

# Town of Danville Development Review Board Hearing Minutes

9/19/18

(Approved as submitted, 10/3/18)

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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:** Mike Malaney, Tom Dodge, Cathy Dodge, Steve Larrabee, Allison Srinivasan, Stanley Tassie, Bryan Haldeman, Audrey DeProspero

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

## Permit Hearings:

### Permit #2018-50

*Applicant:* Cathy Dodge

*Site:* 703 Channel Drive, West Danville, Joes Pond; JP 200-202.000, Bk 138, page 614. Zoning: Medium Density Residential II

*Project:* Placement of 10'x18' manufactured shed by Town & Country Sheds, Wolcott, VT.

*Relevant Bylaws:*

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

Variances, Section 809, page 50.

*Bylaw Application:* Section 809.1 requires a hearing.

*Discussion:*

- 1 As the proposed project is within 250' of Joes Pond's shoreline, applicant is advised to obtain State approval under the Shoreline Protection Act (SPA).
- 2 Site plan sketch provided by applicant labels the left side "right" and the right side "left". The accepted standard nomenclature for side setbacks is based on viewing the property from the road. Therefore, that side labeled "right" will be changed to "left" and vice versa.
- 3 After meeting with neighbor, applicant agrees to amend application as follows:
  - a. Rotate proposed shed 90 degrees to be parallel with existing 10x18 shed;
  - b. Increase setback from property line from 5' shown on drawing to 10'; and
  - c. Decrease size from 10'x18' to 10'x16' pending confirmation that this is a standard length by manufacturer.
- 4 Doug Lamothe noted that SPA regulations are more restrictive within 150' of the shoreline, and suggested the applicant consider moving the proposed shed from 110' as shown to beyond 150' from the shoreline.
- 5 Shed will be installed on loose-laid concrete masonry units.

*Findings of Fact/Conclusions of Law:*

1. Section 205.7 requires MDR II lot sizes to be minimum 1.5 acres. Applicant's lot is 0.5 acres. Therefore, approval of a variance is required.
2. Section 205.7 requires MDR II right and left side setbacks to be minimum of 35'. Proposed right (noted on sketch as "left") side setback is amended from 5' to 10'. Therefore, approval of a variance is required.
3. Application is amended as iterated above for orientation, 10' setback, and shed size, pending manufacturer's confirmation of 16' standard length.

*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

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begin work on the project until an approved permit is issued.

## *Decision:*

Henry Pearl moved for approval of permit application with variances as amended; Theresa Pelletier seconded motion. Motion passed.

## **Permit #2018-52**

*Applicants:* Steven Larrabee and Kirk Fenoff

*Site:* 2211 Route 2 East, Danville; UE 002-042.001, Bk 156, pages 201-202. Zoning: Low Density Residential

*Project:* Provide 50'x80' building with 8'x8' vestibule in lieu of 34'x60' building approved for Permit #2017-41. All other features shown on Permit #2017-41 remain unchanged, including parking for 24 spaces, 24' wide driveway from Route 2 to parking lot, 6'x6' sign at intersection of Route 2 and driveway, and parking space for a food truck.

## *Relevant Bylaws:*

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

Conditional Uses LDR, Section 205.6, page 19.

Off-street Parking and Loading, Section 311, pages 24-25.

Permitted and Conditional Uses, Section 807, page 48.

*Bylaw Application:* Section 807.3 requires a Site Plan Review.

