

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: 2020-031 Tax Map Number 22-21-35
Zoning District Shoreland Protection District
Date Application Received 07/14/2020 Fee Paid \$ 7240⁰⁰ 7-14-2020 / check # 57882
Reason for Seeking Conditional Use Permit or Variance:
2.7 Shoreland Protection District; 5.4 Conditional Uses; 8.9 Nonconforming
Uses and Structures Within the Shoreland Resource Zone; 8.11 Shoreland Protection District
Erosion Prevention

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): DONALD P. BLAKE JR, INC. - TRAVIS CUTLER
Mailing Address: 59 OLD CREAMERY ROAD, MORRISVILLE, VT 05661
Telephone(s) Home: _____ Work: 802-888-3629 Cell: _____
E-Mail: TCUTLER@STOWEBUILDER.COM

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

Name(s): MARIAN WRIGHT AND GREG BOESTER
Mailing Address: 4 HOLLY LANE, RYE, NY 10580
Telephone(s) Home: 914-967-1416 / 802-533-9354 Work: _____ Cell: 917-860-2392 / 917-545-4163
E-Mail: ONIONHEAD@ME.COM

Physical Location of Property (911 address):

151 BIRCH LANE

Type of Permit:

Conditional Use Variance

Permits Which May Be Necessary:

State Septic & Potable Water Permits - required prior to approval _____

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.
- 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.
- 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 .4 AC

(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 ^{ROW} 59'-0"±

Setbacks: Front 113'-0"± (to center of road)
Right side 9'-1"±
Lakeshore 61'-8"±
Lot Width 130'-0"±
Other _____

Left Side 84'-0"±
Rear 61'-8"±
Shoreline Frontage 265±
Lot Depth 145'-0"±

Dimensions of Proposed and Existing Buildings:

Existing:
Length 30'-5"± No. of Stories 1
Width 12'-5"±
Height 11'-5"±

Proposed:
Length 30'-5"± No. of Stories 1
Width 12'-5"±
Height 16'-5"±

Lakeshore District Properties, please indicate the total habitable floor area of the dwelling: _____
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.") STORAGE

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.) STORAGE

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.

SEE ATTACHED SITE PLAN

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 EXISTING / PROPOSED FLOOR PLAN

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.*

SEE ATTACHED SITE PLAN

THIS PROJECT PROPOSES TO RESTORE ANY DISTURBED LANDSCAPE TO PRE CONSTRUCTION CONDITIONS.

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.

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) *Travis Cotta* Date 6/30/2020

Signature of Landowner(s) *[Signature]* Date 7/3/2020
(All landowners must sign)

[Signature] 7/6/2020

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 _____	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)	



Shed/Accessory Building Description

The Wright/Boesters are seeking to rebuild an existing, non-conforming accessory build, aka storage shed. The current building is 30'5" x 12'3" x 11'3." It is in poor shape. The foundation piers are warped and rotten. As a result, the structural beams have been bent, causing the significant sag in the middle of the building. The walls and floors are damaged by rot. There are quite a few holes in the building. Critters can easily access the building because it has so many holes and gaps and they do a lot damage, especially in the off-season, to the items stored within.

The owners propose to rebuild the accessory building on the exact same footprint, in the exact same location. The height may increase but will not exceed 16'3." The siding design and color will harmonize with the exterior of the main camp (medium gray in color, wood siding) and the surrounding landscape. It will have a shed roof, as it does now. In addition to the number of existing doors and windows, they propose to add one small window (for ventilation and light) in the rear by the parking area and an additional door to the West (to make it easier to get bulky and large items in and out of the shed in the Spring and Fall (for example, the picnic table). See floor plan for visuals.

They emailed their intentions and later the site plan and description to the neighboring owners and residents – Philip Patterson, Scott and Havilah Mann, Janet Showers and Day Patterson, Amy and Ken Mann and also Tod and Gwen Mann. Phil did not reply. Amy, Ken, Tod and Gwen support the project. Both Gwen Mann and Ken Mann have written letters of support. Day and Marian discussed his and Janet's concerns about a potential increase in noise and disruption due to the Western door, and that issue was resolved to Day's satisfaction (because the building is for storage, not living space) and the Pattersons do not, as of their May emails and phone conversations with Marian, have any problems with the project. However, Day decided to wait until he sees the entire application before he writes a letter.

The Wright Boesters currently store within the accessory building – outdoor furniture, camping gear, recycling bins, bikes, the lawnmower, garbage bins, tools, gardening supplies, sports equipment (e.g., snowshoes), old furniture and household items, and many other odds and ends.



From: Ken Mann ken.mann.home@gmail.com
Subject: Shed
Date: May 25, 2020 at 4:29 AM
To: marian.wright.onionhead@me.com

Hi Marian - Thanks for the information regarding your shed repair project. I have no questions, concerns, or objections to your proposal. Our address is 87 Birch Lane in case the DRB needs to know that. Good luck! Ken

Ken Mann
(360) 483-6020
1317 Commercial St., Suite 204
Bellingham, WA 98225

Personal: ken.mann.home@gmail.com

Real Estate:

Ken@TheCooler.ninja
Ken@championstationHQ.com

Caspian.Management@gmail.com

Sent from my iPhone

May 21, 2020

To whom It May Concern:

I am a neighbor of Marian Wright and Greg Boester of 151 Birch Lane, Greensboro, Vermont who have proposed a shed/accessory building to replace the existing shed which I recollect is in bad shape. I am sure it will look better and blend nicely with their new building when rebuilt. The current shed has peeling paint which doesn't match the current house at all so is an eyesore. The new shed will be structurally sound and painted to match the current house so should blend in nicely.

