

CONDITIONAL USE PERMIT/VARIANCE

TOWN OF GREENSBORO
PO Box 119, Greensboro, VT 05841
(802) 533-2640 Fax (802) 533-2191
zoning@greensborovt.org

FOR ADMINISTRATIVE USE ONLY

Application Number: 2020-028 Tax Map Number 20-00-60
Zoning District Shoreland Protection District
Date Application Received 07/07/2020 Fee Paid \$ 265.00 7-7-20
Reason for Seeking Conditional Use Permit or Variance: check # 1004
New construction of an Accessory Building in the Shoreland Protection District on a Nonconforming lot. Reconstruction in the Shoreland Buffer District, One Nonconforming lot.

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Greensboro.

Applicant(s):

Name(s): Carolyn Norris-Baker
Mailing Address: P O Box 489, Jackson, NH 03846
Telephone(s) Home: (603) 383-4884 Work: Cell: (785) 473-6843
E-Mail: lyn@ksu.edu

Landowner(s) (if different from applicant(s)):

Name(s): Carolyn Norris-Baker Revocable Trust of 2004
Mailing Address: P O Box 489, Jackson, NH 03846
Telephone(s) Home: (603) 383-4884 Work: Cell: (785) 473-6843
E-Mail: lyn@ksu.edu

Physical Location of Property (911 address):

292 Black's Point, Greensboro, VT 05841

Type of Permit:

[x] Conditional Use [x] Variance

Other Permits Which May Be Necessary:

[ ] State Septic Permits - required prior to approval Please see email from Pete Kopsco
[ ] State Potable Water Supply Permits - required prior to approval Greensboro Fire District No. 1
[ ] Curb Cut - requires a separate application - necessary if a new driveway must be installed.
[ ] Applied (date) [x] Not required

Property Description:

Acreage in lot 0.81

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 165

Setbacks: Front 50 (to center of road) Left Side 20
Right side 20 Rear
Lakeshore 150 Other

**Dimensions of Proposed and Existing Buildings:**

60' setback to the lake

80' setback to kitchen wall

Existing:

Length See Appendix No. of Stories 2

Width See Appendix

Height 26

Proposed:

Length See Appendix No. of Stories 2

Width See Appendix

Height 26

**Lakeshore District Properties, please indicate the total habitable floor area of the dwelling:** <sup>1913 Existing</sup> <sub>2010 Proposed</sub>  
*Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."*

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") Seasonal residence

Proposed use and occupancy. (Write whether it will be seasonal or full year. If you decide to change the use of your property later you may need another permit.) Seasonal residence

**Sketch or attach a general plot plan showing the following:**

1. Location of property.
2. Location of buildings on property.
3. Location of driveway.
4. Location of water source and septic/waster water system.
5. Names of adjoining landowners.

Please see the Appendix for locations, descriptions and dimensions of proposed and existing structures and location of septic system

**ABUTTING PROPERTY OWNERS**

David Day  
PO Box 118  
Greensboro, VT 05841

New England Estates, LLC  
c/o A. Lorraine PLC  
PO Box 1466  
Montpelier, VT 05601-1466

Arthur P. Day Trust  
Arthur & Mary Day, Trustees  
85 Blue Ridge Drive  
Simsbury, CT 06070

**CONTRACTOR**

Eric Clark  
TEC Property Maintenance  
PO Box 101  
East Hardwick, VT 05836

**Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.**  
(This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

Please see Appendix

### **Conditional Use Criteria:**

**At your DRB hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.**

**"The DRB shall make its findings on general and specific standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on the following:**

1. The capacity of existing or planned community facilities; (e.g. schools, police and fire service, etc.);
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan (e.g. why your project is consistent with other uses in the area or how your project fits in with existing development);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

### **Specific standards shall include:**

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question;
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
  - (a) No free standing internally lit signs shall be permitted
  - (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
5. Location on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered."

(Page 36 in the Greensboro Zoning Bylaw).

**Variance Criteria:**

**"The DRB may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and findings are specified in its written decision.**

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 particular 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;
2. Because of these physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not:
  - a) Alter the essential character of the neighborhood or district in which the property is located;
  - b) Substantially or permanently impair the appropriate use or development of adjacent property;
  - c) Reduce access to renewable energy resources;
  - d) Be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan." (Pages 37 & 38 of the Greensboro Zoning By-Law).

**At your DRB hearing, you will be asked to present your proposal. Please be prepared to explain why your project should be granted a variance.**

