

Conditional Use Hearing  
Stewart and Rebecca Arnold  
July 26, 2021

*To consider a conditional use request by Stewart and Rebecca Arnold to reconstruct their shed at 147 Cheney Road.*

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 July 7, 2021, 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: Victoria Von Hessert and Andrew Kehler; Ida and Theodore Perron Estate; and Ian and Stacey Ambler on July 7, 2021. It was published in the Hardwick Gazette on Wednesday, July 7, 2021.

**Development Review Board members present:** Jane Woodruff, Nat Smith, Lee Wright, Linda Romans, Wayne Young, Mike Metcalf, and BJ Gray.

**Development Review Board members absent:** MacNeil and Jan Travers (alternate).

**Others present:** Stew and Becky Arnold.

**Correspondence from interested persons:** Stacey and Ian Ambler.

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

The hearing was conducted by electronic communication (ZOOM) and in-person at the Greensboro Town Hall, in the Collier Room.

### **Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:05 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. Mr. Arnold noted the shed is used to store garden tools and chainsaws and has been in disrepair for years. The applicants propose to replace the foundation's cedar posts with cement columns and rotate the shed approximately 15 degrees so the structure will line up with the cottage. The proposed dimensions are the same footprint.

Ms. Woodruff asked if the pivot would make the shed less nonconforming. Mr. Arnold replied that the southwest corner would be further away from the lake, and confirmed that the shed would become less nonconforming to the lake setback. The shed would also be moved slightly further from the 20 foot right-of-way between the Arnold property and the Kehler-Von Hessert property. The applicants clarified that the shed's footprint will remain at 11 feet by 16 feet. The proposed roof will increase from 11 feet to 16 feet with a slightly steeper pitch of 45 degrees. The applicants might desire to install solar panels on that surface, but a request for solar installation is not included in this application. Mr. Arnold noted a barrel may catch some rain from the roof and capture run-off. The vegetable garden will not be disturbed. A blueberry bush will be replanted. Some shrubbery on the roadside may be moved for access to the shed.

Ms. Woodruff thanked Ms. and Mr. Arnold for participating in the discussion. The Arnolds expressed their appreciation for the Board members' service to the town. The hearing ended at 7:25 PM. The Board entered into deliberative session at 7:27 PM and came back into public session to announce their decision at 7:39 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.* The proposed shed will have no impact on community facilities.
- 2. the character of the area.* This accessory structure is compatible with the character of the area.
- 3. traffic in the vicinity.* A storage shed 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 structure will not impact renewable energy resources.

#### *C) Specific Standards:*

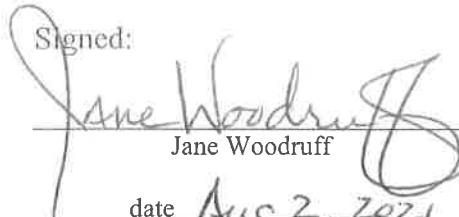
- 1. The lot must meet the minimum size required for the district unless other standards are given for conditional use lot size in the district.* This is a pre-existing, non-conforming lot of .31 acre.
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* The side and road setbacks are met. The proposed shed location is slightly less nonconforming to the lake setback.
- 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 shed reconstruction complements existing structures in the Shoreland Protection District.
- 6. The proposed structure adheres to the uses allowed in the relevant district.* An accessory shed is an allowed use in the Shoreland Protection District.
- 7. The proposed structure will not affect noise or air pollution in the area.* This proposed reconstruction will not affect noise or air pollution.

## **Decision and Conditions:**

The Board determined the application proposes not to exceed the structure's current footprint, raise the reconstructed shed's roofline to 16 feet, and pivot the shed no more than 15 degrees. Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to reconstruct a shed at 147 Cheney Road. 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.

Signed:  \_\_\_\_\_, chair  
Jane Woodruff  
date Aug 2, 2021

 \_\_\_\_\_, clerk  
Brett Ann Stanciu  
date August 2, 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.

