

**APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE  
FOR RECONSTRUCTION OR RELOCATION OF NONCONFORMING STRUCTURES  
IN THE SHORELAND PROTECTION DISTRICT  
TOWN OF GREENSBORO  
PO Box 119, Greensboro, VT 05841  
(802) 533-2640 Fax (802) 533-2191  
zoning@greensborovt.org**

**FOR ADMINISTRATIVE USE ONLY**

Application Number: 2019-035 Tax Map Number J3-22-38.3  
 Zoning District Shoreland  
 Date Application Received 9/25/2019 Fee Paid \$ 265 CK #143 (Billsmith dropped)  
 Reason for Seeking Conditional Use Permit or Variance:  
2.7 Shoreland C4 Single Fam Dwell 5.4 Conditional Use 8.9 Non Conf Structure  
w/in Shoreland Buffer A3-4-6

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*.

**Applicant(s):**

Name(s): Robert Brigham  
 Mailing Address: 184 Gebbie Road, Greensboro VT 05841  
 Telephone(s) Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: 802-498-7766  
 E-Mail: wildoatzwildoatz@attlook.com

**Landowner(s) (if different from applicant(s)):**

Name(s): Anne Francoeur  
 Mailing Address: 90 William H Smith, PO Box 221, Greensboro VT 05841  
 Telephone(s) Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: 514-793-9530  
 E-Mail: annodawatsu@gmail.com

**Physical Location of Property (911 address):**

285 AL's Avenue

**Type of Permit:**

Conditional Use  Variance

**Permits Which May Be Necessary:**

State Septic & Potable Water Permits - required prior to approval WW-7-4269

**Pre-development Submission Requirements:** See Sandra Vitzthum letter (A)

1.  An existing condition site assessment providing slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.
2.  A map drawn to scale showing the location, extent and type of proposed Development and land disturbance and its proximity to the Shoreland Buffer Resource Zone and Lake. The plan shall include consideration of low impact development concepts as recommended in the Vermont Low Impact Development Guide for Residential and Small Sites.
3.  An erosion and sediment control plan that incorporates accepted management practices as recommended by the state of Vermont is The Low Risk Site Handbook for Erosion Prevention and Sediment Control.

**Property Description:**

Acreage in lot 0.22

**(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance 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 ∅

Setbacks:	Front <u>6'</u> (to center of road)	Left Side <u>21'</u>
	Right side <u>50'</u>	Rear <u>40'</u>
	Lakeshore <u>142' (deck 130')</u>	Shoreline Frontage <u>∅</u>
	Lot Width <u>90'</u>	Lot Depth <u>90'</u>
	Other _____	

**Dimensions of Proposed and Existing Buildings:**

Existing:  
 Length 42' No. of Stories 1  
 Width 24'  
 Height 16'

Proposed:  
 Length 42' No. of Stories 1 1/2  
 Width 34'  
 Height 30'

**Lakeshore District Properties, please indicate the total habitable floor area of the dwelling:** 2016 sq. ft.  
*Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."*

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") seasonal single family home - 3 bedroom

Proposed use and occupancy. (Write whether it will be seasonal or full year. If you decide to change the use of your property later you may need another permit.) Seasonal single family home - 3 bedroom

**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/waste water system.

**Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.** (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 drawings.*

If the property is sited within the buffer area of a major water body (within 75' of Caspian or Eligo Lakes, 50' of Horse & Mud Ponds, 100' of Long Pond, or 25' of any river or stream), **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.*

*n/a - See pg 4 \**

**Mitigation Measures:**

*Need letter/info re: mitigation*

Mitigation is an action required of a shoreland property owner designed to compensate for shoreland buffer lost to impervious surfaces within the Shoreland Protection District.

In circumstances where nonconforming structures are permitted to be expanded or reconstructed within the Shoreland Buffer Resource Zone, the Development Review Board (DRB) shall require the shoreland property owner to create and adhere to an approved mitigation plan.

