

Town of Danville Development Review Board Hearing Minutes

10/16/19

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Attendance:

Present DRB Members: Mike Smith (Chair), Rob Balivet, Brian Henderson, Robert Magro, John McClung, Theresa Pelletier

Absent DRB Member: Kristin Barany

Zoning Administrator: Linda Leone

Public: Tasha Cochran, Jonathan Austin-Shortt, Jenni Lavoie, Lee Beattie

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

Permit Hearings:

Permit #2019-63

Applicant: Lee Ann Beattie c/o Clifton F. Langmaid Trust

Site: 4300 Bruce Badger Memorial Highway, North Danville; SA 002-087.000, Bks 152 and 156, pages 320-321 and 346-347, respectively. Zoning: LDR

Project: Provide storage lot for temporarily storing towed vehicles.

Relevant Bylaws:

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

Conditional Use, Section 207.1, page 21.

Off-Street Parking and Loading, Section 311.1, page 24.

Bylaw Application: Section 207.1 requires a hearing.

Discussion:

1. Lee Ann Beattie, representing the Clifton F. Langmaid Trust, proposes to lease the property to Jonathan Austin-Shortt, dba Caledonia Wrecker Service, for purposes of temporarily storing vehicles that have been towed by Caledonia Wrecker Service (CWS).
2. Mr. Austin-Shortt provided a narrative and site plan sketch of the proposed project.
3. Some vehicles have been in accidents and will be held on site while insurance adjusters process claim, which takes normally a week or so. Some vehicles are police "holds". The longest storage periods involve illegally-operated vehicles where needs to obtain a title from VT DMV prior to disposing of them. Depending on DMV's workload and ability to process title application, this can take 30 to 90 days.
4. CWS' site plan shows two entrances to site with gates and no fence surrounding site.
5. The site will not be used as a salvage yard.
6. Measures will be taken to avoid polluting the adjacent brook with spill containment features for mitigation of any leaks.
7. A gravel pad is proposed with drainage sloping in the direction of the ditch adjacent to the highway, away from the brook.
8. CWS anticipates a maximum of 15 vehicles at any one time.
9. No abutters responded to application with comments.
10. CWS has an existing curb cut for the lot and has asked for another curb cut from the Town of Danville. A 911 address will be established.
11. No business sign will be provided. Only sign will be 911 address number.

Findings/Conditions:

1. Motor Vehicle Sales, Service, Repair is a Conditional Use for LDR.
2. The permit application's project was found to comply with the applicable referenced Bylaws.

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3. Condition #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.
4. Condition #2 - 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.

Decision:

Teresa Pelletier moved; Bob Magro seconded motion to approve permit application. Motion passed.

Permit #2019-65

Applicant: Matthew Pettigrew represented by Jonathan Austin-Shortt

Site: 358 Stanton Rd, North Danville; TH 044-004.000, Bk 158, pages 178-180. Zoning: LDR

Project: Establish a home business (Caledonia Wrecker Service).

Relevant Bylaws:

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

Conditional Use, Section 207.1, page 21.

Bylaw Application: Section 207.1 requires a hearing.

Discussion:

1. Jonathan Austin-Shortt rents home from owner Matthew Pettigrew.
2. Mr. Austin-Shortt proposes to establish an office in the home to run Caledonia Wrecker Service.
3. His wrecker truck will be parked at the residence. Wrecked and stored vehicles will be located at 4300 Bruce Badger Memorial Highway (see Permit #2019-63).

Findings/Conditions:

1. A home-operated business is a Conditional Use for LDR zoning under Commercial Use.
2. The permit application's project was found to comply with applicable referenced Bylaws.
3. 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: Teresa Pelletier moved; Brian Henderson seconded motion to approve permit application. Motion passed.

Approval of Minutes: Brian Henderson moved; John McClung seconded motion for approval of minutes from the DRB hearing of 8/21/19 as presented. Motion passed.

Other Business: Jennie Lavoie, a member of the Danville Planning Commission, presented a draft of Zoning Bylaw provisions addressing setbacks for nonconforming lots, especially pertaining to the Joes Pond area but applicable to other areas as well. DRB members reviewed the draft with her and offered comments and suggestions:

1. Refer to Sections 301.1 and 604.1 for coordination.
2. Clarify meaning of "50' or 100'" related to surface water.
3. Test graduated setbacks according to lot sizes with existing examples on Joes Pond. Review Non-conforming properties report available from Zoning Administrator.
4. Define "waivers" in definitions section of Bylaws.

While the main focus was on nonconforming setbacks, the need to define fences and to allow them on

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property lines was also discussed. In general, DRB members favored the approach taken by the proposed draft regarding nonconforming setbacks.

The hearing was adjourned at 8:10.

Respectfully Submitted,
Rob Balivet

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