

Variance and Conditional Use Hearing
Nancy Freeman
December 10, 2018

To consider a conditional use and variance request by Nancy Freeman to tear down and rebuild a house on her land at 1662 Lakeshore Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.7 Shoreland Protection District, 3.8 Nonconformities, 3.9 Protection of Water Resources, 5.4 Conditional Uses, 5.5 Variances, and 8.9 Nonconforming Uses and Structures within the Shoreland Protection District.

Warnings were posted at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores on November 21, 2018. The warning was sent to the applicant and the following abutters and neighboring property owners: Nicholas Mantel & Katherine Needleman; Mary Olmstead-Stedman, Edward Olmstead, & James Olmstead; Thomas Berd, and Lisa Hay on November 21, 2018. It was published in the Hardwick Gazette on Wednesday, November 21, 2018.

Development Review Board members present: BJ Gray, MacNeil, Linda Romans, Nat Smith, Jane Woodruff, Lee Wright, and Wayne Young

Development Review Board members absent: Janet Travers

Others present: John Hunt, contractor; David DeChristo, representing Nancy Freeman; and Audrey DeProspero, Zoning Administrator; for others see the sign-in sheet.

Correspondence from interested persons: none

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:02 PM. She noted the hearing was quasi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Ms. Woodruff then asked Mr. Hunt to explain what Ms. Freeman wants to do on her property at 1662 Lakeshore Rd. He presented Ms. Freeman's proposal to tear down the existing camp and build a winterized camp almost exactly on the old footprint. The new house's footprint would be a rectangle with the same number of square feet as the original footprint. The new structure will meet the setbacks from the road and sidelines. Although it will not meet the setback from the lake or the size of the lot, these are pre-existing, non-conforming features of the present lot and structure. The new structure will be 28 feet high and have a total habitable floor area or less than 2500 feet. It will sit on a concrete base and have some sort of basement depending on what is found as they dig for the foundation. During construction, all the usual plans for preventing erosion, runoff, etc. will be taken.

There were a few clarifying statements from the DRB Board and a short statement from Mr. DeChristo. Mr. Hunt ended the presentation with an explanation about the effects of the flood in 1998 that washed tons of silt from the road down the stream (on the south side of the lot) and created a silt peninsula going about 40 feet into the lake.

The hearing ended at 7:35. The Board went into deliberative session at 7:36 and came back into public session to announce their decision at 7:45.

Findings of Fact:

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

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 must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.*
- 2 Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.*
- 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.*
- 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.*
- 5. The proposed structure is compatible with other structures in the area.*
- 6. The proposed structure adheres to the uses allowed in the relevant district.*
- 7. The proposed structure will not affect the noise or air pollution in the area.*

After considering the general and specific standards, the Board concluded that the proposal meets all of the general and specific standards.

The Board voted 6-0 to grant the Conditional Use permit. Wayne Young recused himself.

5.5 Variances

A) Variance Criteria

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 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 unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and authorization of a variance is necessary to enable the reasonable development of the property.

3. The unnecessary hardship has not been created by the applicant.

4. If authorized, the variance will not:

- a) alter the character of the neighborhood or district*
- b) impair the use or development of adjacent property*
- c) reduce access to renewable energy resources*
- d) be detrimental to the public welfare*

5. The variance represents the minimum that will afford relief and the least deviation possible from the bylaws and town plan.

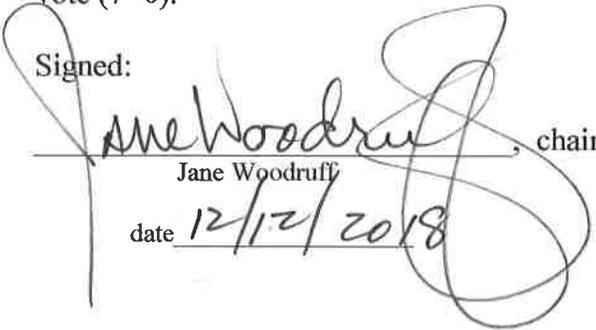
The Board considered the 5 variance criteria and noted that the proposed footprint is simpler than that of the present structure and it would reduce the degree of non-conformity.

The Board voted 6-0 to grant the variance with Wayne Young recusing himself.

Organizational Meeting
Greensboro Development Review Board
December 10, 2018

The Board met briefly after the Freeman hearing to elect officers for the 2019 year. They elected Jane Woodruff, chair; Nat Smith, vice chair; Jan Travers, clerk; and Wayne Young, Burser by unanimous vote (7- 0).

Signed:


_____, chair
Jane Woodruff

date 12/12/2018


_____, clerk pro tem
Nat Smith

date 12-12-18