

Boathouse

**APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE
FOR CONSTRUCTION OF A BOATHOUSE IN THE SHORELAND PROTECTION DISTRICT
TOWN OF GREENSBORO
PO Box 119, Greensboro, VT 05841
(802) 533-2911 Fax (802) 533-2191
greensborovt zoning@yahoo.com**

FOR ADMINISTRATIVE USE ONLY

Application Number: 2017-011 Tax Map Number 20-00-67
 Zoning District Shoreland Protection District
 Date Application Received 5/31/17 Fee Paid \$ 235
 Reason for Seeking Conditional Use Permit or Variance:
2.7 Shoreland Protection District, D. Conditional Use - 1. Boat House
8.8 New Uses, B. Conditional Uses, #3 Boat House

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Greensboro according to the attached fee schedule.

Applicant(s):
 Name(s): ELIZABETH HERRMANN ARCHITECTURE + DESIGN, CONTACT: PAULA SHEPP
 Mailing Address: 29 NORTH STREET, BRISTOL VT 05443
 Telephone(s) Home: N/A Work: (802) 453-6401 Cell: N/A
 E-Mail: paula@eharchitect.com

Landowner(s) (if different from applicant(s)):
 Name(s): POLLY PARSONS & JAMES JACOBSON
 Mailing Address: 99 SUTTON FARM DR., WILLISTON VT 05495
 Telephone(s) Home: _____ Work: _____ Cell: _____
 E-Mail: _____

Physical Location of Property (911 address):
8 LUDON ROAD, GREENSBORO VT 05841 298 North Shore Road

Type of Permit: wrong Lot 1B
 Conditional Use Variance

Property Description:
 Acreage in lot 3.8
 (Please Note: If your property is enrolled in the Current Use Program, your application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage PUBLIC ROAD: 135.45'
 Setbacks: Front 50' (to center of road) Left Side 20'
 Right side 50' (PRIVATE ROAD) Rear N/A
 Lakeshore 150' Other 20' RIGHT SIDE (PART OF PROPERTY NOT ADJACENT TO PRIVATE ROAD)

Dimensions of Proposed and/or Existing Boathouse:

Existing:		Proposed:	
Length <u>N/A</u>	No. of Stories	Length <u>20'-0"</u>	No. of Stories <u>1</u>
Width <u>N/A</u>		Width <u>16'-0"</u>	
Height <u>N/A</u>		Height <u>15'-0"</u>	

Boat Houses:

- A.) A new Boat House shall be constructed behind the Natural Berm, if it exists. Where there is no Natural Berm, the following applies:
- i. The Boat House shall be built behind the high water mark. Verified _____
 - ii. Stumps of any trees cut during the construction of the Boat House shall be left in the ground. Verified _____
 - iii. Provisions for adequate control of stormwater runoff shall be made. Verified _____
- B.) A Boat House shall not have plumbing. Verified _____
- C.) The maximum size of a Boat House's footprint shall be 400 sq. feet. Square Footage 320 SF
- D.) The maximum height of a Boat House shall be 15 feet. Height 15'-0"
- E.) There is a limit of one (1) Boat House per tax lot. Verified _____
- F.) No decks, porches, or other similar appendages will be allowed on Boat Houses. Verified _____
- G.) A new or reconstructed Boat House shall require a Conditional Use Permit. Verified _____
- H.) A new or reconstructed Boat House shall be used only for storage of boats. Verified _____

Sketch or attach a general plot plan showing the following:

1. Location of property.
2. Location of buildings on property.
3. Location of driveway.
4. Location of water source and septic/waster water system.
5. Location of existing or proposed Boat House.

Sketch a floor plan or diagram showing the dimensions of the proposed building Boat House. (This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.) SEE ATTACHED A-101-BH

Please attach a landscape design plan for your project. Include types of plantings, landscape materials to be utilized and size and location of access paths. *New lawns shall not extend into the buffer.*

NO LANDSCAPE DESIGN PROPOSED
BOATHOUSE TO BE ACCESSED VIA FOOTPATH THROUGH
HIGHER AREAS OF WETLAND - NO BOARDWALK OR OTHER
CONSTRUCTION AT ACCESS PATH IS PROPOSED

Conditional Use Criteria:

At your DRB hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"The DRB shall make its findings on general and specific standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on the following:

1. The capacity of existing or planned community facilities; (e.g. schools, police and fire service, etc.);
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan (e.g. why your project is consistent with other uses in the area or how your project fits in with existing development);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question;
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
 - (a) No free standing internally lit signs shall be permitted
 - (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
5. Location on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered."

(Page 36 in the Greensboro Zoning By-Laws).

Variance Criteria:

"The DRB may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and findings are specified in its written decision.

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not:
 - a) Alter the essential character of the neighborhood or district in which the property is located;
 - b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - c) Reduce access to renewable energy resources;
 - d) Be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan." (Pages 37 & 38 of the Greensboro Zoning By-Laws).

At your DRB hearing, you will be asked to present your proposal. Please be prepared to explain why your project should be granted a variance.

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

Construction may not be started until 15 days from the date of approval on this permit.

Signature of Applicant(s) _____

Date _____

Paul Duckert

05/26/17

Signature of Landowner(s) _____

Date _____

5/25/17

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0127.

FOR ADMINISTRATIVE USE ONLY	
Approved Denied <input checked="" type="checkbox"/> Referred to the Development Review Board	
Date _____	Signature _____
Remarks and/or Conditions: _____	
Date of Approval or Denial by Development Review Board: _____	
Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date)	
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date)	

VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

INDIVIDUAL WETLAND PERMIT

In the matter of:

Walter Giles
360 Madison Ave.
New York, NY 10017

Application for the construction of a boathouse on the shore of Caspian Lake with proposed impacts to 170 square feet of wetland and 320 square feet of buffer zone.

298 Northshore Road, Greensboro

File #: 2016-002
DEC ID #: SJ08-0274

Date of Decision: March 22, 2016
Decision: **Approved**
Expiration Date: March 22, 2021

Any activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use under the Vermont Wetland Rules (VWR) or unless it receives a permit allowing such activity. 10 V.S.A. § 913. Applicants for an individual permit for a proposed activity in any Class I or Class II wetland or its buffer zone must demonstrate that the proposed activity complies with the VWR and will have no undue adverse effects on protected functions and values. VWR § 9.5(a).

The Vermont Agency of Natural Resources (Agency) received an application dated December 22, 2015 from Walter Giles (permittee) seeking an individual Vermont Wetland Permit for a project involving activities in a wetland and associated buffer zone located in Greensboro, Vermont. The Agency gave notice of the application in accordance with the VWR. The Agency considered all comments received during the public comment period during review of the application and issuance of this permit.

DECISION AND PERMIT CONDITIONS

1. Based on the Findings contained in this permit below, the Secretary has determined that the proposed project will comply with 10 V.S.A. chapter 37 and the VWR and will have no undue adverse effect on protected functions and values of the wetland. The permittee has demonstrated that the project will have no undue adverse effects on the protected functions and values of the significant wetland and associated buffer zone, provided the project is conducted in accordance with the following conditions:
 - A. All activities in the wetland and buffer zone shall be completed, operated, and maintained as set forth in the permit application #2016-002 and the supporting

materials submitted with the permit application including site plans entitled "Wetland/Boathouse Pot Plan, Giles," prepared by Larsen Applied Earth Science, LLC, 12/21/2015. No material or substantial changes shall be made to the project without the prior written approval of the Vermont Wetlands Program. Project changes, including transfer of property ownership prior to commencement of a project, may require a permit amendment and additional public notice.

- B. The permittee shall record this permit in the land records of the Town of Greensboro for all properties subject to the permit. Within 30 days of the date of issuance of this permit, the permittee shall supply the Vermont Wetlands Program with a copy of the recording of this permit.
- C. The permittee shall notify the Vermont Wetlands Program in writing or by email prior to the start of the approved project.
- D. **Prohibitions:** No additional activities are allowed in the wetland and associated buffer zone without the approval of the Secretary unless such activities are allowed uses under VWR § 6. No draining, dredging, filling, grading, or alterations of the water flow is allowed. No cutting, clearing, or removal of vegetation within the wetland and buffer zone is allowed with the exception of the proposed project area as approved by this permit.
- E. All construction activities in the wetland and adjacent 50-foot buffer zone shall be completed within five years of the issuance date of this permit or this permit will expire. Any request for an extension must be received by the Agency at least 30 days prior to the end of the five year period in order to prevent the expiration of the permit. A request for extension may be considered a minor modification at the discretion of the Secretary. Pursuant to VWR § 9.1, projects may not be extended beyond ten years of the issuance date.
- F. The wetland boundary delineation is valid for five years. The delineation will need to be re-evaluated by a qualified wetland consultant if the project is not constructed during the five-year period and a request for an extension is submitted.
- G. Within 30 days of completion of the work approved by this permit, the permittee shall supply the Vermont Wetlands Program with a letter certifying that the project was constructed in compliance with the conditions of this permit.
- H. A continuous line of orange snow fence or flagging tape shall be installed along the limits of disturbance prior to the start of construction.
- I. If a stormwater construction permit is obtained for this project, the erosion prevention and control requirements of that permit shall be followed. At minimum, the permittee shall comply with the following: A continuous line of silt fence shall be properly installed by the permittee immediately upgradient of the snow fence or tape prior to any construction and shall be regularly maintained. Care shall be taken to ensure that silt fence is installed on the contour and not in areas of concentrated flow such as stream channels or ditches. Sediment shall be cleaned out before and after any significant storm event or when sediment has reached less than half the height of the fence. Removed sediments shall be disposed of in a stable, upland area

outside the 50-foot buffer zone at least 100 feet from waters of the state and stabilized immediately with seed and mulch at a minimum. All other disturbed soils shall be seeded and mulched within 48 hours of final grading. All sediment barriers and construction fencing shall be removed following the successful establishment of vegetation.

- J. All contractors' equipment shall be cleaned so as to contain no observable soil or vegetation prior to work in wetlands and buffer zones to prevent the spread of invasive species. The permittee shall monitor the portion of the wetland in question annually during early July for five years following construction for the nuisance plant species purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). All nuisance plants found shall be pulled by hand and disposed of by burial or burning in a non-wetland location. If hand pulling is not feasible, a state approved invasive species control plan is required.
2. The Secretary maintains continuing jurisdiction over this project and may at any time order that remedial measures be taken if it appears that undue adverse impacts to the protected functions and values of the wetland or buffer are occurring or will occur.
 3. This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
 4. The permittee shall allow the Secretary or the Secretary's representatives, at reasonable times and upon presentation of credentials, to enter upon and inspect the permitted property for the purpose of ascertaining compliance with this permit, the VWR, and the Vermont Water Quality Standards, and to have access to and copy all records required to be prepared pursuant to this permit.
 5. The Agency accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved project. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property, or any invasion of personal rights, or any infringement of federal, state, or local laws or regulations. This permit does not obviate the necessity of obtaining such federal, state, or local permits or approvals as may be required by law. Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under other laws.
 6. Within 15 days of the date of the decision, the permittee, any person entitled to notice under VWR § 9.2, or any person who filed written comments regarding the permit application may request in writing reconsideration of the decision by the Secretary in accordance with VWR § 9.6.
 7. Any person with an interest in this matter may appeal this decision pursuant to 10 V.S.A. § 917. Pursuant to 10 V.S.A. chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory

provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned; the name of the permittee; and any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Division is: 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401 (Tel. # 802-951-1740).

FINDINGS

1. The Agency received a complete application from Walter Giles for Vermont Wetland Permit on December 22, 2015.
2. The wetland and adjacent 50-foot buffer zone are located adjacent to Caspian Lake, on the south side of North Shore Road in Greensboro.
3. Shannon Morrison, District Wetlands Ecologist, conducted a site visit to the subject property with Patrick Larsen of Larsen Applied Earth Science, LLC, and Morgan Melekos, Wetland Delineator on 10/8/2015.
4. The subject wetland meets the presumptions listed in VWR § 4.6, the wetland is of the same type and threshold size as those mapped on the VSWI maps or greater than 0.5 acres (VWR §4.6a), and the Secretary has determined based on an evaluation of the functions and values of the subject wetland that it is a significant wetland and therefore is designated as a Class II wetland.
5. The wetland in question is described in detail in Sections 7 and 8 of the permit application. The wetland is a six acre softwood swamp dominated by hemlock, white cedar, interrupted fern and yellow birch. The wetland occurs on a slope leading down to Caspian Lake.
6. The proposed project is described in detail in Sections 10 and 11 of the permit application. The project consists of the construction of a boathouse on the shore of Caspian Lake. The 16' x 20' boathouse is located in the buffer zone about 20 feet inland from the beach. Wetland impacts will result from a trench and fill to connect the boathouse to electricity.
7. Proposed impacts to the wetland and buffer zone, summarized in Section 12 of the permit application, are as follows:

Wetland Alteration:		Buffer Zone Alteration:	
Wetland Fill:	0 sq.ft.		
Temporary:	170 sq.ft.	Temporary:	0 sq.ft.
Other Permanent: :	0 sq.ft.	Permanent: :	320 sq.ft.
Total Wetland Impact	170 sq.ft.	Total Buffer Zone Impact:	320 sq.ft.

8. The protected functions of the wetland complex include the following: water storage for flood water and storm runoff (VWR § 5.1), surface and groundwater protection (VWR § 5.2), fish habitat (VWR § 5.3), wildlife and migratory bird habitat (VWR § 5.4), and erosion control through binding and stabilizing the soil (VWR § 5.10).
9. The following functions are either not present or are present at such a minimal level as to not be protected functions: exemplary wetland natural community (VWR § 5.5), threatened and endangered species habitat (VWR § 5.6), education and research in natural sciences (VWR § 5.7), recreational value and economic benefits (VWR § 5.8), and open space and aesthetics (VWR § 5.9).
10. The subject wetland is significant for the water storage for flood water and storm runoff function as demonstrated in Section 16 of the permit application. Based on the factors described in Section 16.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
11. The wetland is significant for the surface and ground water protection function as described in Section 17 of the permit application. Based on the factors described in Section 17.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
12. The wetland is significant for the fish habitat function as described in Section 18 of the permit application. Based on the factors described in Section 18.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
13. The wetland is significant for the wildlife and migratory bird habitat function as described in Section 19 of the permit application. Based on the factors described in Section 19.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
14. The wetland is significant for the erosion control function demonstrated in Section 25 of the permit application. Based on the factors described in Section 25.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
15. Under 10 V.S.A. § 913 and VWR § 9.5, the Secretary may authorize activities in a Class II wetland or in its buffer zone if the Secretary determines that it complies with the VWR and will have no undue adverse effect on the protected functions and values. Based on the permit application, the site visit(s) by Agency staff, and the foregoing findings and analysis, the Secretary has determined that the proposed project will have no undue adverse effects on the protected functions and values of the subject Class II wetlands.
16. Pursuant to VWR § 9.5(b), the permittee has demonstrated that the proposed activity in the subject wetland cannot practicably be located outside the wetland or on another site owned, controlled, or available to satisfy the basic project purpose. All practicable measures have been taken in this proposal to avoid adverse impacts on protected functions, as described in the application.

The boathouse has been sited to be convenient to the shore, but out of the wetland. No access road will be constructed, instead plywood will be laid down along an existing path to prevent compaction during construction. Access has been granted from an adjacent property. The underground utility will place soils on filter fabric and replace them in appropriate layers back into the trench to avoid additional impacts.

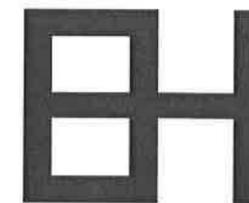
Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

E-SIGNED by  Laura Lapierre
by: on 2016-03-22 20:14:47 GMT

Laura Lapierre, Program Manager
Wetlands Program
Watershed Management Division

Dated at Montpelier, Vermont
this twenty-second day of March, 2016

AS/LVPL/SLM



ELIZABETH HERRMANN
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PARSONS JACOBSON BOATHOUSE

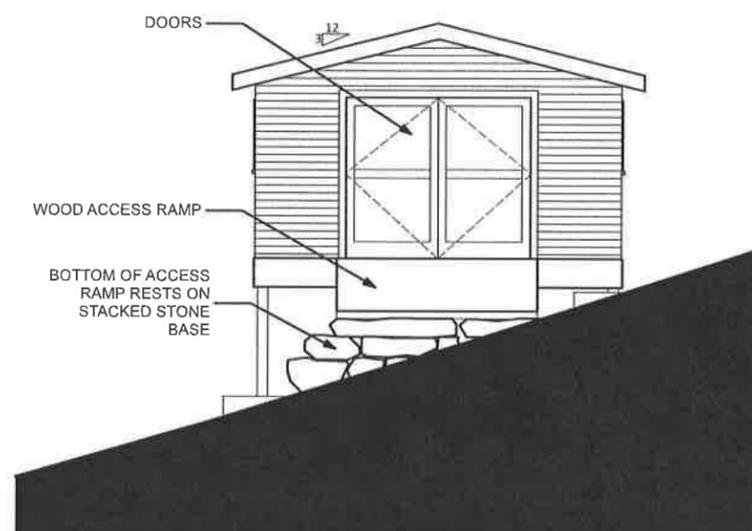
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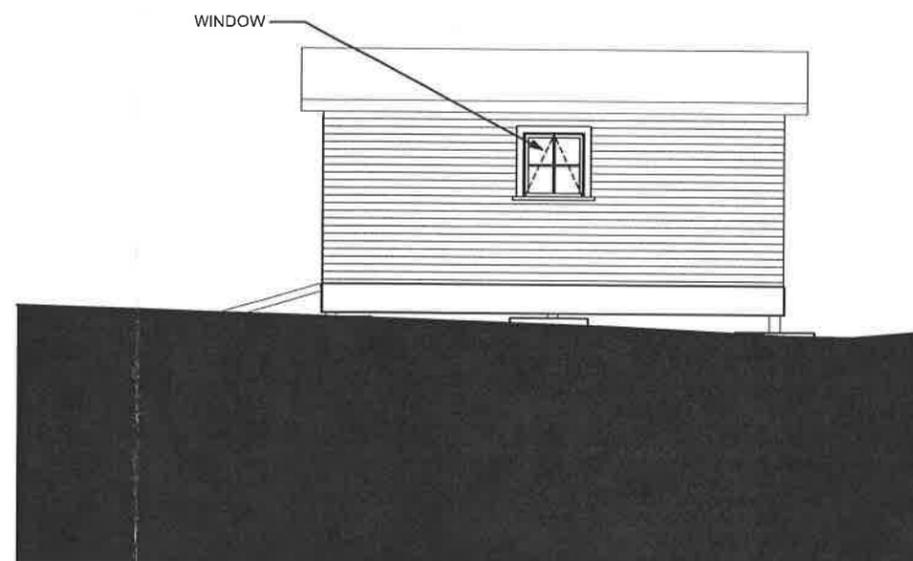
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BOATHOUSE ELEVATIONS

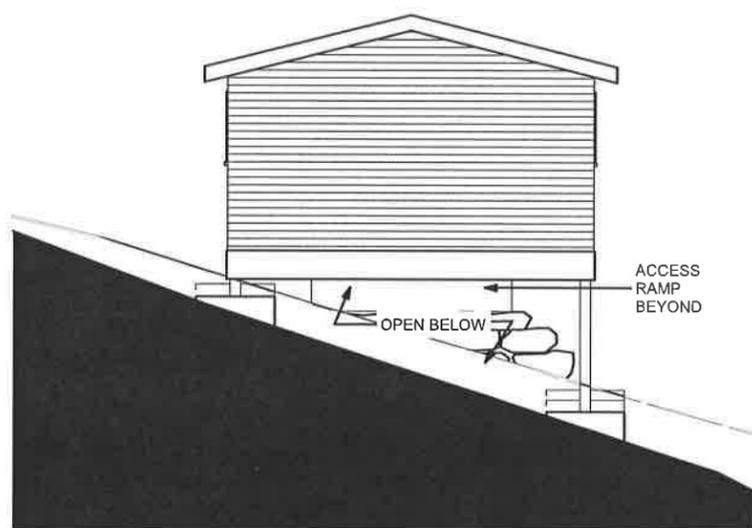
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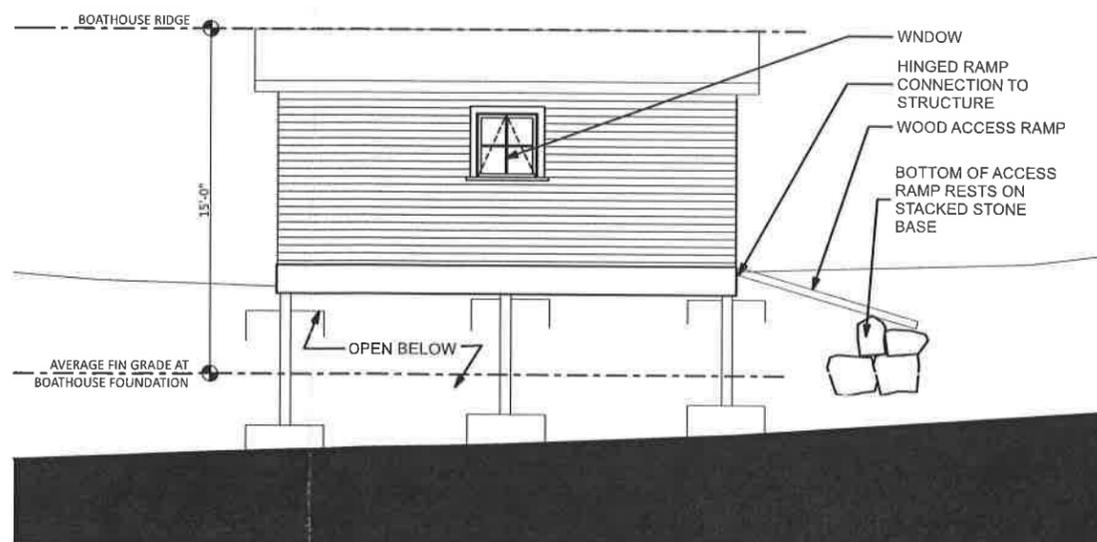
4 EAST BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



