

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: 2020-029 Tax Map Number 20-00-56 Zoning District Shoreland Protection District Date Application Received 7/13/2020 Fee Paid \$ 265.00

Reason for Seeking Conditional Use Permit or Variance: 2.7 Shoreland Protection District; 5.4 Conditional Uses; 8.9 Nonconforming Uses w/ Structures within the Protection Zone

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 Kasten III, Sarah Kasten, Robert Kasten Jr. Mailing Address: 216 Blacks Point Rd. P.O. box 243 Greensboro 05842 Telephone(s) Home: 802-533-2092 Work: N/A Cell: 917-287-3381 E-Mail: rkasten2000@gmail.com

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

Name(s): ROBERT W. JR AND SARAH W. KASTEN Mailing Address: 216 BLACKS POINT RD. BOX 243 GREENSBORO VT Telephone(s) Home: 802/533 2092 Work: Cell: 516/647.9585/95842 E-Mail: KASTENCO@AOL.COM

Physical Location of Property (911 address):

216 Blacks point Rd. Greensboro VT 05842

Type of Permit:

Conditional Use Variance

Permits Which May Be Necessary:

State Septic & Potable Water Permits - required prior to approval N/A

Pre-development Submission Requirements:

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. Exhibit C

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. Exhibit B, D, E, F

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. Exhibit E

**Property Description:**

Acreage in lot 2.49±

(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 331.11 + private drive through property

Setbacks:	Front <u>120 ft</u> (to center of road)	Left Side <u>20 ft</u>
	Right side <u>140 ft</u>	Rear <u>110 ft</u>
	Lakeshore <u>5 ft</u>	Shoreline Frontage <u>543 ft</u>
	Lot Width <u>Bottom 150ft max</u>	Lot Depth <u>170 ft</u>
	Other _____	

**Dimensions of Proposed and Existing Buildings:**

Existing:  
 Length 16' No. of Stories 1  
 Width 9' 4"  
 Height 11'

Proposed:  
 Length 16' No. of Stories 1 + 10ft  
 Width 9' 4"  
 Height 22'

Lakeshore District Properties, please indicate the total habitable floor area of the dwelling: 144 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." proper 234±

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") Think house

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; study / creative space

**Sketch or attach a general plot plan showing the following:**

1. Location of property. A & B
2. Location of buildings on property. B & C
3. Location of driveway. B & C
4. Location of water source and septic/waste water system.

See attached C exhibits  
A, B, C

**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.)

Exhibit D

Exhibit F has been added as historical reference. These documents (2) have been photocopied with the permission of the Zoning Administrator.

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.*

Included in exhibit D

## Mitigation Measures:

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).

EXhibit E

### **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 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 Kasten III Date 7/12/2020

Signature of Landowner(s) Robert Kasten Date 7/12/2020

(All landowners must sign) Sarah W. Kasten DATE 7/12/20

**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.**

**FOR ADMINISTRATIVE USE ONLY**

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

Date 7-14-2020 Signature [Signature]

