

Town of Danville Development Review Board Hearing Minutes

3/6/19

(Approved as submitted, 4/17/19)

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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: Mindy Precourt, Maurice Dubois, Scout Precourt, Peggy and Troy Cochran, Jamina and Brian Ward

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

Permit Hearings:

Permit #2019-01

Applicant: Mindy Precourt

Site: 162 Edgewood Avenue, Joes Pond; JB 300-087.000, Bk 74, pages 28-29. Zoning: MDR II

Project: Demolish existing camp and replace with new camp of 30'x 22' plus 8'x 8'.

Relevant Bylaws:

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

Existing Small Lots – Section 301, page 22.

Abandoned, Demolished, Burned or Collapsed Structures - Section 309, page 23.

Variances – Section 809, page 50.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. Site and floor plans as well as exterior elevations are submitted by applicant.
2. Setbacks of proposed building show 20' rear, 16' front, 28' right side and 5' left side.
3. Applicant is advised to check with State of Vermont for Shoreline Protection Act provisions.
4. Demolition requires permit.
5. All proposed setbacks are less than minimum required by Bylaws.
6. Mike Smith advised applicant of legal risks of receiving variances, as the Environmental Court rarely upholds them when appealed.
7. Proposed setbacks are similar to those for Village Core, rather than MDR II.
8. Mike Smith moved, John McClung seconded motion to approve application with variance for lot size and setbacks. Rob Balivet moved, Teresa Pelletier seconded friendly amendment to motion that DRB go into Deliberative Session and then act on original motion. Motion to amend original motion passed and DRB entered Deliberative Session.

Findings of Fact/Conclusions of Law:

1. MDR II requires minimum lot size of 1.5 acres. Project lot size is 0.1 acres.
2. MDR II requires lot frontage of 150'. Existing lot site plan shows 96.1'.
3. MDR II requires setbacks of 25' for front, 35' for sides, and 50 for rear. Project proposes 16' front, 28' right, 5' left, and 20' rear.
4. Section 301.1 states "Any lot located in a village district that is legally subdivided, is in individual and separate, non-affiliated ownership from surrounding properties, and is in existence of the date of enactment of this bylaw, may be developed for the purpose permitted in the village district, even though the lot does not conform to the minimum lot size requirements of the Town of Danville provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 60 feet." Project lot size of 0.1 is less than one eighth (0.125) acre in size. Two lot dimensions are less than 60': west 59' and

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east 55.7'.

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:

Mike Smith moved; John McClung seconded motion to approve permit application with variance for lot size, less than 60' lot dimensions on two sides, and less than minimum setbacks. Four voted in favor, two voted against, one abstained. Motion passed.

Permit #2019-02

Applicants: Troy and Peggy Cochran

Site: 326 Greenbanks Hollow Rd; TH 054-002.000, Bk 154, pages 228-229. Zoning: LDR

Project: Subdivide 81.5 acres into 3 lots – Lot #1 20.2 acres, Lot #2 18.3 acres, Lot #3 43 acres.

Relevant Bylaws:

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. Abutters Jamina and Brian Ward attended hearing and have no objection to application.
2. Proposed lots conform to minimum lot sizes required by Bylaws.
3. Lot #1 has structures.

Findings of Fact/Conclusions of Law:

1. Proposed lots exceed minimum LDR 3 acres, abut Town Road with more than minimum required 150' frontage on each, and subdivision conforms to Bylaw requirements.

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:

Doug Lamothe moved; Henry Pearl seconded motion to approve permit application as submitted. Motion passed.

Approval of Minutes: Doug Lamothe moved; Henry Pearl seconded motion for approval of minutes from the DRB hearing of 12/19/2018 as presented. Motion passed.

Election of Officers: Mike Smith agreed to continue as Chair. Rob Balivet agreed to continue as Vice Chair/Secretary. There being no other nominations, officers will continue in existing positions.

Henry Pearl resignation: Mr. Pearl has been elected to the Select Board. The DRB expressed appreciation for his valuable service to this Board and wished him well in his new position.

The hearing was adjourned at 8:10 pm.

Respectfully Submitted,

Rob Balivet