

Conditional Use Permit
Marian Wright and Greg Boester
August 24, 2020

To consider a conditional use request by Greg Boester and Marian Wright to tear down and rebuild a shed on their property at 151 Birch Lane.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District, 5.4 Conditional Uses, 8.9 Nonconforming Uses and Structures within the Shoreland Protections District, and 8.11 Shoreland Protection District Erosion Prevention .

Warnings were posted on July 27, 2020 at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. Also on July 27, 2020, the warning was sent to the applicant and the following abutters and neighboring property owners: Day Patterson & Janet Showers, Gwen Mann, Philip Patterson, Ken Mann, and Scott Mann. It was published in the Hardwick Gazette on Wednesday, August 5, 2020.

Development Review Board members present: BJ Gray, MacNeil, Linda Romans, Nat Smith, Jane Woodruff, Lee Wright, Wayne Young, Janet Travers (alternate) and Mike Metcalf (alternate),

Development Review Board members absent: none

Others present: Travis Cutler, contractor

Correspondence from interested persons:

Email letters from:

- Gwen Mann (in favor)
- Ken Mann (in favor)
- Scott Mann (in favor)
- Day Patterson and Janet Showers (in favor with modifications in addendum)

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

- #1 email letter from Ken Mann
- #2 email letter from Gwen Mann
- #3 email letter from Scott Mann
- #4 email letter from Day Patterson and Janet Showers

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:02 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 Mr. Cutler to explain what Ms. Wright and Mr. Boester want to do on the property at 151 Birch Lane. Mr. Cutler stated that they want to remove the approximately 12 foot by 30 foot storage shed on their property and rebuild a shed on the exact footprint. It will also be used for storage. They would like to make the proposed building five feet taller (from 11 feet 4 inches to 16 feet 4 inches) so they can have a loft area for small boat storage. The exterior siding and color will match the exterior of the camp and it will have a standing-seam metal roof like the present camp. Since the shed will sit on steel coil piers that are screwed into the ground, there will be no need for excavation or landscape disruption. This method is very non-invasive to the surrounding land. Gravel or crushed stone will be used as a base under the building. There will be electricity but no plumbing. Only one door is planned in the building.

The hearing ended at 7:17. The Board went into deliberative session at 7:19 and came back into public session to announce their decision at 7:28.

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 and building.

- The .4 acre lot and 145 foot lot depth are both nonconforming. (the standard for lot size is 1 acre and the standard for lot depth is 200 feet)
- The standard setback from the lake is 200 feet. This structure is nonconforming at 61 feet 8 inches from the lake.
- The lot width of 130 feet exceeds the standard of 100 feet and the shore frontage of 265.5 feet exceeds the 200 foot standard.
- The standard setback of a structure from the lot lines is 20 feet. The right side setback of this structure is nonconforming at 9 feet 4 inches. The left side and back setbacks exceed the standard at 84 feet and 61 feet 8 inches respectively.
- It is 113 feet from the road right of way which exceeds the standard of 50 feet.
- The standard for the height of a structure is 30 feet. The proposed structure will be increased from 11 feet 4 inches to 16 feet 4 inches in height which conforms to the standard.

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.* It will not have an adverse effect on the capacity or existing or planned community facilities.
2. *the character of the area.* It will not affect the character of the area.
3. *traffic in the vicinity.* It will have no effect on the traffic in the area.
4. *by-laws and ordinances presently in effect.* It will not affect the by-laws or ordinances presently in effect.
5. *the utilization of renewable energy resources.* N/A

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, non-conforming lot.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* This is a pre-existing, nonconforming structure.
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 additional 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.* N/A
5. *The proposed structure is compatible with other structures in the area.* This structure will be compatible with other structures in the area.
6. *The proposed structure adheres to the uses allowed in the relevant district.* A storage shed is an allowed use in the Shoreland Protection District.
7. *The proposed structure will not affect the noise or air pollution in the area.* Noise and air pollution were considered and the shed will not adversely affect them.

8.9 Nonconforming Uses and Structures in the Shoreland Protection District

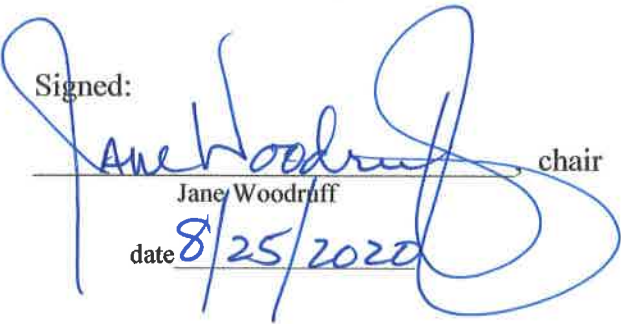
(3) Any structure may be enlarged, extended, reconstructed, expanded, modified or relocated on with the approval of the DRB, subject to conditional use review (5.4). The DRB must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through mitigation measures and meets all other applicable requirements of these regulations.

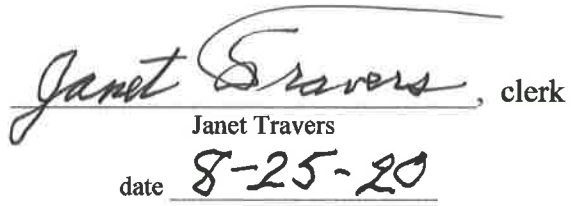
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the conditional use permit. (Alternates vote in the absence of Board members.)

Conditions:

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

Signed:  chair
Jane Woodruff
date 8/25/2020

 clerk
Janet Travers
date 8-25-20

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.