

Conditional Use Hearing
Lucinda and Jeffrey McKechnie
August 30, 2021

To consider a conditional use request by Lucinda and Jeffrey McKechnie to reconstruct their cottage and move a shed at 739 Craftsbury 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 August 11, 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: L-Squared Caspian, Inc.; Alice and Robert Perron; Gordon and Rose Stoner on August 11, 2021. It was published in the Hardwick Gazette on Wednesday, August 11, 2021.

Development Review Board members present in-person: Wayne Young.

Development Review Board members present via Zoom: Nat Smith, Lee Wright, Linda Romans, Mike Metcalf, Jan Travers, and BJ Gray.

Development Review Board members absent: Jane Woodruff and MacNeil.

Others present in-person: Lucinda McKechnie, Jeffrey McKechnie, and Brett Stanciu.

Others present via Zoom: Gordon and Susan Stoner.

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) and in-person at the Greensboro Town Hall, in the Collier Room.

Summary of Discussion:

Mr. Smith, vice chair, began the hearing at 7:00 PM. He explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Mr. McKechnie said the proposed project has two parts. The applicants' existing shed is placed on the adjacent northern property line. They request to move the shed a few feet, removing it from the adjacent property and placing it entirely on the applicants' property. This relocation would make the nonconforming shed slightly more conforming. The applicants also request to rebuild the existing 1938 cottage on the same footprint. The cottage will be tightened up, but the original character will be retained. The cottage will have wood shingles and the distinctive front porch will be retained.

Board members confirmed that the height of the rebuilt cottage shall not exceed the allowed 30'. Mr. McKechnie noted the architectural drawings depict a height of 27'. The drawings will be followed. The proposed rebuild has no chimney. The Board clarified that the shed will not be reconstructed. This structure will be moved no more than 3' or 4' onto the applicants' property. Mr. Stoner said he is in support of the project, but requested that care be taken so that water runoff does not increase on his property. Mr. McKechnie replied that he is aware of this concern, and noted that his site work will not increase this situation and might improve the drainage.

Mr. Smith thanked Ms. and Mr. McKechnie for their thorough application. The hearing ended at 7:15 PM. The Board entered into deliberative session at 7:18 PM and came back into public session to announce their decision at 7:48 PM.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings for a request for a conditional use to move a shed:

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 adverse effect on community facilities.
2. *the character of the area.* This relocation will be in keeping with the character of the area.
3. *traffic in the vicinity.* Traffic will not be impacted by this proposed project.
4. *bylaws and ordinances presently in effect.* The project will not adversely affect current bylaws.
5. *the utilization of renewable energy resources.* Renewable energy resources will not be impacted by this relocation.

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 .37 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 nonconforming structure will become slightly more conforming to the side setbacks and will not become more nonconforming to the lake or road setbacks.
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.* This shed conforms with other accessory dwellings in the area and will not be altered in its character.
6. *The proposed structure adheres to the uses allowed in the relevant district.* This pre-existing 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 relocation will not affect noise or air pollution.

Decision and Conditions:

The Board determined relocating the shed will make the structure less nonconforming to the side setback. Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to relocate a shed at 739 Craftsbury Road. Jan Travers

(alternate) voted for Jane Woodruff, recused. Mike Metcalf (alternate) voted for MacNeil, recused. The Board determined that the standards for a conditional use permit were met.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings for a request for a conditional use to reconstruct a cottage:

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 rebuild will not affect community facilities.
2. *the character of the area.* The proposed dwelling will retain its original character which is keeping with the surrounding dwellings.
3. *traffic in the vicinity.* Local traffic will not be increased.
4. *bylaws and ordinances presently in effect.* A rebuild on a pre-existing footprint is compatible with current bylaws.
5. *the utilization of renewable energy resources.* The cottage 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 .37 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 reconstruction will remain within the pre-existing footprint.
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.* Fencing or landscaping is not required for a residential project.
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.* This reconstruction will conform with other dwellings in the Shoreland Protection District.
6. *The proposed structure adheres to the uses allowed in the relevant district.* A residential dwelling 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 rebuilding a cottage in a pre-existing footprint is an allowed use at 739 Craftsbury Road. Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to reconstruct a cottage at 739 Craftsbury Road. Jan Travers (alternate) voted for Jane Woodruff, recused. Mike Metcalf (alternate) voted for MacNeil, recused. 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. Drainage shall not increase onto abutting landowners' property.

Signed:

_____	, vice chair	_____
clerk		
Nathaniel Smith		Brett Ann Stanciu
date _____		date _____

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.