

Conditional Use & Variance Hearing
Rosemary Trent & Daniel Stoner
September 23, 2019

To consider a variance request by Rosemary Trent & Daniel Stoner to enclose a portion of the front porch, away from the lake, at their house at 114 Barre Blvd.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.3 Greensboro Village District; and 5.4 Conditional Uses, 5.5 Variances, and 8.9 Nonconforming Uses and Structures within the Shoreland Protection Zone

Warnings On September 2, 2019 warnings were posted at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Jane Rudolph, Katherine Hicock, and David Hicock, Barbara Newhouse, and Mary Speare on September 2, 2019. It was published in the Hardwick Gazette on Wednesday, September 4, 2019.

Development Review Board members present: BJ Gray, MacNeil, Linda Romans, Nat Smith, Jane Woodruff, Lee Wright, Janet Travers (alternate) and Mike Metcalf (alternate),

Development Review Board members absent: Wayne Young

Others present: Rosemary Trent, applicant, Audrey DeProspero, Zoning Administrator; and Christine Armstrong, member of the planning commission

Correspondence from interested persons:

Letter from Bea Hicock, abutter

During the course of the hearing the following exhibits were submitted:

#1 letter from Bea Hicock

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:05 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 Ms. Trent to explain what she wants to do at her camp at 114 Barre Blvd. Ms. Trent said she would like to enclose part of the front porch (away from the lake) to extend the kitchen slightly and add storage space. She plans on taking the washer out of the laundry room to allow more storage space and place less stress on the septic tank. She would keep the entrance as it is, although the porch leading to it would be smaller. The present outside wall adjoining the addition would be removed to enlarge the kitchen somewhat, there would be a larger window to let in more light, and the sink would be moved slightly.

The Board then addressed the letter from Bea Hicock (exhibit #1). Ms. Hicock was concerned about the septic system which is small and would not support large numbers of people. She was also concerned that soap suds from the outside shower may leach into the lake. Ms. Trent said they are quite concerned about the health of the lake and the effect of water usage on the septic tank. It was for this reason they decided to remove the washing machine and do not plan to get a dishwasher.

Mr. Smith brought up the subject of mitigation in which something is given in exchange for the expansion of a nonconforming structure. (bylaw 8.9) The removal of the washing machine would qualify as would planting appropriate non-invasive vegetation or letting natural vegetation grow in the lawn area on the right side of the house or between the house and the lake. Ms. Trent stated she has already put many plants on the bank between the house and the lake.

The hearing ended at 7:35. The Board went into deliberative session at 7:37 and came back into public session to announce their decision at 8:20.

Before beginning discussion on the application, the Board decided which bylaw they would use to address this request. They decided they could not review this request under Variances (5.5) because there weren't unique physical circumstances that caused unnecessary hardship for the alteration. The Board also rejected addressing this request under Waivers (5.6) because it requires an alteration of a nonconforming structure be granted only on the basis of hardship which is not the case in this instance. The Board decided this application would be best addressed under 8.9 Nonconforming Uses and Structures within the Shoreland Resource Zone which is subject to a conditional use review (5.4) and addresses alterations to nonconforming structures in the Shoreland Protection District and introduces the use of mitigation measures to offset the alteration.

Findings of Fact:

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

2.7 Shoreland Protection District

This is a pre-existing, nonconforming lot with a pre-existing, non-conforming house. The bylaws require a lot to be 1 acre in size. This lot is .27 of an acre. The camp is approximately 40 feet from the road instead of the required 50 feet and 25 feet from the lake shore instead of 150 feet now required. The bylaws require a 20 foot setback from other lot lines. This camp is 25 feet from the right side line and 12 feet from the left side line.

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.* It will have no effect on these.
- 2. the character of the area.* It will have no effect on the character of the area.
- 3. traffic in the vicinity.* There will be no change in area traffic.
- 4. by-laws and ordinances presently in effect.* 8.9 exists in conjunction with the rest of the bylaws and allows expansion of a nonconforming structure provided there is an acceptable mitigation plan. The Board is reading 8.9 and 5.4 together as required in 8.9 (A) 3.
- 5. the utilization of renewable energy resources.* It will have no effect on 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.* This is a pre-existing, nonconforming lot.
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* This is a pre-existing, nonconforming structure.
- 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 screening is necessary.
- 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.* There will be no signs.
- 5. The proposed structure is compatible with other structures in the area.* The expansion will be compatible with the camp and the surrounding area.
- 6. The proposed structure adheres to the uses allowed in the relevant district.* It adheres to the allowed uses in the Shoreland District.
- 7. The proposed structure will not affect the noise or air pollution in the area.* It will not increase the noise or air pollution in the area.

8.9 Nonconforming Uses and Structures within the Shoreland Resource Zone

(A)

1. Does not apply.
2. The proposed alteration does not extend toward the water.
3. This alteration is subject to conditional use review.
4. The expansion of the structure requires mitigation measures such as returning a portion of mowed areas to a naturally vegetated state.
5. Does not apply.
6. Does not apply.
7. Does not apply.
8. Does not apply.

(B) Does not apply.

(C) Does not apply.

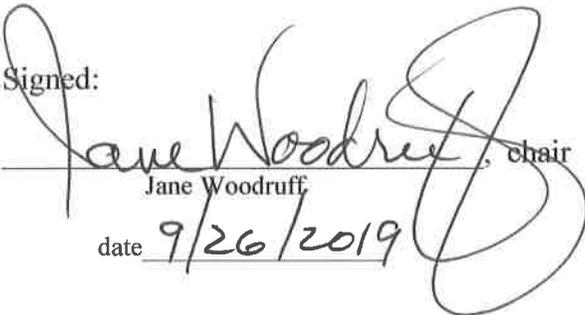
Decision and Conditions

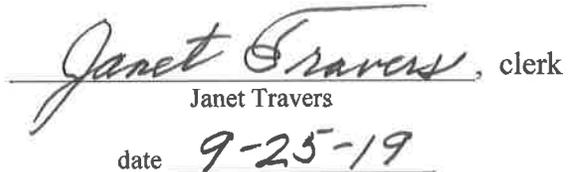
Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve (One alternate voted in place of the absent Board member.)

Conditions:

1. Any and all necessary state and federal permits must be in place before construction can begin.
2. The washing machine will be removed and no clothes washer shall be installed.
3. Natural vegetation will be planted (or allowed to grow) in an 8 foot strip of land the width of the lot between the deck and the lake and in a strip 8 feet wide on the south side of the house from the lake to the septic tank. The path around the lake and the path to the house and boathouse may be maintained.

Signed:


Jane Woodruff, chair
date 9/26/2019


Janet Travers, clerk
date 9-25-19

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.