

Conditional Use Hearing  
Alex Lerner and Clara Sieg  
November 23, 2020

*To consider a conditional use request by Alex Lerner and Clara Sieg to build a boathouse at 1860 Lake Shore Drive.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 New Uses and Encroachments Within the Shoreland Buffer Zone.

**Warnings** were posted on November 4, 2020 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 applicants and the following abutters and neighboring property owners: Jane Coventry; John and Melanie Clarke; Singularity Project; Olivia Skillen-Croft and Douglas Croft; Eric and Johnathan Croft, Leonard Sawyer and Allison Hall; South and Julie Sigler; Mary Olmsted-Stedman, Edward and James Olmsted; Thomas Berd; Brownwell Trust; Hewes Living Trust, David and Mary Clarke; Maureen and Charles Hill; Peter and Elizabeth Hunt; Gray Family Trust, on November 4, 2020. It was published in the Hardwick Gazette on Wednesday, November 4, 2020.

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

**Development Review Board members absent:** None.

**Others present:** Clara Sieg and Alex Lerner, applicants; Adam Davis, architect; Melanie Clarke, Johnathan Croft, Doug Croft, Betsy Hunt, and Christine Armstrong.

**Correspondence from interested persons:** None.

**During the course of the hearing the following exhibits were submitted:** None.

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. Adam Davis to explain what Ms. Clara Sieg and Mr. Alex Lerner propose to build on their property at 1860 Lake Shore Road. Mr. Davis explained that the applicants own 1860 and 1863 Lake Shore Road. The proposed boathouse will be built on the northern edge of the pasture on the now combined properties, with an average height of 14' 10". A full foundation will anchor the structure into the hillside, so it doesn't shift and move. At a distance of 30' from the lakeshore, the boathouse will be sited beneath a large pine tree and embedded into the hillside, to make the boathouse less visible in the pasture. The structure's colors will be dark green with a slate gray roof, to further blend the boathouse into the landscape. The boathouse will be used to store canoes. It was suggested that the boathouse might be moved southward to protect the tree roots, if necessary. No objections were voiced by adjacent landowners. Some discussion ensued whether the landowners would consider concealing the proposed boathouse in a ribbon of native plantings. The applicants bought the property as a pasture and will consider additional native plantings.

Ms. Woodruff complimented Mr. Davis on the thoroughness of the application and thanked members of the public for participating in the discussion. The hearing ended at 7:27 PM. The

Board entered into deliberative session at 7:29 PM and came back into public session to announce their decision at 7:53 PM.

### **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. With 69.4 acres, the lot size meets the dimensional lot standards as noted in the bylaws. The structure conforms to the side and road setbacks. The proposed site is 30' from the lakeshore.

### **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.* Boathouses are a common use in the Shoreland Protection District and do not use community facilities.
- 2. the character of the area.* Similar boathouses are around the lake.
- 3. traffic in the vicinity.* Traffic will not be incurred by this structure.
- 4. bylaws and ordinances presently in effect.* The proposed boathouse will not affect the town's bylaws and ordinances.
- 5. the utilization of renewable energy resources.* Renewable energy resources will not be affected by this structure.

#### *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.* The lot size is in compliance.
- 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 boathouse meets all setbacks, except for the lakeshore setback.
- 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.* This is a residential use, so 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.* No signs are included in the application.
- 5. The proposed structure is compatible with other structures in the area.* The proposed boathouse compliments existing structures in the Shoreland Protection District.
- 6. The proposed structure adheres to the uses allowed in the relevant district.* Boathouses are a conditional use in this district.
- 7. The proposed structure will not affect noise or air pollution in the area.* Noise or air pollution will not be increased by the proposed boathouse.

### **8.8 New Uses and Encroachments Within the Shoreland Buffer Resource Zone**

#### *B) Conditional Uses.*

3. Boathouses.

- a. A new boathouse shall be constructed behind the Natural Berm, if it exists. The site is located behind the Natural Berm.
- b. A boathouse shall not have plumbing. This structure will have no plumbing.
- c. The maximum size of a boathouse's footprint shall be 400 sq. ft. The square footage of the proposed boathouse is 400 sq. ft.
- d. The maximum height of a boathouse building shall be 15 ft. This structure's height will not exceed 15 ft.
- e. There is a limit of one (1) boathouse per tax lot. No boathouse is currently on the property.
- f. No decks, porches or other similar appendages will be allowed on boathouses. No decks, porches, or other appendages are included in the application.
- g. A new or reconstructed boathouse shall require a conditional use permit. This proposed boathouse meets the criteria for a conditional use permit.
- h. A new or reconstructed boathouse shall be used only for the storage of boats. This building is intended solely for the storage of boats.

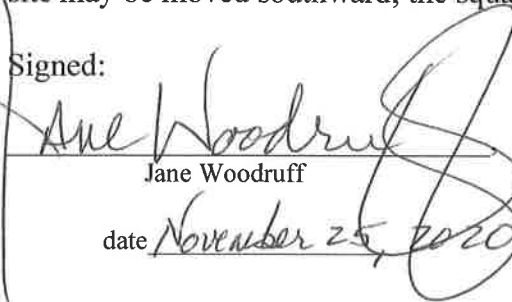
**Decision and Conditions**


Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to build a new boathouse at 1860 Lake Shore Road. The Board determined that the standards for a conditional use permit were met. (Alternates vote in the absence of Board members.)

**Conditions:**

- 1. Any and all necessary state and federal permits must be in place before construction begins.
- 2. The boathouse will have no plumbing.
- 3. All possible steps will be taken to ensure the tall pine trees are not adversely affected by excavation and the construction process. If deemed necessary to protect the trees, the boathouse site may be moved southward; the square footage may not increase.

Signed:

  
Jane Woodruff chair  
date November 25, 2020

  
Brett Ann Stanciu, clerk  
date November 27, 2020

**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.