**Permission to Enter Property & Applicant Certification Signatures**

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

**Construction may not be started until 15 days from the date of approval on this permit.**

Signature of Applicant(s) Carolyn Navis Baker Date: July 5, 2020

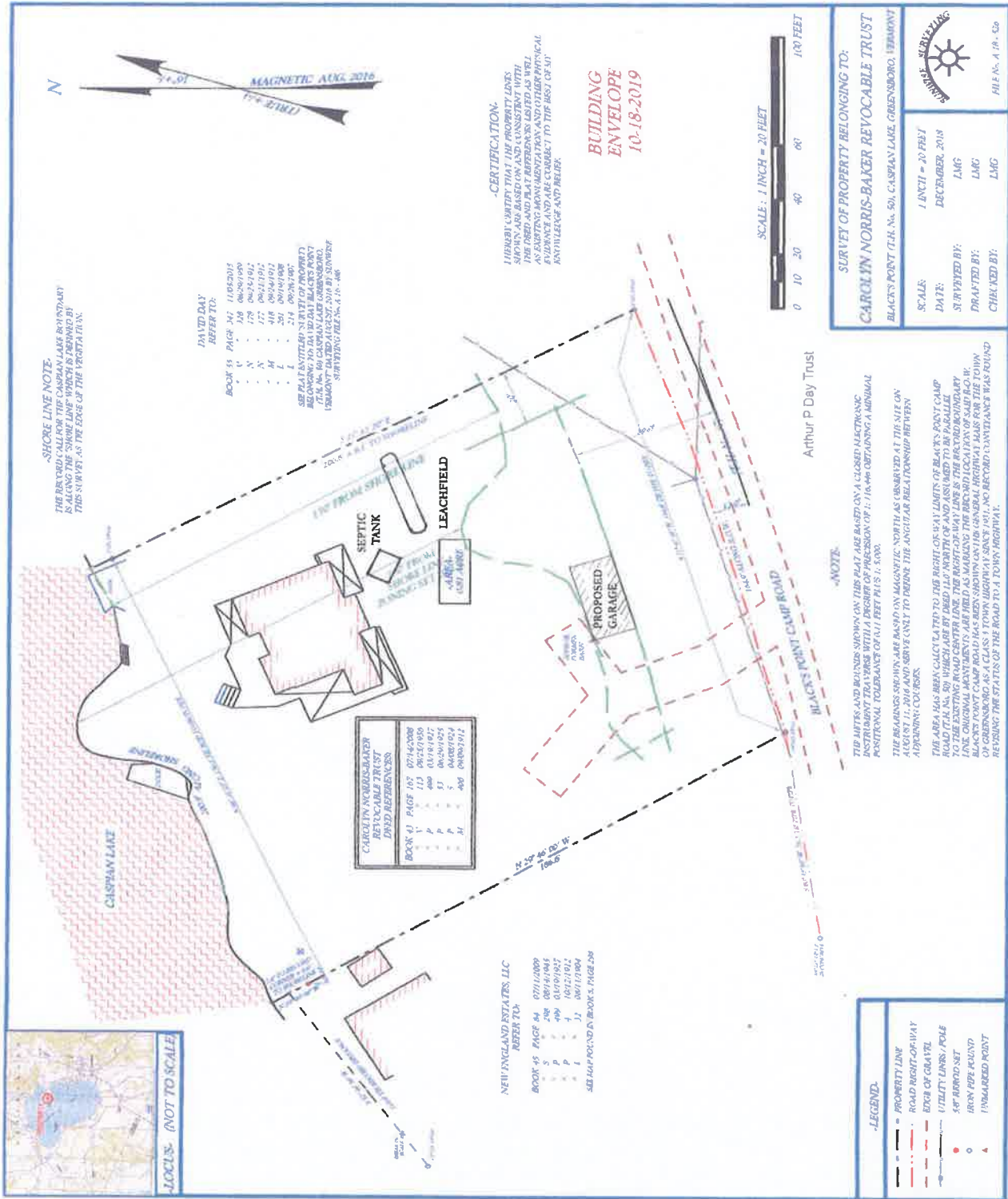
Signature of Landowner(s) Carolyn Navis Baker, trustee Date: July 5, 2020

**Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.**

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

**Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0130.**

<b>FOR ADMINISTRATIVE USE ONLY</b>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
<input checked="" type="checkbox"/> Referred to the Development Review Board	
Date <u>7-9-2020</u>	Signature <u>[Signature]</u>
Remarks and/or Conditions: _____	
Date of Approval or Denial by Development Review Board: _____	
Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date) _____	
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date) _____	



## Email Regarding State Wastewater Permit

7/5/2020

Mail - Lyn Norris-Baker - Outlook

**RE: Question regarding required state permits**

Kopsco, Pete <Pete.Kopsco@vermont.gov>

Mon 6/15/2020 11:22 AM

To: Lyn Norris-Baker <lyn@ksu.edu>

Dear Ms. Baker:

You do not need any state permits for your project. Greensboro handles lake shore permitting, and you do not need a wastewater permit to renovate the interior. Do not hesitate to contact me if you have any other questions.

Sincerely,  
Pete

Pete Kopsco  
Permit Specialist, Environmental Assistance Office  
Department of Environmental Conservation  
1 National Life Drive, Main 3  
Montpelier, VT 05620-3803  
802-505-5367

Due to the coronavirus (COVID-19) we are taking additional safety measures and are now working remotely while focusing on keeping our normal business processes fully functional. Please communicate with our staff electronically or via phone to the greatest extent possible since our processing of postal mail may be slowed during this period.

More information is available at our website <https://dec.vermont.gov/environmental-assistance>.

Thank you for your patience during this challenging time. We wish you and your family the best.

**From:** Lyn Norris-Baker <lyn@ksu.edu>  
**Sent:** Friday, June 12, 2020 9:34 AM  
**To:** Kopsco, Pete <Pete.Kopsco@vermont.gov>  
**Subject:** Question regarding required state permits

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Mr. Kopsco,

We plan to make two changes to our camp property at 292 Black's Point, Greensboro.

The property is located in the Caspian and Eligo Lake Shoreland Protection District and is 0.81 acres.

1. We want to add a one story single car garage to be located in accordance with all required setbacks, but the property does not meet the minimum 1 acre size.
2. In combination with re-roofing the camp, we wish to remodel the current kitchen, incorporating an existing storage closet and enclosing approximately 100 square feet of what currently is deck at a corner of the camp away from the lakeshore. The existing sink, dishwasher, range, microwave, and refrigerator/freezer in the kitchen will be replaced with current, more efficient models; no additional fixtures will be added. No other changes will be made to the structure or its use.

Please let us know what state permit(s) are required if any, and the information we will need to provide.

Thank you.

