

Zoning Board of Adjustment  
January 11, 2022  
Public Hearing

Members Present: Walter Baird, Roger Whitehouse, Chris Stafford

Others Present: Gail Turilli, Steve Pascoe, Joseph Metthe, Joahanna Belanger

The meeting minutes from 8/17/21 were not reviewed as Roger was not present at this meeting and there is only a three-member board tonight. These will be reviewed at the next meeting.

**Case 2022-1 – 70 Sweet Street – Special Exception Application for an ADU:**

Chris stated that this meeting is for Case 2022-1, 70 Sweet Street for a Special Exception application for an ADU submitted by Steve Pascoe. There are three members who are present. Chris explained to Mr. Pascoe that since this is the case, he has the option to either continue tonight or continue to another date with a full board. However, he cannot appeal the decision based on a three member board. Mr. Pascoe stated that he would like to proceed with the hearing tonight.

Mr. Pascoe explained that his plan is to renovate the existing garage putting a wall down the middle. The right side will become the ADU and the left side will remain a garage. The garage door on the right side will become a window and the existing door will remain. The town building inspector has reviewed and signed off on the plan submitted on 1/6/22. There was a comment on the egress which has since been addressed and there are no issues with the plan. The house currently has 2 bedrooms and the septic system installed was designed for 3 bedrooms. Chris stated the owner of this property is FTG Development, which is Mr. Pascoe's company and he is the only principal. Roger questioned a need to go through the garage and getting to the main house. Steve explained the exit will be through the existing door. There is also a door going to the back of the utility area which leads to stairs to the main house. The house sits off to the right of the property and the garage cannot be seen from the street.

Chris noted that an ADU is covered under the Special Exception portion of the Zoning Ordinance. There are objectives and 9 criteria that need to be met. If the 9 criteria are met, Special Exception will be granted. The objectives and criteria were reviewed. Chris asked how many people would be staying in the ADU to which Mr. Pascoe stated 2. The state has recommendations around owner occupancy of one of the units. Municipalities should consider what it means by owner, physical person or LLC. The Town of Danville doesn't differentiate. Roger stated that Mr. Pascoe is the sole owner of the LLC. Chris noted that there is nothing in the town ordinance that states it has to be a person as long as there is a connection between the LLC and the person living there. Roger stated this may be something to look at in Zoning and Chris agrees.

Walter stated that the last time Mr. Pascoe was before this board he lived at 5 Red Pine Road and questioned if that property was sold or rented. Mr. Pascoe explained that property will be going up for rent but currently, he is still living there. Once the Special Exception is granted, he will be able to start building out 70 Sweet Street and then that will become his primary residence. The remainder of the criteria were then reviewed and Chris asked the board if there were any questions.

48 Walter stated he had done some research and had some concerns regarding the current deed. He  
49 noted that there were a lot of restrictions: The landowner agrees to waive any and all rights to which  
50 they may be entitled for the town services and school district transportation services. Mr. Pascoe stated  
51 that no children will be living there and trash pick up has been done there for the last 20 years. Walter  
52 noted, per the deed, that services not limited to road services, plowing, rubbish collection, school bus  
53 servicing, except at the nearest town road or state highway. Further acknowledge and recognize the  
54 limitation of emergency services including police and fire protection at the site. Cub Pond Road is not  
55 maintained.

56  
57 Mr. Pascoe explained that the property has potential frontage on Cub Pond Road, but the location is 70  
58 Sweet Street. When you drive down Sweet Street you go around the rotary and down a paved driveway  
59 to the house. There are emergency services: fire, police, trash pick- up, plowing, etc. The property  
60 abuts Cub Pond Road and the deed is referring to the Cub Pond side to which these restrictions apply.  
61 Roger stated that there is enough frontage on Cub Pond Road if he were to subdivide his land so, he  
62 could sell part of that land for Cub Pond. Steve re-iterated that the mailbox, which is straight across the  
63 rotary, states 70 Sweet Street with a paved access way that has been there for about 20 years. Walter  
64 stated that the deed has these restrictions and they are not rescinded. Chris noted that this is a 12 acre  
65 lot to which Mr. Pascoe confirmed. Chris explained the access by Cub Pond will not provided services  
66 but the access by Sweet Street will provide services. Access is limited to Sweet Street. Walter stated  
67 that he wanted clarification on the deed.

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69 Roger **made** and Walter 2<sup>nd</sup> **a motion to approve the Special Exception application. All in favor,**  
70 **motion passes. Application approved 1/11/2022.**

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72 Roger **made** and Walter 2<sup>nd</sup> **a motion to adjourn. All in favor, meeting adjourned at 8:05pm.**

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77 Respectfully,

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79 Gail L Turilli  
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