

Town of Danville Development Review Board Hearing Minutes

8/15/18

(Approved as submitted, 9/19/18)

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Attendance:

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

Zoning Administrator: Linda Leone

Public: Bebo Webster, Chris & Steve Wakefield

The hearing was called to order by Chair Mike Smith at 7:00 pm. A quorum was established. DRB members welcomed Brian Henderson to the Board.

Permit Hearings:

Permit #2018-38

Applicants: Bradford & Janice Towne

Site: 82 Otis Dr., Joes Pond, West Danville; JP 200-038.000, Bk 89, pages 216-221. Zoning: MDR II

Project: Extend existing 8' deep deck with 4'x21' deck addition and cover entire deck with roof. Add a roof over 4' front entry landing.

Relevant Bylaws:

Medium Density Residential II - MDR II, Section 205.6, page 18.

Variance, Section 809, page 50.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. Zoning application indicated "right" side from pond vantage. It should read "left" from road vantage.
2. Applicant indicated he has received registration and written approval from State regarding Shoreline Protection Act and displayed the document on his cell phone.

Findings of Fact/Conclusions of Law:

1. Proposed deck and roof projects will result in setbacks of: 31' on the left side where 35' is required; 7' on the right side where 35' is required; and 49' on the front side where 50' is required. Application requests a variance for these setback requirements.
2. Applicant presented State Shoreline Protection Act approval.

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 work on the project until an approved permit is issued.

Decision:

Henry Pearl moved; John McClung seconded motion to approve permit application request for variance. Six voice votes were affirmative; one vote, Doug Lamothe, was negative. Motion passed.

Permit #2018-41

Applicants: Harold and Lori Webster

Site: 1081 Trestle Rd, Danville; TH063-010.000, Bk 163, page 654. Zoning: LDR

Project: Subdivide 23.75 acres with existing dwelling into two lots: Lot #1 to consist of 10.03 acres with dwelling; Lot #2 to consist of 13.72 acres.

Relevant Bylaws:

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Low Density Residential - LDR, Section 205.6, page 19.

Subdivisions of land, Section 806, page 47.

Bylaw Application: Section 806.2 requires a hearing.

Discussion:

1. A letter was received by Zoning Administrator from abutting land owner Mark Guertin expressing concerns about future use of property. Future use is not under scope of current zoning application, and is, therefore, irrelevant to decision at hand before the DRB.

Findings of Fact/Conclusions of Law:

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

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 to the Town Clerk via the Zoning Administrator.

Decision:

Theresa Pelletier moved; Henry Pearl seconded motion to approve permit application request with conditions. Motion passed.

Approval of Minutes: Doug Lamothe moved; John McClung seconded motion for approval of minutes from the DRB hearing of 8/1/18 as presented. Motion passed.

Other Business:

1. Training – Linda Leone continues efforts to arrange fall training session with Vermont League of Cities and Towns (VLCT). DRB members are encouraged to have a list of questions prepared.
2. Variances – DRB discussed quantity of variances requested by zoning applications, especially for Joes Pond projects. Currently, Joes Pond lots are under MDR II zoning which does not reflect most of existing conditions. This results in requests for variances on most Joes Pond projects. The DRB desires that the Planning Commission and Select Board address this inconsistency. Being a member of both the DRB and PC, Henry Pearl indicated he will pass this concern on to the Planning Commission.
3. Permit #2018-36 – The Zoning Administrator is responsible for monitoring and verifying that permit application conditions set by the DRB are complied with. The Zoning Administrator received a letter from Pam Heffernan indicating compliance with conditions set by the DRB at its 8/1/18 hearing.

The hearing was adjourned at 8:20.

Respectfully Submitted,
Rob Balivet