Measures which may be included in such a plan are as follows:

- **Buffer Restoration.** Returning mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation in order to restore the lakeshore buffer. **Must be part of the approved mitigation plan.**
- **Rain Gardens.**
- **Implementation of erosion and stormwater runoff controls.** Creating runoff capture and building infiltration structures to prevent stormwater runoff from reaching the lake.
- **Removal of nonconforming or obtrusive accessory structures** within the shoreland setback area.
- **Additional site specific requirements** can be determined by the Development Review Board before final plan approval, based on a review of site conditions and the need for any special buffer area protection or restoration measures.

**Please provide the DRB with your proposed mitigation plan.** Suggestions and descriptions of various mitigation measures are available from the Zoning Administrator or on-line at [www.greensborovt.org/zoning](http://www.greensborovt.org/zoning).

*DESIGN WILL BE SUBMITTED TO DRB FOR \*  
APPROVAL BEFORE ANY PLANTINGS OCCUR.*

### 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:

- n/a 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);
- n/a 3. Traffic on roads and highways in the vicinity;
- ✓ 4. Bylaws and ordinances then in effect;
- n/a 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.
- n/a 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.
- n/a 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) Robert S. Bylan Date 9/23/19

Signature of Landowner(s) Anna Gannon Date 23 Sept 2019  
*(All landowners must sign)*

**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.**

<b>FOR ADMINISTRATIVE USE ONLY</b>	
{ } Approved { } Denied	<input checked="" type="checkbox"/> Referred to the Development Review Board
Date <u>10-22-19</u>	Signature <u>Ann Merospero</u>
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) _____	

# Sandra Vitzthum, Architect, L.L.C.

14 Loomis Street Montpelier, Vermont 05602 (802) 223-1806

September 23, 2019

Ms. Audrey Prospero, Zoning Administrator  
Town of Greensboro  
PO Box 119  
Greensboro, VT 05841

## ZONING PERMIT APPLICATION: CONDITIONAL USE PERMIT/VARIANCE FOR RECONSTRUCTION OF A NON-CONFORMING STRUCTURE IN THE SHORELAND PROTECTION DISTRICT

Dear Audrey,

Anne Francoeur, owner of 285 Al's Avenue, would like to reconstruct an existing three bedroom home whose deck plus one corner of the house lies within the 150' setback from Caspian Lake in Greensboro's Shoreland Protection District. (The structure does not encroach upon the 100' Shoreland Buffer Resource Zone.) Further, the existing structure encroaches upon the 20' rear yard setback. The existing lot is 0.22 acres, less than the required one acre but larger than 0.125 acre minimum for reconstruction. Ms. Francoeur owns two adjacent lots, but at this time 285 Al's Avenue remains independent because it meets all requirements of Bylaw 3.5 (D).

The proposed structure does not increase the existing degree of non-conformance except for the height of approximately 108 sf. at the northeast corner of the house. The proposed height will increase from existing about 5 feet at the northeast corner to 8 feet at the north gable. To counter this, we propose minimizing impact in the setback by removing the existing wood deck and replacing it with an on-grade flagstone patio.

In response to the submission requirements for new construction in the shoreland protection district:

- 1) Site Plan – shows the slope and natural features. The site has no sensitive natural communities nor any natural drainage ways.
- 2) Low Impact Development – All work will conform with the recommendations of the "Vermont Low Impact Development Guide for Residential and Small Sites."
- 3) Erosion and Sediment Control – All work will conform with the practices recommended in "The Low Risk Site Handbook for Erosion Prevention and Sediment Control."

Please let me know if we can or should supply any further information to facilitate this permit.

