

CONDITIONAL USE PERMIT/VARIANCE

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: 2019-040 Tax Map Number 21-00-46
Zoning District Shoreland Protection District
Date Application Received 11 / 6 / 2019 Fee Paid \$ 340.00 OK # 2464
Reason for Seeking Conditional Use Permit or Variance:
2.7 Shoreland, 1. Accessory Dwelling Unit, 4.2 AB,C, Variance 5.5
Structure cannot meet required setbacks

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): John D Dernavich
Mailing Address: 4241 Bridgman Hill Road, Hardwick, VT 05843
Telephone(s) Home: 802-472-6053 Cell: 802-274-6171
E-Mail: sloopjazz@gmail.com

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

Name(s): Think House, LLC
Mailing Address: 2701 Humbolt Street, Bellingham, WA 98225
Telephone(s) Cell: 360-483-6020
E-Mail: ken.mann.home@gmail.com

Physical Location of Property (911 address):

87 Birch Lane, Greensboro, VT 05841

Type of Permit:

Conditional Use [X] Variance

Other Permits Which May Be Necessary:

- [X] State Septic Permits - required prior to approval (See attached permit)
[X] State Potable Water Supply Permits - required prior to approval (See attached permit)
[] Curb Cut - requires a separate application - necessary if a new driveway must be installed.
[] Applied (date) [X] Not required

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 April 12, 2019**Permittee(s): Think House, LLC
2701 Humboldt St.
Bellingham WA 98225****Permit Number: WW-7-4207-1
PIN: SJ11-0055**

This permit affects the following properties in Greensboro, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
Existing	211-0087	264-083-10708	1.03	Book:59 Page(s):465-468

This application, consisting of remodeling the existing 3-bedroom single family residence into a 2-bedroom single family residence and to construct a detached 1-bedroom guesthouse both dwellings will share the existing wastewater disposal system and seasonal community water supply, located at 87 Birch Lane, in Greensboro, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. 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.

1. GENERAL

- 1.1 The permittee is responsible to record this permit in the Greensboro Land Records within thirty days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Greensboro Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 All conditions set forth in permit **WW-7-4207** shall remain in effect except as amended or modified herein.
- 1.5 By acceptance of this permit, the permittee 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.
- 1.6 This permit does not relieve the landowner from obtaining all other approvals and permits other State Agencies or Departments, or local officials prior to construction.

2. CONSTRUCTION

- 2.1 Construction shall be completed as shown on the plans and/or documents prepared by Patrick Larsen, with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
Site Plan & Construction Details	1 of 1	10/03/2019	NONE

- 2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.
- 2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.



3. INSPECTIONS

3.1 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 permit conditions, were inspected, were properly tested, and have successfully met those performance tests" or which satisfies the requirements of §1-311 of the referenced rules.

4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following.

Lot	Building	Building Use / Design Flow Basis	Water	Wastewater
Existing	Dwelling	2-bedroom single family residence	280	280
Existing	Dwelling	1-bedroom guesthouse	140	140

5. WASTEWATER SYSTEM

- 5.1 This project is approved to share the existing wastewater system for **420 gallons** per day. No changes shall be made to the existing wastewater system unless otherwise exempt without prior approval from the Drinking Water and Groundwater Protection Division. Should the system fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and to submit an application to the Drinking Water and Groundwater Protection Division and receive written approval prior to correcting the failure.
- 5.2 The new wastewater system components shall be constructed as shown on the stamped plan(s) and 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.
- 5.3 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.
- 5.4 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

6. POTABLE WATER SUPPLY

- 6.1 This project is approved with the existing connection to the seasonal water supply system owned by the **Greensboro Community** for **420 of gallons** of water per day.
- 6.2 This project is approved with an existing building water line. The Drinking Water and Groundwater Protection Division assumes no liability for the adequacy of this water line. Should the line fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to correcting the failure.
- 6.3 A location for a future replacement drilled bedrock well has been identified on the stamped plan(s). There shall be no construction or other activities that would impact the suitability of this location for a water supply. Unless otherwise exempt, the landowner shall submit to the Drinking Water and Groundwater Protection Division an application, fee, and required plans prepared by a qualified Vermont Licensed Designer for the use of the replacement well prior to drilling the well.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By Richard A. Wilson
Richard A. Wilson
Regional Engineer
St Johnsbury Regional Office
Drinking Water and Groundwater Protection Division

