

**Town of Danville, Development Review Board**  
**Permit 2026-09, Conditional Use**  
**Conceptual Review**

**Applicant:** Larry Rossi

**Owner:** Spencer Hudson

**Site:** UE002-012.004, 0 Rt-2 East, Danville VT 05828

**Zoning District:** Village Residential, Partial Rt-2

**Project Description:** Construct a multi-family development on Rt-2 consisting of three detached buildings containing twelve two-bedroom units. Improvements include a driveway and pedestrian walkway in addition to stormwater management areas. This multi-unit residential development will be served by municipal water and sewer.

**Warning:** 17 April 2026 (Caledonia Record).

**Hearing Date:** 06 May 2026.

**Development Review Board Members Present:** David Beidler, Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Bruce Palmer, Wes Standish.

**Development Review Board Members Absent:** Bob Magro, Craig Morris,

**Development Review Board Members Recused:** Larry Rossi,

**Interested Parties Present:** Dennis Marquise (Zoning Administrator), Spencer Hudson and Larry Rossi(Applicants), Hannah Wingate (Mumley Engineering), Public Body: Rob Balivet, Jack Beauparlant, Denis Chamberlain, Dana Clark, Devin Daniell, Taylor Evans, Gary and Barb Fontaine, Pierre Gingue, Chelsea Hewitt, Dwight and Sharon Lakey, Michelle Leclerc, Greg Prior, Kim Prior, Silas Ratico, Diane Raymond, Amanda Sweeney, Phyllis Sweeney.

**Correspondence from Interested Parties:** Letter from abutter Casey Daniell, letter from abutter Devin Daniell, letter from Edwin DeMott, email from Sharon Daniell, testimony summary from Dwight and Sharon Lakey, written questions from Greg Prior.

**Disclosure of Conflict of Interest:** Larry Rossi is the applicant for this permit and recused himself from the Board.

**Disclosure of *Ex Parté* Communication:** None by Board.....

**Applicable Bylaws:**

This application requires a review by the DRB under the following section of the Danville Bylaws:

- Sec 401, page 21. Lots in Two Districts
- Sec 402, page 21. Required Frontage
- Sec 405, page 21. Off Street Parking and Loading
- Sec 410, page 25, Surface Water Protection
- Sec 413, page 26, Fences and Retaining Walls

Sec 502.3, page 29, Conditional Uses

Sec 512, page 39, Village Residential

Sec 512.3, page 39, Area and Dimensional Requirements

Sec 512.4, page 39, District Standards

Sec 903.1, page 85: Signs

## **Findings of Fact:**

### Sec 401, Lots in Two Districts

This parcel lies both the Rt-2 and the Village Residential district. The bulk of the development is in the Village Residential district, which standards will apply.

### Sec 402, Required Road Frontage

This project will be accessed from Rt-2 by a private road using a 60' wide strip at an existing curb cut. The 60' strip meets the Village Residential frontage requirement. This new access road will need to be reviewed and approved by Vermont Agency of Transportation.

### Sec 405, Off Street Parking and Loading:

Parking is specified as one space per unit for Dwelling/Multi-Unit. The applicant proposes two spaces per unit to accommodate two vehicles. Parking spaces are separated into groups of ten.

### Sec 410, Surface Water Protection

Wetland buffers are under the final jurisdiction of ANR. The current 50' buffers are indicated on the site plan.

### Sec 413, Fences and Retaining Walls

The applicant indicates two dumpster storage areas with fences for screening.

### Sec 502.3 District Objectives and Land Use Control

*Conditional uses are those uses that may be allowed by the Development Review Board as provided for in 24 VSA §4414 after public notice and hearing. In order for the permit to be granted the DRB must find that the proposed use is in conformance with the specific standards for the district in which it is located, and it shall not adversely affect:*

- A) The capacity of existing or planned community facilities,*
- B) The character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the plan,*
- C) Traffic on roads and highways in the vicinity,*
- D) Bylaws and ordinances then in effect,*
- E) The utilization of renewable energy resources.*

**These issues will need to be addressed by the applicant in the next submission.**

### Sec 512, Village Residential, Area and Dimensional Requirements:

*Minimum Lot Size: 10,000 sq. ft. or 8,500 sq. ft. for residential lots served by town water and sewer.*

The existing parcel is 17.21 acres, or 749,667 square feet. The 24 units would require a 204,000 square foot parcel, or 4.68 acres.