Remarks and/or Conditions: \_\_\_\_\_

Date of Approval or Denial by Development Review Board: \_\_\_\_\_

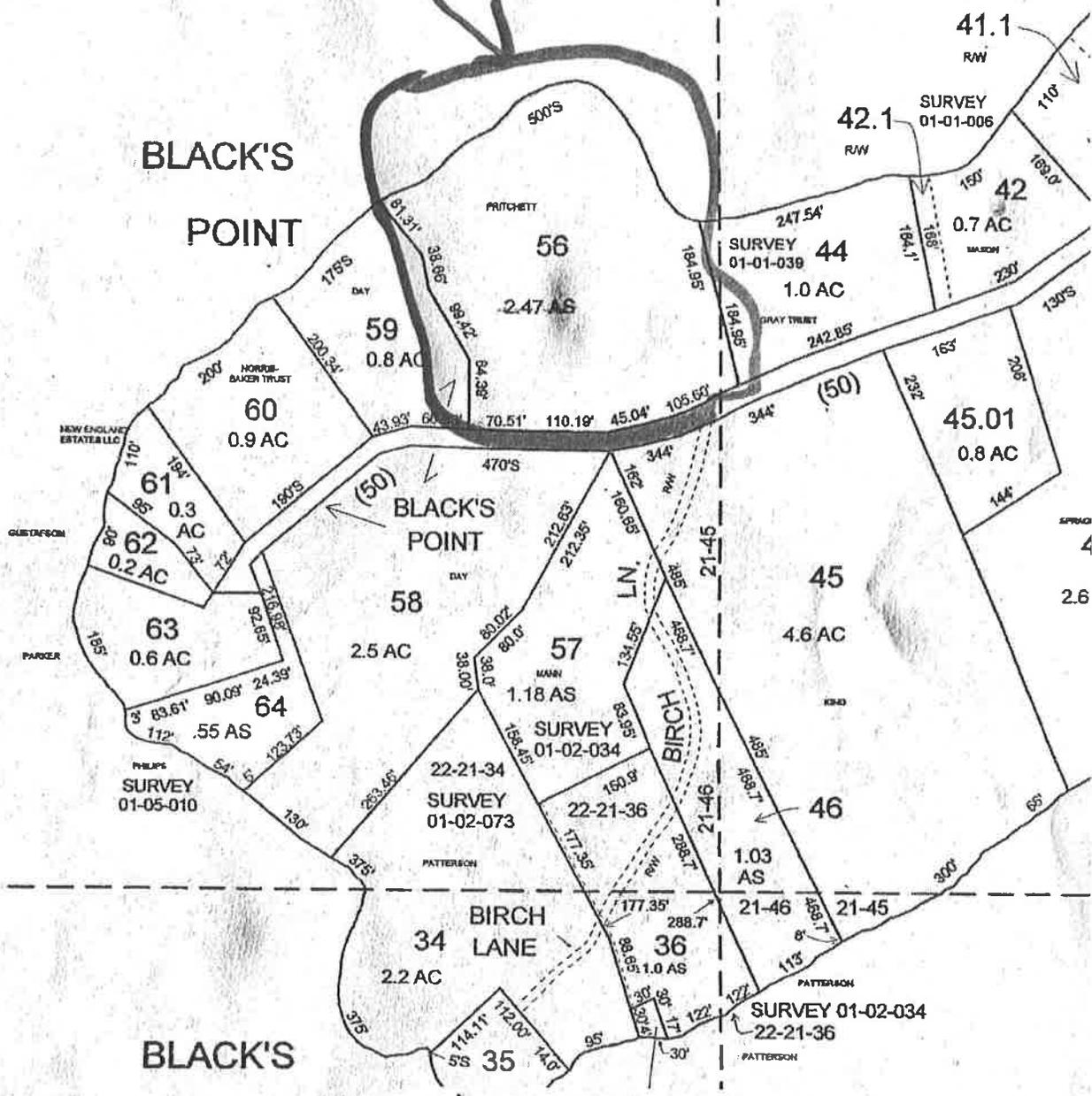
Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: \_\_\_\_\_ (Date)

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)

Exhibit: A

# KASTEN

20 SE  
22 NE  
FEET





SAVI 4/11

**SITE PLAN & CONSTRUCTION DETAILS**  
**ROBERT W. KASTEN JR.**  
CRENSHAW, VERMONT

**ISEN APPLIED EARTH SCIENCE, LLC**  
P.O. BOX 378  
HARDWICK, VERMONT 05743  
(802) 793-0238

**OBJECT LOCATION**

**LATERAL, FERTILIZER, AND PUMP CALCULATIONS AND SPECS**  
Use two (2) 1/2" diameter pressure schedule 40 pipe  
Hydrofracture 22 holes total outside to be placed on both sides of  
is, and covered with grout annulus. One hole at each end to be  
diameter pressure = 2.2 psi (see detail), lateral discharge capacity  
0.6 gal/min/ft x 18 holes per strand = 10.8 gpm x 2 lateral =  
21.6 gpm  
Minimum flow volume to pump the volume of the distribution  
144,000 gal (180,000 gal) @ 1.5 gpm/ft = 192,000 gal  
Recommended dose volume = 10 gal/acre @ 1.5 gpm/ft = 150,000 gal  
63 gal/acre  
Equalize lateral pressure in the field during construction to meet  
Total Friction Loss = 2.5' x 2.5' x 5.2' = 31.5'  
Use pump capable of 2.5 gpm at 20.5' head