Lyn Norris-Baker and Frank Baker  
[lyn@ksu.edu](mailto:lyn@ksu.edu)  
603-383-4884 or 802-533-2642



## **Property Description and History**

The current camp was constructed in 1926, prior to zoning requirements, and remodeled with an expanded footprint in 1975-76. The design of the current structure reflects its circa 1970's remodeling with vertical and diagonal wood siding and expansive windows and sliding glass doors. The two-story seasonal structure has 4 bedrooms, 2 full baths, and a kitchen with double sink, dishwasher, range and refrigerator freezer. There is baseboard electric heat in much of the first floor.

**Previously, three different accessory structures have been located on the property:**

1. A lean-to woodshed located along the western property line adjacent to the driveway. The date of construction is undocumented; the structure was removed in 1957.
2. A one-story woodshed of approximately 100-150 square feet located to the Black's Point Road side of the camp. Constructed simultaneously with the camp in 1926, it was demolished in 1975 in conjunction with the camp remodeling, due to its state of disrepair (see photo attached).
3. A two-story barn-style garage with gambrel roof, approximately 22' x 22' (almost 1,000 square feet) located in the vicinity of the current parking area. This structure survived the 1938 hurricane, but was destroyed during the winter of 1971-72. The person entrusted with winter patrolling and snow removal allowed an excessive snow load to accumulate, collapsing the roof and second floor (see photos attached). Prior to its destruction, this structure was used as a two car garage and storage area on the first floor and a recreational space with games, ping pong table, etc. on the second floor. During the winter, boats and outdoor furniture were stored there as well. The foundation of the building still exists under the current parking area.

## **Current Application**

1. To construct a one-story garage in accordance with the boundaries of the property setbacks, near the previous location of the former garage.
2. To remodel the outdated kitchen that is inadequately sized for a 4 bedroom camp, con current with re-roofing the camp and replacing the kitchen roof windows.

### Historical Photos



292 Black's Point Camp Circa 1957



Barn/Garage Circa 1957 Woodshed



Barn/Garage Post 1938 Hurricane



May 1972



292 Black's Point



During Remodeling 1976 (Some railings not completed)

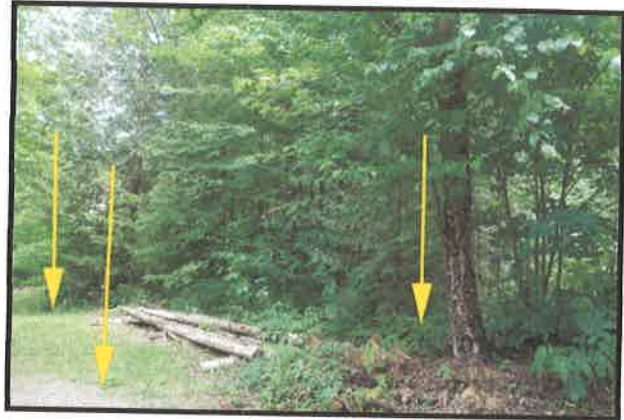
## **Proposed One-Story Garage**

The area of the property within the lake, road, and adjacent property setbacks offers very limited building sites due to topography. The most buildable site with least impact partially overlaps the location of the former garage. The maximum building width possible there is approximately 15-16 feet due to the lake and road setbacks.

The one-story structure with gable roof will be approximately 15' 4" by 28', with a height of 15'. The building's height is mostly below the grade of Black's Point Road. It will be built on slab and its design will incorporate siding, roof, and windows similar to those of the camp. It will have electrical service, but no plumbing or heating. In addition to providing for vehicle and outdoor equipment storage, it will allow safe winter storage for boats and outdoor furniture. (See attached plan and elevations).



