

Town of Danville, Development Review Board
Permit 2025-01, Waiver Hearing

Applicant: Jules Chatot LEED AP Architect

Owner: Segale Living Trust, Michael and Norma Jean Segale

Site: JP200-116.000, 366 North Shore Rd, W Danville VT 05873

Zoning District: MDR-2 with Developed Shoreland Overlay

Project Description: Proposed 474sf addition consisting of ground floor bedroom bath suite with new entry and laundry room. Applicant seeks a waiver for:

1. Section 531.4, 1500sf maximum building footprint.
2. Section 531.4, 20% maximum impervious coverage

Warning: 31 January 2025 (Caledonia Record).

Hearing Date: 19 February 2025.

Development Review Board Members Present: Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Bruce Palmer, Larry Rossi, Wes Standish.

Development Review Board Members Absent: Bob Magro, Craig Morris.

Interested Parties Present: Jules Chatot (Applicants agent), Dennis Marquise (Zoning Administrator).

Correspondence from Interested Parties: Email from Jules Chatot outlining exceptions.

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 17, Waivers

Sec 531.4, page 53, Area and Dimensional Requirements

Findings of Fact:

Section 304.2

- b) May approve waivers that authorize an adjustment of up to 50% to a dimensional standard (as established for the applicable zoning district) of these regulations for proposed development on a residential property. Note- Wetlands are not subject to the 50% reduction. All wetland incursions and setback incursions must be approved by the State.*

A waiver is intended to apply to dimensional standards such as setbacks and building heights. Area is a calculated value.

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.***

Section 531.4 Area and Dimensional Requirements:

<i>Maximum height of buildings and structures:</i>	<i>25 feet</i>
<i>Maximum building footprint:</i>	<i>1,500 square feet</i>
<i>Minimum shoreline frontage (if applicable):</i>	<i>50 feet</i>
<i>Minimum setback from mean high water (if applicable):</i>	<i>25 feet</i>
<i>Maximum impervious coverage (buildings, driveways, etc.):</i>	<i>20%</i>

The applicant seeks a waiver for a combined footprint (with barn) of 1806 sf, vs the bylaw maximum of 1500sf. Note interpretive comment under Decision.

The applicant seeks a second waiver for an impermeable area of 2852 sf (ANR formula), 25.1%, vs the bylaw maximum of 20% of 11,380 sf, which results in 2276 sf.

Summary of Discussion:

Jules Chatot explained the desire for this project as the owners were in their 60s and the existing staircase was narrow and substandard, limiting access to the second floor. He then reviewed the changes to the site plan and noted the existing grades and setbacks, along with the proposed infiltration trench. The entire parcel is in the Shoreland Protection zone.

The Lister's card for this project notes four existing bedrooms. The upstairs bedroom will be converted into an office, so there will be no increase in bedroom count. A Wastewater Permit review will be required.

Wes Standish explained the standards for infiltration trench construction. He inquired if there was room to expand the trench closer to the building. It was noted that the west and south sides had a steep slope and were unsuitable for this type of trench. He further asked about increased plantings to create more remediation. Jules noted that the driveway was paved, and that the walkways were brick. These are other areas that can be converted to pervious surfaces with some design input.

The Chair asked if the applicants would be willing to remove the garage to offset the gain in impervious area.

Bruce Palmer asked Jules if he considered approaching this project as a variance instead of a waiver, due to the steep slope of the lot. The Chair noted that this lot was already developed and therefore was not a hardship.

Larry Rossi stated that this project, as initially proposed, would improve the existing drainage and runoff on this site.

The Chair thanked the applicant and motioned to enter Private Deliberative Session at 18:00. Terry Hoffer seconded the motion.

Decision and Conditions:

The consensus during deliberative session was that the bylaw was poorly defined in respect to building and footprint definitions. The board agreed that the applicant's assessment of a 1012sf building with a 474sf addition (total 1486sf) met the 1500sf maximum. The garage (accessory structure) and decks were not included in this calculation.

The Chair motioned to approve the permit with the condition that the impermeable area is remediated by additional methods, following ANR protocols, and recalculated to equal the 20% coverage (2276sf) as specified in the bylaw. (I.E. additional infiltration areas, reconfigured walkways and parking areas to pervious, rain gardens, or other). An updated site plan with calculations will be resubmitted to the ZA and the DRB Chair for final approval. With all in favor, and with no objections, the motion carries.

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: 19 February 2025

Final Appeal Date: 21 March 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.