**LAND ON CLARIFICATION PERMITS/RECORDS, 07/01/07**

**GENERAL NOTES**  
1) This is not a boundary survey. Should variations arise regarding exact locations, at the  
2) Property based on land survey by G. D. Smith, dated September, 2005.  
3) All construction shall be in accordance with the Vermont Department of Environmental  
4) This is a preliminary plan. The contractor is responsible for obtaining all necessary  
5) The contractor shall be responsible for obtaining all necessary permits and approvals  
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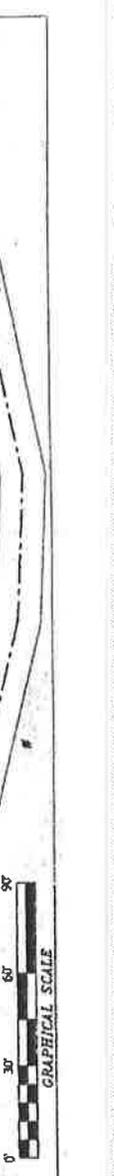
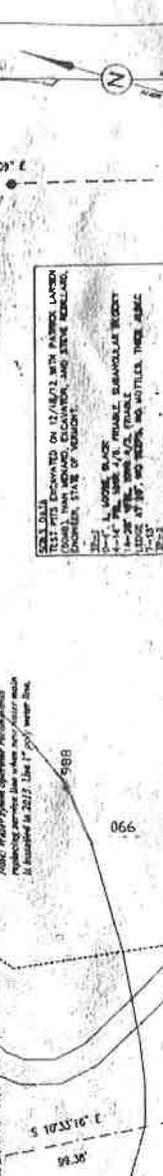
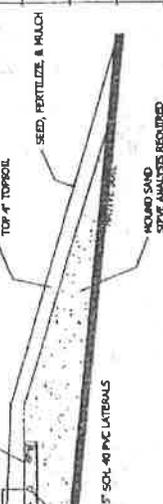
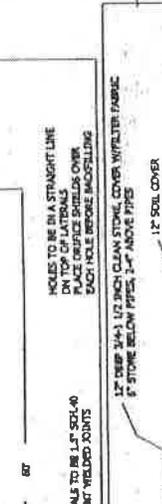
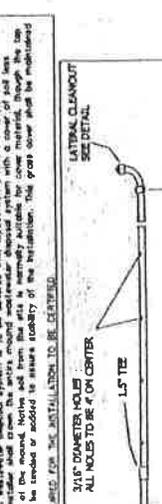
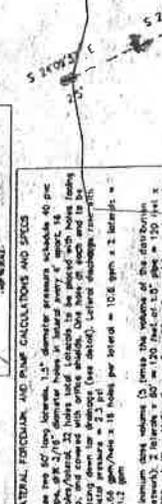
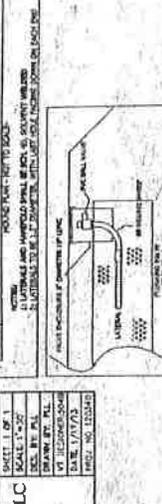
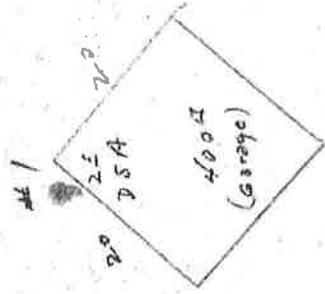
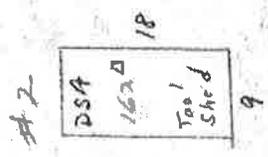
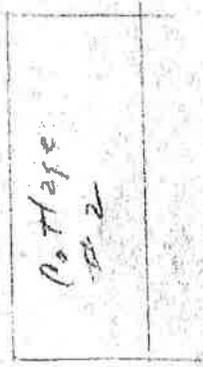
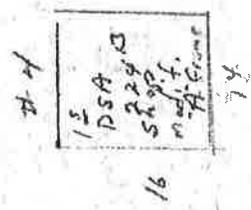
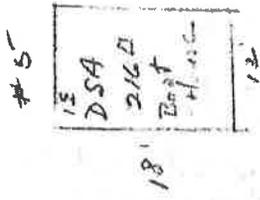




EXhibit 1 'a' of a  
Lake



1-1-5  
Dunkin's  
M...

