

Town of Danville Development Review Board Hearing Minutes

12/5/18 (Approved as revised*, 12/19/18)

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Attendance:

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

Absent DRB Members: John McClung

Zoning Administrator: Linda Leone

Public: Jack Beauparlant*, Nathan Temple and daughter

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

Permit Hearings:

Permit #2018-63

Applicants: Shelly and Brian Wright (represented by their son, Jack Beauparlant*)

Site: 2556 Keiser Pond Rd, West Danville; TH 010-014.000, Bk 135, pages 327-342. Zoning: LDR

Project: Establish lawn care and landscaping business at this address with no buildings or equipment intended to be stored on site.

Relevant Bylaws:

Low Density Residential (LDR), Section 205.6, page 19.

Conditional Uses, Section 207, page 21.

Permitted and Conditional Uses, Section 807, pages 48-49.

Bylaw Application: Section 207.1 requires a hearing.

Discussion:

1. Jack Beauparlant* will operate business.
2. Equipment will not be stored on site, rather it will be stored outside of Danville.
3. Letter received from abutting property owner, Gerald Johnson, whose right-of-way passes through subject property. Mr. Johnson requested no equipment impede his access through right-of-way to his property.

Findings of Fact/Conclusions of Law:

1. Proposed business is a conditional use covered by "Commercial Use" under Low Density Residential.
2. The permit application's project was found to comply with criteria listed under Section 207.1.

Conditions:

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. Such changes include, but are not limited to, storage of equipment on site and/or construction of a facility to store equipment.
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.

Decision:

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

Permit #2018-67

Applicant: Nathan Temple

Site: 525 Wightman Rd, West Danville; TH 115-005.000, Bk 151, pages 502-505. Zoning: LDR

Project: Increase equipment and trailer parking to include gravel area adjacent to Wightman

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Road, amending approved Permit #2014-36.

Relevant Bylaws:

Low Density Residential (LDR), Section 205.6, page 19.

Conditional Uses, Section 207, page 21.

Permitted and Conditional Uses, Section 807, page 48.

Bylaw Application: Sections 207.1 and 807.3 require a hearing.

Discussion:

1. Application for Permit #2014-36 stated, "This area would not serve as a place that I could load and unload trailers. This area would not serve as long term parking for more than 4 pieces of equipment at one time."
2. Since approval of Permit #2014-36, applicant has expanded number of pieces of equipment parked and displayed on area adjacent to Wightman Road such that area no longer serves for just loading/unloading.
3. This application addresses both the increased equipment quantity and the change of use from loading/unloading to display presently existing at site.
4. Applicant stated sales are 90% internet based with the rest from display of equipment to local traffic.
5. Applicant guessed delineated area can hold about 35 pieces of equipment.
6. Doug Lamothe questioned the lack of dimensions defining the area in order to aid Site Plan Review. No dimensions are shown.
7. Applicant stated application addresses only area presently being used and no new signs are proposed.

Findings of Fact/Conclusions of Law:

1. Business is a conditional use covered by "Motor Vehicle Sales, Service, Repair" under Low Density Residential.
2. Use of land for storage/display of equipment has changed from, and the quantity of equipment has expanded beyond, that previously stated by Permit Application #2014-36 and approved by the DRB.
3. Section 807.6 addresses change of use and expansion of land area.

Conditions:

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.

Decision:

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

Approval of Minutes: Mike Smith moved; Doug Lamothe seconded motion for approval of minutes from the DRB hearing of 11/7/18 as presented. Motion passed.

The hearing was adjourned at 7:35.

Respectfully Submitted,
Rob Balivet