Zoning Board of Adjustment

August 17, 2021

Public Meeting

Members Present: Walter Baird, Michelle Cooper, Chris Stafford, Jason Holder

Others Present: Gail Turilli, Carsten Springer, Steve Pascoe

The meeting minutes from 8/3/21 were reviewed. Chris had 2 changes: line 14 – add
cannot appeal due to a four member board, and delete the next sentence. Line 61 – required a variance, request initiated, discussed but subsequently withdrawn. Walter also had 2 changes: line 41 – gave a brief site history. Line 188 – Mr. Taylor subsequently applied for a variance. Chris **made** and Walter 2nd a **motion to accept the minutes as amended.** All in favor with Jason abstaining, **motion passes.**

**Case 2021-3 – 5 Red Pine Road and Colby Road Continuance:**

Chris stated that this meeting is for a continuance for Case 2021-3, 5 Red Pine and Colby Road Subdivision. There are two members who are not present, and Jason Holder was not present at the previous meeting. Chris explained to Mr. Pascoe that there are only 3 voting members present tonight and gave him the option to either continue tonight but, that he cannot appeal the decision based on a three member board, or this can be continued until next week with a full board. Chris stated that town counsel was consulted for verbiage on the restriction for possible future use of the property changing to residential. Mr. Pascoe stated he would like to hear what town counsel suggested. Chris asked the board if they are willing to share the feedback from town counsel’s email with the public. He also stated that town counsel made a recommendation only and that the board can add to or change the restriction. Mr. Pascoe stated he would like to continue with deliberation tonight. Walter **made a motion** to no disclose the email from town counsel to the public. There was no 2nd to the motion.

Chris then proceeds with deliberation giving an overview of the Variance criteria and Zoning Ordinance previously discussed at the last meeting. The board is supportive of the approval for a Use Variance for a business but, there is a concern of the possibility of the building turning into a residence in the future. Michelle questioned the restriction to water usage due to not enough upland and cannot be used as residential. Chris stated that the property is in the Village District which does allow for residential use. Walter questioned having a shower in the bathroom. Mr. Pascoe explained that there are many businesses that have a shower and that should not affect the decision. Chris **motioned** to place a restriction to the effect of if the property is later changed to residential, the septic system must be upgraded in accordance with the current article VIII – J or any other applicable Danville Zoning Ordinance. Chris then **made a motion** to grant the Variance with said restriction. Walter 2nd the motion, all in favor with Jason abstaining.  **Motion passes, Variance granted.**

Michelle **made** Walter 2nd a **motion to adjourn**. All in favor, motion passes, meeting adjourned at 8:15pm

Respectfully,

Gail L Turilli