## Conditional Use Permit

Applicant: Robert W Kasten III

Landowners: Bob and Sarah Kasten

This Document includes Exhibits D and E

### EXHIBIT D:

Includes Solidworks Drawings showing the floor plan for ground floor and loft space as well as side view with a 30' reference line. All drawings were done by ROBERT W KASTEN III

This plan as drawn, reflects the basic elements which will be included in the proposed rehabilitation of the accessory building known as the "Shed" in exhibit B. The final interior may change based on salvaged materials availability and no materials will be used that are "out of the ordinary" of the neighborhood. At this time, there have been treated timbers and six windows salvaged from the Steele/Stone house at 94 Lazy Lane. The main entrance will be on the east side of the building. The interior space will include two couches and coffee table for relaxing and reading on the lakeside, and a closet space underneath the stairs. There will also be a larger desk for working. Two large doors will be improved in the same fashion as the existing doors on the lake side. This will be to remain historically accurate and to promote airflow inside the building. The stairs will be on the hill side of the building and have an "L" shape to conserve space. There will be drawers placed inside the steps to add additional storage space. The loft space will have a bench for fly tying, an easel for painting, and another desk for working.

The building had electrical which was cut at some point and the applicant seeks to run wire from either the guest house or the main house to power the shed.

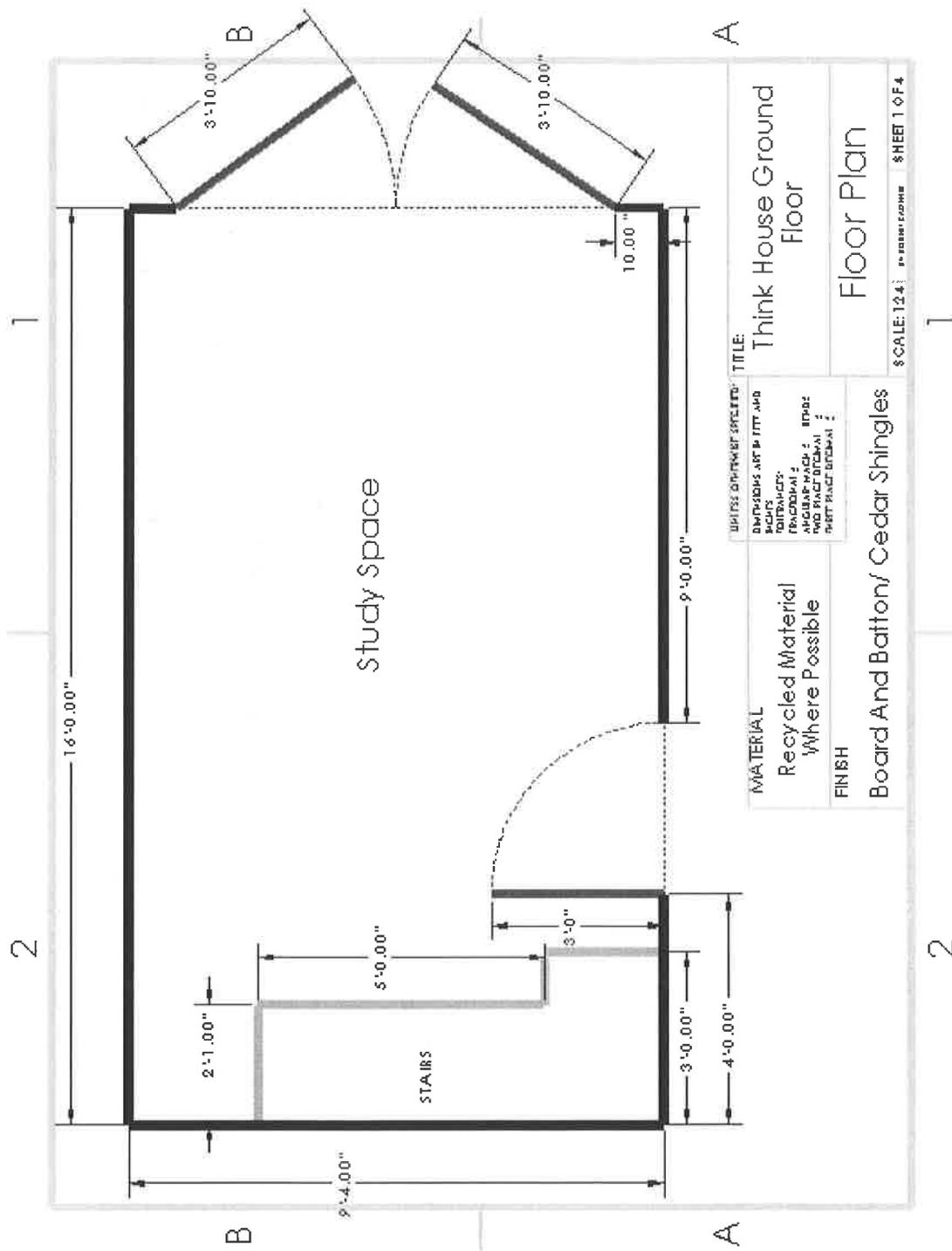
The exterior of the building will be in board and baton fashion with cedar shingles as well. The roof will be a dark green metal if new or salvaged metal roofing that will not be “out of the ordinary”. The load bearing structure will be comprised of 6x6 and 4x6 timbers for strength and to stay within the character of the neighborhood. This structure will be a timber frame with metal fasteners used as needed.