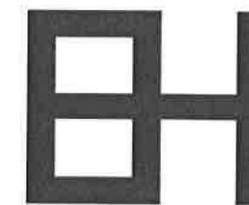
3 NORTH BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



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PARSONS JACOBSON BOATHOUSE

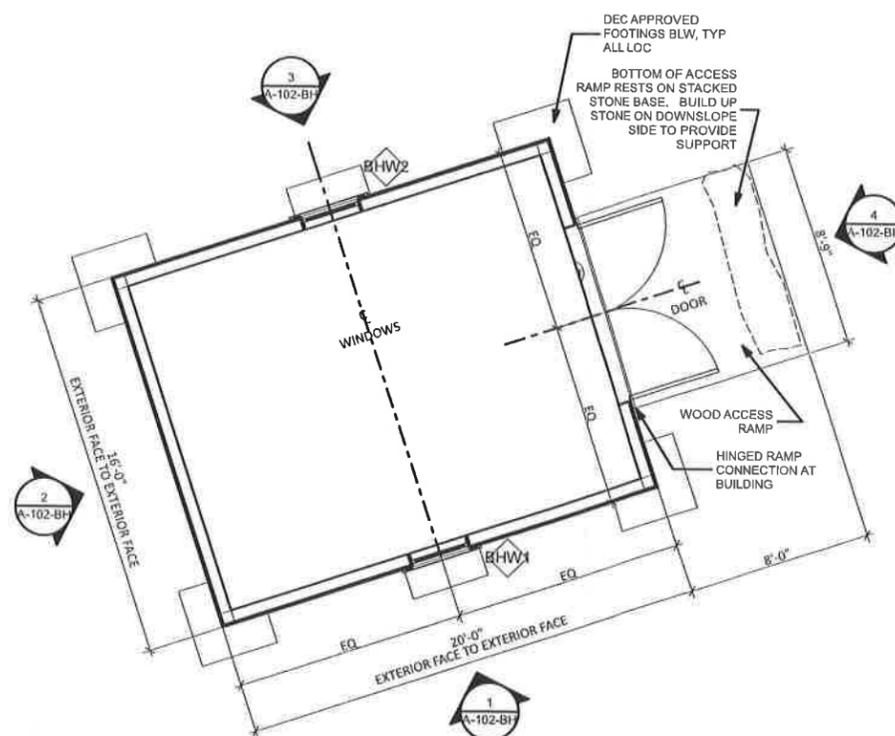
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BOATHOUSE PLAN

A-101-BH



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BOATHOUSE PLAN

SCALE: 1/8" = 1'-0"