### Proposed Garage Location



#### Views from Parking Area

Proposed Location - Garage Length

Length Proposed Location Width



#### Views from Black's Point Road

Area Below Power Lines Cleared By Hardwick Electric

Approximate Proposed Location - Garage Length

Power Line to Day Garage



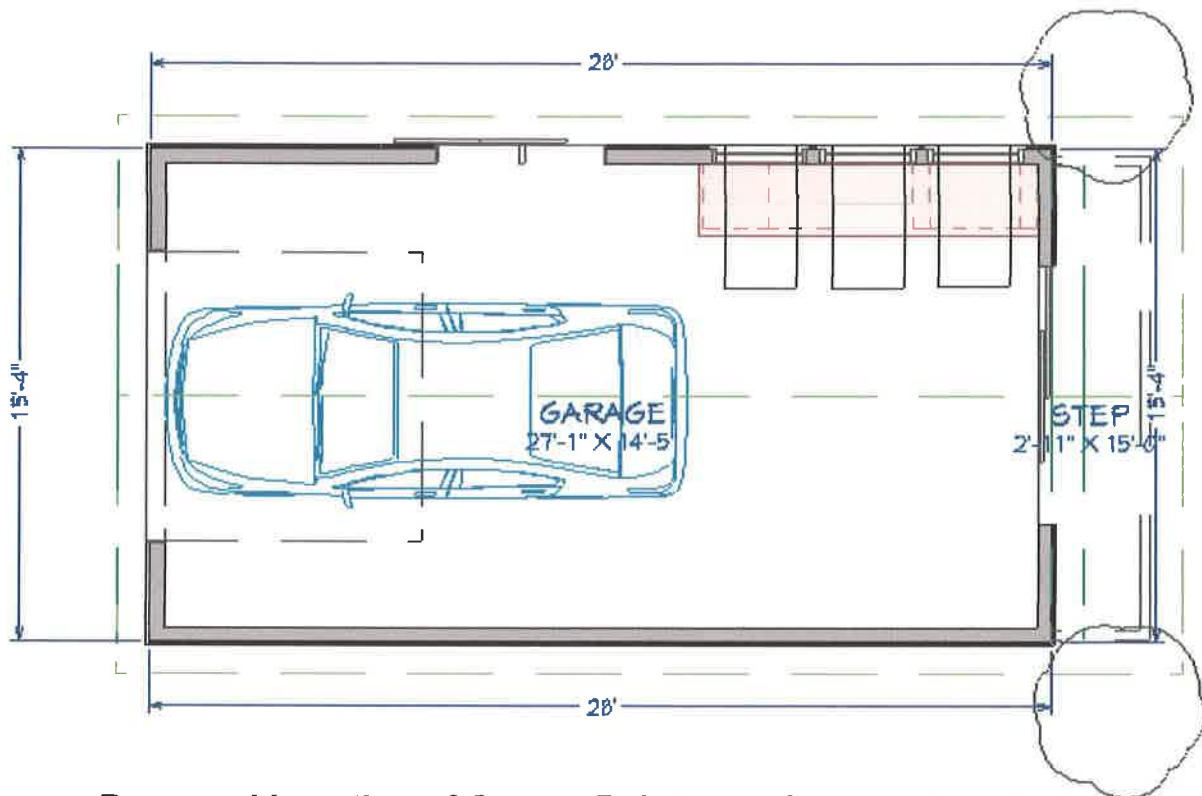
Power Lines

View from Road Garage Location

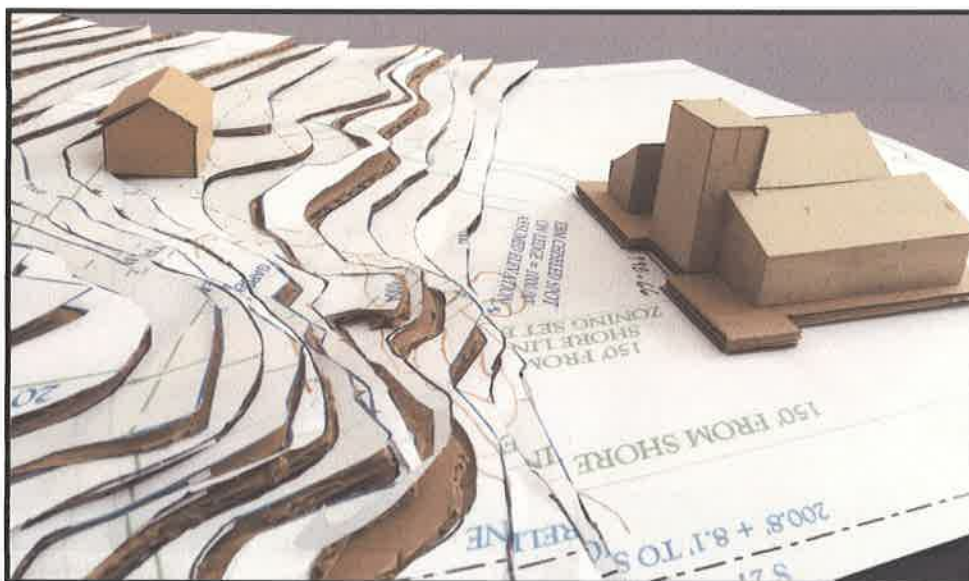
View from David Day Property Line Setback

