

Conditional Use Hearing
Polly Parsons & James Jacobson
July 17, 2017

To consider a conditional use request by Polly Parsons & James Jacobson to build a boathouse within the Shoreland Buffer Zone on their property at 294 North Shore Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; 5.4 Conditional Uses and 8.8 #3 Boathouses within the Shoreland Buffer Resource Zone.

Warnings were posted on June 21, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: the Finsthwait Trust, William Berman & Elizabeth Baum, the Barr Family LLC, Sara Fifield Floody, and Andrew & Elizabeth Brown, on June 21, 2017. It was also published in the Hardwick Gazette on Wednesday, June 28, 2017.

Development Review Board members present: MacNeil, Linda Romans, Sean Thomson, Jane Woodruff, Lee Wright, Wayne Young, BJ Gray (alternate) and Janet Travers (alternate).

Development Review Board members absent: Nat Smith

Others present: Elizabeth Herrmann, architect; Elsa Williams, representative for the Barr Family LLC; and Audrey DeProspero, Zoning Administrator.

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:00 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Ms. Woodruff then asked Ms. Herrmann to explain what the applicants want to do on their property at 294 North Shore Road. Ms. Herrmann stated that Ms. Polly Parsons and Mr. James Jacobson wish to erect a new boathouse within the Shoreland Buffer Zone at 294 North Shore Road. The boathouse would be 320 square feet, with the dimensions 20' long x 16' wide x 15' high. The boathouse would be accessed from the proposed house via a footpath through higher areas of the wetland. Ms. Woodruff stressed the importance of maintaining the integrity of the lake path, even if it has to curve behind the boathouse. Ms. Herrmann confirmed that the path would be maintained, even if a section of it has to be diverted. She explained that the applicants have secured a wetland permit from the Vermont Agency of Natural Resources, and that the boathouse fits the size and location requirements that the wetland permit will allow. The boathouse would be set on unconventional footings that work well in wetlands and cause little disturbance to the site. Ms. Herrmann described the footings as cribbing (wooden boxes), approximately 16 inches deep in the ground and 16 inches above ground level, with gravel inside, and the piers would be put on top of the gravel. Trees will be removed only as needed. The boathouse would have a standing-seam gable roof. The structure would have two small windows and a double door. At the site visit, it was noted by several Board members, as well as by Ms. Herrmann, that the stakes outlining the boathouse footprint appeared closer to the lake than the 20 feet noted in the application. Ms. Herrmann said that she would talk to the builder about moving the boathouse further back from the water, closer to 20 feet back from the shore, to preserve the shore and cut fewer trees. This might cause the lake path to be moved to the back of the boathouse.

Ms. Woodruff asked Ms. Herrmann to explain the soil erosion/silt plan. Ms. Herrmann explained that the builder would erect an erosion control fence in a u-shape, between the boathouse and lake edge, which would protect the area below the construction. Electric power will be trenched in through the wetland from the neighbor's pole (this is permitted). (The house, yet to be constructed, will be 2500 square feet, within zoning guidelines.) The boathouse ramp is hinged so it can go up and down each year with the frost. It will rest on stones as opposed to additional piers. The total lot size is 3.8 acres, and the lake frontage is 150 feet.

Ms. Elsa Williams, who was in attendance at the hearing, wanted to point out that she attended as an

agent of the Barr Family LLC, abutters.

The hearing ended at 7:29 p.m. The Board went into deliberative session at 7:31 p.m. and came back into public session to announce their decision at 7:46 p.m.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.7 Shoreland Protection District

A boathouse is a conditional use in the Shoreland Protection District. The lot size and setbacks exceed the dimensional standards as noted in the bylaws.

The boathouse, lot size and setbacks meet the criteria of the Shoreland Protection District.

8.8 New Uses within the Shoreland Buffer Zone

3 Boathouses

- a. The boathouse will be built as close to 20 feet away from the shore as possible, and still remain in the buffer zone as set forth by the Vermont Agency of Natural Resources. The stumps of any trees cut during the construction of the boathouse will be left in the ground. Native vegetation will be used for stormwater runoff.
- b. The boathouse will not have plumbing.
- c. The footprint will be less than 400 square feet.
- d. The boathouse will be 15 feet high.
- e. There will only be one boathouse on the lot.
- f. There will be no decks or porches on the boathouse.
- g. The boathouse will have a Conditional Use permit.
- h. The boathouse will be only used for the storage of boats.

The proposed boathouse meets the criteria outlined in bylaw 8.8.

5.4 Conditional Uses

B) General standards:

1. The proposed boathouse will not have an adverse effect on the capacity of existing or planned community facilities.
2. The proposed boathouse will not have an adverse effect on the character of the area.
3. The proposed boathouse will not have an adverse effect on traffic in the vicinity.
4. The proposed boathouse will not have an adverse effect on by-laws and ordinances presently in effect.
5. The proposed boathouse will not have an adverse effect on the utilization of renewable energy resources.

C) Specific Standards:

1. The 3.8 acre lot exceeds the minimum size required for the district.
2. All setbacks exceed the criteria for the district.
3. Fencing or landscaping is not required.
4. There will be no signs on the boathouse.
5. The proposed structure is compatible with other structures in the area.
6. The proposed structure adheres to the uses allowed in the relevant district.
7. The proposed structure will not affect the noise or air pollution in the area.

The proposed boathouse meets all the conditional use criteria.

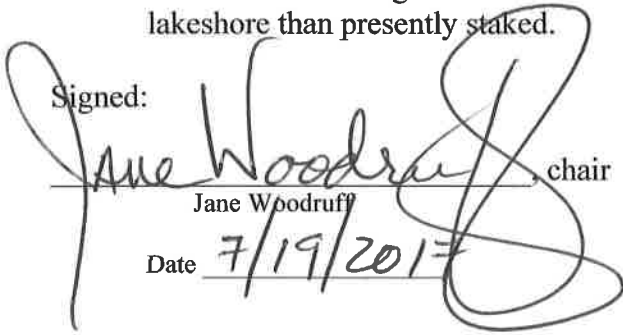
Decision and Conditions

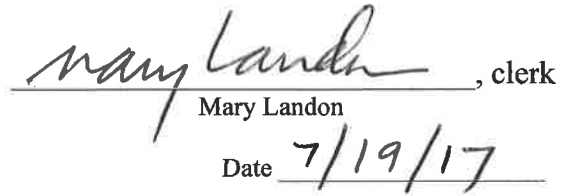
Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application. (1 alternate voted in Mr. Smith's absence.)

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. The boathouse shall only store boats.

3. The boathouse shall have no decks or porches. It may have a hinged ramp to allow entry.
4. The Board encourages the architect and builder to locate the boathouse further from the lakeshore than presently staked.

Signed:  chair
Jane Woodruff
Date 7/19/2017

 clerk
Mary Landon
Date 7/19/17

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.