

Conditional Use Hearing  
Day Patterson  
March 19, 2015

*To consider a conditional use by Day Patterson to enlarge the camp at 87 Birch Lane in the Shoreland Protection District.*

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

**Warnings** were posted on February 26, 2015 at the Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to applicant, Day Patterson; and the following abutters and neighboring property owners on February 26, 2015: the Jerome King Trust; Philip Patterson; and Gwen Patterson Mann. It was published in the Hardwick Gazette on Wednesday, March 4, 2015.

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

**Others present:** Kristen Leahy, Zoning Administrator.

**Correspondence from interested persons:** none

### **Summary of Discussion**

Mr. Smith, vice chair, began the hearing at 7:03 PM. He noted the hearing was semi-judicial, explained the procedure for the hearing. In the absence of the applicant, Mr. Patterson, the board looked at the application and accompanying letter from Mr. Patterson to determine what he wanted to do at the camp. Mr. Patterson gained approval from the DRB for a previous application at a hearing on September 23, 2014 for an extension of the back wall of the camp. After the proposal was approved by the DRB, Mr. Patterson retained the services of an architect who convinced him that his original plan of extending the roof line would make the ceiling of the bedroom uncomfortably low. He would now like to construct a shed roof over the extension and add an additional 2.5 feet northward and 3 feet westward to the original plan. This additional footage would make the guest bedroom and bathroom spaces much more comfortable. The total addition would add 158 square feet to the back of the camp, away from the lake. Mr. Patterson proposed to take off the present back deck and plant a 10 foot by 60 foot strip of natural vegetation by the lake as mitigation measures.

### **Findings of Fact:**

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

#### **2.7 Shoreland Protection District**

The extension of the camp does not make the house exceed 2500 square feet. The pre-existing, nonconforming camp is within the 150' setback, but the size of the lot and the setback from the side and back lot lines comply with the criteria of the Shoreland Protection 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 meets the minimum size of 1 acre in the Shoreland Protection District.
2. The side and back setbacks from the dwelling meet the criteria for the Shoreland Protection District. The camp is within the 150 foot setback from the lake.
3. Fencing/ landscaping are not required.
4. There will be no sign.
5. The proposed dwelling is compatible with other structures in the area.
6. The proposed dwelling adheres to the uses allowed in the Shoreland Protection District.
7. The proposed dwelling will not affect the noise or air pollution in the area.

**8.9 Nonconforming Uses and Structures within the Shoreland Resource Zone**

A)

- 2 The requested expansion does not extend toward the lake.
- 3 This proposal expands a pre-existing, nonconforming structure, but the expansion is away from the lake. Mitigation measures are proposed to compensate for the expansion as set forth in 8.9A: 4 of these Bylaws.
- 4 The applicant proposes planting a 10' x 60' strip of non-invasive, preferably native vegetation to replace the lawn near the shore as a mitigation measure. In addition the deck in the back will be removed and not be replaced. The access path will remain grassed.
- 6 The expansion will comply with the erosion prevention and sediment control standards in Section 8.11 of the Zoning Bylaw.

**Decision and Conditions**

Based upon these findings, the Development Review Board voted unanimously (6 – 0) to approve the conditional use application for the camp at 87 Birch Lane.

**Condition**

1. Erosion prevention and sediment control standards as set forth in Section 8.11 of the Zoning Bylaw will be followed.

Signed:

 \_\_\_\_\_, vice chair  
Nat Smith

date 3-22-15

 \_\_\_\_\_, clerk  
Janet Travers

date 3-22-15

**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.