

Conditional Use Hearing
Randall Massey
July 22, 2020

To consider a conditional use request by Randall Massey to change the commercial use of his property at 2637 The Bend Road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.3 Greensboro Village District; 4.4 Site Plan Review for Commercial Use and 5.4 Conditional Uses.

Warnings were posted on June 29, 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: Philip Rost & Elizabeth Vasquez, David Rowell, John & Lydia Makau, Willey's Store, Scott Harbour, The Housing Foundation, and Consolidated Communications on June 29, 2020. It was published in the Hardwick Gazette on Wednesday, July 1, 2020.

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

Development Review Board members absent: none

Others present: Randall Massey, applicant; Brett Stanciu, Zoning Administrator

Correspondence from interested persons:

Email from Scott Harbour, abutter

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:06 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. Massey to explain what he wants to do on his property at 2637 The Bend Road. Mr. Massey stated that he wants to turn the space back into a single dwelling unit. It was formerly a one family unit where he grew up. There were questions about how many people could reside in the house. Mr. Massey said the septic system was permitted for two people per bedroom, which would be a maximum of six people.

The hearing ended at 7:32. The Board went into deliberative session at 7:35 and came back into public session to announce their decision at 7:48.

Findings of Fact:

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

2.3 Greensboro Village District

This is a pre-existing, nonconforming building. The five foot setback on the left side does not meet the 15 foot standard and the 60 foot road frontage does not meet the standard of 100 feet. All other setbacks meet or exceed the standards.

4.4 Site Plan Review for Commercial Use

- B) 1. The name, date, and map of the property were provided by the owner.
2. The provided map showed the main features of the property.
3. The site plan showed the road, existing structures, driveway, parking area and surrounding land.

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.* The change in use would not affect existing or planned community facilities.
2. *the character of the area.* It will not affect the character of the area since it will return the building to its original, residential use.
3. *traffic in the vicinity.* It will not affect traffic in the area.
4. *by-laws and ordinances presently in effect.* It will not affect the present bylaws or ordinances.
5. *the utilization of renewable energy resources.* It will not affect renewable energy resources.

C) Specific Standards:

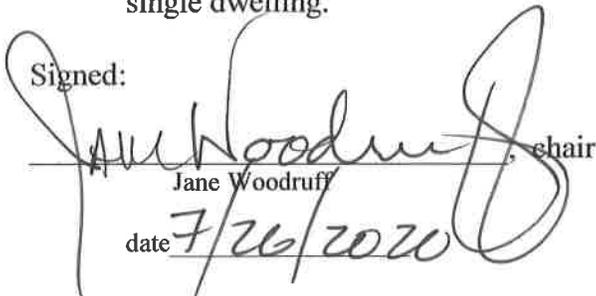
1. *The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.* The lot is larger than the minimum of ½ acre.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* This building is a pre-existing, nonconforming structure. The change in use will not make the building more nonconforming.
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 fencing or landscaping is needed to provide screening.
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 exterior signs.
5. *The proposed structure is compatible with other structures in the area.* Historically, this structure has been a residence in the village district and will be returned to that use.
6. *The proposed structure adheres to the uses allowed in the relevant district.* The structure will be a residence which adheres to the uses allowed in the Village District.
7. *The proposed structure will not affect the noise or air pollution in the area.* The Board considered this and decided it will not affect the noise or air pollution in the area.

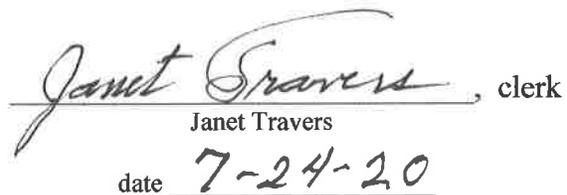
Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the change of use of the structure to a single dwelling. (Alternates vote in the absence of Board members.) This change of commercial use will not affect the footprint or looks of the structure and it will not increase its nonconformity. It returns the structure to its original use.

Conditions:

1. Any and all necessary state and federal permits must be in place before the use changes to a single dwelling.

Signed:  chair
Jane Woodruff
date 7/26/2020

 clerk
Janet Travers
date 7-24-20

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.