

Conditional Use Hearing
Chris Leary & Susan Merrill
November 13, 2013

To consider a conditional use application by Chris Leary & Susan Merrill to rebuild their camp within the Caspian Lake buffer zone and to construct a boathouse at 123 Lazy Lane. The board will also consider a variance request to move the camp further away from the lake.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law, 2.5 Lakeshore District; 3.8 Non-conforming Structures; 3.9 Protection of Water Resources; 5.4 Conditional Uses and 5.5 Variances.

Warnings were posted on October 28, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and sent to Chris Leary & Susan Merrill, applicants; and the following abutters: John Hewett; Gregory & Nina Sharp; Mary Metcalf; and Wendy Otavsky. It was published in the Hardwick Gazette on Wednesday, October 30, 2013.

Development Review Board members present: Linda Romans, Nat Smith, Sean Thomson, and Janet Travers

Others present: Chris Leary, applicant; John Mackin, builder; Mike and Mary Metcalf, abutters; and Kristen Leahy, zoning administrator

Correspondence from interested persons: 2 emails

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

1. An email from John Hewett suggesting that any change in the placement of the present camp increase the camp's setback from his property line.
2. A letter from Gregory and Nina Sharp wishing to be noted as interested persons.

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

Summary of Discussion

In the absence of Ms. Woodruff, Mr. Smith began the hearing at 7:05 PM. He 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. He then asked Mr. Leary to explain the proposed plan. Mr. Leary stated that he and his wife want to replace the present camp at 123 Lazy Lane with another camp built with the same footprint dimensions. It would be 30 feet high excluding the chimney. In consideration of the lake and the topography of the land, they'd like to move the camp footprint back about 10 feet further from the lake. The present camp is about 1 foot from the southern property line and moving the camp back would increase that setback to 10 to 12 feet. It would be about 50 feet from the northern lot line. They would also like to have a deck on the proposed camp with the same dimensions as the one on the present camp. They will redo the present septic system with a modern mound system. Mr. and Ms. Metcalf have given them an easement on their land to build the mound.

Mr. Leary and Ms. Merrill want to build a boathouse in a clearing on the property so no trees have to be cut. The boathouse will be setback 20 feet from the right side of the property, 40 feet from left side, and 60 feet from the lake. It will be 14 feet by 25 feet (350 square feet) and be no higher than 15 feet. There will be no plumbing.

The Board went into deliberative session at 7:40 and came back into public session to announce their decision at 8:05.

Findings for the camp:

2.5 Lakeshore District

The proposed camp does not meet the setback criteria in the Lakeshore District, but it will have the same footprint as the pre-existing non-conforming structure and is thus grandfathered. In addition, it is proposed to move the camp further from the lake thus decreasing its degree of non-conformance.

3.8 Non-conforming Structures

A) 1. The proposed camp will have the same footprint but will be moved further away from the lake making it less non-conforming. The non-conforming structure is grandfathered.

2. The reconstruction will not increase the degree of non-conformance and moving the structure further away from the lake will make it less non-conforming.

3. The structure's footprint will not be enlarged and moving the structure further away from the lake will decrease its degree of non-conformance.

4. The footprint will not be expanded.

5. This is reconstruction of a building, not maintenance or repair.

6. The footprint of the structure will be moved but not expanded.

3.9 Protection of Water Resources

(C) 2 a – e Few, if any, existing trees will be cut and low-growing vegetation will be disturbed as little as possible.

3 & 4 The camp will be located above the high water line and moving it further away from the lake will minimize the effect on the lake and the surrounding vegetation.

5.4 Conditional Uses

B) The proposed camp 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 camp does not meet the setback requirements in the Lakeshore District, but is grandfathered.

3. No fencing or landscaping is required for screening.

4. There will be no exterior signs.

5. The camp is compatible with other structures in the area.

6. The camp adheres to the permitted uses in the Lakeshore District and is grandfathered

7. The camp will not affect the noise or create air pollution in the area.

Rebuilding the camp meets the conditional use criteria since it is grandfathered.

5.5 Variances

The variance is requested from the setback requirements as defined in 2.5, the Lakeshore District.

(A) 1 through 4 The camp is replacing a pre-existing, non-conforming structure and is grandfathered. Moving the camp further away from the lake decreases the degree of non-conformance.

5. Moving the camp will increase the setback from the southern boundary line and the lake thus decreasing the degree of non-conformance.

Decisions for the Camp

Based upon these findings, the Development Review Board voted unanimously to approve the conditional use application for the proposed camp.

Rebuilding a pre-existing, non-conforming structure in the existing footprint is grandfathered.

Based upon these findings, the Development Review Board voted unanimously to approve the variance application.

Moving the camp further away from the lake, as proposed, decreases its degree of non-conformity.

The DRB noted that the applicant is putting in an approved mound septic system well away from the lake.

The camp will be within the 30 foot height limit, but the chimney would extend above that. If the by-law changes are approved at the March 2014 town meeting, the DRB grants a waiver to allow the chimney on the camp to be up to 5 feet above the 30 foot height limit for the purposes of fire safety.

Findings for the boathouse:

2.5 Lakeshore District

A boathouse is a permitted conditional use in the Lakeshore district. It conforms to the setbacks from all property lines and to the dimensional standards.

3.9 Protection of Water Resources

5. a – d The proposed boathouse will be built behind the natural berm. It will be built in a clearing so no trees will need to be cut. It will not have plumbing. The structure will be 350 square feet and 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. The structure adheres to the conditional uses allowed in the Lakeshore District.
7. The boathouse will not affect the noise or create air pollution in the area.

Decision for the Boathouse

Based upon these findings, the Development Review Board voted unanimously to approve the conditional use application for the proposed boathouse.

The board does not believe the boathouse will present an undue adverse effect on the area.

Signed:

Nat Smith, vice chair
date 11-14-13

Janet Travers, clerk
date 11-14-13

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.