

Conditional Use Hearing
Nicholas and Susana Gunther
January 21, 2021

To consider a Conditional Use request by Nicholas and Susana Gunther to remove one Accessory Dwelling Unit and one sleeping cabin and construct a new Accessory Dwelling Unit at 151 Gunther 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 Protection Zone.

Warnings were posted on December 30, 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: Zoe Fitzgerald Carter and Joseph Gunther; Katrina Taylor and Cornelia Potter; and Arnold Brown on December 30, 2020. It was published in the Hardwick Gazette on Wednesday, December 30, 2020.

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

Development Review Board members absent: MacNeil recused himself from participating as a DRB member but attended the hearing.

Others present: Nicholas and Susana Gunther; James Coe; Christine Armstrong; Brett Stanciu.

Correspondence from interested persons: none.

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:03 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. Coe to explain the proposed project at 151 Gunther Lane. Mr. Coe said that the site had a recent significant state-approved wastewater upgrade in the last few years and is permitted for this project and all existing buildings on the property. The project proposes to remove two existing sleeping cabins and construct a new, four-season Accessory Dwelling Unit with an equivalent footprint size. One existing sleeping cabin is within 50' of the shoreline. The proposed ADU will be sited 60' from the lake. The ground exposed by removal of the sleeping cabins will be allowed to return to its native flora. Mr. Gunther stated that the property has been in his family for over one hundred years. Despite the emotional attachment he has for the two small structures, he noted these structures are no longer adequately habitable. In addition, the family desires to use the property year-round, without altering the historic character of the main cottage. The proposed structure will complement the current buildings in character. No opposition was voiced by members of the public to this project. Ms. Woodruff praised the application's thoroughness. The detailed material enables the Board to make more informed decisions.

The hearing ended at 7:29 p.m. The Board went into deliberative session at 7:30 p.m. and returned into public session to announce their decision at 8:05 p.m.

Findings of Fact:

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

8.9 Nonconforming Uses and Structures within the Shoreland Resource Zone

The Board looked specifically at 8.9 C) 2, and determined the project requires a Conditional Use permit to relocate an existing footprint.

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 proposed project will have no effect on these.
2. *the character of the area.* The plans demonstrate cohesion with the character of the area.
3. *traffic in the vicinity.* This Accessory Dwelling Unit will have no effect on local traffic.
4. *by-laws and ordinances presently in effect.* The project is in compliance with current by-laws.
5. *the utilization of renewable energy resources.* This standard is not applicable.

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 1.8 acre lot exceeds minimum lot standards.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* All setbacks are met, except for the lake setback. The proposed 60' setback from the lake makes one of the nonconforming sleeping cabins less 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.* This standard is not applicable for a residential use.
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 this application.
5. *The proposed structure is compatible with other structures in the area.* The architectural plans complement surrounding structures.
6. *The proposed structure adheres to the uses allowed in the relevant district.* An Accessory Dwelling Unit is an allowable use in the Shoreland Protection District.
7. *The proposed structure will not affect the noise or air pollution in the area.* The Board considered this and determined that the project will not affect noise or air pollution in the area.

Decision:

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to grant the Conditional Use permit to build an Accessory Dwelling Structure with a footprint equivalent to the two removed sleeping cabins. Mike Metcalf voted in the absence of MacNeil.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.
2. The applicants must comply with 8.9 Nonconforming Uses and Structures Within the Shoreland Protection Resource Zone, C) 2, regarding erosion prevention and sediment control standards established in Section 8.11 of the Greensboro Zoning By-Law.

Signed:


_____, chair
Jane Woodruff

date 1/25/2021


_____, clerk
Brett Ann Stanciu

date 1-25-2021

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.