Proposed Locations to Add Appropriate Plantings

### Proposed Garage Plan



### Proposed Location of Garage Relative to Surrounding Contours





### Proposed Garage Elevations

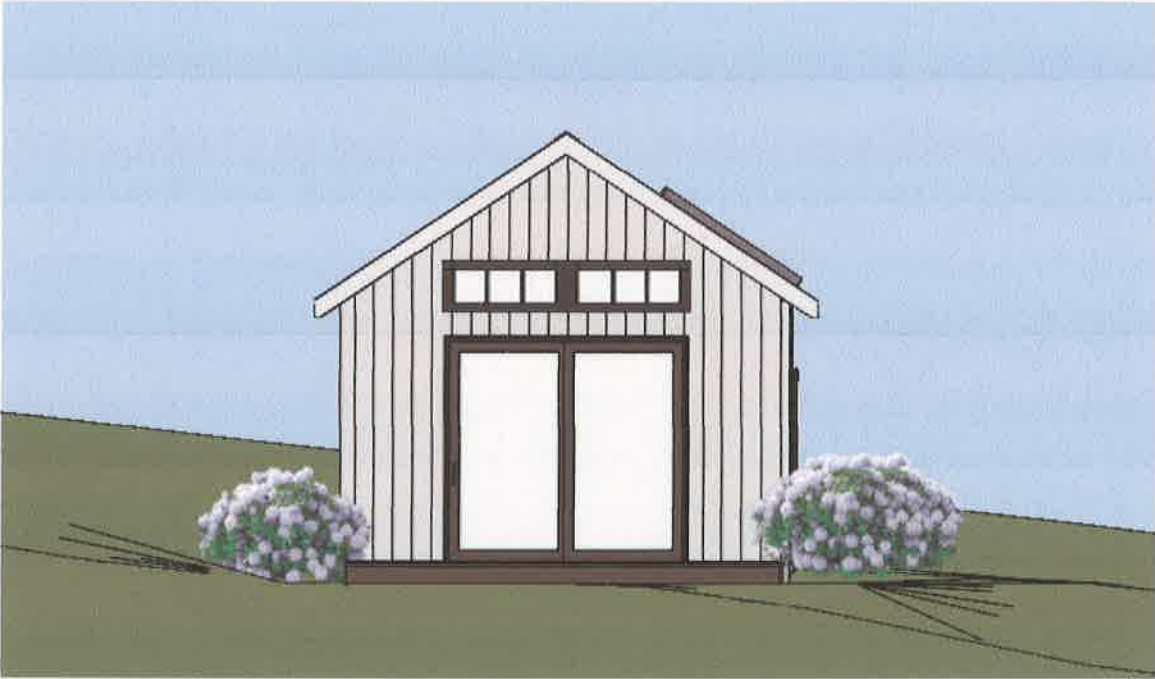


**Northwest Elevation Facing Lake**

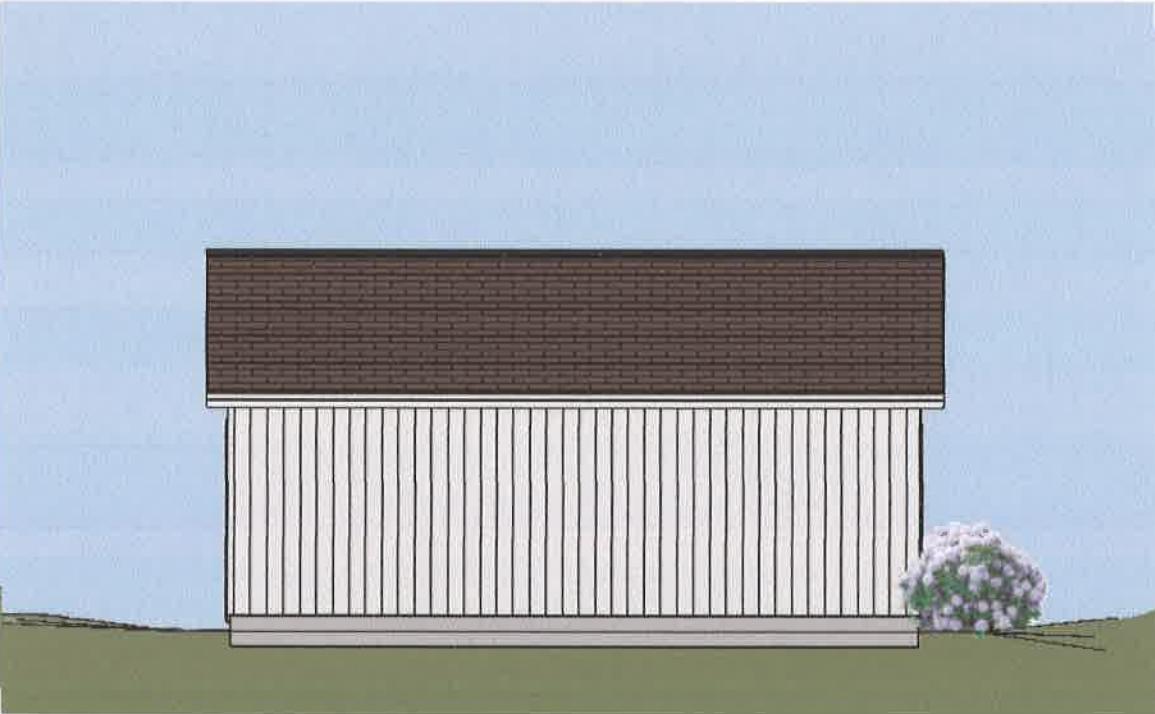


**West Elevation**

### Proposed Garage Elevations



**East Elevation**



**Southeast Elevation Toward Road**

## Conditional Use Criteria for Garage

1. Although the property does not meet the current minimum lot size (0.81 acres rather than 1 acre), the building's location adheres to all setback distances and employs the property's topography to minimize visibility (see attached survey). Minor modifications to the building's dimensions will be made if needed to assure it is completely contained within the setbacks. The structure will be compatible with the character of Black's Point, a generally wooded area of primarily seasonal homes with accessory buildings of different styles.
2. This location partially overlaps the current parking area (Staymat). It requires minimal changes to the driveway and parking area, and requires removal of very few mature trees.
3. Some mature birch and cedar will remain to screen the garage from the road. Several years ago Hardwick Electric removed all the mature trees under the power line that parallels the road. These trees had helped screen this area of the property. Since then, a number of saplings have grown up along the right of way, but this growth likely will be removed when trees again grow too high. As a result, the garage will be well concealed visually from the road when vegetation is leafed out, but less so when deciduous trees are bare. To address this situation, any excessive brush will be removed and trees identified as suitable to be located below power lines will be planted in places along this right of way to better screen the property from the road.

In an article published in *The Green Mountain Gardener*, Dr. Leonard Perry, Extension Professor, University of Vermont, states that if trees are desired for screening or aesthetics under power lines, plant low-growing ones (retrieved from <http://pss.uvm.edu/ppp/articles/powerlines.html>). "They should be under 25 feet tall at maturity if they'll be within 15 feet of power lines." The article suggests a variety of suitable small trees and large shrubs. For example, some white cedars suitable for zone 3 grow to heights of 15-20 feet.

The *Vermont Tree Selection Guide* published by Vermont Urban and Community Forestry Program in partnership with the University of Vermont Extension identifies trees and shrubs suitable for planting under power lines in zones 3, 4, and 5 (retrieved from [https://vtcommunityforestry.org/sites/default/files/pictures/complete\\_vt\\_tree\\_selection\\_guide\\_2019.pdf](https://vtcommunityforestry.org/sites/default/files/pictures/complete_vt_tree_selection_guide_2019.pdf)). Some of these include 'Little King' Fow Valley® River Birch (zone 4a, 15 feet), 'Summer Snow' Japanese Tree Lilac (zone 3a, 20 feet), and 'Thunderbird' Crabapple (zone 3, 20 feet). Panicle Hydrangeas are suitable for zone 3 as well, and grow to 20 feet or less.



4. The garage will be concealed from adjacent properties by the existing row of cedars planted along the property line with New England Estates, and by the mature hardwoods and softwoods along the border with the Day property. The greatest visibility will be from the recently constructed two-story structure on the Day property, due to the tree removal under the power line to that structure. Suitable low-growing evergreens will be planted to improve the screening in that area.

