

Danville Zoning Board of Adjustment
April 14, 2015
7:30 pm

Members present: Chris Stafford-chairman, Tara Burkhart-vice chairman, Jason Holder, Curt Springer, Janet Denison-clerk

Excused members: Joe Luna, Roger Denison, Sheila Johannesen-selectmen's rep,

Others Present: Gordon Smith, Charlie Zilch, Carsten Springer, Chip Current

Case #2015-2 regarding the variance for Gordon Smith and Maureen Paolini of 5 Red Pine Road, known as Tax Map and Lot 3-90-11 from Zoning Ordinance Articles: VI.A, VIII.D, and VIII.E.2. This is in order to allow a lot of 1.82 acres to be created, have existing structures within 75 feet of poorly and very poorly drained soil, and to have a lot with .72 acres of upland soil and 60% poorly and very poorly drained soil.

Jason Holder was designated a voting member.

Charlie Zilch introduced himself to the Board. Chris explained the Board had already received a letter from Mr. Zilch on behalf of the applicants, asking for a continuance of the hearing to a later date.

Mr. Zilch briefly explained the variance application. This is a 3.82 acre corner lot. (The actual street corner of the parcel was subdivided off several years ago and on which a single family home was built.) There is a residence on Red Pine Road and a barn on Colby Road; a creek and/or wetlands divide the two structures. The barn was used as a wrestling school and the owners would like to convert it to a residence after subdividing the parcel. Mr. Zilch said the Zoning Ordinance has been reviewed and they are trying to mitigate any potential problems appurtenant to the proposed subdivision.

Curt mentioned a lot line adjustment was approved through the Planning Board but no deeds have been recorded that convey land from one owner to another. Mr. Zilch took note of this in order to address that later.

The application was briefly reviewed. Mr. Zilch explained the current septic system for the barn meets the state requirements for setbacks but not the towns. It was pointed out the well radius needs to be contained within the lot it serves. The existing well radius, as shown on the plan, is in the Colby Road right-of-way.

The history of the barn structure was explained briefly. There were two actual barns on that portion of the lot. One was 40x80 and the other was 28x28. These were razed and replaced with a 42x42 structure. Mr. Smith said the existing structure has sheds attached to it. He wishes to remove these structures.

Mr. Zilch said the three Zoning Ordinance articles were separated on the application in anticipation of the Board addressing each one on its own merits.

Carsten Springer asked about the state approval for the septic. It is an elgin system in which they had to prove it could meet the size requirements for a stone and pipe system. They are proposing a new system through Clean Solutions, a technology in use for the past ten years. The point was made that this is a new type of system and there may be some trepidation about it due it not having been proven over time, rather than more familiar types of systems that have been in use for decades.

It was said that the issue is not so much the use of the existing footprint of the building but that they are not meeting the required amount of land area. A precedent does not want to be set for variances of this type that may have an adverse effect on the environment.

Curt made and Jason seconded a **motion to continue the hearing to a date to be determined**. The motion **passed** unanimously.

There was a short discussion about dates for a site walk and continued hearing. Curt made and Tara seconded a **motion to have the site walk on April 18, 2015 at 8:00 am**. The motion **passed** unanimously. The Conservation Commission and Planning Board will be invited.

It was agreed the Board will meet on May 5th for its annual meeting. Curt made and Tara seconded a **motion to continue the hearing for case #2015-2 on May 12th at 7:30pm**. The motion **passed** unanimously. Letters will sent to the abutters to inform them of the continued hearing.

Other Business:

The wording of the Rules of Procedure was changed regarding the dates for the annual meeting. The new wording allows more flexibility in scheduling. Those present signed the Rules of Procedure.

The minutes of February 17, 2015 were reviewed. These will be corrected to state Curt was not in attendance. Jason made and Tara seconded a motion to accept the minutes as amended. Curt abstained. The motion **passed**.

At 8:20pm Tara made and Jason seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison-clerk