

Conditional Use Hearing
Auriel & Clive Gray
September 16, 2015

To consider a conditional use application by Auriel and Clive Gray to enlarge their pre-existing, non-conforming residential structure within the Caspian Lake setback at 1131 Craftsbury Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; and 5.4 Conditional Uses and 8.9 A: 1, 2, 3, 4 & 6.

Warnings were posted on August 31, 2015 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: Eric Clark (contractor), Philip Gray (Family Partnership), Nancy Keyes (trustee), Harold Gray (trustee), and Andrew and Kyle Gray. It was published in the Hardwick Gazette on Wednesday, September 2, 2015, and on the Town of Greensboro website.

Development Review Board members present: MacNeil, Nat Smith, Sean Thomson, Jane Woodruff, Wayne Young.

Development Review Board members absent: Linda Romans, Lee Wright (alternate), Jan Travers (recused)

Others present: Clive Gray, applicant; Auriel Gray, applicant; Eric Clark and Kristen Leahy, Zoning Administrator.

Correspondence from interested persons: N/A

Exhibits:

#1 – Survey Map

#2 – Documentation of Mitigation Plan

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:05 PM. She noted the hearing was semi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing. Ms. Woodruff then asked Ms. Auriel Gray to explain the project for their camp.

Auriel Gray explained that the roof of the camp was leaking and that it needed significant repair. Two of the small rooms off of the east side of the camp have a gap between them that creates a problematic drainage situation especially with snow accumulation. They would like to join the two rooms, removing the gap, and creating a single peaked roof over a single area of the camp as opposed to a split roof over the two smaller rooms as it is now. The footprint would be expanding but only by the area between the existing outcroppings for the existing two extended rooms.

Ms. Woodruff asked for clarification concerning the setback from the lake of the westerly façade of the camp closest to the lake and Auriel and Eric explained that it was approximately 130 feet from the shoreline.

MacNeil asked for clarification of the depth of the building, and it was stated that it was approximately 20 feet deep, making the back wall, the attachment point of the two rooms, approximately 150 feet from the lake.

Auriel Gray also pointed out that the roof would be raised slightly to accommodate the new single peak and the remaining roof would be raised to accommodate a loft.

Ms. Woodruff asked about the mitigation plan and Auriel Gray explained that they plan to add a hedge row between the camps to assist with run off, mud and erosion. They also plan to add a vapor barrier and additional stone for more controlled drainage and erosion control. There is an additional vapor barrier at the back of the camp already.

Ms. Woodruff asked why Mr. Young recommended hemlock trees for the hedge row. He advised that because the lots are already very shady, hemlock is hearty enough to survive in the shade.

Wayne Young asked about the current square footage of the camp, and the response was that it is approximately 20 feet by 40 feet, or 800 square feet, but definitely less than 1000 square feet.

Sean Thomson asked about the total eventual height of the building and Eric advised that it would be approximately 27 feet at the highest point.

Auriel Gray asked if there were any other recommendations for mitigation. Kristen Leahy discussed the current mitigation plans are based on the premise to restore the shoreland area to natural state, making their situation unusual because they have returned and maintained a natural shoreline vegetation state. Nat Smith pointed out that the Grays have also, in a responsible manner, pumped their septic and waste water up and away from the lake. The Grays are also planning to continue tree stand management, to assist in the sustainability of natural shoreline by maintaining healthy tree and vegetation growth.

At that point the board requested that the participants exit and the DRB entered deliberative session at 7:35 PM.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

2.7 Shoreline Protection District

The Gray Camp in question falls within the Shoreline Protection District.

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.*
- 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 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 legal nonconforming lot and structure.

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 legal nonconforming lot and 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.

Not applicable.

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.

Not applicable.

5. The proposed structure is compatible with other structures in the area.

It is.

6. The proposed structure adheres to the uses allowed in the relevant district.

It does.

7. The proposed structure will not affect the noise or air pollution in the area.

It will not.

8.9 Non-conforming Uses and Structures within the Shore Land Resource Zone

A. The Gray camp falls under the definition of the a legal non-conforming structure.

1. Not applicable
2. Not applicable
3. The project would require the nonconforming structure to be enlarged, but would invoke mitigation.

4. The Grays have presented a mitigation plan including the planting of additional native vegetation and continued tree stand management to maintain healthy and sustainable vegetation growth in the Shoreland Buffer Resource Zone.
5. Not applicable
6. Expansion of the Nonconforming Structure shall comply with the erosion prevention and sediment control standards in Section 8.11 of the Greensboro Zoning By Laws.
7. Not applicable.
8. They have maintained a natural Shoreland Buffer Resource Zone.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (5 - 0) to grant the Conditional Use Permit to expand the legally nonconforming Gray camp, allowing only and specifically the expansion of the footprint of the structure by allowing the conjoining of the two easterly outcroppings of the structure to create a single easterly outcropping extending no further from the lake than at present and no further south or north than at present. Additionally, to accommodate the modification, and for the sake of sustainability, the DRB also grants the request to raise the roof, with the following considerations and conditions.

The DRB acknowledges that nearly all of the resulting expansion, approximately 20-25 square feet, will not only be made away from the lake but beyond the 150-foot setback from the shoreline.

Additionally, the Development Review Board acknowledges that the Grays have maintained an exemplary Shoreland Buffer Resource Zone and accept the continued maintenance of said resource zone as an acceptable mitigation factor.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. The Grays must continue to perform tree stand management to maintain healthy and sustainable vegetation growth in the Shoreland Buffer Resource Zone.
3. Expansion of the Nonconforming Structure shall comply with the erosion prevention and sediment control standards in Section 8.11 of the Greensboro Zoning By-Laws.
4. The structure will not be any taller than 30 feet.

Signed:

_____, chair
Jane Woodruff

 _____, clerk (in momento)
Sean Thomson

date _____

date 9/18/2015

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.