Dated October 30, 2019

cc: Patrick Larsen
Greensboro Planning Commission

Property Description:

Acreage in lot 1.03

(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 Private drive through center of property

Setbacks:	Front <u>115' Approx.</u> (to center of road)	Left Side <u>20'+</u>
	Right side <u>20'+</u>	Rear
	Lakeshore <u>90' Approx.</u>	Other

Dimensions of Proposed and Existing Buildings:

Existing:

Length 42' No. of Stories 1
 Width 24' plus a 6'6"x 31' shed addition
 Height 20' Approx.

Proposed:

Length 36' No. of Stories 1
 Width 22'
 Height 25' Max.

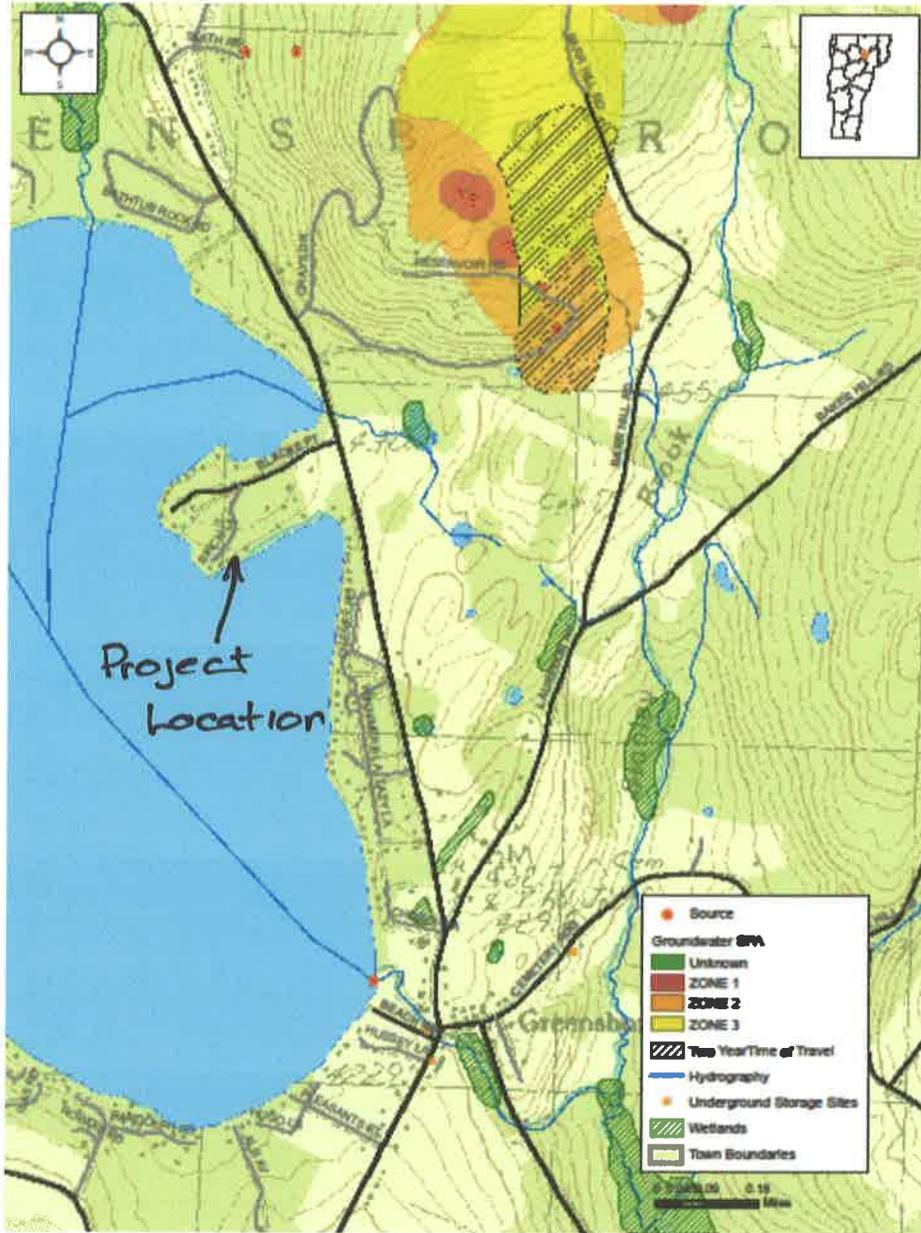
Lakeshore District Properties, please indicate the total habitable floor area of the dwelling: 1200 Sq/Ft
Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.")
Three bedroom seasonal dwelling.

