

**Danville Zoning Board of Adjustment**  
**May 19, 2015**  
**7:30 pm**

**Members present:** Chris Stafford-chairman, Jason Holder, Joe Luna, Curt Springer, Sheila Johannesen-selectmen's rep, Janet Denison-clerk

**Others Present:** Bruce Caillouette, Beth Caillouette

**Case #2015-5** regarding the variance for Bruce and Beth Caillouette from Zoning Ordinance Article VI.B and Article VIII.D to permit the construction of 33x22 garage with an 8' addition to the existing house within 30' of the right-of-way and 75' of the wetlands. The subject property is 12 Long Pond Road, known as Tax Map and Lot 2-87-88.

Jason was designated a voting member. Sheila said she will recuse herself. It was noted that the ZBA had four voting members and the applicants were informed they have the opportunity to postpone the discussion until five voting members are present. They chose to continue.

The application noted subplot #87. This lot is not being considered for this request. All abutters were notified of the application and the Zoning Ordinance Articles were noted on the application. It was noted there are two conditions for which a variance is sought: the proximity to wetlands and the road setback. The Board first discussed the wetland setback.

Mr. Caillouette explained the existing carport is 18x26. The addition is going to be 22x30, matching the existing foundation, and the existing portion of the house will be extended an additional 8'. The garage will be 30' deep and the roofline will be lower than the existing house. The driveway is currently paved. The southwest corner of the addition will be 50' from the wetlands. This was measured by the homeowner with a tape measure. He said this is a conservative estimate. The soil types have not been identified. The parcel has a 2:1 slope toward the wetland. The entry to the garage will be 3' closer to the road and will match the front line of the house.

The building permit for the existing structure was issued April 8, 1986, shortly after the wetland setback was voted into the Zoning Ordinance. Mr. Caillouette said there was no problem obtaining the building permit. They tied in the new home to the existing septic system that served the mobile home that was on the property.

The question was asked about building a berm and sloping the land away from the wetlands. Mrs. Caillouette said she would like rain barrels to catch the run-off.

There was a short discussion about the road setback. The northwest edge of the proposed garage will be 25' from the edge of pavement. The right-of-way on older roads is to the centerline of the traveled way. It was agreed compliance with the front setback would encroach more on the wetland setback. That is a less desirable condition.

The Board reviewed the five criteria.

#2—The spirit of the ordinance will be observed: The May 19 email from the Conservation Commission was reviewed. In it, the CC suggested granting the variance as an enclosed structure for vehicles will lessen runoff more than a car port. They also suggested adding a swale or pitched grade, a temporary capture if gutters are used, and a catchment if gutters will not be used.

It was agreed that being closer to the road is better than encroaching more on the wetlands and that a garage will afford the wetlands better protection.

#3—Substantial justice: It was agreed there is no detriment to the public. The structure is already occupied and will continue to be used as a residence. The garage is an improvement.

#4—Surrounding property values: There is no evidence that the proposal will be a detriment to surrounding property values.

#5—Unnecessary hardship: This was a lot of record in 1986 before the wetland ordinance was put into place. The proposed use is reasonable. The wetlands prevent compliance with the front line setback.

#1—Contrary to public interest: It is in the public interest to keep the water clean. The proposal will do more to protect the wetlands than the current conditions.

The public hearing was closed.

The Board members agreed the variance should be granted and discussed the recommendations from the Conservation Commission. These included:

1. Some form of swale or slightly pitched grade should be placed to the rear (uphill from wetland) of the garage.
2. If gutters are used, a form of temporary capture, such as rain barrels, would be a good idea to prevent (during a heavy rain) too much water going too fast towards nearby wetland.
3. If no gutters, some form of catchment to slow velocity and increase absorption is recommended. This could be as simple as ample gravel along the drip line, combined with the proper grade already mentioned.

Curt made and Jason seconded a **motion to add the three conditions as stated by the Conservation Commission if the variance is granted**. The motion **passed**.

Joe made and Jason seconded a **motion to grant the variance for Zoning Ordinance Article VIII.D.1.A relative to the wetland setbacks with the three conditions previously noted**. The motion **passed**.

Joe made and Jason seconded a **motion to grant the variance for Zoning Ordinance Article VI.B relative to the front lot line setbacks per the presented plan with the three conditions previously noted**. The motion **passed**.

**Minutes:**

The minutes of May 12, 2015 were discussed. Jason made and Curt seconded a **motion to accept the May 12, 2015 minutes as amended**. The motion **passed**.

At 8:40pm Joe made and Chris seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk