

Conditional Use and Variance Hearing
Jennifer Canfield, Brian Peront, & Isabella Oehry
August 18, 2014

To consider a conditional use application by Jennifer Canfield, Brian Peront, and Isabella Oehry to create a home business and to put a sign on the property at 684 Taylor Road. They will also consider a variance request for the placement of a sign within the 50 foot setback from Taylor Road.

These requests require a review under the following sections of the Greensboro Zoning By-Law, 2.5 Rural Lands District; 4.5 Home Business; 5.4 Conditional Uses, and 5.5 Variances.

Warnings were posted on July 24, 2014 at the Town Hall, the Greensboro Post Office, Greensboro Bend Post Office, and Willey's and Smith's Stores. They were sent to Jennifer Canfield, et. al., applicants; and the following abutters: Walter and Jane Donahue; Weathervane LP; Brent and Maya McCoy; Kenneth Brown; and Wayne and Francoise Beauchemin. Corrected copies of the warning (the variance was added) were posted, as above, and sent to abutters on Wednesday, July 30, 2014. The original warning was published in the Hardwick Gazette on July 30, 2014. The corrected warning was published in the Hardwick Gazette on Wednesday, August 6, 2014.

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

Others present: Isabella Oehry, applicant; Wayne and Francoise Beauchemin, abutters; Walter and Jayne Donahue, abutters; Junior Salls, abutter; Ramsey Paulwan, land owner; Sarah Solomon; and Kristen Leahy, zoning administrator

Correspondence from interested persons: none

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

Exhibit #1 Picture of an outhouse like the one they propose

Exhibit #2 Picture of a lean-to like the ones they propose

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

Summary of Discussion

Ms. Woodruff began the hearing at 7:16 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 Ms. Oehry to explain the proposed plan for the proposed home business and the sign she and her partners want to erect. Ms. Oehry stated they want to make a retreat center on the 130 acres. The farmhouse on the property will be Mr. Peront's residence. They plan to have small group gatherings, mostly on weekends, and a few week long retreats, both featuring yoga and meditation. They plan to build some accessory buildings to accommodate the people and programs they plan to offer. They plan to erect a yurt and composting outhouse on the upper 30 acres where much of the programming will happen. They also plan to build two lean-tos (exhibit #2) with composting outhouses (exhibit #1) near the woods, a gazebo on the island in the small pond, and a farmstand and hoop house (greenhouse) near the present driveway on the bottom 100 acres. They also plan some wooden walkways over the wet areas on the bottom parcel. The driveway will be widened and a loop created to provide off-road parking for both the retreat center and farmstand, and a turnaround area for plows. Questioning by the Board brought out several other details of their plan. The two existing accessory structures will be used for storage. They don't foresee any deliveries that would be different from a normal household's. The outhouses will have two holes. One will be in use while the other composts. There will be no air pollution. There could be singing or chanting, but it would be quiet and not amplified. They do not plan to rent the facility for weddings, parties or receptions. The yurt and lean-tos will not be visible from the road so the facility will have the look of a farm, in keeping with the area.

There is an existing sign post that is 25 feet from the center of the road that they plan to use to support their sign. They would like a sign that will fit the present crossbeam and estimate that would be no larger than 3 ft. by 4 ft. The sign will have no internal lighting.

The hearing was then opened for questioning from the people present.

Mr. Beauchemin, an abutter, stated that he and his wife originally thought the plan sounded like the area would be turned into a campground and were not in favor of it. After attending the site visit and talking to the applicants, he and his wife are now comfortable with the plan. They have only one concern; that it would host large retreats of 200 people. Ms. Leahy, the zoning administrator, answered that the application was for a small scale retreat. If the group wants a single, large gathering, they would have to receive approval from the select board.

Mr. Donahue, another abutter, stated that he and his wife had also been concerned about the plan until they attended the site visit. They are now happy with what the group plans, but had one concern about forest fire. He hoped they would locate any campfires away from the woods and in a contained, safe area. Ms. Oehry assured him that the campfire would be part of the planned program and located in a cleared, contained space, away from the woods.

Mr. Salls, another abutter, commented that he thinks the retreat center will be a good addition to the neighborhood.

The public hearing ended and the Board went into deliberative session at 8:23 pm. The Board came back into public session at 9:15 to announce their decision.

Findings of fact:

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

2.6 Rural Lands District

There are 130 acres in the lot and both the present and proposed buildings meet all the setback requirements. A home business is a conditional use in the Rural Lands District.