I am OK with their project and hope it will be approved.

Cordially,

Gwen P. Mann
42 Birch Lane
Greensboro, Vermont 05841

Scott Mann

917-687-1495 scott.mann.home@gmail.com 327 Maple St, Stowe, VT 05672

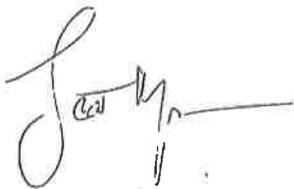
June 23, 2020

To the Town of Greensboro Development Review Board or to whom it may concern:

I and my wife, Havilah Mann, are the primary residents of 42 Birch Lane on Black's Point during the summer.

We have no concerns with the proposed remodel (attached), including with respect to the proposed increase in the height of the structure. The original structure is beyond repair and clearly needs to be rebuilt.

Sincerely,

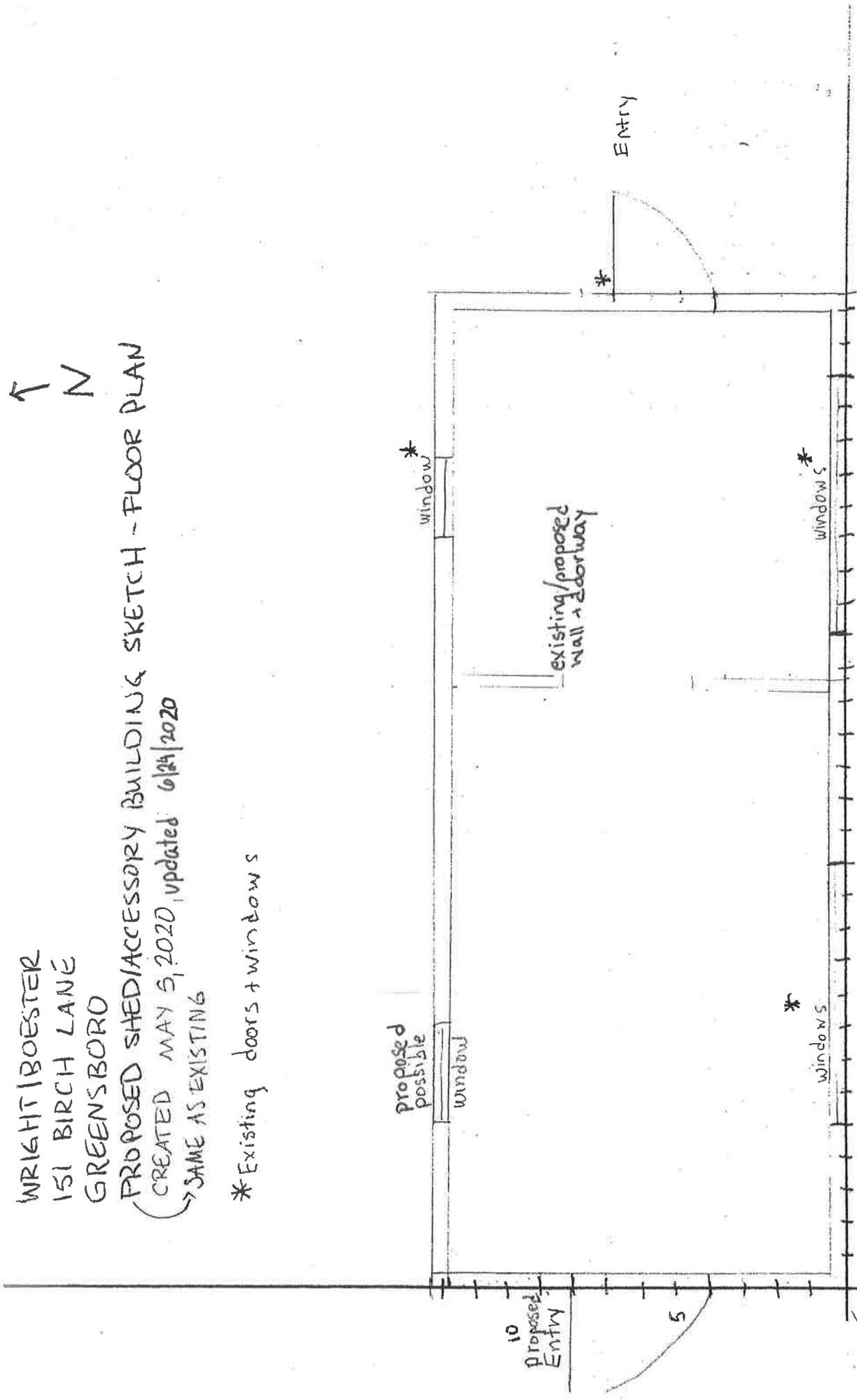
A handwritten signature in black ink, appearing to read "Scott Mann", with a long horizontal line extending to the right.

Scott Mann

WRIGHT BOESTER
 151 BIRCH LANE
 GREENSBORO

PROPOSED SHED/ACCESSORY BUILDING SKETCH - FLOOR PLAN
 CREATED MAY 5, 2020, updated 6/24/2020
 → SAME AS EXISTING

* Existing doors + windows



Scale = 1/4" (1 block) = 1'

width of existing/proposed = 12' 3" +/-
 length of existing/proposed = 30' 5" +/-

existing height = 11' 4" +/-
 maximum proposed height = 16' 4" +/-

WRIGHT/BOESTER
 151 BIRCH LANE
 GREENSBORO, VT
 EXISTING/PROPOSED SHED/ACCESSORY
 BLDG
 EAST ELEVATION
 CREATED MAY 13, 2020
 * door location is approximate

