

Conditional Use Hearing
Lee Johnson for Wolverine Holdings LTD
December 9, 2014

To consider a conditional use request to build a second single family dwelling on the property at 1485 Rocking Rock Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law 2.5 Rural Lands District; 3.10 Structures and Uses per lot; and 5.4 Conditional Uses.

Warnings were posted on November 18, 2014 at the Town Hall, the Greensboro Post Office, and Willey's Store and on November 19, 2014 at the Greensboro Bend Post Office, and Smith's Store. The warning was sent to applicant, Lee Johnson and land owner, Peter F. Watson of Wolverine Holdings LTD; and the following abutters and neighboring property owners on November 18, 2014: David & Jenny Stoner; Ian Davidson of Galaxy LTD; Brett & Marjorie Urie; Alden & Patricia Launer; Andrew Anway & Mary Hannapel; and Jesper Holtenman & Hilary Hoffman. It was published in the Hardwick Gazette on Wednesday, November 19, 2014. A clarification of that warning was published in the Hardwick Gazette on Wednesday, November 26, 2014, noting the day of the hearing was Tuesday; not Wednesday as originally printed. The rest of the information in that warning was correct.

The hearing scheduled for Tuesday, December 9 was postponed due to inclement weather. It was rescheduled for Wednesday, December 17, 2014. Warnings stating the new hearing date were posted at the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's stores on Thursday, December 11, 2014. The applicant, Mr. Johnson, was notified by phone on Thursday, December 11, 2014. (There was no electricity or phone service on Wednesday, December 10.)

Development Review Board members present: MacNeil, Nat Smith, Sean Thomson, Janet Travers, and Wayne Young.

Others present: Lee Johnson, applicant; and Kristen Leahy, Zoning Administrator.

Correspondence from interested persons: none

Summary of Discussion

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. After Mr. Johnson was sworn in, Mr. Smith asked him to describe what Mr. & Mrs. Watson want to do on their property at 1485 Rocking Rock Road. Mr. Johnson stated that the Watsons originally wanted a barn for storage and then decided they would like to add living space on the second floor of the barn. They are asking for a three bedroom dwelling in the upstairs of the barn with storage below. This structure meets all setbacks in the Rural Lands District. The area of the structure is 1668 square feet which is more than the allowable area of an accessory dwelling unit, but this criterion does not apply since the structure is not an accessory dwelling unit but an additional single family dwelling. It has more than the one bedroom allowed in an accessory dwelling unit. There is more than enough land (61 acres) in the parcel for two dwellings.

Findings of Fact:

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

2.5 Rural Lands District

The minimum lot size in the Rural Lands District is 10 acres. Since this property has 61 acres, there is ample land for the construction of a second dwelling that adheres to the setbacks in the Rural Lands District.

3.10 Structures and Uses per lot

Both single family dwellings on this lot meet the density and setback requirements in the Rural Lands 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 is large enough for two dwellings.
20 acres are needed to build two single family dwellings. There are 60+ acres in this parcel.
2. All setbacks for both single family dwellings meet the requirements in the Rural Lands District.
3. No fencing or landscaping is required for screening.
4. There will be no sign.
5. The structure is compatible with other structures in the area.
6. The proposed second dwelling meets all the specific criteria in the Rural Lands District.
7. The second dwelling will not generate undue noise or air pollution in the area.

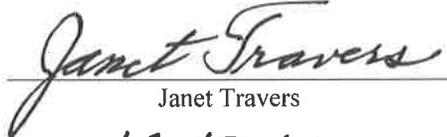
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (5 – 0) to approve the conditional use application for a second dwelling on the land at 1485 Rocking Rock Road.

Signed:


_____, vice chair
Nat Smith

date 12-18-14


_____, clerk
Janet Travers

date 12-18-14

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.