

Conditional Use Hearing
Christine Armstrong
November 6, 2013

To consider a conditional use application by Christine Armstrong to build a boathouse 173 Miller Rd. within the Caspian Lake buffer zone.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law, 2.5 Lakeshore District; 3.9 Protection of Water Resources; and 5.4 Conditional Uses.

Warnings were posted on October 16, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to Christine Armstrong, applicant; and the following abutters: Andrew Mitchell; Benjamin Winship; Charles Peck; and Karen Newhouse. It was published in the Hardwick Gazette on Wednesday, October 23, 2013.

Development Review Board members present: Linda Romans, Nat Smith, Janet Travers, Jane Woodruff and Wayne Young

Others present: Christine Armstrong, applicant; and Kristen Leahy, zoning administrator

Correspondence from interested persons: an email from abutter, Charles Peck

During the course of the hearing the following exhibits were submitted to the Development Review Board:

1. A copy of an email from Charles Peck, an abutter, who was concerned about the proposed boathouse. Mr. Peck was concerned about the lack of specificity in the placement and look of the proposed boathouse.
2. Schematic of the placement of the boathouse on the property showing the distance from the lot lines.
3. Schematics of the floor plan and the west elevation of the boathouse.
4. Schematics of the south and east elevations of the boathouse.

These exhibits are available at the Greensboro Town Clerk's office.

Summary of Discussion

Ms. Woodruff began the hearing at 7:02 PM. She noted that the hearing was quasi-judicial, explained the procedure for the hearing, and swore in Ms. Armstrong. She then asked Ms. Armstrong to explain the plan for the proposed boathouse. Ms. Armstrong stated that she has 1.03 acres on the North shore of the lake. Her land by the lake is covered by a band of cedar trees which will be preserved. She is involved in an on-going project to maintain and enhance the natural beauty of her land. She hopes she will not be able to see the boathouse from her house or from the lake. The proposed boathouse will be about 57 feet from Mr. Peck's land and about 70 feet from Ms. Armstrong's land. Because of an outcropping of ledge, the foundation of the boathouse will be built on two levels. Ms. Armstrong is not planning to install electricity in the boathouse at this time. She plans to use the windows to provide needed light. The proposed structure will be about 352 square feet and about 15 feet high. It is about 10 feet from the lake at the closest point. It is located above the high water mark and behind the trees along the lakefront which are a natural screening buffer. There is a proposed deck that will be 4 ft. x 12 ft. No large trees will be cut to construct the boathouse, but some smaller trees will need to be cut and the stumps will be left. The boathouse foundation will be posts and/or the existing rock ledge. There will be adequate provisions for the control of storm water runoff.

The hearing ended at 7:23 and the board went into deliberative session at 7:24. They came back into public session to announce their decision at 7:44.

Findings:

2.5 Lakeshore District

A boathouse is a permitted conditional use in the Lakeshore District. The proposed boathouse will be 57 feet from one side line, 70 feet from the other and far from the road.

3.9 Protection of Water Resources

The proposed boathouse will be built behind the natural screening buffer and above the high water mark. The stumps of any cut trees will be left in the ground and the surrounding habitat will be disturbed as little as possible. There will be adequate provision for storm water run-off. It will not have plumbing. The footprint will be less than 400 square feet and it will be no higher than 15 feet.

5.4 Conditional Uses

B) The proposed boathouse would not have an adverse effect on:

1. the capacity of existing or planned community facilities.
2. the character of the area.
3. traffic in the vicinity.
4. by-laws and ordinances presently in effect.
5. the utilization of renewable energy resources.

C) Specific Standards:

1. The lot meets the minimum lot size.
2. The boathouse meets the setback requirements from all lot lines.
3. No fencing or landscaping is required for screening.
4. There will be no exterior signs.
5. The boathouse is compatible with other structures in the area.
6. A boathouse is a conditional use allowed in the Lakeshore District.
7. There will be no adverse effect on the area by noise or air-pollution.

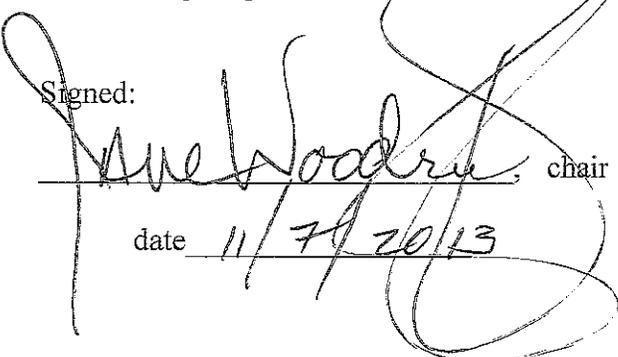
The proposed boathouse conforms to the conditional use criteria.

Decision

Based upon these findings, the Development Review Board voted unanimously (5 to 0) to approve this conditional use application.

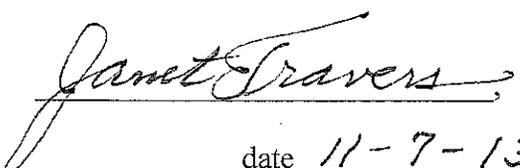
The proposed boathouse meets all setback and size requirements. It will be compatible with the surrounding neighborhood and the natural habitat of the area will be disturbed as little as possible.

Signed:



Sue Woodruff, chair

date 11/7/2013



Janet Travers, clerk

date 11-7-13

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.