

Town of Danville, Development Review Board Permit 2023-78, Conditional Use Hearing

Applicant: Rob Balivet for the Town of Danville

Site: SA003-15.000, 347 Peacham Rd, Danville VT 05828

Zoning District: Historic Neighborhoods with Design Control Overlay

Project Description: Rehabilitation of historic railroad station. Applicant seeks:

1. Change of use to Museum/Cultural Space and Commercial/Office
2. Review of Parking
3. Waiver for setback on Peacham Rd side. ROW is 66' as shown on the survey.
4. Waiver for setback on Rail Trail side. Platform reconstruction impinges on the Rail Trail corridor. Possible lease agreement with the State.

Warning: 29 December 2023 (Caledonian Record).

Hearing Date: 17 January 2024.

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

Development Review Board Members Absent: Bob Magro, Bruce Palmer, Larry Rossi.

Interested Parties Present: Rob Balivet(for Applicant), Michael Hogue, Dennis Marquise (Zoning Administrator),

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 304, page 18, Waivers
- Sec 405, page 21, Parking
- Sec 502.3, page 31, Conditional Use
- Sec 511, page 37, Historic Neighborhoods District
- Sec 530, page 52, Design Control Overlay

Findings of Fact:

Sec 304, Waivers:

304.3 Within the Village Core and Historic Neighborhoods Districts the Development Review Board may modify or waive district setback requirements as necessary to: (i) maintain consistent setback distances and building lines along the road right-of-way; (ii) provide emergency vehicle access or make otherwise accessible; or (iii) as required for snow removal or building, road and infrastructure maintenance on or from adjoining properties. A right-of-way or maintenance easement may be required for structures built on or within five feet of a side or rear property line to ensure access to or from adjoining properties for these purposes.

Sec 405, Parking

405.3 Exceptions. For development subject to subdivision, site plan or conditional use review, the Development Review Board may reduce or waive on-site parking, loading and/or service area requirements based on the determination under one or more of the following provisions that, due to circumstances unique to the development, the strict

application of these standards is unnecessary or inappropriate:

The bylaws note 1.25 parking spaces per 300 SF of gross floor area for “Cultural” use. With a gross floor area of 1,494 SF, a total of 7 parking spaces are required. The site plan shows 7 spaces plus 1 handicap space.

Sec 502, 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,*
- 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.*

This parcel was last used as the Recycling Center, which generated substantial weekend traffic.

Sec 511, Historical Neighborhoods

511.3 Area and Dimensional Requirements:

<i>Minimum Lot Size:</i>	<i>10,000 sq. ft.</i>
<i>Minimum Lot Frontage:</i>	<i>50 feet</i>
<i>Setback, Front:</i>	<i>Equal to or between the existing principal building setbacks on adjacent lots on either side or if there are no principal buildings on one or both adjacent lots, then the next principal building within the block on the same side of the street as the subject property. All structures must be located outside of Town rights-of-way unless otherwise approved by the Select Board.</i>
<i>Maximum Setback, Front:</i>	<i>10 feet, or the average of existing front setback distances on adjacent lots on either side, whichever is greater.</i>
	<i>Minimum Setback, Side: 5 feet, or the average of existing side setback distances on adjacent lots on either side, whichever is greater.</i>
<i>Maximum Building Height:</i>	<i>35 feet</i>

The current front setback is approximately 10.9’ to the property line at the NW corner of the building. The proposed ramp/walkway is within this setback distance. Peacham Rd is a 66’ ROW, and the property line does not follow the ROW line. A portion of the existing structure, along with the proposed ramp, is within the 66’ ROW. The possibility of plowing damage to the ramp was noted by the Highway Foreman. While the property line setback is met, a waiver and Selectboard approval will be required for the ROW intrusion. There is a historical photo showing the location of the original ramp.

The existing Rail Trail side setback appears to be about one foot to the building corner. The proposed platform and canopy intrude on the Rail Trail ROW to the historic centerline, about 11’ to the west end and 7’ to the east end. A waiver for this setback will also be required. A lease agreement with VAOT is currently being negotiated. Selectboard approval of this lease will also be required.

Sec 530, Design Control

530.4 Within any Design Control Overlay area, no structure may be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy without design approval of plans by the Development Review Board. This does not include routine “Maintenance” as defined within this bylaw, which does not require a permit. Replacement of roofing, siding, windows, doors, exterior walls, chimneys, foundations, porches, porch railings, decks, or stairs and steps may require approval (in Design Control Overlays) unless the replacement is similar in size, materials and architectural detail or is compatible with the architectural style and age of the structure.

As this is a rehabilitation of a historic structure, Vermont Department of Historic Preservation has

been closely involved in all the construction details from the beginning. The Danville DRB could not ask for better oversight of the historical details.

Summary of Discussion:

The proposed structure will consist of two rooms with two ADA bathrooms. The former Stationmaster office and waiting area will be restored with many of the original artifacts returned for display. The waiting area will be used by the Danville Chamber of Commerce. The former freight room will be leased for either an office or bicycle rental and repair shop. Bathroom access is essential, but the actual management and hours are to be determined.

While the Railroad Station meets the bylaw requirements for on-site parking, it is understood that an additional 60 to 100 spaces will be required for the Rail Trail and other recreational access. The board is currently working on options for parking at the school or at the town owned ball field parcel. There is much to be developed as this project unites all the recreational opportunities in Danville.

The proposed canopy and platform simulate the original in features and size. Snow falling on the Rail Trail corridor is an issue to be addressed by snow guards. This roof face is also to receive solar panels in the future. VAOT has been involved from the start and has approved the platform size as it relates to snow traffic and trail grooming. The lease for this ROW intrusion is almost final and is to be presented to the Selectboard 18 January. The lease term is approximately 1\$ per year.

Decision and Conditions:

Terry Hoffer offered a motion with conditions to :

1. Approve the Conditional Use as a Museum/Commercial space.
2. Grant a waiver for the Peacham Rd intrusion on the ROW.
3. Grant a waiver for the Rail Trail setback. The intrusion is resolved with the AOT lease.

The motion was seconded by Theresa Pelletier. The question was called by the chair, and the vote was 5 in favor with Craig Morris objecting. He objects to the Rail Trail obstruction by the platform and to the ADA walk ramp on Peacham Rd. With a vote of 5-1, the motion passes with the following conditions:

1. Selectboard approval will be sought for the Peacham Rd intrusion.
2. Selectboard approval for the Rail Trail lease will be sought.
3. Final written approval from the AOT and DHP will be established for the easement lease.
4. The Highway Foreman will be consulted about the Peacham Rd ADA walk ramp and protection for snow plowing.
5. A change of use to other than a *Museum, Office, or Bicycle Shop* will require another hearing before the Danville Development Review Board.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Hearing: 17 January 2024

Date of Decision: 17 January 2024

Final Appeal Date: 16 February 2023

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.