*Minimum Setback/Side: 10 feet*

*Maximum Building Height: 30 feet*

The 10' side setbacks and 30' maximum structure height will be maintained.

- B. Maximum Building Footprint. The total combined footprint for all principal buildings on a single lot in this district shall not exceed 4,000 square feet.*

**The bylaws explicitly state 4000 sf per LOT, for which it may be possible to grant a waiver.**

- C. *Maximum Impervious Area.* The total amount of required parking shall be determined based on the Off-Street Parking and Loading table, as modified by section (d) below. However, in no case shall the total at-grade impervious area on a single lot (including but not limited to parking, loading areas, walkways, and patios, but excluding building roofs) exceed 2,500 square feet.

**The bylaw explicitly states 2,500 sf per LOT. This calculation is for parking and walkways and does not include the private road or the building roof.**

- L. *Sidewalks and Pedestrian Paths.* Sidewalks or marked pedestrian paths shall be provided on multiunit and nonresidential lots between parking areas and building entrances, and along at least one side of new development roads. Sidewalks or paths shall connect to existing sidewalks or pedestrian paths. Sidewalks or pedestrian paths intended for general public use shall be at least five feet wide and meet Americans with Disabilities Act (ADA) design guidelines. Sidewalks along public or private roads shall be separated from the curb (or, for roads without curbs, from the edge of the pavement) by a grassed or landscaped strip at least four feet wide.

Internal Pathways between the buildings and parking will be ADA accessible. A pedestrian pathway along the private drive will connect to Rt-2.

#### Sec 806.8, Conditional Use:

*In permitting a conditional use, the Development Review Board may impose, in addition to the regulations and standards expressly specified by this bylaw, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include the following:*

- A. *Increasing the required lot size or yard dimensions in order to protect adjacent properties,*
- B. *Limiting the coverage or height of buildings or plantings because of obstruction of view or reduction of light or air to nearby properties,*
- C. *Controlling the location and number of vehicular access points to the property,*
- D. *Increasing road width,*
- E. *Increasing the number of off-street parking or loading spaces required,*
- F. *limiting the number, location, and size of signs,*
- G. *requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area,*
- H. *Specifying a specific time limit for construction, alteration, or enlargement of a structure to house a conditional use,*
- I. *Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.*

**These issues will need to be addressed by the applicant in the next submission.**

#### Sec 903.1, Signs:

**Village Residential permits one sign of 20 square feet. There has been no mention of signage.**

#### Summary of Discussion:

Hannah Wingate, the design engineer, gave a brief outline of the project. She noted that this project would likely require an Act-250 review. She explained their calculations for the footprint and impervious areas by unit as a means to have this project conform to the Zoning Bylaws. The site plan shows three buildings with 8 two-bedroom units per building, for a total of 24 units. Parking would exceed the bylaw requirement and provide for 2 spaces per unit, or 16 spaces per building. The buildings were clustered to minimize site disturbance and to preserve open space.

Larry Rossi further explained that these would be moderate income units, for sale and not rental. The 20% low-income provision would not apply. The sale price has not been determined, but it is hoped that they would sell for less than \$500K. The operating structure has also not been determined, being a

condominium or other legal structure. It was mentioned that a condo plan would likely be required for the Act-250 review. The Danville Fire District would provide municipal water. He has secured 24 units of wastewater capacity with the Selectboard.

The board noted that access would be by an existing curb cut, which would require AOT review and permitting. It is located approximately in the center of the old cedar hedge. These trees would likely need to be cut to allow for the road and the required sight distances.

Terry Hoffer from the Board asked if this project is feasible with 24 units, or if there is another best option for this parcel. He further asked if the applicants would retain development rights for the open space and develop that at a future time. Larry Rossi responded that their option would be to subdivide and sell individual lots. The open space is to remain open. Wetlands complicate other options for this parcel.

