

Town of Danville, Development Review Board
Permit 2023-29, Conditional Use Hearing

Applicant: Matthew Joseph Montgomery

Site: VT015-018.001, 167 Isham Hill Rd, West Danville VT 05873

Zoning District: Medium Density Residential II.

Project Description: Create an auto repair business in the 28 by 24 garage constructed in 2022.
Add one sign on Rt-15.

Warning: 28 June 2023 (Caledonian Record).

Hearing Date: 19 July 2023.

Development Review Board Members Present: Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Bob Magro, Craig Morris, Bruce Palmer, Theresa Pelletier, Wes Standish (Alt).

Development Review Board Members Absent: None.

Interested Parties Present: Dennis Marquise (Zoning Administrator), Matthew Montgomery (Applicant)

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 21, Off Street Parking

Sec 502.3 and 502.4, page 31, Conditional Use

Sec 516, page 49, Medium Density Residential-II.

Sec 901, page 71, Signs

Findings of Fact:

Sec 405, Off Street Parking.

The bylaw requires 4 spaces per repair bay for a motor vehicle service station. The applicant has one bays and parking for multiple vehicles. He states that he does not want more than three vehicles in his yard.

Sec 502.3,502.4. Conditional Use

502.3 *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,

(Applicant's response)The shop is located on private property owned and maintained by myself. It is not visible from any town or state roads, nor located near town or state 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,* **(Applicant's response)** My property and shop are located in the medium density residential 2 category according to the town zoning map. Shop operations are conducted during normal business hours, including minimal evening and weekend work. Projects are limited as it is a single bay single person facility so customer vehicle storage is kept at a minimum.
- c) *Traffic on roads and highways in the vicinity,* **(Applicant's response)** Shop is located on a private road and private driveway clear of any interference with state route 15. All vehicle storage is on private property out of site and path of general public and travel.
- d) *Bylaws and ordinances then in effect,* **Not applicable. This is permitted as a Conditional Use.**
- e) *The utilization of renewable energy resources.* **(Applicant's response)** The shop is a brand-new structure and was built with efficiency in mind. LP gas is utilized to heat during winter months. Insulated walls, ceiling, windows and doors. There is no drain in the building so no runoff is possible, PIG mats are utilized in the event of all spills. Waste oil is contained and stored in a separate building to minimize hazard and is picked up by a local town to be utilized in heating their facility during the winter. Shop also utilizes LED lights inside and out to maximize electrical efficiency.

502.4 *As a condition of approval, the Development Review Board may attach such additional reasonable conditions and safeguards as it deems necessary for approval to implement the purposes of the Vermont Planning and Development Act (24 VSA Chapter 117) and these zoning regulations.*

Sec 516, Medium Density Residential-II.

Motor vehicle service and repair is a Conditional Use in this district.

Sec 901, 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):*

<i>District</i>	<i>Maximum # Signs</i>	<i>Maximum Sq Footage</i>	<i>Maximum Height from Grade (feet)</i>
<i>Low Density Residential</i>	<i>1</i>	<i>10</i>	<i>10</i>

The maximum permitted is 10 square feet.

Summary of Discussion:

The applicant outlined his business proposal for the board. He will be open for business part time only, approximately 7-12PM, as he currently has other employment. Hours may change to full time in the future. No employees are anticipated. There will be one service bay. Oil undercoating, general vehicle repairs and tire service will be offered. Vehicle inspections are not cost effective at this time but may be offered in the future. Waste oil is brought to the Peacham road department and used for heating their building. Other wastes are brought to Lyndonville for recycling.

The applicant will install a professionally designed sign near Rt-15, without illumination. He was reminded that the bylaws permit only one sign, up to ten square feet in size. The sign cannot be in the public Right of Way.

Decision and Conditions:

As the discussion was brief, the chair opted to skip the deliberative session and to call the question. Brian Henderson motioned to approve the permit as submitted, without conditions. Larry Rossi seconded the motion. With all in favor, and with no objections, the permit is approved.

An approved permit will be issued once the 30-day appeal period has passed, pending any appeals.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Decision: 19 July 2023

Final Appeal Date: 18 August 2023

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.