(Pre development Submission Requirements) (A)

map

Thank you,



Sandra Vitzthum  
Architect

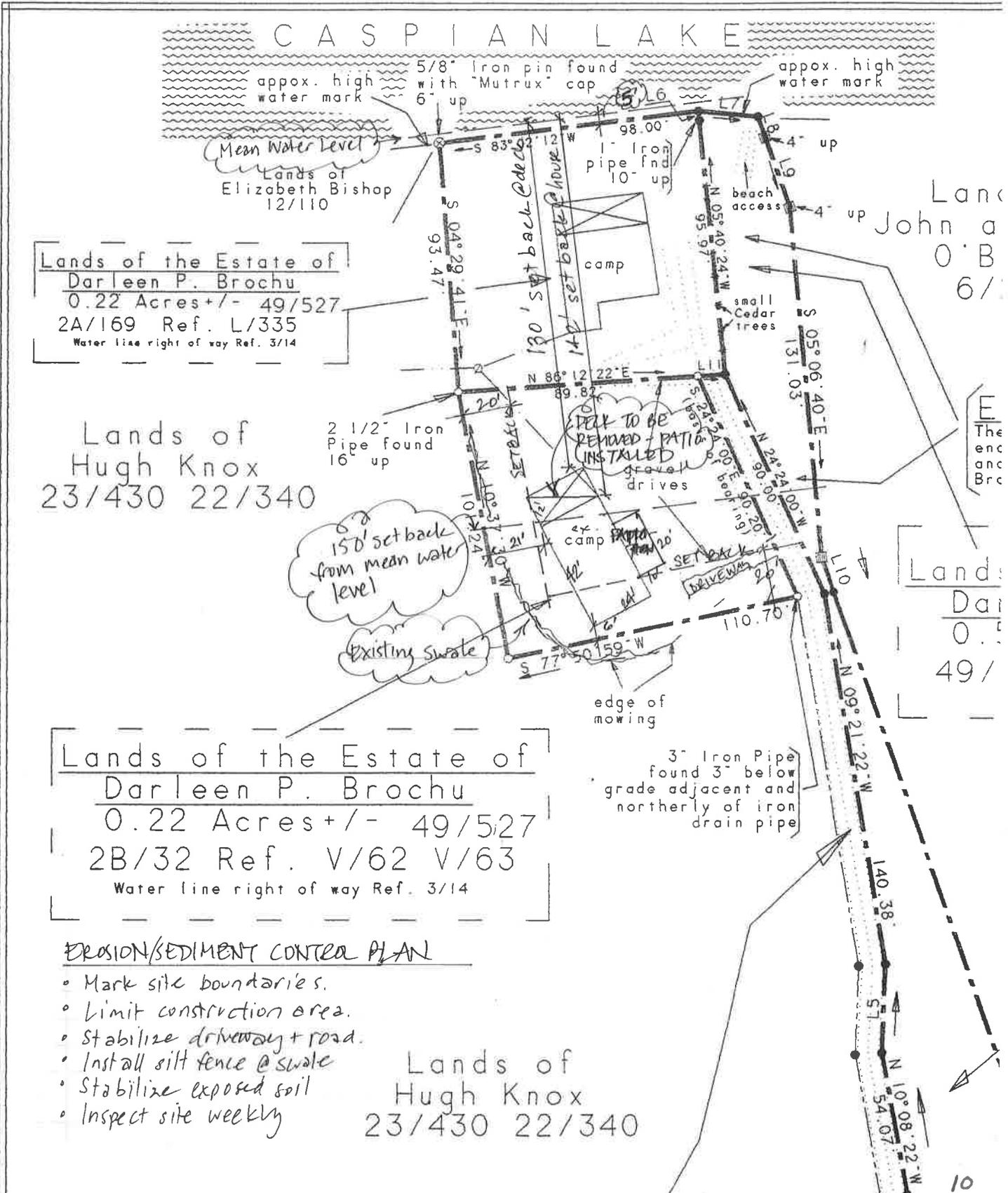


# Site Assessment

## 285 AVE - PROPOSED SITE PLAN WITH EROSION CONTROL PLAN

50 SCALE

9/22/19



Lands of the Estate of  
Darleen P. Brochu  
0.22 Acres +/- 49/527  
2A/169 Ref. L/335  
Water line right of way Ref. 3/14

