

Variance Hearing
Greensboro Cemetery Commission
June 7, 2017

To consider a variance request by the Greensboro Cemetery Commission to erect a sign within the road right-of-way at all four cemeteries in Greensboro.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Greensboro Rural Lands District; and 5.5 Variances.

Warnings were posted on May 22, 2017 at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Smith's and Willey's Stores. The warning was sent to the following abutters and neighboring property owners on April 26, 2017: Dorothy Roche, Ida Perron, Lawrence & Sherral Lumsden, Ronald Lumsden, Marion Stegner, Cornelia Deschepper, Jeanne Eisner, the Godfrey Family, the Isaacson Family Trust, Russel & Cynthia Hislop, the Barr Family LLC, John and Melanie Clarke, Elsa Williams, the Lotspeicch Family Properties LLC, Patrick & Amanda Keith, and Peter Gebbie. It was published in the Hardwick Gazette on Wednesday, May 24, 2017.

Development Review Board members present: Nat Smith, Sean Thomson, Janet Travers (alternate), and Lee Wright

Development Review Board members absent: Linda Romans, Jane Woodruff, B.J. Gray, Wayne Young (recused), and MacNeil (recused)

Others present: Wayne Young, MacNeil, and Patsy Mercier representatives from the Greensboro Cemetery Commission, Paul Roche, and Audrey DeProspero, Zoning Administrator

Correspondence from interested persons:

#1 Letter from Raymond Roche, Baker Cemetery abutter

Summary of Discussion

Mr. Smith, vice chair, began the hearing at 7:08 PM. He 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. Mr. Smith then asked Mr. Young to explain what the Cemetery Commission wants to do at the four cemeteries in Greensboro. Mr. Young first stated that the Cemetery Commission is now only seeking to erect signs at three of the cemeteries: the Lincoln Noyes, Village, and Mitchell McLaren cemeteries. The Baker Cemetery sign was put on hold, pending additional resolutions, and the Cemetery Commission will reapply, at a later date, for that sign. The distance of the signs from the road varies due to the roads and the way the snow is pushed back in the winter, but they are all more than 26 feet and less than 50 feet from the center of the road. The Commission spoke to the road crew and they indicated that the proposed sign locations should be fine. All three signs will be 1 foot by 2 feet which is significantly smaller than the permitted six square feet.

The old fence at the Baker Cemetery has been taken down because it was rotted. An electric fence has been put up on the old fence line so cattle will be able to graze up to it to help keep the weeds down.

The hearing ended at 7:25 PM. The Board went into deliberative session at 7:27 PM and came back into public session to announce their decision at 7:31.

Findings of Fact:

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

2.5 Rural Lands District

Signs up to 6 square feet are permitted uses in the rural lands district. (C) The three cemeteries are located on pre-existing, non-conforming lots of less than 10 acres. (E) The minimum setback from the centerline of a public road is 50 feet. (E)

5.5 Variances

A) Variance Criteria

1. *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.*

This is not applicable to the placement of the requested signs, all of which will be located within the cemetery borders.

2. *Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.*

See #1 above.

3. *The unnecessary hardship has not been created by the applicant.*

All of the cemeteries are located on pre-existing, non-conforming lots, not created by the applicant.

4. *If authorized, the variance will not:*

a) *alter the character of the neighborhood or district*

The signs will be small and not alter the character of the neighborhood or district

b) *impair the use or development of adjacent property*

The signs will not impair the use or development of the adjacent properties.

c) *reduce access to renewable energy resources*

The signs will not reduce access to renewable energy resources.

d) *be detrimental to the public welfare*

The signs will not be detrimental to the public welfare.

5. *The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.*

The 1 ft. by 2 ft. signs located at least 26 feet from the road will be the least deviation possible from the bylaws.


Decision and Conditions


Based upon these findings, the Development Review Board voted unanimously (4 – 0) to approve the application for signs for the Lincoln Noyes, Village and Mitchell McLaren Cemeteries.

Conditions:

1. The proposed 1 ft. by 2 ft. signs for the three cemeteries may be placed no closer than 26 feet from the center of the road.

Signed:


_____, vice chair
Nat Smith
date 6-9-17


_____, acting clerk
Janet Travers
date 6-9-17

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.