

Conditional Use Hearing  
James Scutti  
January 7, 2021

*To consider a conditional use request by James Scutti to extend his covered porch at 12 Winnimere Circle.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 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 December 9, 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 applicants and the following abutters and neighboring property owners: William Rowell; Frederic and Anna Carter; Norman Akley and Nancy Henderson; Alison Anand; John and Constance Robb on December 9, 2020. It was published in the Hardwick Gazette on Wednesday, December 9, 2020.

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

**Development Review Board members absent:** MacNeil and Mike Metcalf (alternate).

**Others present:** James Scutti, Fred Carter, Christine Armstrong, and Alison Anand.

**Correspondence from interested persons:** None.

**During the course of the hearing the following exhibits were submitted:** None.

The hearing was conducted by electronic communication (ZOOM).

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:02 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. Scutti to explain what he proposes to build on his property at 12 Winnimere Circle. Mr. Scutti explained that the cottage he recently purchased has a small lot. The cottage sits near the road and has a large mound septic system at the rear. The structure has been well-maintained. Mr. Scutti proposes to improve the property by extending the existing covered porch to provide more outdoor space and a little more privacy. The proposed addition would extend 18' by 9' along the northern side of the cottage, in the same style as the current covered porch. The planned use is for outdoor visiting. The porch will not be enclosed. No additional space would be created above the porch. The floor would be slatted to facilitate water drainage. Lattice may be added beneath the porch to provide outdoor storage for kayaks. Abutting landowners Ms. Anand and Mr. Carter remarked that this project would have no detrimental effects on their respective cottages or use of their properties. They expressed support.

Ms. Woodruff thanked Ms. Anand and Mr. Carter for participating in the discussion and noted their input was helpful to the Board. The hearing ended at 7:23 PM. The Board entered into deliberative session at 7:23 PM and came back into public session to announce their decision at 7:37 PM.

**Findings of Fact:**

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

## **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.* Extending a porch will not impact this standard.
- 2. the character of the area.* The proposed project is compatible with the character of the area.
- 3. traffic in the vicinity.* A covered porch will not increase local traffic.
- 4. bylaws and ordinances presently in effect.* The project will not adversely affect current bylaws.
- 5. the utilization of renewable energy resources.* This addition will not impact 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.* This is a pre-existing, non-conforming lot of .21 acre.
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* The proposed porch does not meet the side setback, but does not increase the structure's nonconformity. It is 8' from the northern lot line.
- 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.* This is a residential use, so no fencing or landscaping is required.
- 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.* No signs are included in the application.
- 5. The proposed structure is compatible with other structures in the area.* The proposed covered porch complements existing structures in the Shoreland Protection District.
- 6. The proposed structure adheres to the uses allowed in the relevant district.* This project conforms to uses in the Shoreland Protection District.
- 7. The proposed structure will not affect noise or air pollution in the area.* Noise or air pollution will not be increased by the proposed covered porch.

## **8.9 Nonconforming Uses and Structures Encroachments Within the Shoreland Resource Zone**

*A)3. A Nonconforming Structure may be enlarged, extended, reconstructed, expanded, modified, or relocated only with the approval of the DRB, subject to conditional use review under Section 5.4. The DRB must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through Mitigation measures and meets all other applicable requirements of these regulations.* This project meets the criteria for a Conditional Use and does not increase the degree of nonconformity.

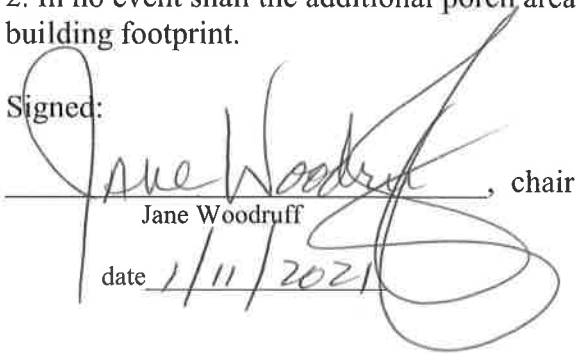
**Decision and Conditions:**

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to build a covered porch at 12 Winnimere Circle. Alternate Jan Travers voted in place of MacNeil. The Board determined that the standards for a conditional use permit were met.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction begins.
2. In no event shall the additional porch area be enclosed or modified in any way to increase the building footprint.

Signed:

  
\_\_\_\_\_, chair  
Jane Woodruff  
date 1/11/2021

  
\_\_\_\_\_, clerk  
Brett Ann Stanciu  
date 1/11/2021

**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.