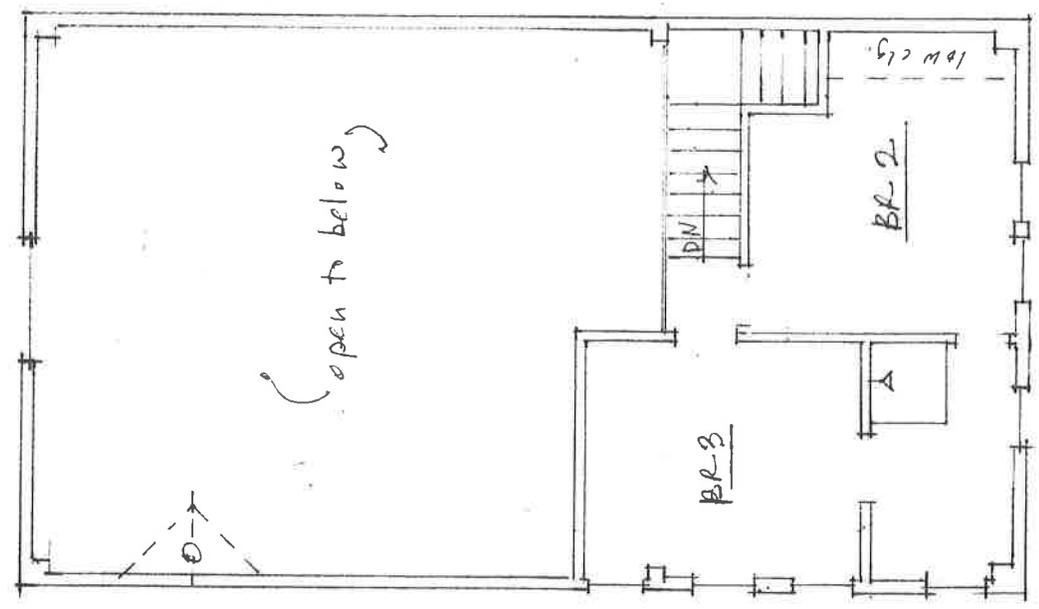
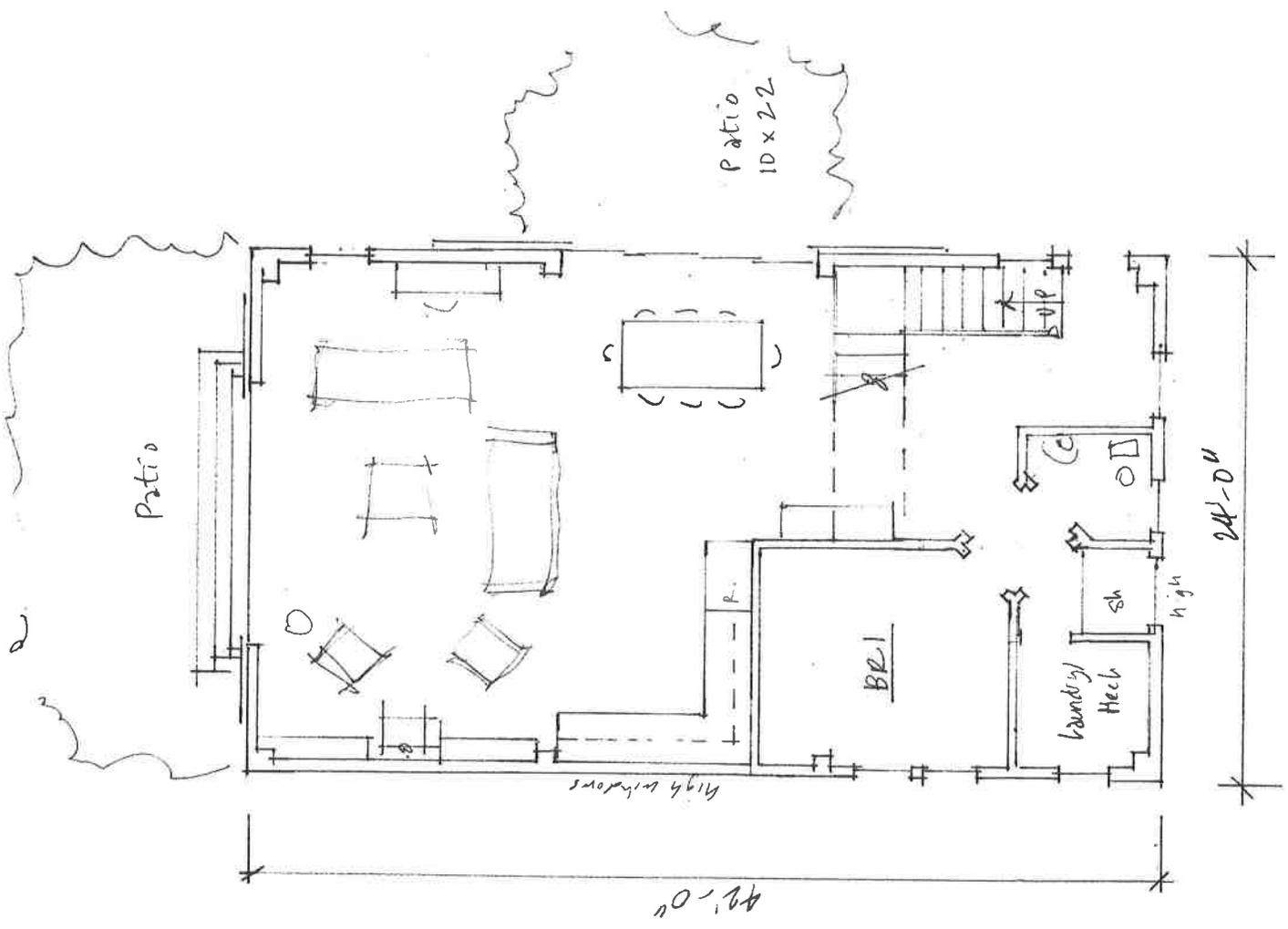
Lands of  
Hugh Knox  
23/430 22/340

