

Town of Danville Development Review Board

Permit 2022-05, Conditional Use with Design Control Hearing, Decision

Applicants: Lynne Wykes.

Site: UW002-053.000, 12 Rt 15, Danville VT 05828.

Zoning District: Village Core with Design Control Overlay

Project Description: Applicant seeks approval for conditional use (change of use) as a retail store in the former Three Ponds Cafe space. The applicant also seeks approval for signage as described below, with Design Control review.

Warnings: 01 March 2022

Hearing Date: 16 March 2022. Hearing to be held in person at town hall.

Development Review Board Members Present: Brian Henderson(Chair), Terry Hoffer, Bob Magro (participated remotely by phone), Larry Rossi.

Development Review Board Members Absent: Theresa Pelletier,

Public Present: Sam Bromberg, Linda Garbien, Casey Leithead, Dennis Marquise (Zoning Administrator), Craig Morris, Bill Nicholas, Ron Sicard, Sara Stinson, Lynne Wykes, Tom Ziobrowski

Interested Parties Present: Sara Stinson (Building Owner)

Correspondence from Interested Parties: None

Disclosure of Conflict of Interest: None by 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 405, page 20, Off Street Parking

Sec 510, page 31, Village Core District.

Sec 530, page 50, Design Control Overlay.

Sec 903, page 70, Signs.

Preliminary Findings of Fact:

Sec 405.1, Off Street Parking

Off-street parking shall be provided as follows: Retail Store requires 1 space per 300 square feet of gross floor area. The area of the retail space has been defined as 1500 square feet. The bylaws require 5 parking spaces for this area, and the “site plan” shows 7.

Sec 510.2, Village Core

Retail Store is a Permitted Use <2000 sq ft, and a Conditional Use >2000 sq ft. The area of this Retail Store has identified as 1500 sq ft. Retail is therefore a permitted use in this district.

Sec 530, Design Control

530.1 Objective. The purpose of these overlay zones is to preserve and enhance the historic and architectural significance of Danville, South Danville, North Danville, and West Danville. It is also the purpose of this overlay to maintain the relationship of exterior architectural features of a structure and to ensure the general compatibility of scale, exterior design, arrangement, texture, and materials, both on the structure and with surrounding structures. It is the intent of these regulations to encourage development that is compatible with the existing character of the area and creates a pedestrian friendly environment. It is expected that these regulations will contribute to an increase in population and commerce.

Sec 903, Signs

901.2 No sign, whether temporary or permanent, shall be erected, installed, or altered unless in conformance with all applicable provisions of this bylaw. Signs do not require a permit unless the express terms of this bylaw state that a permit is required. If a permit is required, no sign shall be erected, installed, or altered until a permit has been issued for such sign by the Zoning Administrator or Development Review Board as applicable.

*903.2 Permanent permitted sign limitations per property (excluding window treatments): **The Village Core District permits two signs with a maximum area of 64 square feet. Applicant proposes one wall mounted sign at 21.6 square feet and four additional lettered window signs at 9 square feet each, for a total area of 57.6 square feet. While the total area is permissible, there are a total of 5 signs, including “window treatments”, requested.***

Summary of Discussion:

The applicant explained her business and the signage. She noted that she was surprised to have to get a permit for the change of use and for the signs, which was contrary to her experience in Morrisville. This application is for an *after the fact* permit. Most of the discussion concerned traffic through her parking lot and the danger to pedestrians. She indicated that she would like to install some type of barrier to divert traffic back on to the road. The board noted that this falls under the jurisdiction of Vermont AOT, and that they are currently working on a paving and traffic calming plan for this area.

Decision and Conditions:

Terry Hoffer motioned to accept the permit as submitted. Larry Rossi seconded the motion. With Bob Magro participating by phone, the four members met the quorum, and voted 4-0 to approve the permit.

A permit will be issued by the Zoning Administrator 30 days after this decision.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Hearing: 16 March 2022

Date of Decision: 17March 2022

Final Appeal Date: 16 April 2022

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (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.