## *Discussion:*

1. Setbacks remain approximately as stated in Permit Application #2017-41 and exceed the minimum in all cases.
2. Applicants are landowners and will lease facilities to Red Barn Brewery, which currently owns and operates Red Barn Brewery on Oneida Road in Danville. Proposed facility will be a brewery with a tasting-growler fill room.
3. Applicants are coordinating storm water mitigation plans, traffic access and other requirements with the State.
4. Abutting neighbor, Bryan Haldeman, expressed concerns about wetlands, septic and well, and compliance with State Act 250. Steven Larrabee indicated they are in the process of seeking State approval for all applicable requirements.
5. Steven Larrabee indicated application for Conditional Use bases seating on Restaurant/Bar which requires 1 parking space for 4 seats and 4 per 1,000 square feet of gross floor area for customer space without seats. Applicant is planning 24 seats and there are 4,000 gsf. Therefore, 10 spaces are required ( $24/4 + 4,000/4 = 6 + 4$ ).
6. Steven Larrabee presented full-size survey plat showing proposed revisions. He intends to deliver a reduced copy of the plat to the Zoning Administrator.

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

1. Restaurant is an approved Conditional Use under LDR.
2. Ten (10) parking spaces are required. Twenty-four (24) are proposed. Proposed parking spaces meet the requirements.
3. Proposed project complies with LDR requirements for lot size, frontage and setbacks.

## *Conditions:*

[At this point, Rob Balivet moved to go into Deliberative Session to discuss a standard Condition verbiage reflecting Section 807 related to subsequent changes to an application's scope. Henry Pearl seconded. Motion passed. DRB went into Deliberative Session, and then exited Deliberative Session and stipulated the following condition #1.]

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1. In accordance with Section 807, a condition is placed on this permit whereby any changes subsequent to approval of this conditional use and site plan permit must be resubmitted for approval to the DRB through the Zoning Administrator.
2. 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 for approval of permit application under stated conditions; John McClung seconded motion. Motion passed.

## **Permit #2018-53**

*Applicants:* Stanley Tassie and Allison T. Srinivasan

*Site:* 210 Edgewood Drive, West Danville, Joes Pond; JP 300-093.000, Bk 31, page 65. Zoning: Medium Density Residential II

*Project:* Create parking area for camp and replace current stairway. Include a retaining wall about 16' from edge of property toward camp.

## *Relevant Bylaws:*

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

Variances, Section 809, page 50.

*Bylaw Application:* Section 809.1 requires a hearing.

## *Discussion:*

1. Lot size is 0.17 acres.
2. Application indicates front setback is 0'. Applicant clarified this dimension is from edge of road right-of-way, rather than from center line of road.
3. Right side setback is 9' and left side setback is 17'.
4. Applicants submitted a site plan sketch dated 8/31/18, as well as a survey plot plan with proposed parking area and stairway sketched onto it.
5. Parking area will be crushed stone, stairway will be stone.
6. A letter from abutting land owner Patricia P. Nichols dated 9/19/18 indicates support for proposed parking area.
7. Applicants indicate they have spoken with State regarding compliance with Shoreline Protection Act.
- 6 Applicants indicate Edgewood Drive is a Class IV road and not maintained by Town.

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

4. Section 205.7 requires MDR II lot sizes to be minimum 1.5 acres. Applicant's lot is 0.17 acres. Therefore, approval of a variance is required.
5. Section 205.7 requires MDR II right and left side setbacks to be minimum of 35'. Proposed right side setback is 9', left side setback is 17'. Therefore, approval of a variance is required.

## *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:*

Theresa Pelletier moved for approval of permit application with variances; John McClung seconded motion. Motion passed.

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**Approval of Minutes:** John McClung moved; Brian Henderson seconded motion for approval of minutes from the DRB hearing of 8/15/18 as presented. Motion passed.

## **Other Business:**

1. Rob Balivet noted discrepancy between directions of setbacks labelled on Permit #2018-50 and #2018-53 and requested that the Zoning Administrator provide consistency in viewing the “left” and “right” setbacks from the vantage point of the road servicing the property.
2. Linda Leone handed out materials for the October 17 VLCT Fall Planning and Zoning Forum at Lake Morey Resort. Henry Pearl and Brian Henderson intend to attend. She also updated the DRB on a fall training session with VLCT.

The hearing was adjourned at 8:50.

Respectfully Submitted,  
Rob Balivet