

Zoning Board of Adjustment

Oct. 5, 2013

Site walk

Members present: Chris Stafford-chairman, Roger Denison, and Curt Springer, Annemarie Inman-alternate, Janet Denison-clerk

Conservation Commission members present: Carsten Springer, David Caillouette, Al Hess

Case #2013-4: a variance request from Zoning Ordinance Article VII.D.1.a for the property at 15 Main Street, known as Danville Tax Map and Lot 3-168 and owned by Henry Corey. This is to allow an addition to the existing garage foundation which will reduce the wetland setback from the existing 24 feet down to 22 feet.

The Zoning Board members and the Conservation Commission met at 9:30am at the site; a call was made to the engineer, Kevin Hatch and those members present walked the outside of the property. It was estimated the front of the northern portion of the building is 46' from the fog line. This estimated violation of setback is pre-existing. Carsten noted that the property across the road wasn't wet a few decades ago.

There was a short discussion about the proposed use of the property. It was agreed the owner can use the existing footprint without seeking a variance.

The engineer will be asked to draw the contours and show the stream channel on the plans for the next meeting. The septic and well also should be noted on the plans.

The group walked the north side of the property. The applicant had put orange paint to highlight where the proposed addition will be. The well is very near the northwest corner of the building. This could put the well inside the building if it is built according to their design. If the northwest area around the building is left passable, the portion closest to the wetland is likely to be used as parking and storage. Bartlett Brook is the northern boundary of the property. A 4' retaining wall was installed at some point, with standing water on the other side.

Carsten explained that due to the MS4, it was suggested to the applicant that they have the water tested for any impairments, establishing a baseline.

It seemed to those present that the encroachment is larger than what they were led to believe. The applicant stated at the prior meeting that they are trying to move the traffic away from the wetlands, but the contours will go against them. It was concluded they will have to excavate a lot to get the water to flow away from the wetlands due to the slope of the land.

There was a consensus that while the encroachment into the wetlands is an issue, the slope of the land is a significant issue. Those present noted where swales and rain gardens could or could not be easily placed.

The Board walked around the building and discussed options other than using the footprint of the north side of the building. Ideas were having two separate buildings or using the south portion of the building. Building a structure closer to the road may not be an option if the state doesn't allow it.

There was a short discussion about what the impact is to public health and safety and whether or not the town could be held liable if a town board approved something that impaired the water.

Connecting to the parking lot on the property to the south will require removing a lot of soil and two large trees.

Carsten agreed to write a memo from the Conservation Commission regarding the site walk, noting that board serves an advisory role only.

The site walk concluded at 11:00am.

Respectfully submitted,

Janet S. Denison-clerk