The Chair noted that a lighting plan, a landscape and buffer plan, a stormwater plan, and a traffic impact study will likely be required and reviewed by the Act-250 process, a higher jurisdiction. As there were no further questions from the Board, the floor was opened for public comment.

Abutter Dwight Lakey submitted his written comments to the Board. He states that this is an “urban” development which does not fit in this town, much like a strip mall. He objects to the linear parking strip. He is concerned about noise from all the cars and people. He notes that the existing hardwood tree buffer is bare during the winter.

Greg Prior submitted his written questions. He was concerned how the impervious and footprint calculations fit with the bylaws. He inquired if this was phase 1, with phase 2 being further development of the open space. Hannah Wingate replied that development on prime agricultural soils require preservation of these soils elsewhere.

Kim Prior recalled that when nearby Sugar Ridge Rd was developed, a concern was that there was only one way in or out of the development. Is there a possibility that another exit to this development would be required, and would it connect to Sugar Ridge Rd? Larry Rossi could not answer that question but clarified that the access road would remain a private road and would be managed by the HOA or whatever entity manages the development. He noted that the site plan is incorrect in that Rossi/Spencer do not own the lot to the north of the 17-acre parcel.

Rob Balivet stated that he was concerned with the massing of buildings. It is not compatible with the neighborhood. He suggested staggering the units to minimize their impact.

Piere Gingue was concerned about screening and noted that there was no screening at all to the north.

Silas Ratico inquired about what market analysis has been done. He further stated that the similar development in Lyndonville has had to reduce prices three times. Are these units saleable?

Diane Raymond noted that the median home price in the NEK is 500K. Larry Rossi stated that he wants to price these units below that.

Barb Fontaine has a concern for noise. Also, the dumpsters will attract rats, mice, and bears.

Dana Clark pointed out that there is no screening. He does not expect to see urban housing in this town. He would rather see rural housing, i.e. single-family residences.

Jack Beauparlant commended the applicants for all the work they put into a presentable design. He felt this type of project would be good for this town. It would allow the elderly landowners to sell their farm and move to a smaller manageable place and still stay in town. He further stated that out of his Danville School graduating class, only four of them have stayed in town. This type of project would help the younger generation stay here.

Larry Rossi clarified that they could make the project less imposing without increasing the cost much. Phyllis Sweeney noted that the abutters currently have a nice view. Additional screening will block their view.

Amanda Sweeney questioned the parking capacity during holiday periods when residents may have guests and more cars. Hannah Wingate, project engineer, noted that the bylaws require one space per unit. Their application furnishes two spaces per unit, double the capacity.

Rob Balivet stated that he has been on the Planning Commission and further noted that the town has been sprawling. The Town Plan should be considered to limit sprawl. It encourages developing a walkable town center.

Hannah Wingate, project engineer, asked the Board for their input on the density, footprint, and impermeability issues.

Larry Rossi clarified that this project would be a phased development, with one building being constructed at a time. To which Greg Prior asked how long is the construction period. Jack Beauparlant countered with the fact that single family homes would entail many years of construction before all homes are completed.

Chelsea Hewitt asked if the buildings could be moved downslope to maintain the existing view, or could they be constructed as a split level with a walk-out lower level.

As there were no further questions from the Public, the Chair motioned to close the public session and enter private deliberative session at 19:25. Bruce Palmer seconded the motion.

### **Advisory Decision:**

During deliberative session, the Board unanimously agreed that the site plan as submitted is not permissible.

The Board is constrained by the language of the existing bylaws concerning impervious surfaces and building footprint. It is very clear that these values are to be factored by lot, not by unit as calculated by the applicant.

The following deficiencies will need to be addressed in the next submission:

1. The architectural concept and parking layout will need to be refined to avoid the “Urban Strip Mall” look. Obstruction of the existing view should also be considered during this refinement.
2. An exterior lighting plan will need to be furnished. Does/will the road need to be illuminated?
3. A four-season landscape and screening plan needs to be developed.
4. The Board will consider further Conditional Use criteria when a revised site plan is submitted.
5. The ultimate legal ownership structure of this development needs to be defined.

### **Signed:**

*Brian Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Decision:** 06 May 2026

**Final Appeal Date:** 05 June 2026

**NOTICE:**

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.