

Conditional Use Hearing
Day Patterson & Janet Showers
September 23, 2014

To consider a conditional use permit to replace the back deck and slightly enlarge the footprint of the pre-existing, nonconforming camp at 87 Birch Lane. Mitigation measures have been proposed to accommodate this request.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District; 5.4 Conditional Uses; 8.9 (A) 2,3,4 & 6 Non-conforming Uses and Structures within the Shoreland Protection Resource Zone;

Warnings were posted on September 2, 2014 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Smith's and Willey's stores. It was also sent to Day Patterson, applicant; and the following abutters and neighboring property owners: Jerome King Trust; Philip Patterson; and Gwen Mann. It was published in the Hardwick Gazette on Wednesday, September 3, 2014.

Development Review Board members present: MacNeil, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, Wayne Young, and Lee Wright, alternate.

Others present Day Patterson and Janet Showers, applicants; and Kristen Leahy, Zoning Administrator.

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff began the hearing at 7:02 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 Mr. Patterson to describe the proposed plan. Mr. Patterson began by stating they owned a small cottage on Black's Point in the lake district. It has two decks, one on the front that looks out on the lake, and one on the back of the cottage which extends about 2/3 of the length of the cottage. There is a roof over about 1/3 of the back deck with enclosed shelves that are 10 – 12 feet long and about 4 feet wide. The porch roof, supporting posts and deck are in poor condition and in need of repair and the siding and windows need to be replaced. As long as they are doing that extensive repair work, they propose removing the deck and extending the line of the shelving to the end of the bathroom. This would increase the area of the guest bedroom and bathroom and enable entry to the bedroom from a short hall from the living room instead from the kitchen, which was awkward. The deck and porch would be removed except for an entryway into the kitchen. The entryway would have a gable roof instead of the present flat shed roof. They propose planting vegetation in a 10' x 60' strip at the base of the camp's front lawn facing the lake as a mitigation measure.

The hearing ended and the Board went into deliberative session at 7:25 pm. The Board came back into public session to announce their decision at 7:50 pm.

Findings of Fact:

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

2.7 Shoreland Protection District

The camp is a pre-existing, non-conforming structure located behind the lake buffer zone; 100 feet from the lake at its closest point. The proposed addition will not increase the house size beyond 2500 square feet of habitable floor space and will be added on the back of the house, away from the lake.

5.4 Conditional Uses

The addition 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 meets the minimum lot size.
2. The pre-existing, nonconforming camp meets the setback requirements from the back and side lot lines, but is not 150' from the lake. The camp is not in the Buffer Zone.
3. No fencing or landscaping is required for screening.
4. There will be no sign.
5. The non-conforming structure remains compatible with other structures in the area.
6. This is a pre-existing, non-conforming structure (see 8.9 (A) 2).
7. The proposed addition will not affect the noise or create air pollution in the area.

8.9 Nonconforming Uses and Structures within the Shoreland Protection Resource Zone

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- 2 The expansion is located at the back of the nonconforming structure, away from the water.
- 3 Since the pre-existing structure is within the 150' setback of the lake, the addition will increase the nonconformity of the structure (see 5.4 and 8.9 (A) 4).
- 4 The applicant proposes planting a 10' x 60' strip of non-invasive, preferable native vegetation replacing the lawn near the shore as a mitigation measure. The access path will remain.
- 6 Erosion prevention and sediment control standards will be met during the construction process.

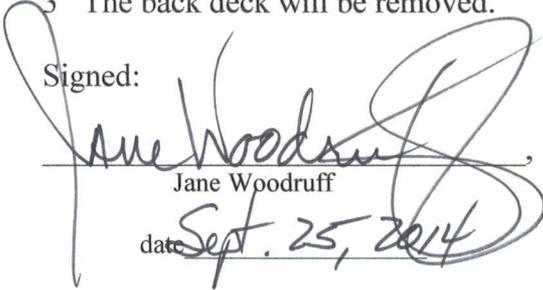
Decision and Conditions

Based upon these findings, and subject to the conditions set forth below, the Development Review Board voted unanimously to approve the conditional use application for an addition at the back of the camp at 87 Birch Lane.

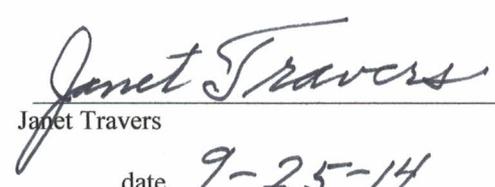
This approval is subject to the following conditions:

- 1 Erosion prevention and sediment control standards will be met during the construction process.
2. There will be a 10' x 60' strip of non-invasive, preferably native vegetation planted replacing the lawn near the shoreline as a mitigation measure. The access path will remain.
- 3 The back deck will be removed.

Signed:


Jane Woodruff, chair

date Sept. 25, 2014


Janet Travers, clerk

date 9-25-14

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.