

Conditional Use Hearing
Lisa Hay and Scott Smith
July 19, 2017

To consider a conditional use request by Lisa Hay and Scott Smith to erect a boathouse within the Shoreland Buffer Zone at 1680 Lakeshore Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District, D) Conditional Use, 1. Boathouse; 5.4 A, and 8.8 B #3.

Warnings were posted on July 3, 2017 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the following abutters and neighboring property owners: Berd Family, Olmstead Residents, and South and Julie Sigler on July 3, 2017. It was also published in the Hardwick Gazette on Wednesday, July 5, 2017.

Development Review Board members present: MacNeil, Linda Romans, Sean Thomson, Jane Woodruff, Lee Wright, Wayne Young, Janet Travers (alternate) and BJ Gray (alternate).

Development Review Board members absent: Nat Smith

Others present: Audrey DeProspero, Zoning Administrator

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 8:10 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and noted that the hearing would be conducted based on the application alone, without any applicants in attendance.

The applicants wish to construct a new boathouse in the same location as an aging, non-conforming boathouse at 1680 Lakeshore Road. The proposed new boathouse will have a smaller footprint than the old boathouse, and will be less non-conforming. The new cedar-shingled boathouse will have a gravel floor. The front edge of the present boathouse is approximately 4 feet from the edge of Caspian Lake and the proposed boathouse will be at the same distance from the edge of the lake. Erosion/silt control measures will be used during the construction process, in order to impact the shore as little as possible.

The hearing ended at 8:22. The Board went into deliberative session at 8:24 and came back into public session to announce their decision at 8:25.

Findings of Fact:

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

2.7 Shoreland Protection District

A boathouse is a conditional use in the Shoreland Protection District. The proposed boathouse, lot size and setbacks meet the dimensional standards as noted in the bylaws.

5.4 Conditional Use

B) General standards

The proposed conditional use will not have an adverse effect on:

1. the capacity of existing or planned community facilities.

Boathouses are a common use in the Shoreland Protection District and do not use community facilities.

2. the character of the area.

The proposed boathouse will be cedar-shingled, similar to others around the Lake.

3. traffic in the vicinity.

The proposed boathouse will not create any more traffic in the area.

4. by-laws and ordinances presently in effect.

The proposed boathouse will not affect the bylaws and ordinances.

5. the utilization of renewable energy resources.

The proposed boathouse will not affect renewable energy resources.

C) Specific Standards:

1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.

The 1.06 acre lot is slightly more than the required 1 acre.

2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.

The proposed boathouse will be 35 feet from one lot line and over 120 feet from the other lot line. It will be behind the high water mark.

3. Fencing/ landscaping may be required for commercial and industrial uses to provide screening if the Board deems it necessary to protect the character of the area.

No fencing or landscaping is required.

4. Exterior signs shall not be internally lit and must be compatible in size, materials and workmanship to the area in which they are located.

The proposed boathouse will have no exterior signs.

5. The proposed structure is compatible with other structures in the area.

The proposed cedar-shingled boathouse will resemble other structures in the area.

6. The proposed structure adheres to the uses allowed in the relevant district.

The proposed boathouse will be used to store boats.

7. The proposed structure will not affect the noise or air pollution in the area.

The Board considered the affect on noise and air pollution. They concluded that the boathouse would have no effect.

The proposed boathouse meets all the conditional use criteria.

8.8 B #3 New Uses Within the Shoreland Buffer Resource Zone

#3 Boathouses

- a. The boathouse will be built behind the high water mark. The stumps of any trees cut during the construction of the boathouse will be left in the ground. Provisions will be made to control erosion/silt runoff during construction.
- b. The boathouse will not have plumbing.
- c. The footprint will be less than or equal to 400 square feet.
- d. The boathouse will be no more than 15 feet high.
- e. There will only be one boathouse on the lot.
- f. There will be no decks or porches on the boathouse.
- g. The boathouse will have a Conditional Use permit.
- h. The boathouse will be used only for the storage of boats.

The proposed boathouse meets all the criteria outlined in bylaw 8.8.

Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. Provisions will be made to control erosion/silt runoff during construction.

Signed:

Jane Woodruff, chair
Jane Woodruff
U.L.
date 7/24/17

Mary Landon, clerk
Mary Landon
date 7/24/17

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.