

Town of Danville Development Review Board Hearing Minutes

6/3/20

(Approved as submitted, 7/1/20; amended 7/10/20)

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Attendance:

Present DRB Members: (by Zoom): Mike Smith (Chair), John McClung, Theresa Pelletier; (in person): Rob Balivet (Vice Chair/Secty), Brian Henderson, Robert Magro,

Absent DRB Members: Kristin Barany

Interim Zoning Administrator: Audrey DeProspero

Public: Darlene and Dale Gilman, Mark and Betty Greaves, Cindy Donlon

The hearing was called to order by Chair Mike Smith at 7:05 pm. A quorum was established.

Permit Hearings:

Permit #2020-09

Applicant: Cynthia A. Donlon

Site: 122 Edgewood Ave., West Danville/Joes Pond; JP 300-083.000, Bk 167, pages 549-550.

Zoning: Medium Density Residential II (MDR II)

Project: Replace existing seasonal 1,125sf cabin with single family 1,200sf home. Project includes replacement of in-ground wastewater disposal system with advanced treatment and mound disposal system and new drilled well water supply.

Date of Application: 4/16/20

Relevant Bylaws:

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

Existing Small Lots, Section 301.1, page 22.

Variances, Section 809.1, page 50.

Public Hearings, Section 810.8, page 52.

DRB Rules of Procedure, adopted 8/7/19, Reasonable Projects, page 3 of 4.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. Applicant has received Shoreline Protection Act permit from State.

Findings/Conditions:

1. MDR II requires minimums as follows: lot size 1.5 acres, lot frontage 150', front setback 25', side setbacks 35', and rear setback 50'.
2. Proposed project does not conform to MDR II minimums, having 0.21 acres, 110' lot frontage, and setbacks of 15' front, 15' and 30' sides, and 40' rear.
3. DRB cannot approve project that does not comply with Zoning Bylaws.
4. Proposed project is a Reasonable Project according to Rules of Procedure: "In accordance with 24 V.S.A. §4464(b), the Development Review Board shall issue all decisions within 45 days after the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day."
5. DRB can suspend the application's hearing through the 45-day period, effecting approval by default on the 46th day.

Decision:

Brian Henderson moved; Bob Magro seconded motion to suspend the permit application hearing through the 45-day period. Motion passed.

Permit #2020-10

Applicant: Betty Greaves

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Site: 648 Cormier Road, NE Danville; TH 038-009.000, Bk 161, pages 651-652. Zoning: Low Density Residential (LDR)

Project: Construct fence with cedar posts and wire at property line on north side.

Date of Application: 5/5/20

Relevant Bylaws:

Low Density Residential, Section 205.6, page 19.

Variances, Section 809.1, page 50.

Public Hearings, Section 810.8, page 52.

DRB Rules of Procedure, adopted 8/7/19, Reasonable Projects, page 3 of 4.

Bylaw Application: Section 809.1 requires a hearing.

Discussion:

1. Proposed fence will be ~~about 54' long~~ length of property (749') and with posts 4' to 5' tall. Post will be at least 6" from property line on owner's side. Fence will not be electrified.
2. Setbacks exceed minimums except at north property line.
3. Adjacent property owner, Dale Gilman, asked about maintenance of the fence and was told that maintenance is not addressed in the zoning bylaws.

Findings/Conditions:

1. Bylaws do not address fences as a specific topic. Therefore, a fence is, in effect, a structure.
2. Section 312 allows agricultural structures as a Conditional Use, subject to review. Proposed fence is not intended as an agricultural use.
3. Proposed fence will be within minimum side setback of 35'.
4. DRB cannot approve project that does not comply with Zoning Bylaws.
5. Proposed project is a Reasonable Project according to Rules of Procedure: "In accordance with 24 V.S.A. §4464(b), the Development Review Board shall issue all decisions within 45 days after the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day."
6. DRB can suspend the application's hearing through the 45-day period, effecting approval by default on the 46th day.

Decision:

Bob Magro moved; Brian Henderson seconded motion to suspend the permit application hearing through the 45-day period. Motion passed.

Approval of Minutes: John McClung moved; Theresa Pelletier seconded motion for approval of minutes from the DRB hearing of 1/15/19 as presented. Motion passed.

Election of DRB officers: Current terms end 6/30/20. Mike Smith is leaving Danville and the DRB. Rob Balivet proposed that a separate member serve as Vice Chair. There being no volunteers for Vice Chair, he agreed to continue in both roles. Brian Henderson agreed to be nominated for Chair. Theresa Pelletier moved, John McClung seconded motion to elect Brian Henderson as Chair and Rob Balivet as Vice Chair/Secretary for the 2020-21 term. Motion passed. On behalf of the DRB, Rob Balivet expressed appreciation to Mike Smith for his years of service on the DRB.

The hearing was adjourned at 7:50 pm.

Respectfully Submitted,

Rob Balivet

