

Town of Danville, Development Review Board
Permit 2024-50, Waiver Hearing

Applicant: Rob Balivet for the Town of Danville

Property Owner: Town of Danville

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

Zoning District: Historic Neighborhoods with Design Control Overlay

Project Description: Applicant requests dimensional waiver for temporary sign. Sign will be 32 sf vs 20 sf permitted in this district. The sign will be displayed until 31 October 2024.

Warning: 20 July 2024 (Caledonia Record).

Hearing Date: 07 August 2024.

Development Review Board Members Present: Mickey Bullock Brian Henderson (Chair), Terry Hoffer, Bob Magro, Craig Morris.

Development Review Board Members Absent: Bruce Palmer, Larry Rossi, Wes Standish

Interested Parties Present: Rob Balivet, 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 903, page 72, Signs

Findings of Fact:

304.2 General Conditions for a Waiver. The applicant must demonstrate for each requested waiver:

a) that the waiver, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy sources, or be detrimental to the environment or public safety; and

b) that the waiver, if authorized, will represent the minimum waiver necessary to afford relief and will represent the least deviation possible from these bylaws and the goals and recommendations of the Danville Town Plan.

This waiver is for a temporary sign to be installed for three months.

903.2 Historic Neighborhoods permits one sign of 20 square feet.

Summary of Discussion:

Per the Open Meeting Law updates, this public hearing was recorded.

Rob Balivet explained that 32 square feet is a standard size for all public and private construction signs as noted during his 55-year career. The sign in question exists, was on display, and was requested to be removed by the Zoning Administrator. With the lack of construction activity on site, and without a sign,

he felt that fundraising had ceased. He noted that they would like to add a fundraising portion to the existing sign, or perhaps an additional sign for such. The chair noted that only one sign was permitted in the the Historic Neighborhoods District. Rob distributed a map which shows the new sign location, 25' from the centerline of the road and to the north of the driveway.

Craig Morris noted that the ZA requested that the sign be removed, yet it was simply leaned against the building and was still on full public display. He also questioned the 25' setback location as likely being in the roadside ditch. He further stated that the Train Station Committee was repeatedly lax concerning the review and permitting process for this project and usually brought up permits after the fact.

Rob Balivet approached the Planning Commission and included a new provision in the bylaws for construction signage, at 32 square feet, and to be displayed until the project was complete. The new bylaws are currently under review and will not be adopted until later this fall.

The applicant requested a waiver for a 32 square foot sign to be displayed until 31 October 2024. It seemed likely that the project would extend past this time, although he hoped that the exterior work was completed and that the fundraising would be completed by this time.

The Chair adjourned the public hearing and entered private deliberative session at 17:49, and the recording was ended.

Decision and Conditions:

After discussion, Terry Hoffer motioned to grant a waiver for the size of the existing sign, which is to be displayed until 31 October 2024. Bob Magro seconded the motion. With all in favor, except for the lone dissenter Craig Morris, the motion stands at 4-1.

The temporary sign must be removed on 31 October 2024.

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

Signed:

Brian Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Decision: 07 August 2024

Final Appeal Date: 06 September 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.