The foundation will be made of concrete sonotubes which will be dug into the rock. They will be placed every 4 feet for a total of 8 piers. The foundation system may change based on the soil and rock present under the building. It is no known where the rock begins, but dry stone has been found along the edges and believed to be the material from the past foundation.

The outdoor landscaping of the area will be in the same theme as it is now. There will be no addition of boulders or stepstones to create addition impermeable surfaces. The existing pathways will be used for foot traffic to and from the building and during construction.

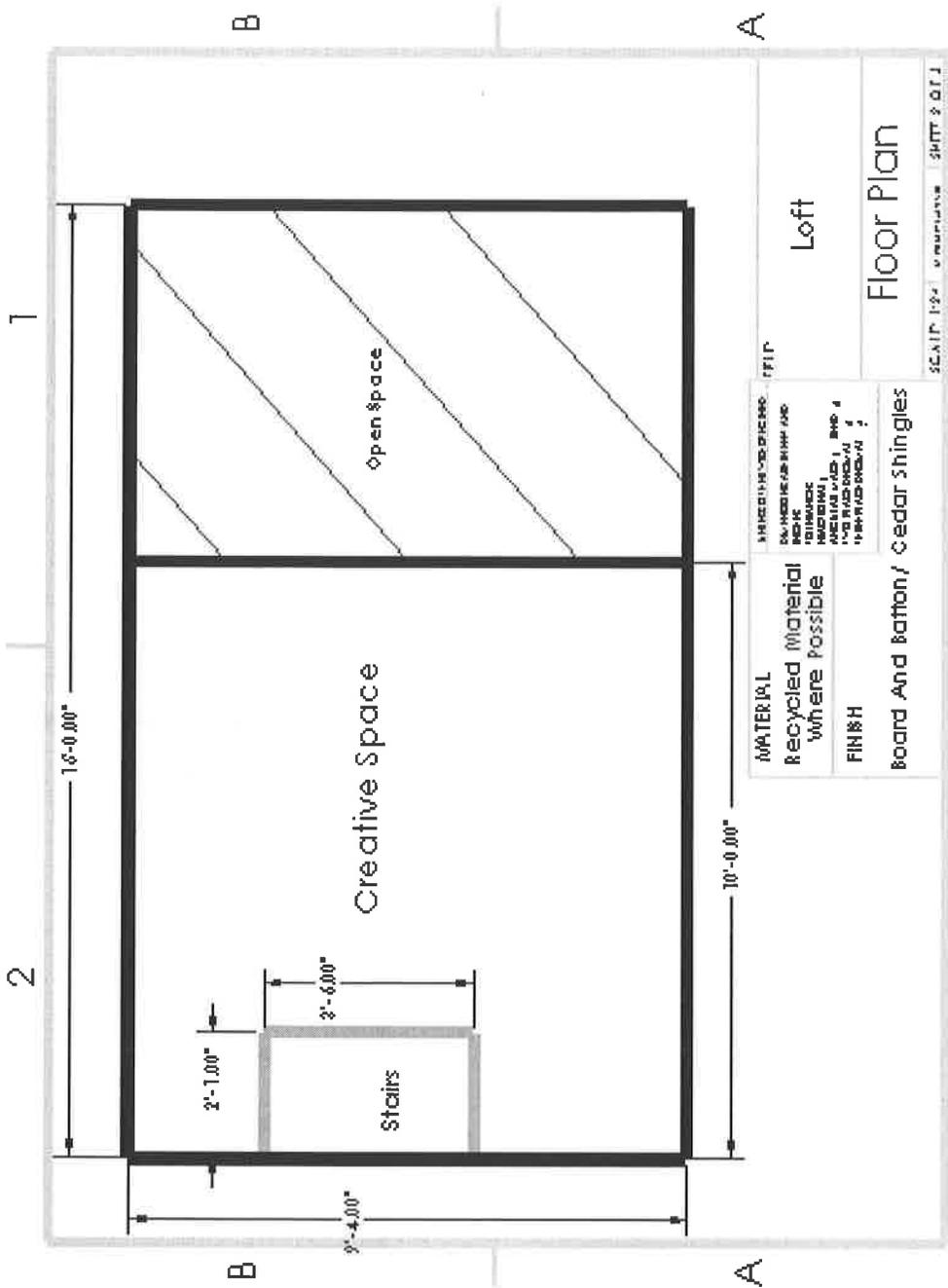
The request for a variance is because this is a nonconforming structure in the shoreland protection area. The footprint is the nonconformity to the shoreland protection area. This is why a 11-foot increase in the height has been proposed which would fall below the 30-foot restriction as the total height would be 22 feet.

This raise in height would not hinder the view of the lake by the western neighbor David Day and he has been notified of the project and has no objections. The view of the building from the lake will be minimal due to the trees and branches in front of the building. Lots of attention will be focused on maintaining these trees health and leaving as many branches as possible. To preserve the view of the shoreline from the lake.