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.) Existing dwelling shall be changed to a two bedroom, seasonal designation. And a newly constructed, single bedroom, seasonal, accessory dwelling is proposed.

Sketch or attach a general plot plan showing the following:

1. Location of property.
2. Location of buildings on property. See attached maps for 1, 2, 3, 4
3. Location of driveway.
4. Location of water source and septic/waster water system.
5. Names of adjoining landowners.
Gwen Patterson Mann & Kenneth Mann Jr.
Philip Patterson
Jerome & Muriel King, Trust



GRAPHICAL SCALE

GWEN PATTERSON MANN
&
KENNETH MANN, JR.
12/423

DRIVEWAY CROSSING

GREENSBORO FIRE DISTRICT
MUNICIPAL WATER SUPPLY LINE

PROPOSED DRILLED WELL

PERMITTED DRILLED WELL
REPLACEMENT WATER SUPPLY
NOT DRILLED

WELL ISOLATION ZONE -
NO LEACHFIELDS

NEW 1000 GALLON SHALLOW
CONCRETE SEPTIC TANK
FIT WITH ACCESS &
EFFLUENT FILTER

BIRCH LANE
A PRIVATE WAY

SOLID 4" SDR 35
1/4" PER FOOT SLOPE
BURIED 3' DEEP, ELSE INSULATED

PROPOSED WATER
LINE CL 160 POLY
BURIED 3' DEEP
EXISTING LINE TO BE
RE-ROUTED, RUNS
NEAR DRIVEWAY
EXACT LOCATION UNKNOWN

EXISTING DRILLED WELL

1000 GALLON
CONCRETE SEPTIC TANK
PIT WITH ACCESS &
EFFLUENT FILTER

1000 GALLON
CONCRETE PUMP TANK
FIT WITH ACCESS

EXISTING LEACHFIELD

STK 1428.2
PROPOSED 1BR APT
STK 1426.8
STK 1427.0
HUB

HS 1419.7
EXISTING 3BR
HOME - PROPOSED
TO BE 2 BR HOME
HS 1420.4
HS 1420.5
HS 1419.4

4 FOOT WIDE RIGHT OF WAY
ACROSS PATTERSON CONNECTS
MANN PARCELS

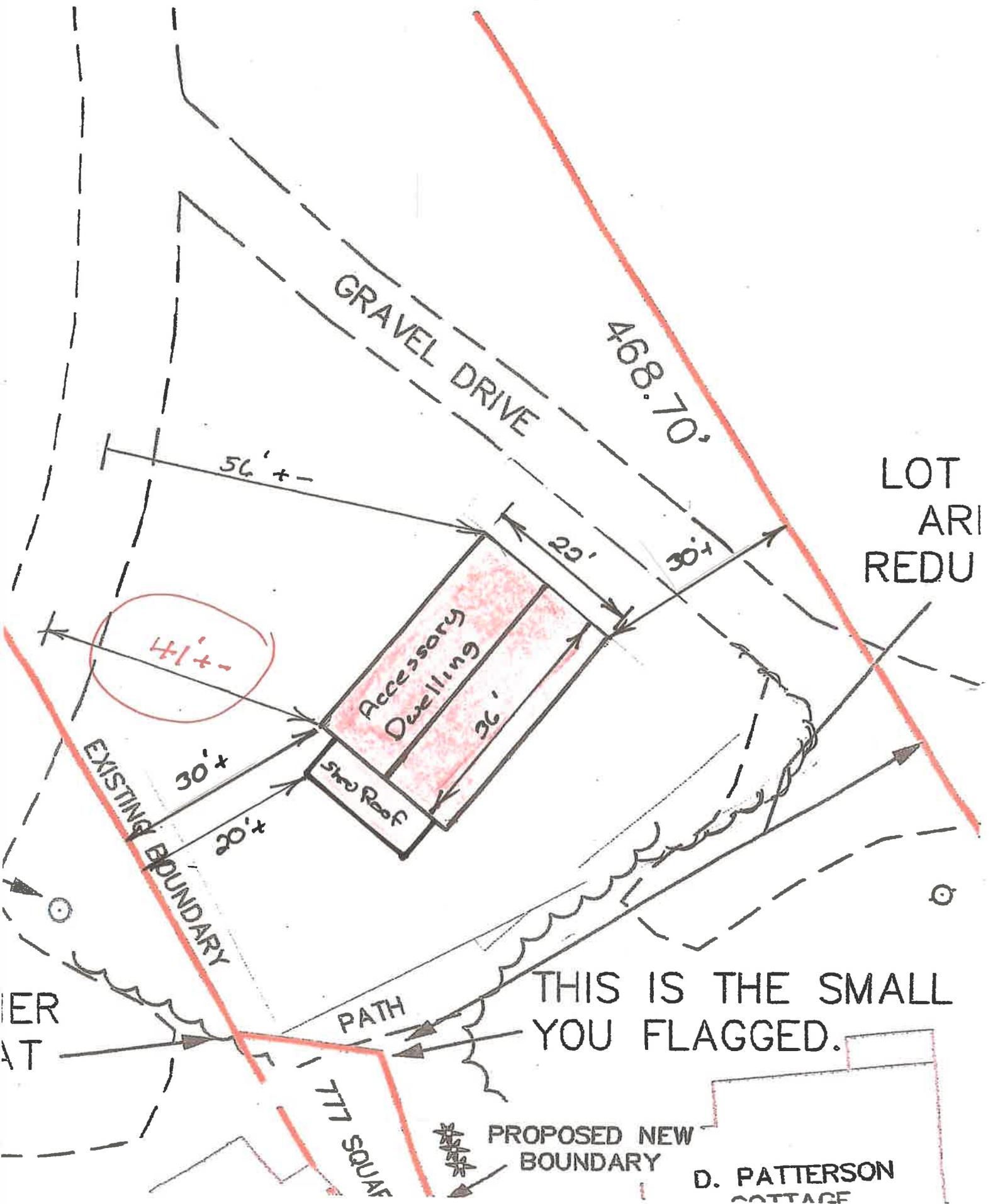
EXISTING MOUND
LEACHFIELD

10.02'



GRAPHICAL SCALE





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 floor plan.)