4.5 Home Business

- A) The home business will be conducted by the residents of the dwelling and will not have more than three employees.
- B) The home business will be carried out in the house and proposed accessory structures.
- C) There will be ample storage area in the existing barns on the property.
- D) The business will not change the character of the neighborhood. The present house and barns will be kept and the planned accessory structures will not be visible from the road, so the facility will have the look of a farm, in keeping with the area.
- E) The traffic generated will not significantly affect the volume of traffic presently in the area.
- F) There is plenty of land for off-street parking for both the retreat center and farmstand. (see conditions)
- G) Waste from the outhouses and other organic waste will be composted. Other trash will be disposed of in an appropriate manner. (See conditions)
- H) The business will not cause undue noise or air pollution in the area. (see conditions)
- I) Applies only to a Bed and Breakfast.
- J) Applies only to the Lakeshore District.

5.4 Conditional Uses

- B) Creation of a retreat center, farmstand and sign at 684 Taylor Rd. 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 is large and easily meets the minimum lot size.
2. The buildings associated with the business meet the setback requirements from all lot lines.
3. No fencing or landscaping is required for screening.
4. The requested sign is not to exceed 6 square feet and meets all setback requirements.
5. The business will not change the character of the neighborhood. The present house and barns will be kept, and the planned accessory structures will not be visible from the road, so the facility will have the look of a farm, in keeping with the area.
6. The structures and business adhere to the conditional uses allowed in the Rural Lands District.
7. The business will not affect the noise or create air pollution in the area.

5.5 Variances

1. The pre-existing sign post is 25 feet from the center of the road. If the post were to be moved to 50 feet from the center of the road (as required in the by-law), it would not be seen easily, would be very close to the house, and would require quite a bit of vegetation to be cut.
2. Locating the sign 25 feet from the center of the road represents a reasonable development of the property for a home business.
3. Unnecessary hardship has not been created by the applicant.
4. The present house and barns will be kept and the planned accessory structures will not be visible from the road, so the facility will have the look of a farm, in keeping with the area.
5. Location of the sign 25 feet from the center of the road represents the minimum variance that will afford relief and the least deviation possible from the bylaws and town plan.

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 applications for a home business and a sign.

Creating a retreat center and farmstand with an appropriate sign on this property will not adversely affect the character of the area and does not deviate from the conditional uses allowed in the Rural Lands District. The area of the sign will not exceed 6 square feet.

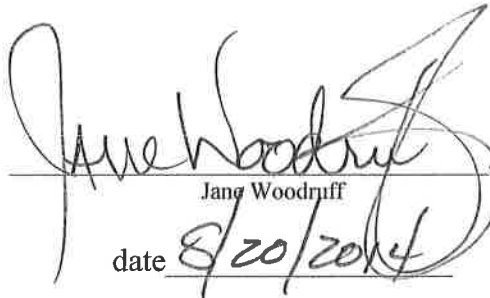
Based upon these findings, and subject to the conditions set forth below, the Development Review Board voted unanimously to approve the variance request for the placement of a sign 25 feet from the center of the road.

The pre-existing sign post is 25 feet from the center of the road. If the post were to be moved to 50 feet from the center of the road, it would not be seen easily, would be very close to the house, and would require quite a bit of vegetation to be cut.

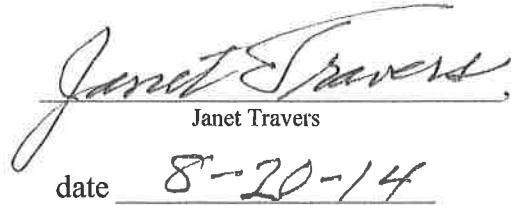
Conditions

1. All necessary state permits must be in place before the commencement of any part of this plan, especially waste treatment and disposal and wetland construction.
2. All drawings, dimensions, and exact locations of each accessory structure, including the setbacks, must be submitted to the Zoning Administrator before it is placed or built.

3. All structures must adhere to the setback requirements in the Rural District.
4. All accessory structures must be located 50 feet or more from any brooks or streams.
5. The area will not be used for any wedding, party, or reception venues.
6. There will be no amplified sound.
7. The area of the sign will not exceed 6 square feet.
8. Ample off-road parking must be provided for the retreat center, the farmstand, and residents.
Under no circumstances will there be any on-road parking



Jang Woodruff, chair
date 8/20/2014



Janet Travers, clerk
date 8-20-14

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.