

Conditional Use/ Variance Hearing
David Massey and Hannah Bellavance
July 17, 2013

To consider a conditional use application by landowner David Massey for a sign larger than the permitted 2 square feet and for the commercial use of a structure. He is also seeking a site plan review for a commercial business on his property at 2637 The Bend Rd.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Law, 2.3 Greensboro Village District and 5.4 Conditional Uses; the site plan requires a review under 4.4 Site Plan Review for Commercial Use.

Warnings were posted on July 1, 2013 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office and sent to David Massey, landowner; Hannah Bellavance, applicant; and the following abutters: William Smith; David and Leslie Rowell; Patricia Mercier and Susan Locke; the Housing Foundation, Inc.; Robert Hurst; and John and Lydia Makau. It was published in the Hardwick Gazette on Wednesday, July 3, 2013.

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

Others present: David Massey, landowner; Hannah Bellavance and Harold Patten, applicants; Bill Smith, abutter; June Cook, reporter; and Kristen Leahy, zoning administrator;

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

A Letter from Dan Tanner, road foreman, stating his opinion that the proposed beauty salon would not impact traffic patterns on The Bend Road.

B Letter from Robert Hurst from Willey's Store stating that he currently has no objections to the proposed project.

C Quitclaim Deed from Bill Smith showing that the septic system for his abutting house shares the septic system and Mr. Smith is responsible for its maintenance and repair.

D A copy of the itemized property cards and a sketch addendum for the David Massey property on The Bend Road.

E Map showing the David Massey and Bill Smith properties.

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

Summary of Discussion

In the chair's absence, vice chair Mr. Smith began the hearing at 7:02 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. Mr. Massey then began by saying that he has wanted to sell his property for about a year and Ms. Bellavance came to him recently and asked if she could buy his house and open a beauty salon in that location. Ms. Bellavance then stated that she had been thinking of running a beauty salon business in Greensboro for a while. She would like to put in two chairs for cutting hair and another woman would do manicures, pedicures, and facials. Ms. Bellavance would also like to erect a sign for her business larger than the permitted 2 square feet. There is enough area in front of the building 4 or 5 cars to park (50' x 50') and additional space on the side of the building for employee parking. There would be stairs in front and a side ramp entrance to the salon. Ms. Bellavance is in conversation with the state regarding septic and water issues. She was told that a two-chair salon would use less water than the present three bedroom house.

Mr. Bill Smith, whose land is adjacent to the Massey property, then stated his concerns. He began by saying that he did not object to a two-chair salon, but wanted assurance that there would be no apartments in the building or the outbuilding located on the property. His property has a septic easement with the Massey property and as part of that easement Mr. Smith is financially responsible for the maintenance and repair of the septic system (exhibit C). He would like assurance that there would only be a two-chair salon in the main building and the outbuilding would be used only for storage. He feels that any increased usage might result in failure of the septic system for which he is financially responsible.

There being no further questions or comments, the Board went into deliberative session at 7:35. The Board came back into public session at 8:03 to announce their decision.

Findings of Fact:

Site Plan Review

In accordance with the review process stated in 5.8 of the Zoning By-law, the Board makes the following findings of fact in regard to the site plan, as set forth in 4.4 of the Zoning By-law.

Section 4.4(B) Site Development Plan (SDP) Map and Supporting Data:

1. The name, date and address of the person submitting the site plan was submitted along with an adequate map of the proposed site.

2. The map shows existing features of the property.

3. The map shows the existing locations of the structures on the property. These would not change.

The maps and supporting data meet the requirements of 4.4.

Section 4.4 (C) SDP Review Procedure:

2. (a) The map and supporting data show that there is adequate off-road parking with easy access from the road.

(b) Landscaping and screening are not necessary.

(c) A two-chair salon will use less water than the present three bedroom home.

(d) The business sign will be externally lit. No other external lighting is planned.

(e) The business sign, not to exceed 6 square feet, will be on the front of the building, will not be internally lit, and will be in keeping with the character of the area.

Conditional Use Permit Review for a Commercial Enterprise

The applicant has requested approval for a "Conditional Use Permit for a Commercial Enterprise" under 2.3 (D- 4) of the Town of Greensboro Zoning By-law.

The DRB considered the general criteria for conditional uses under 5.4(B) of the By-law and makes the following findings:

1. The business would not have an adverse effect on the capacity of existing or planned community resources.

2. The proposed business will retain the present buildings which are compatible with other structures in the area. The sign will be no larger than 6 square feet, will not be internally lit and will be in keeping with the character of the area.

3. The Board finds that this proposal will not have an adverse effect on traffic in the area. A letter from road foreman, Mr. Tanner, was submitted stating that the proposed salon would not impact traffic patterns on The Bend Road (exhibit A). There is adequate off-street parking for employees and patrons.

4. The DRB finds that this proposal meets the requirements of the By-law and ordinances presently in effect.

5. The business will not affect the utilization of renewable energy resources.

The DRB considered the specific criteria for conditional uses under 5.4 (C) of the By-law and makes the following findings:

1. The proposal meets the minimum lot size in the Village District.

2. The structures meet the setback requirements in the Village District.

3. No landscaping or screening is required.

4. The sign will be no larger than 6 square feet, will not be internally lit and will be in keeping with the character of the area.

5. The location of the structures is compatible with other structures in the area.

6. The specific criteria for the Village District are satisfied by the proposal.

7. The proposal will not have an adverse effect on the noise, air-pollution or character of the area.

Based on the above findings and subject to the conditions below, the DRB approves the application for a conditional use approval for a commercial enterprise as presented.

Conditional Use Review for a sign larger than the permitted 2 square feet

The applicant requested a review under 2.3 (D – 15) of the Zoning By-law. The Board considered the general and specific criteria for conditional uses in the Greensboro Zoning By-Laws (5.4 B & C) and based on the application, testimony, and exhibits the Development Review Board makes the following findings under 5.4 (B): The proposed sign which will be no larger than 6 square feet, will not be internally lit and will be in keeping with the character of the area 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. The by-laws and ordinances presently in effect.
- 5. The utilization of energy resources.

The proposed sign complies with the specific standards of 5.4 (C) as follows:

- 1. The lot meets the minimum lot size in the Village District.
- 2. The structures on the lot meet the setback requirements in the Village District.
- 3. No landscaping or screening is required.
- 4. The proposed sign will be no larger than 6 square feet, will not be internally lit and will be in keeping with the character of the area.
- 5. The structure and its location are compatible with other structures in the area.
- 6. The proposed business meets the specific criteria in the Village District.
- 7. The proposed business will not affect the noise, air-pollution, or character of the area.

Decisions and Conditions

- 1. Based on these Findings of Fact the Board decided that the application met the requirements of the Town of Greensboro's Zoning By-law and, subject to the conditions below, voted unanimously to approve the Site Plan for Commercial Use as presented.
- 2. Based on these Findings of Fact, and subject to the conditions below, the Board voted unanimously to approve the Conditional Use application for a Commercial Enterprise.
- 3. Based on these Findings of Fact, and subject to the conditions below, the Board voted unanimously to approve the Conditional Use application for a sign larger than 2 square feet in area.

Conditions of Approval

- 1. One sign is permitted. It will be no larger than 6 square feet, will not be internally lit and will be in keeping with the character of the area.
- 2. All commercial business will take place in the main house.
- 3. The back "out-building" will only be used for storage.
- 4. The salon is limited to two chairs.
- 5. The approval is contingent upon receipt of all required state permits.

Signed:

Clay Smith, vice chair
date 7-25-13

Janet Travers, clerk
date 7-25-13

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 Zoning Board of Adjustment. 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.