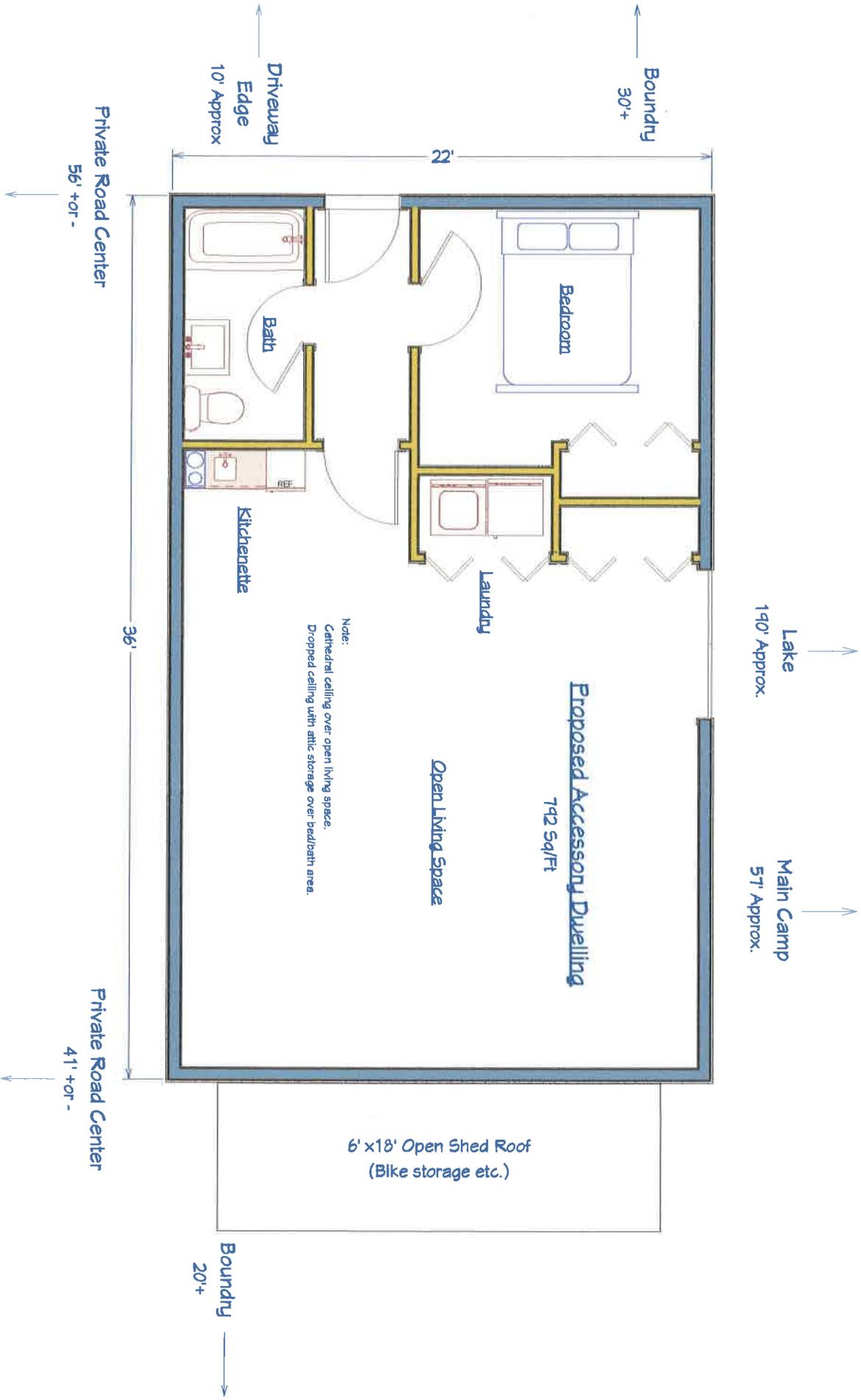
The plan as drawn, reflects the basic elements which will be included in this proposed accessory dwelling; however, the final interior layout may change as design discussions evolve. The interior space shall include an open living area, with cathedral ceilings, a small kitchenette, including cooktop, sink and refrigerator, a washer/dryer, a full bath, a small bedroom, and some basic storage closets. The bedroom/bath/closet area, will have a dropped ceiling, with some limited attic storage. This attic space shall be accessed by either, a set of drop-down ceiling stairs, or a hatch in the wall separating the cathedral area from the enclosed attic. This 2nd access option would be serviced by ladder.

The main entrance to the dwelling, will be provided by a set of double sliding barn doors, which will open to the living space. Other window and door placement will follow the needs of the final interior floor plan, however, no "out of the ordinary" window or door units are planned.

On the west facing wall (towards Philip Patterson), a shed roof overhang is desired for covering bikes, wood and other outdoor items. A suggested size is 6'x 18', however a smaller size might end up as the final design.

The only outdoor landscaping would be the casual use of boulders and stepstones to create walkways accessing the two exterior doors. Placement will be dependent on the final topography of the graded site.

The request for a variance, is due to the northwest corner of the structure, which does not meet the full 50' setback from the private road center. The rotation of the building was set to work best with the existing lay of the land. This would require less manipulation of the surrounding ground area, and would actually make the building sit a bit further away from the lake. Due to the fact that this is a private road, and that the Manns have engaged in both verbal and written conversations with the adjoining landowners, with no strong objections having been raised, this seemed like a sensible compromise. And in accordance with feedback from some of the neighbors indicating a desire for some vegetative screening along both the King property line and Birch Lane, the Manns have said they would be willing to install plantings anywhere feasible.



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:

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);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
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.
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.
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 Bylaw).

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 ByLaw).

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 Landowner(s) Ken Mann Date: 11.5.2019

Signature of Landowner(s) Amy Mann Date: 11-5-2019

Signature of Applicant(s) [Signature] Date: 11/05/2019

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.

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) See separate Date: _____

Signature of Landowner(s) signature sheet Date: _____

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)751-0130.

FOR ADMINISTRATIVE USE ONLY

{ } Approved { } Denied { } Referred to the Development Review Board

Date 11-13-2019 Signature Lively Merosperio

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)