5. There will be no impact on existing traffic on the road or significant environmental impacts.

### **Variance Criteria for Garage**

1. Although the property lacks 0.19 acres to meet the minimum property size, all other criteria, setbacks, community and environmental impacts are in keeping with the ordinances for the area. The structure is largely shielded from view by the topography and existing vegetation.

2. The garage will improve the property by reducing visibility and providing safer storage for a vehicle and outdoor equipment.

3. The property was obtained via inheritance in 1999. The hardship was created several decades earlier by the loss of the previous garage on the property that was not rebuilt. Had it been replaced with a similar building soon after 1972, there currently would be adequate safe storage for vehicles and outdoor equipment. Had that replacement been constructed, it would be far more visible than the proposed garage.

4. The requested variance requires the least deviation possible from the current requirements. The proposed structure will not alter the essential character of the area, impair the appropriate use or development of adjacent properties, reduce access to renewable energy resources, or be detrimental to the public welfare.

## **Proposed Kitchen Remodeling**

The present kitchen is inadequately sized for a 4 bedroom camp designed to accommodate a multi-generational family. The current state of repair of the camp roof and kitchen roof windows require immediate replacement. Currently, the 120 square foot kitchen together a 16 square foot storage area are surrounded by deck on three sides and a doorway to the adjacent dining area within the camp. The kitchen's two doors that open onto different parts of the deck and the doorway leading to the dining area create a circulation pattern that is inefficient and allows minimal counter and storage space. The refrigerator, double sink and stove date from 1976; the dishwasher was replaced about 1990. (See attached plans and photos of current structure).

It is not possible to address these inadequacies within the existing space configuration. The remodeled kitchen incorporates a small existing storage closet and two small portions of the surrounding decks, and does not expand the footprint of the camp decks. In addition, the modifications to the kitchen roof enabled by this expansion will better match the rest of the camp's exterior elevations. The 14' by 15'-7" (233 square foot) space is designed to improve efficiency, functionality and storage. It is organized with areas for food preparation, cooking, washing, the storage of food supplies, and storage of utensils and crockery. Minor modifications may be made to the interior kitchen design if warranted by the changes required to the structure of the 1926 camp wall, replacement of the old appliances, windows, etc. The proposed square footage of the kitchen will not be changed if any such minor design modifications are appropriate. (See attached plans and elevations for remodeled kitchen).

