

**Town of Danville, Development Review Board**  
**Permit 2024-23, Conditional Use-Waiver Hearing**

**Applicant:** Martin J Beattie Ent, Inc. DBA Marty's First Stop

**Site:** UEO2-018.000, 421 Rt 2 East, Danville VT 05828

**Zoning District:** Rt-2 District.

**Project Description:** Expansion of existing grocery store from 12,585 sq. ft. to 22,877 sq. ft. Reconfigure parking. An updated site, parking, traffic and landscaping plan were presented for review as a condition of the prior permit approval 2024-11.

**Warning:** 18 May 2024 (Caledonia Record).

**Hearing Date:** 05 June 2024.

**Development Review Board Members Present:** Brian Henderson (Chair), Terry Hoffer, Bob Magro, Craig Morris, Bruce Palmer, Larry Rossi, Wes Standish.

**Development Review Board Members Absent:** Mickey Bullock.

**Interested Parties Present:** Rob Balivet, Lindsey Beattie (Applicant), Martin Beattie (Applicant), Everett Drew (Abutter), Steve Lowrey, Dennis Marquise (Zoning Administrator).

**Correspondence from Interested Parties:** None.

**Disclosure of Conflict of Interest:** Craig Morris is/has been employed by the Beattie's and recuses himself.

**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

**This hearing only concerns review of updated parking and traffic flow.**

**Findings of Fact:**

405.1 Off-street parking shall be provided as follows:

- a) All required parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 square feet per space; Off-street parking requirements will be met, however, only when the required number of spaces meeting these dimensions are provided and maintained, in a manner appropriate to the circumstances of the case, in accordance with all bylaws and regulations of the Town.
- c) Spaces for persons with disabilities, to be included in the total number of required parking spaces under (b), shall be provided in accordance with American with Disabilities Act (ADA) design guidelines. Accessible parking spaces shall be located nearest to the principal accessible entrance and be clearly marked and signed.
- d) All off-street parking areas in excess of 10 parking spaces shall incorporate landscaped areas which, at minimum, equal 10% of the total parking area (30 square feet per space), unless otherwise approved by the Development Review Board due to physical site or access constraints. Landscaped areas shall be integrated into parking lot and storm water management design and shall be regularly maintained.

Parking will be increased from 44 spaces to 70. **One additional space was added behind the building for a total of 71 spaces.** 33 of those existing spaces will be saved and **38** new spaces added. This includes 4 ADA parking spots and 2 spots for compact cars only. 1 parking space for every 300 sq feet of retail (grocery store) space is required ( $20,877/300=70$ ). No new impervious surface is being added to the site to accommodate additional parking. Per the bylaws, landscaping will need to be added to the parking area. **The landscaped area was calculated, and trees were added to the eastern edge of the paved area to meet this requirement.**

### **Summary of Discussion:**

The Board had hoped to see the landscaping incorporated as islands delineating the parking spots. The drawings presented displayed traffic arrows, striping, and pedestrian walkways. A discussion evolved considering snow removal and vehicles with trailers. The landscaped islands, along with the proposed plantings on the east edge of the pavement, would hinder plowing in the winter. Many of the vehicles using the parking areas at lunch hour are larger trucks or vehicles with trailers. The islands or curb stops would interfere with parking this type of vehicle, along with creating difficulties for delivery trucks.

The applicants had considered moving the fuel island or changing the traffic flow to a one-way configuration. Bruce Palmer proposed having one way traffic flow, to the east, on the south side of the fuel island.

Lindsey Beattie noted that there were likely 10-12 employee vehicles per shift. They would park at the rear of the building or at the edges of the lot. She provided a guess that there were on average about 45 vehicles in the lot for a typical lunch hour.

VTrans had several written questions concerning traffic flow onto Rt-2, but these are not under the DRB jurisdiction and will be addressed later at their hearing. There is also an upcoming Act-250 review, which may also require further consideration of the parking area.

Concern was raised about the painted pedestrian walkways being behind the parked vehicles. The painted areas can also be slippery. Wes Standish proposed eliminating the walkway at the eastern side of the parking area as being hazardous to pedestrians due to vehicles backing out. The central pedestrian walkway apparently was added to give access to the fuel island.

The consensus was that this parking plan was a workable, while not optimal, compromise between all the relevant concerns. It is an improvement on the prior plan. The striping, arrows, walkways, and signage would all be beneficial to pedestrian and vehicle safety.

Everett Drew, abutter, asked to speak. He raised concerns about setbacks and other long-standing issues that likely predate zoning in Danville. The chair explained that these ancient issues were not relevant to this hearing and that they were now possibly a legal issue, contingent on time elapsed since construction.

The Public Hearing was closed, and the Board entered Private Deliberative Session.

### **Decision and Conditions:**

After deliberations were concluded, Larry Rossi motioned to approve the updated drawings, with the following conditions:

1. Employees must park at the rear of the store or as far from the entrance as possible.
2. All pavement markings and signage are to be maintained yearly.
3. The pedestrian walkway at the eastern edge of the parking area will be eliminated. The central pedestrian walkway at the rear of the parked vehicles should be reconsidered. While it does delineate pedestrian access to the fuel island, it could possibly be relocated between the central

parking spaces to minimize the backing hazard.

The motion was seconded by Terry Hoffer. Craig Morris recused himself from deliberations and voting. With all in favor, and with no objections, the parking plan was accepted with the above noted conditions..

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

**Signed:**

*Brian F Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Decision:** 05 June 2024

**Final Appeal Date:** 05 July 2024

**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.