

Conditional Use Hearing; continued
Nancy Shepard
June 24, 2019

To consider a conditional use request by Nancy Shepard to reconstruct and enlarge a non-conforming structure on her property at 90 Durkee Drive.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; 3.8 Nonconformities; 3.9 Protection of Water Resources; 5.4 Conditional Uses; 8.9 Nonconforming Uses & Structures within the Shoreland Resource Zone

Warnings were posted on Monday, May 27, 2019 at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Stephen H. Durkee, Paul & Jeanne Locke, James Walker and the applicants on May 27, 2019. It was published in the Hardwick Gazette on Wednesday, May 29, 2019. The minutes of the June 12, 2019 hearing, which contained the date of this hearing, were sent to the above abutters on Monday, June 17, 2019.

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

Development Review Board members absent: BJ Gray, MacNeil, Mike Metcalf, and Nat Smith

Others present: Robbie Montgomery, contractor, and Audrey DeProspero, Zoning Administrator.

Correspondence from interested persons: none

During the course of the hearing the following exhibits were submitted:

#1 deed dated 1988

#2 1991 survey of the lot

#3 blowup of the previous footprint (as seen in #2)

#4 written outline describing the application 6-17-19

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:10PM. 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. Shepard and her husband participated in the hearing by phone. Ms. Woodruff then asked Mr. Montgomery to explain what Ms. Shepard wants to do on her property at 90 Durkee Drive. Originally, Mr. Montgomery staked out an 8'x8' space for a bathroom which included a toilet, sink, and shower. The 1988 deed (exhibit # 1) states there is a 12'x12' camp on the property included in the sale (in addition to the camp near the lake). The survey from 1991 shows a 12'x12' building with a 4'x8' bathroom extension, making it 12'x16' with a 4'x4' cut-out in the back, away from the lake. (exhibits #2 & 3). Ms. Shepard decided she would like to rebuild the building as it was in the 1991 survey. In addition, she is asking to fill in the cut-out, making it a complete 12'x16' rectangle of 192 square feet. The previous foot print, with the cut-out, was 176 square feet. Mr. Montgomery added that it is cheaper to build and frame a building without a cut-out. The proposed building will house the 8'x8' bathroom originally staked out plus a 12'x12' changing area with a vanity for putting on makeup. For an outline of the request, see exhibit #4.

Mr. Montgomery thought that the building met all of the setback requirements. He measured it to be 152 feet from the lake to the front of building.

The person from the State (Pete Kopsco) said there would be no need for a change to the septic system since there would be no change in water use.

The hearing ended at 7:45. The Board went into deliberative session at 7:47 and came back into public session to announce their decision at 8:30.

Findings of Fact:

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

2.7 Shoreland Protection District

- This is a pre-existing, nonconforming lot of .5 acres; less than the present requirement of 1 acre.
- The lot has 89 feet of shore frontage which is less than the present 100 foot requirement.
- It meets all the other setbacks.
- An accessory structure is a permitted use in the Shoreland Protection District.

5.4 Conditional Uses

B) General standards

The proposed conditional use will not have an adverse effect on:

1. the capacity of existing or planned community facilities. Not applicable.
2. the character of the area. The building is in character for the area.
3. traffic in the vicinity. The building is set back from both Route 14 and the access road.
4. by-laws and ordinances presently in effect. It will have no effect on them.
5. the utilization of renewable energy resources. Not applicable.

C) Specific Standards:

1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district. This is a pre-existing, nonconforming lot.
2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district. The proposed structure meets all setbacks.
3. Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area. No fencing or landscaping is required.
4. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located. There will be no signs.
5. The proposed structure is compatible with other structures in the area. It is compatible with others in the area.
6. The proposed structure adheres to the uses allowed in the relevant district. An accessory structure is permitted in this district.
7. The proposed structure will not affect the noise or air pollution in the area. It will have no effect on the noise or air pollution in the area.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (5-0) to approve the construction of the accessory structure. (The alternate voted in the absence of three Board members.)

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.

Signed:


Jane Woodruff, chair

date

6/27/2019


Janet Travers, clerk

date

6-27-19

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.