Danville Development Review Board Hearing Minutes

8/1/18

(Approved as submitted, 8/15/18)

Page 2 of 2.

day appeal period has expired and any appeals have been completed. Applicant shall not begin building construction work on the project until an approved permit is issued.

Decision:

Theresa Pelletier moved; Henry Pearl seconded motion to approve permit application for project and variances for lot size and to front setback. Doug Lamothe offered a friendly amendment to add the condition that applicant is to obtain written approval from State of Vermont for compliance with Shoreline Protection Act. Theresa Pelletier seconded inclusion of friendly amendment. Amended motion passed.

Approval of Minutes: Henry Pearl moved; Doug Lamothe seconded motion for approval of minutes from the DRB hearing of 7/25/18 as presented. Motion passed.

Other Business:

1. Linda Leone has been in touch with VLCT regarding scheduling a fall training session for DRB members.
2. Linda Leone noted that North Danville is proposing a sign delineating its town boundary on the State (Bruce Badger Memorial) highway and wondered if it needs to come before the DRB. Section 314.3 indicates Town or State of Vermont signs do not require permits.

The hearing was adjourned at 7:20.

Respectfully Submitted,
Rob Balivet