

Hearing on Waiver Request
Town of Greensboro
Grange Building
5-21-14

To consider a request for a waiver from the setback rules by the Town of Greensboro to construct a secondary exit/porch on the back of the former Grange building.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law: 2.3 Village District; 3.9 Protection of Water Resources and 5.6 Waivers

Warnings were posted on May 2, 2014 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to the applicant; and the following abutters: the Church of Christ; James Cook; and Richard and Linda Ely It was published in the Hardwick Gazette on Wednesday, May 7, 2014.

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

Others present: Richard Ely, abutter; Susan Wood, chair of the Greensboro select board; Eric Gilbertson from the Preservation Trust of Vermont; Ted Donlon, Valdine Hall and Judy Dales, Grange renovation committee members; and Kristen Leahy, zoning administrator

Correspondence from interested persons: a letter from Richard and Linda Ely

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

- #1 A letter from Richard and Linda Ely stating their objections to the proposal.
 - #2 An aerial photograph by Arrowwood Environmental showing the proposed impact of the building and the surrounding wetland.
 - #3 A 6 page document. The cover sheet is a notice of the issuance of wetland permit #2013-068. The remaining pages are a copy of the wetland permit issued by Alan Quackenbush, Wetlands Program Manager, Watershed Management Division for the state of Vermont.
 - #4 A copy of Mr. Ely's remarks to the DRB at the hearing.
- These exhibits are available at the Greensboro Town Clerk's office.

Summary of Discussion

The site visit took place at 7:00. Mr. Donlon showed us where the planned renovations of the Grange building would be located. Mr. Ely showed us what he feels is a perennial stream running through the wetlands surrounding the Grange.

Ms. Woodruff began the hearing at 7:28 PM. She noted that the hearing was semi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. She then asked a representative from the Grange renovation committee to explain the proposed plan. Mr. Donlon stated that the application was to provide a second means of egress from both levels of the building for fire safety. An ADA access is also planned. The plans presented in the application were drawn up by an architect and approved by the State Fire Marshall. The Preservation Trust of Vermont and the Watershed Management Division of the Department of Environmental Conservation have also approved the plans. It was necessary to apply for a waiver because the building's setback from Church Lane is not in compliance with the criteria in the Greensboro By-law 2.3. The committee has explored other options for the ramp and exits, but felt that this plan was the most aesthetically pleasing and best maintained the historical exterior of the building. Mr. Donlon stated that the planned exits are actually less non-conforming than the building since they are recessed about five feet from the Church Lane side of the building. They tried to have the ramp go from the front of the building to the second level but, because of the grade, the ramp would be too long. About half the stairs and all of the porch will be covered by a roof to protect it from the weather. There will be a concrete wall on the ground level to

support the posts for the porch. The area between the concrete wall and the building will be filled in and used as a landing pad for the lower level exit. The area will not be paved. Mr. Donlon said the Grange committee discussed making an exit from the Southwest corner of the building, but because of aesthetics they discarded that option. They felt a porch would better maintain the character of the area. Shannon Morrison from the State Wetlands Program viewed the site and approved the proposed renovation. The impacts on 130 sq. ft. of wetland and 2246 sq. ft. of the buffer zone have been approved.

Mr. Ely, an abutter, then began his remarks about the renovation. (The remarks were written and distributed to those present.) He stated that he and his wife are in favor of the renovation and see the need for secondary exits for fire safety requirements. The building is non-conforming because it is too close to Church Lane and Mr. and Mrs. Ely believe it is also too close to an unnamed perennial stream which travels through the surrounding wetlands. He feels that 3.8 and 5.6 in the Greensboro by-law empower the DRB to grant an expansion of a non-conforming building for safety or health reasons but, as stated in 5.5 of the by-law, any expansion must represent the minimum that will afford relief and present the least deviation possible from the regulations. Mr. and Ms. Ely feel the large porch does not represent the minimum required to find relief and this problem has been created by appellant. The porch would inevitably lead to noise and trash which would alter the essential character of the neighborhood. As an aside, Mr. Ely said he thinks the code actually requires a roof over exit stairs. Upon questioning, Mr. Ely stated that the perennial stream runs NE to SW through the wetland. The water runs from Perron farm, past the Town Hall, under Craftsbury Rd., across the back edge of the Grange property, under Church Lane, behind the church, and on down to Greensboro Brook. He walked past the marsh in the last 2½ weeks but didn't really look at it intently. Mr. Ely and his family have also been here in the winter. At that time of year the land is still marshy although covered with snow, the water has turned to ice and has cattails poking through it.

Mr. Gilbertson from the Preservation Trust of Vermont stated that the stairs from the two levels must be offset. One stairway cannot be built over the other. He also stated that the fire marshal doesn't like exit stairs to go in front of a window. Mr. Gilbertson also mentioned that exit stairs should be covered to protect them from the weather.

The board went into deliberative session at 8:25. They came back into public session at 9:10 to announce their decision.

Findings:

2.3 Greensboro Village District

The building is a pre-existing, non-conforming structure.

3.9 Protection of Water Resources

(B) The pre-existing building is located in the 50 foot buffer zone of a small outlet stream and in the midst of a wetland.

5.6 Waivers

(A) The waiver is being considered for the addition of fire safety exits.

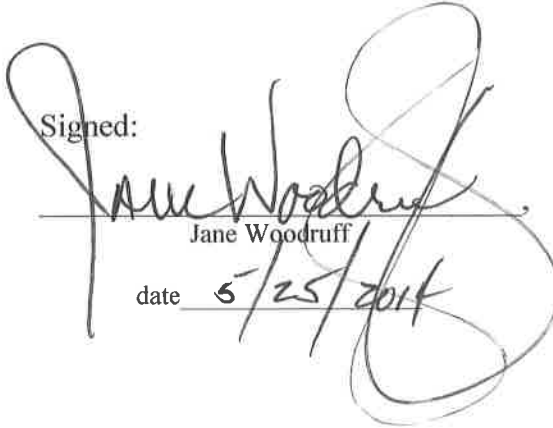
(B) The board recognizes the need for a second egress from both levels for safety purposes. However, it concludes that the proposal does not represent the minimum that will afford relief nor does it represent the least deviation possible from these regulations.

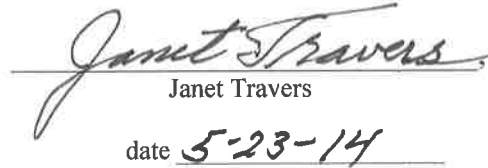
Since the waiver cannot be granted under the requirements of subsection (B), subsections (C) and (D) will not be addressed.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously to deny this waiver application.

The board agrees that fire safety exits are needed, but the proposal as presented does not represent the minimum that will afford relief nor is it the least deviation possible from the regulations.

Signed:  chair
Jane Woodruff
date 5/25/2014

 clerk
Janet Travers
date 5-23-14

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.