

Conditional Use Hearing  
Chris and Liz Steel  
April 28, 2020

*To consider a conditional use request by Chris and Liz Steel to tear down and rebuild a house on the property at 94 Lazy Lane.*

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 Nonconforming Uses and Structures within the Shoreland Resource Zone.

**Warnings** were posted on March 9, 2020 then on April 6, 2020 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: Carlos and Charlotte Lima and the William S. Gordon Trust. It was published in the Hardwick Gazette on Wednesday, March 11, 2020 then on April 8, 2020.

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

**Development Review Board members absent:**

**Others present:** Liz Steel, applicant; James N. Coe, architect; Lisa Stone, present owner; John Stone III, Wendy Otavsky and Heidi DeBrino, abutters; Christine Armstrong

**Correspondence from interested persons:** none

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

- #1 Steel application
- #2 Appendix A- Wastewater permit
- #3 Appendix B1- Site map
- #4 Appendix B2- Letter from Kristen Rose
- #5 Appendix B3- Tree cutting plan

Because of the COVID-19 pandemic, this hearing was rescheduled from the original date of March 30, 2020 and was held by electronic communication (ZOOM).

### **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 Mr. and Ms. Steel to explain what they want to do on the property at 94 Lazy Lane. They said they would like to tear down the present house which is in rough shape and build a new energy efficient, year-round house on the property. They want to build a house that will be in keeping with the environment and fits in well with the land. They know there are drainage problems in the area and are taking that into consideration as they plan for this new house and plan to use some mitigation measures on the land. The house will be built 150 ft. from the lake and 50 ft. from the wetlands on the property. (exhibit #4) It will have a concrete basement with a grid of perforated pipes under the foundation and a perimeter drain for drainage. The septic system will be new and has been permitted by the State. Storm water runoff from the roof will be addressed mainly by rain gardens planted with native plants, and a green roof on the garage which will contain 400 cubic feet of soil (6 in. deep), runoff from the house roof will go onto the green roof and from there into several rainwater barrels and then slowly to the ground. There will be almost exactly the same roof area on the proposed house and garage as is on the present house. The windows will be triple glazed. Tracy St. Louis did an extensive plan for cutting the dying and dangerous trees on the property. (exhibit #5) The construction will be managed so the neighbors will have free access to their houses and they will try to be as sensitive

to the summer vacation time as they can. Drainage from the house will intersect with the present swale on the North side of the property and the area will be planted with native, water loving plants. Ms. Otavsky and Ms. DeBrino (neighbors) were worried about the gravel parking area across the road from the house. On the plans it looked much larger than what is there presently. They would like the parking area dimensions to be marked on the plan and would not like it to be enlarged. The Steels said they hadn't planned to change anything about that parking area, which was surveyed by Russ Brown, and would work with them to find an acceptable solution to their concerns. When Ms. Otavsky and Ms. DeBrino commented on the poor drainage in that parking area the Steels said they would look into the drainage issue there. When asked about the permeability of the deck and driveway, they stated that the driveway would be staymat, porous pavers, or crushed stone and the decks will be constructed from local cedar with spaces between the boards for drainage.

It was stated that one of the conditions of the septic system permit that was being installed was the need to test it every year and report the findings to the State. (exhibit #2) It was suggested they also report to the Town that the report was given to the State as the State does not have enough manpower to process these reports.

The hearing ended at 7:48 The Board went into deliberative session at 7:50 and came back into public session to announce their decision at 8: 25.

### **Findings of Fact:**

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

### **2.7 Shoreland Protection District**

The present house is nonconforming. The proposed house will be built so it will conform to the present by-laws.

Minimum lot size -1 acre – met - this lot is 1.10 acres

Minimum lot width - 100 ft. – met - this lot has 196 ft. shoreline frontage and is 186.5 ft. wide

Minimum lot depth – 200 ft. – met - this lot is 250 ft. deep

Minimum setback from road – 50 ft. – met - the proposed house will be 50 ft. from the road.

Minimum setback from any other lot line – 20 ft. – met - the proposed house will be 20 ft. from the right sideline and 82 ft. from the left sideline.

Minimum setback from the lake – 150 ft. – met - the proposed house will be 150 ft. from the shoreline.

The house will also be the permitted 50 feet from the wetlands on the property.

The footprint of the house will be 1,560 sq. ft. as opposed to the present house which is 2,275

Maximum height of structure 30 ft. – met - the proposed house will be 30 ft. high, including the chimney

Maximum size of house – 2500 sq. ft. – met - the proposed house will be 2,479 sq. ft.

### **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. Not applicable.*
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. Not applicable*
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. The noise and air pollution were considered and it was decided they would pose no problem.*

The Board voted unanimously (7-0) that all the conditional use standards are met.

### **Decision and Conditions**

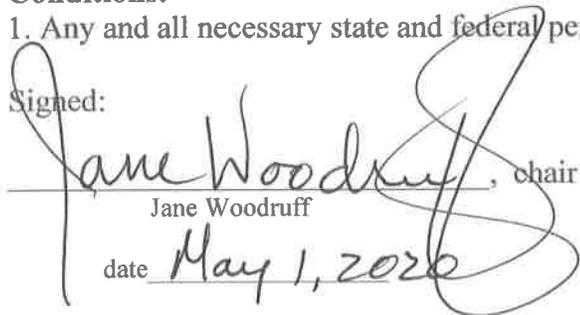
Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application. Ms. Romans recused herself because she is acting zoning administrator at this time and an alternate voted in her place. (Alternates vote in the absence of Board members.)

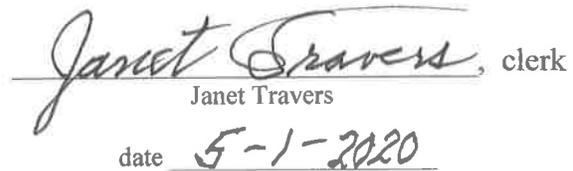
The Board would like to commend the Steels on the excellent work on their application, the quality of the architect's drawings and the Notice of Intent to Cut (exhibit #5) were very well done and very professional. The Board commends the work that went into this application.

### **Conditions:**

1. Any and all necessary state and federal permits must be in place before construction can begin.

Signed:

  
Jane Woodruff, chair  
date May 1, 2020

  
Janet Travers, clerk  
date 5-1-2020

### **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.