Lands of the Estate of  
Darleen P. Brochu  
0.22 Acres +/- 49/527  
2B/32 Ref. V/62 V/63  
Water line right of way Ref. 3/14

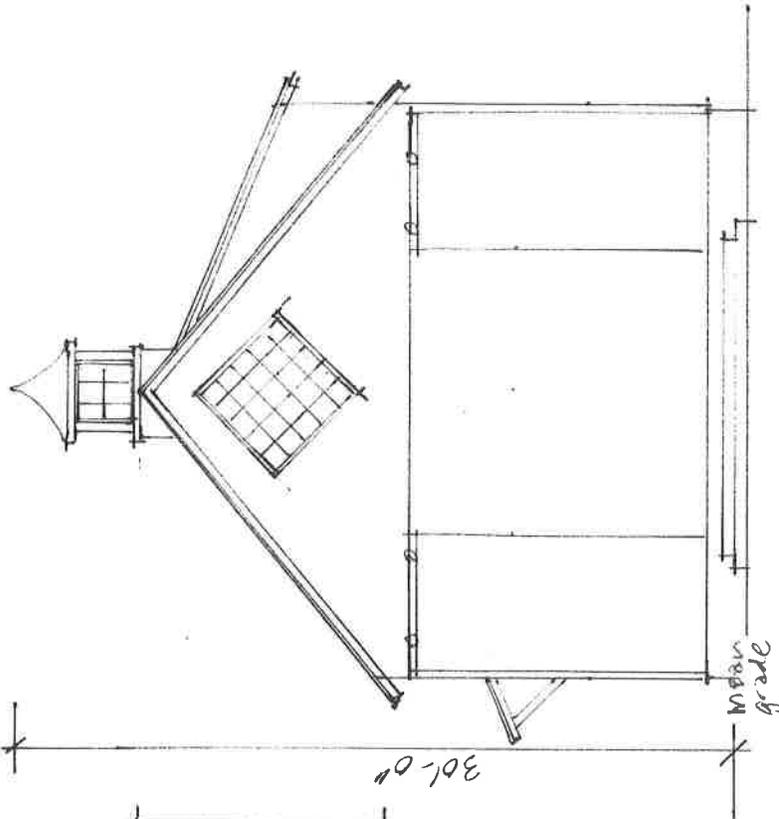
### EROSION/SEDIMENT CONTROL PLAN

- Mark site boundaries.
- Limit construction area.
- Stabilize driveway + road.
- Install silt fence @ swale
- Stabilize exposed soil
- Inspect site weekly