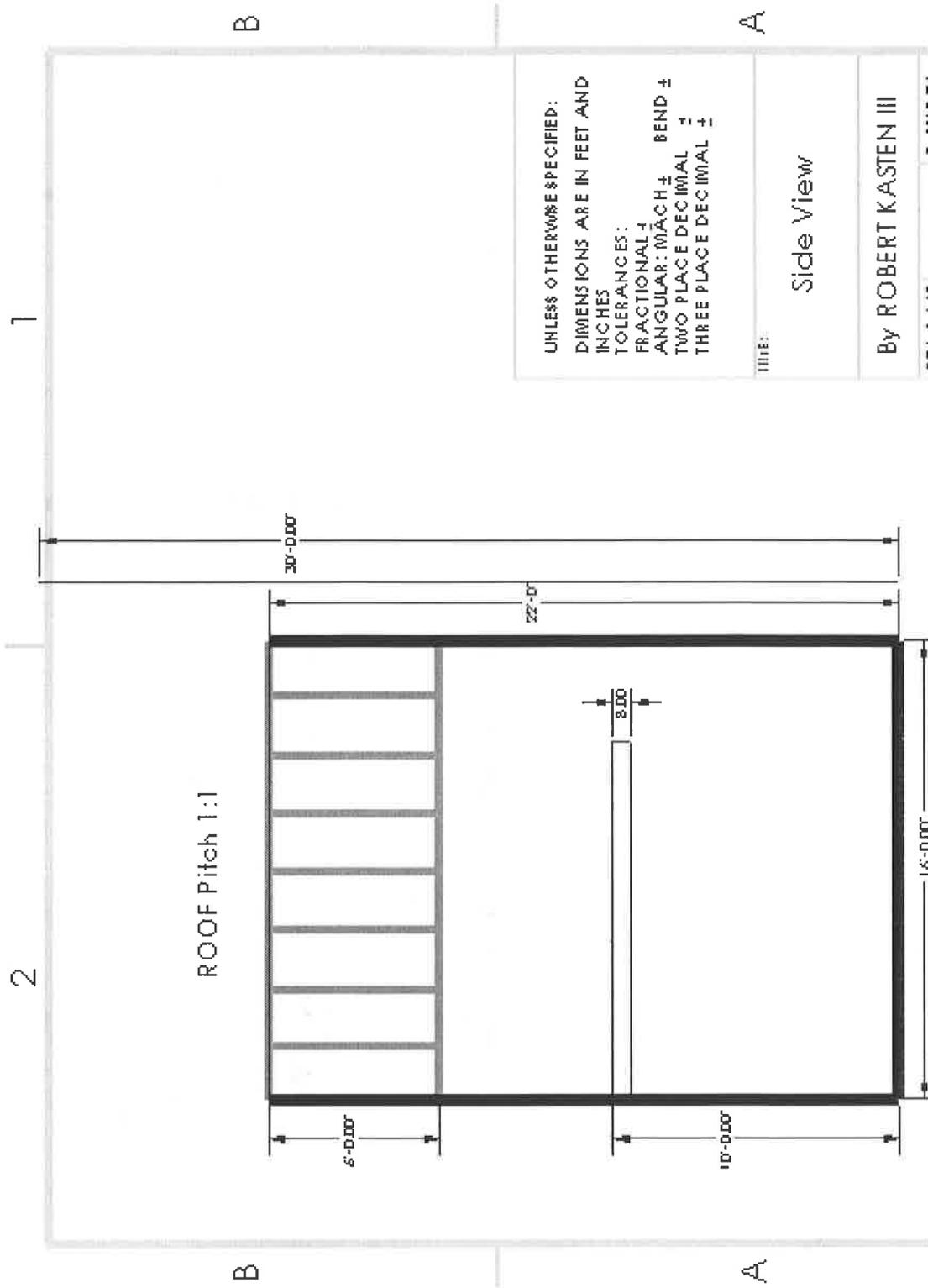


MATERIAL Recycled Material Where Possible		UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN FT. AND INCHES. FINISHES: ANGRUBER PAINT: 2" SPAC PERM. PAINT: 2" SPAC		TITLE Think House Ground Floor
FINISH Board And Batton/ Cedar Shingles		SCALE: 1/4" = 1'-0"		SHEET 1 OF 4