**292 Black's Point July, 2020**



**Southeast Elevation**



**East Elevation**



**Southwest Elevation - Kitchen**



**Northwest Elevation - Kitchen**

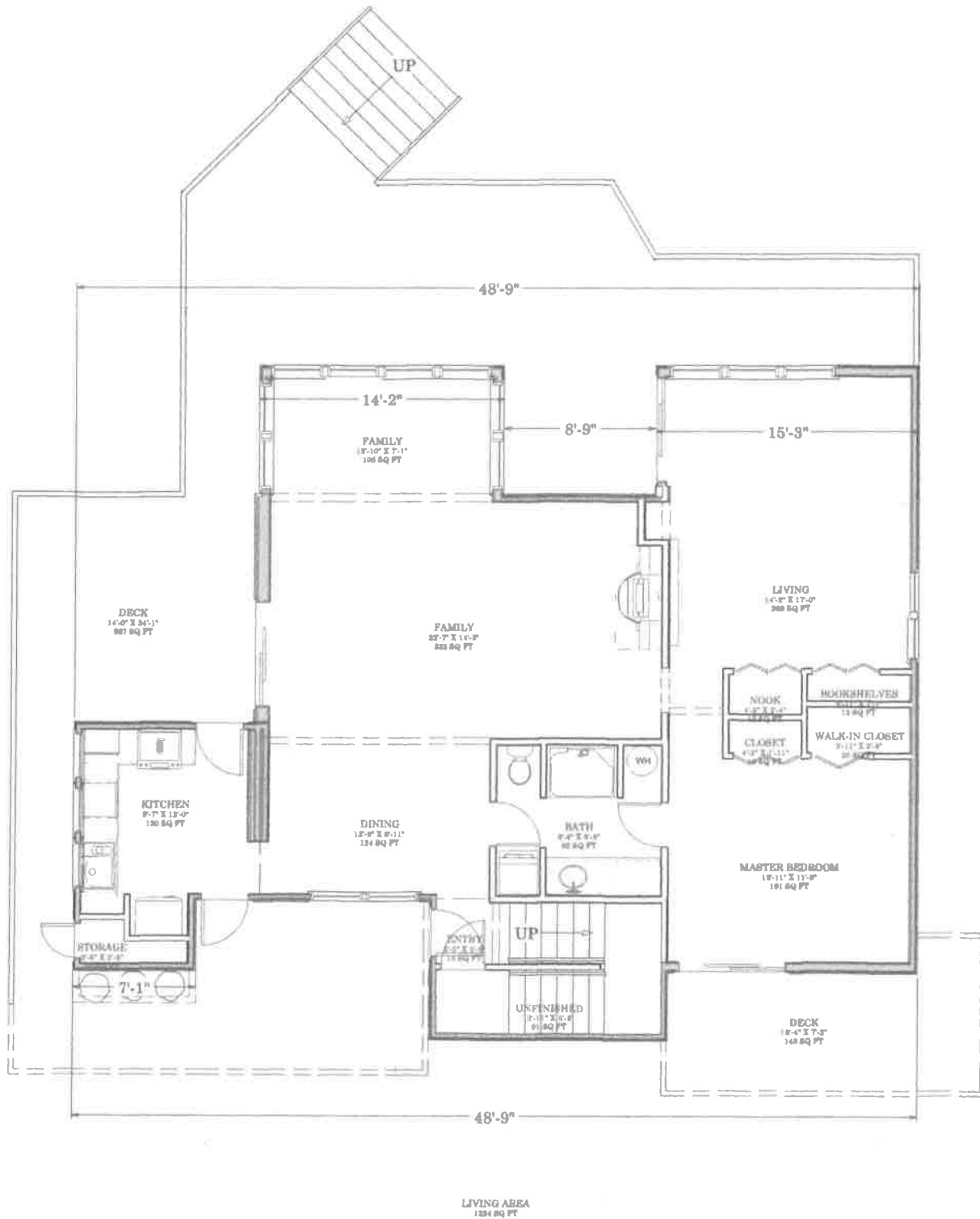


**Northwest Elevation**

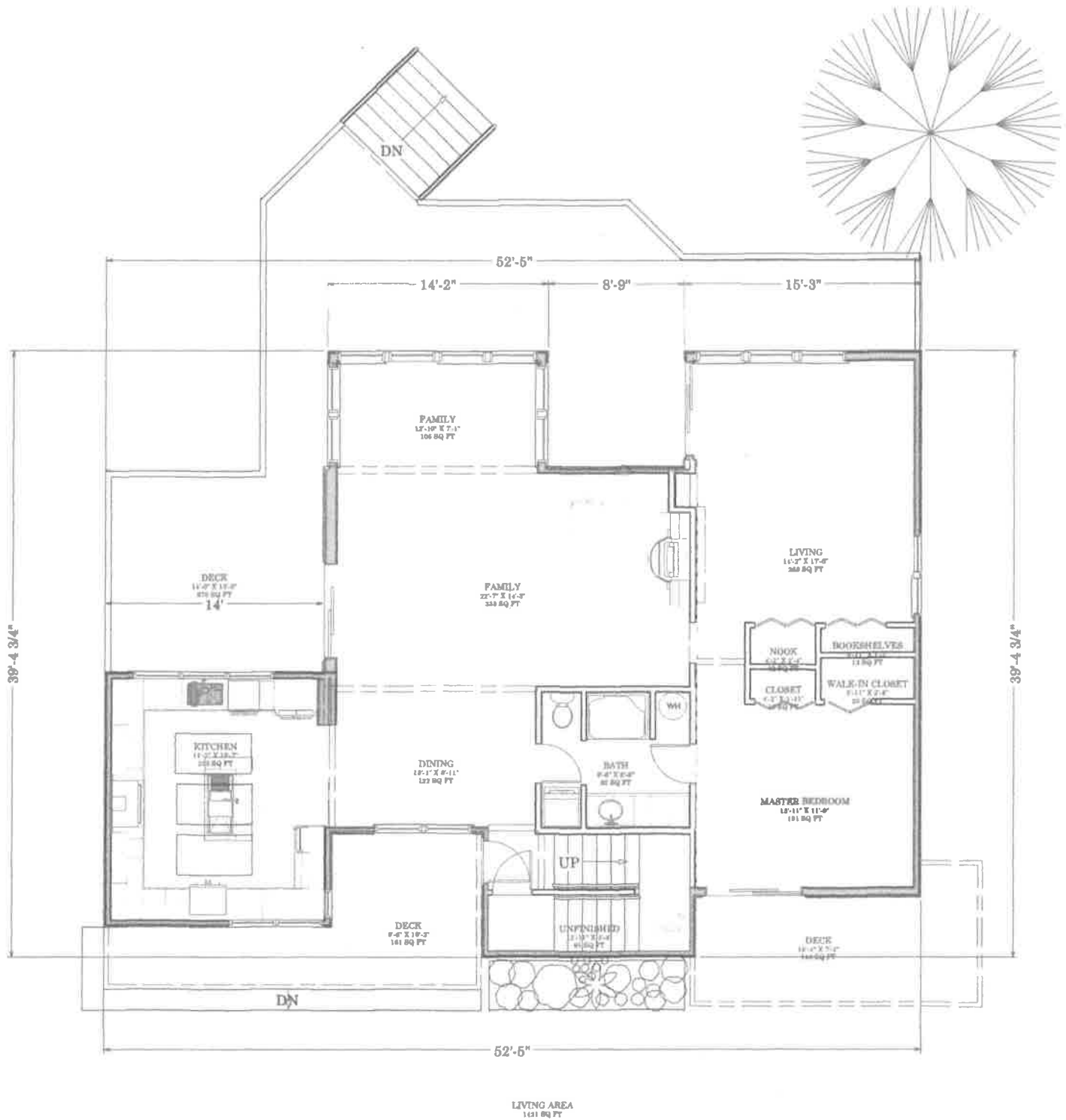


**Northwest & West Elevation**

### First Floor Plan of Camp July 2020



### Proposed First Floor Plan of Camp - Kitchen Remodeling



### Proposed Camp Elevations



**Southeast Elevation**



**Northwest Elevation**



**Southwest Elevation**



## **Conditional Use Criteria for Kitchen Remodeling**

1. The property does not meet the current minimum lot size (0.81 acres rather than 1 acre). The location of the camp was determined in 1926. The footprint was expanded in 1976 with additions to all four sides of the camp. The remodeled kitchen will be located on a pier foundation within the existing bounds of the camp structure and attached decks. The exterior elevations will use the same materials as the existing camp:

- A. vertical and diagonal lap and gap cedar siding stained gray
- B. roof windows from the same manufacturer (Velux) with the enhanced options of solar operation and darkening shades to control solar gain appropriately.
- C. brown aluminum-clad wood windows from the same manufacturer (Pella)
- D. cedar trim stained brown around both the operable windows and fixed glazing

This design will result in no noticeable change to the style of the 1976 era camp and will create more aesthetically balanced forms on the two sides of the southeast and northwest elevations facing the road and the lakeshore.