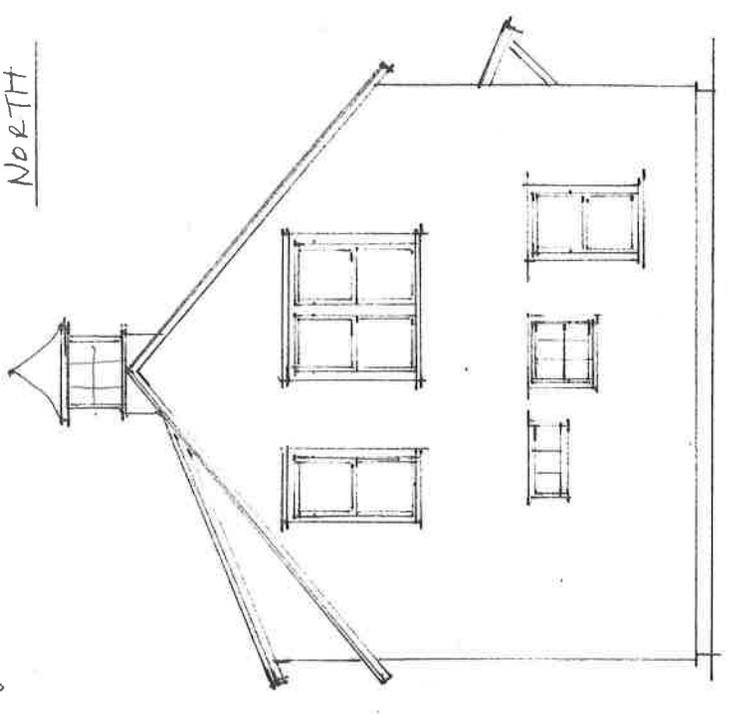
Lands of  
Hugh Knox  
23/430 22/340



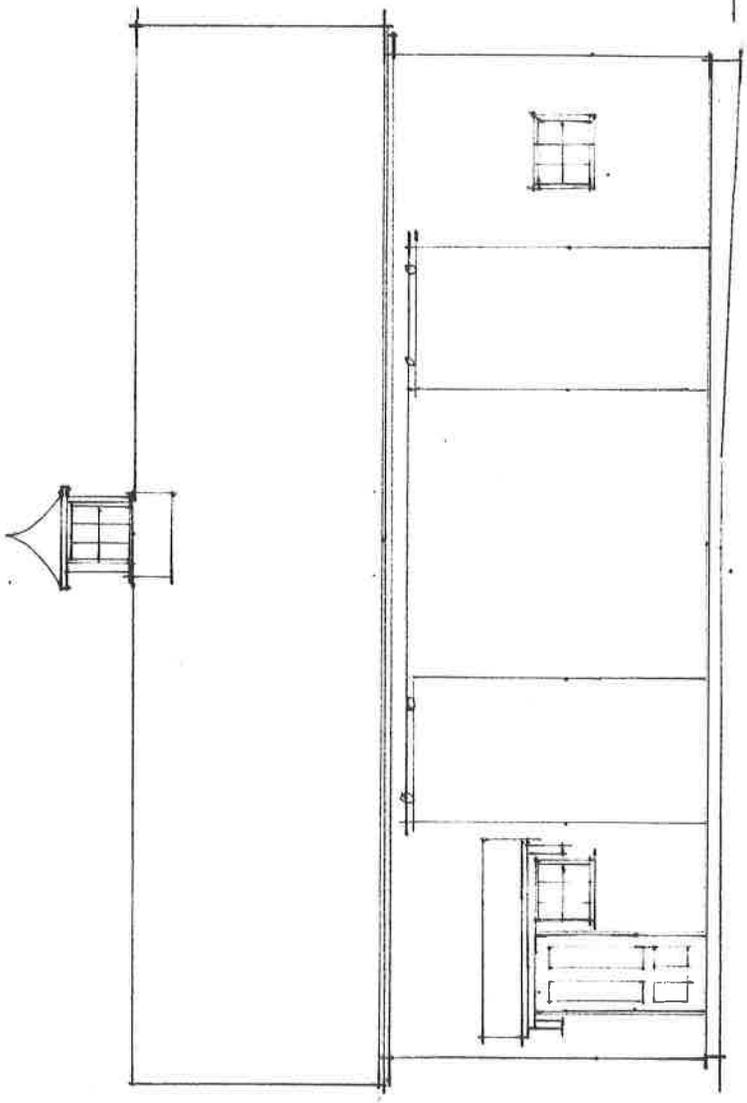
FRANCOEUR CAMP  
9/24/19



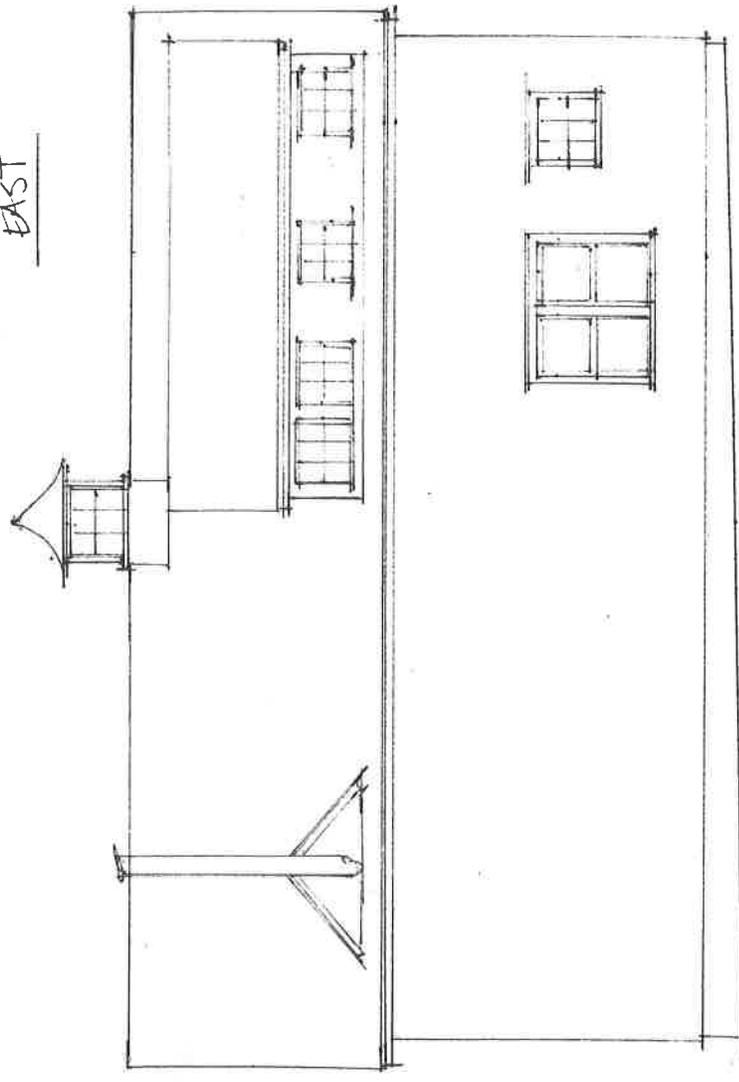
NORTH



SOUTH



EAST



WEST

**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Darleen Brochu Estate  
c/o Claire Neumann  
10785 Borgman Avenue  
Huntington Woods MI 48070**

**Permit Number: WW-7-4269**

This permit affects property identified as Town Tax Parcel ID # 314-0030, 314-0301, 314-0285 referenced in a deed recorded in Book 49, Page 527, of the Land Records in Greensboro, Vermont.