2 1



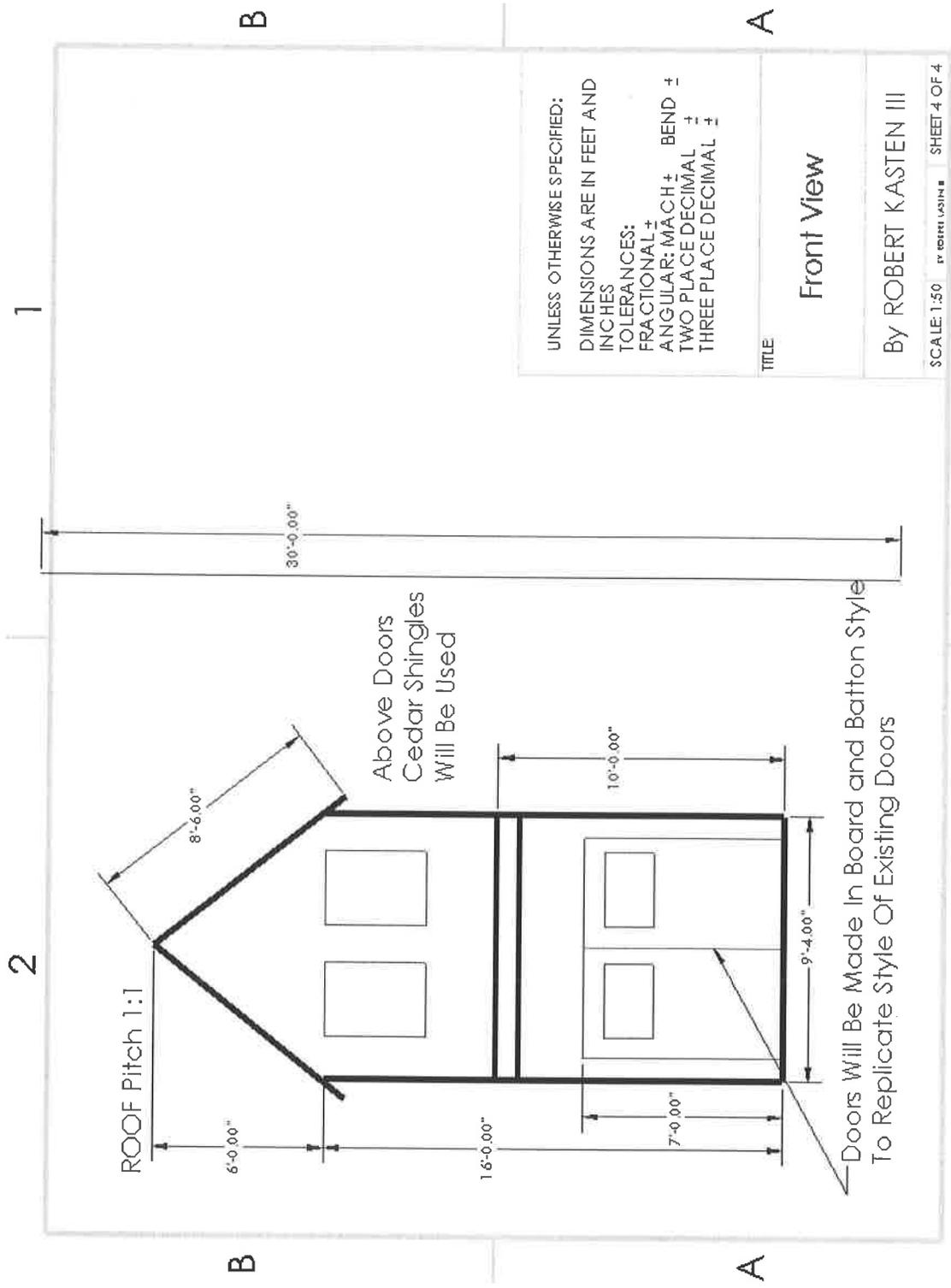
MATERIAL Recycled Material Where Possible FINISH Board And Batton/ Cedar Shingles		FINISH 5/8" RECYCLED CONCRETE POLYURETHANE FINISH AND POLYURETHANE FINISH METAL LATH, 2" AND 4" REINFORCING 1/2" POLYSTYRENE	Loft
Floor Plan		SCALE: 1/8" = 1'-0" SHEET: 301.1	



UNLESS OTHERWISE SPECIFIED:  
 DIMENSIONS ARE IN FEET AND  
 INCHES  
 TOLERANCES:  
 FRACTIONAL: ±  
 ANGULAR: MACH ± BEND ±  
 TWO PLACE DECIMAL ±  
 THREE PLACE DECIMAL ±

TITLE:  
 Side View

By ROBERT KASTEN III



UNLESS OTHERWISE SPECIFIED:  
 DIMENSIONS ARE IN FEET AND  
 INCHES  
 TOLERANCES:  
 FRACTIONAL ±  
 ANGULAR: MACH ± BEND ±  
 TWO PLACE DECIMAL ±  
 THREE PLACE DECIMAL ±

TITLE: Front View

By ROBERT KASTEN III

SCALE: 1:50 BY ROBERT KASTEN III SHEET 4 OF 4

**EXHIBIT E:**

**Erosion Mitigation Plan:**

A silt fence will be dug in above and below the construction site to move runoff away from the site above and keep any runoff that does pass through the site from going into the lake. Minimal excavation will be done because the building is going to be on piers so there should be no need for plantings added since the only disturbance will be underneath the building.