2. The remodeling does not require a wastewater permit (see attached communication from Pete Kopsco, Permit Specialist, Environmental Assistance Office, Department of Environmental Conservation). The 30 - 45 year old appliances will be replaced with current energy and water efficient ones. Although not part of the kitchen remodeling, we also are updating the two bathrooms with new high efficiency 1.2 GPF toilets to reduce wastewater.

3. The kitchen remodeling does not impact any trees and requires no changes to the landscaping surrounding the camp, the existing driveway, or gravel path. The additional plantings added around the garage will improve views from the camp.

4. There will be no impact on the visibility of the camp from either adjacent properties.

5. There will be no impact on existing traffic on the road or significant environmental impacts.

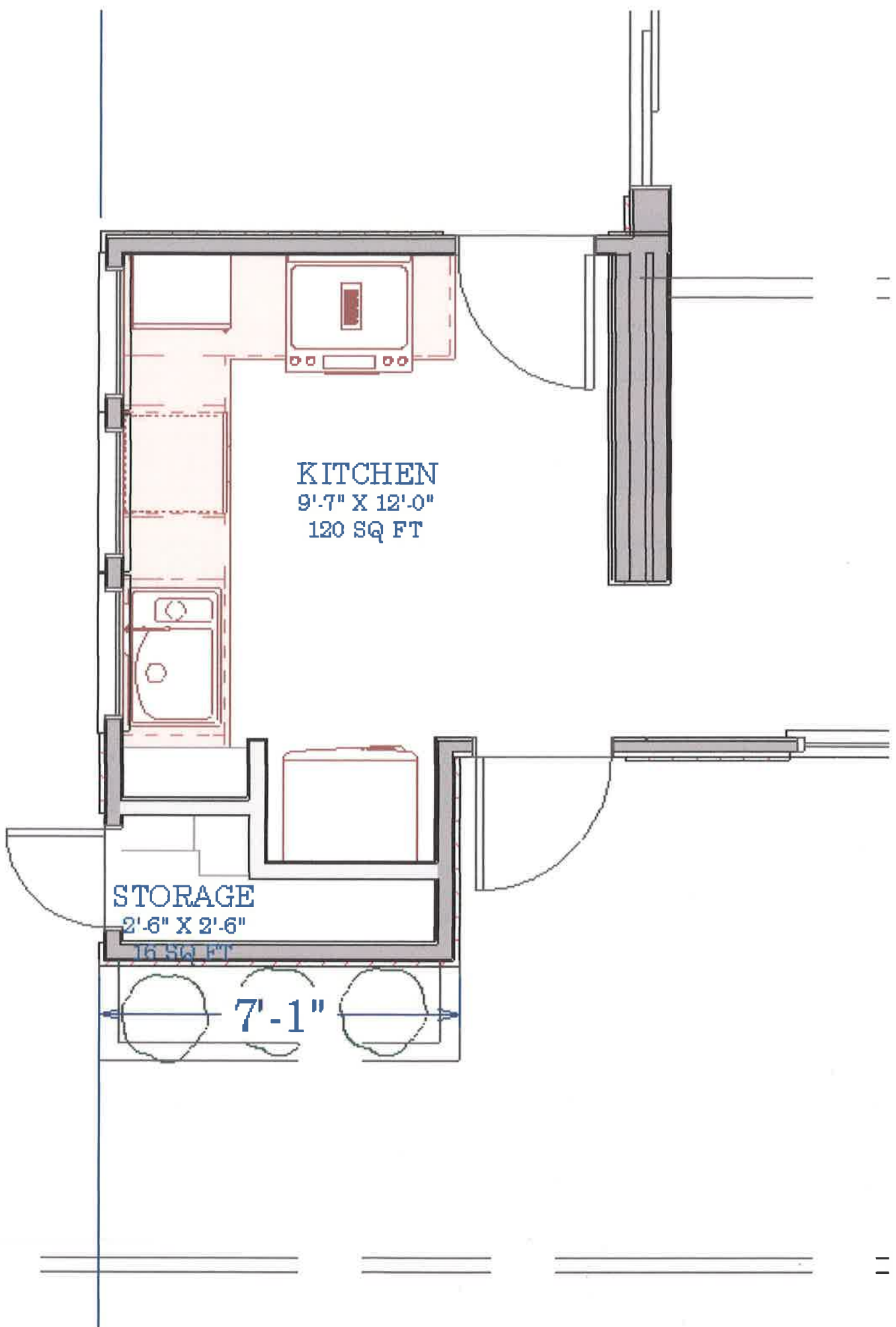
## **Variance Criteria for Kitchen Remodeling**

1. Although the property lacks 0.19 acres to meet the minimum property size, all other criteria, community and environmental impacts are in keeping with the ordinances for the area.

2. The remodeled kitchen will improve the property by providing a more appropriately designed kitchen for use by a multigenerational family in the 21<sup>st</sup> century, and by increasing the energy and water efficiency with new appliances.

3. The property was obtained via inheritance in 1999. The hardship exists because neither the camp location nor the area of the property can be changed to be less non-conforming.

4. The requested variance requires the least deviation possible from the current requirements. The proposed remodeling will not alter the essential character of the area, impair the appropriate use or development of adjacent properties, reduce access to renewable energy resources, or be detrimental to the public welfare.



KITCHEN  
9'-7" X 12'-0"  
120 SQ FT

STORAGE  
2'-6" X 2'-6"  
16 SQ FT

7'-1"