This project, consisting of the Permitting for a shared replacement wastewater disposal system for two existing seasonal camps on individual lots (Lots#-285 and 301), served by existing seasonal community water supply, for this project located at 285 & 301 Al's Avenue in Greensboro, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Larsen Applied Earth Science, LLC., Patrick Larsen, LDB., with the stamped plans listed as follows:

<u>Sheet Number</u>	<u>Title</u>	<u>Plan Date</u>
1 of 2	Plot Plan	5/20/2015
2 of 2	Site Plan & Construction Details	5/20/2015

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Greensboro Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Greensboro Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

*"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",*

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.6 The Division relied upon the Vermont Licensed Designer's certification that the design-related information submitted is true and correct and complies with the Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules. This permit may be revoked if it is determined that the project does not comply with these rules.



- 1.7 **Lot # 285** is approved with the existing **3-bedroom seasonal residence**. No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater disposal shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.
- 1.8 **Lot # 301** is approved with the existing **5-bedroom seasonal residence**. No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater disposal shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.
- 1.9 The wastewater disposal system, which is to serve **Lot# 285** is located on **Lot #301**. The land deeds that establish and transfer ownership of these parcels shall contain a **legal easement** which grants the purchaser(s) and any future owner(s) the right to enter upon the property for the construction, repair, maintenance and other such reasonable purposes as may arise regarding the wastewater disposal system. Failure to properly execute the easement renders this permit null and void for any lot/the project conveyed without the proper easement. It is recommended that a copy of the executed easement be sent to the Drinking Water and Groundwater Protection Division.
- 1.10 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.11 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.12 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

## **2.WATER SUPPLY**

- 2.1 **Lot # 285** is approved with the existing connection to the water supply system owned by the **Greensboro Fire District** for a maximum of **420 gallons** of water per day.
- 2.2 **Lot # 301** is approved with the existing connection to the water supply system owned by the **Greensboro Fire District** for a maximum of **560 gallons** of water per day.

## **3.WASTEWATER DISPOSAL**

- 3.1 Approval of the replacement of the shared wastewater system for this project is granted under the Variance Section of the Wastewater System and Potable Water Supply Rules for the purpose of eliminating an existing substandard condition. Aspects of the permitted design may not completely adhere to the minimum standards required by the Rules.
- 3.2 **Lot# 285** is approved for the shared disposal of wastewater in accordance with the design depicted on the stamped plan(s) for a maximum of **420 gallons** of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 **Lot# 301** is approved for the shared disposal of wastewater in accordance with the design depicted on the stamped plan(s) for a maximum of **560 gallons** of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.4 The Mound wastewater disposal systems shall be constructed in strict accordance with the following conditions:
  - a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division.

- b. A qualified Vermont Licensed Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation.
  - c. The construction of the mound shall adhere to the guidelines set forth in Section 1-913(f) of the above referenced rules.
  - d. Upon completion of construction, and prior to occupancy of any structure being served by the mound system, the inspecting consultant shall submit to the Drinking Water and Groundwater Protection Division a written certification stating the construction has been completed in accordance with the stamped plans and the permit.
- 3.5 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer who shall, upon completion and prior to occupancy of the associated buildings, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.6 The corners of the proposed primary or replacement wastewater disposal area(s) shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.7 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.8 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal field.

David K. Mears, Commissioner  
Department of Environmental Conservation

By Andrew Fraser  
Andrew Fraser, Assistant Regional Engineer  
Dated June 1, 2015  
St. Johnsbury Regional Office  
Drinking Water and Groundwater Protection Division

cc Greensboro Planning Commission  
Larsen Applied Earth Science, LLC.-Patrick Larsen