

Conditional Use Hearing
Coleman and Jody Parker
November 18, 2021

To consider a conditional use request by Coleman and Jody Parker to build a boathouse at 136 Breezy Lane.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 New Uses and Encroachments Within the Shoreland Protection District.

Warnings were posted on November 3, 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: Jan Travers; David Kelly Estate; Vermont Land Trust; and Sabra Jones, on November 3, 2021. It was published in the Hardwick Gazette on Wednesday, November 3, 2021.

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

Development Review Board members present via Zoom: Jane Woodruff, Nat Smith, Linda Romans, MacNeil, Wayne Young, BJ Gray, and Mike Metcalf (alternate),

Development Review Board members absent: Janet Travers (alternate), recused herself.

Others present via Zoom: Coleman and Jody Parker.

Others present in-person: Brett Stanciu.

Correspondence from interested persons: None.

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

Summary of Discussion

Ms. Woodruff, chair, began the hearing at 7:01 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. and Ms. Parker to explain their proposed boathouse at 136 Breezy Lane. Mr. Parker specified that the applicants wish to build a boathouse with a length of 20', a width of 20', and a height of no more than 15'. Natural siding would be spruce or pine. Ms. Parker added that the boathouse would be located at least 20' from the Kelly property line. The location is above the lake path and the stand of shoreline cedars. The boathouse would not impede the lake view from the house and would be easily accessible from the water.

Ms. Woodruff verified that the proposed boathouse would be above the natural berm and would have no plumbing or electricity. Mr. Parker added that the boathouse would blend into the landscape with weathered wood. Board members clarified that the boathouse would have pressure-treated six-by-sixes for a foundation. Asphalt shingles would be used for roofing. Ms. Parker added that the house is a distance from the lake and the property does not have a boathouse. She hopes the boathouse will fit into the area and also be a useful and functional additional to the property.

Ms. Woodruff thanked the applicants for their time. The hearing ended at 7:18 PM. The Board entered into deliberative session at 7:19 PM and came back into public session to announce their decision at 7:40 PM.

Findings of Fact:

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

2.7 Shoreland Protection District

A boathouse is a conditional use in the Shoreland Protection District. With 2.6 acres, the lot size meets the dimensional lot standards as noted in the bylaws. The structure conforms to the side and road setbacks.

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.* Boathouses are a common use in the Shoreland Protection District and do not use community facilities.
- 2. the character of the area.* The proposed boathouse will fit into the surrounding area.
- 3. traffic in the vicinity.* Traffic will not be incurred by this structure.
- 4. bylaws and ordinances presently in effect.* The proposed boathouse will not affect the town's bylaws and ordinances.
- 5. the utilization of renewable energy resources.* Renewable energy resources will not be impacted by this structure.

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 lot size of 2.6 acres is in compliance.
- 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 boathouse meets all 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.* This is not applicable.
- 5. The proposed structure is compatible with other structures in the area.* The proposed boathouse compliments existing structures in the Shoreland Protection District.
- 6. The proposed structure adheres to the uses allowed in the relevant district.* Boathouses are a conditional use in this 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 boathouse.

8.8 New Uses and Encroachments Within the Shoreland Buffer Resource Zone

B) Conditional Uses.

- 3. Boathouses.*

- a. *A new boathouse shall be constructed behind the Natural Berm, if it exists. The site is located behind the Natural Berm.*
- b. *A boathouse shall not have plumbing. This structure shall have no plumbing.*
- c. *The maximum size of a boathouse's footprint shall be 400 sq. ft. The square footage of the proposed boathouse is 400 sq. ft.*
- d. *The maximum height of a boathouse building shall be 15 ft. This structure's height shall not exceed 15 ft.*
- e. *There is a limit of one (1) boathouse per tax lot. No boathouse is currently on the property.*
- f. *No decks, porches or other similar appendages will be allowed on boathouses. No decks, porches, or other appendages are included in the application.*
- g. *A new or reconstructed boathouse shall require a conditional use permit. This proposed boathouse meets the criteria for a conditional use permit.*
- h. *A new or reconstructed boathouse shall be used only for the storage of boats. This building is intended solely for the storage of boats.*

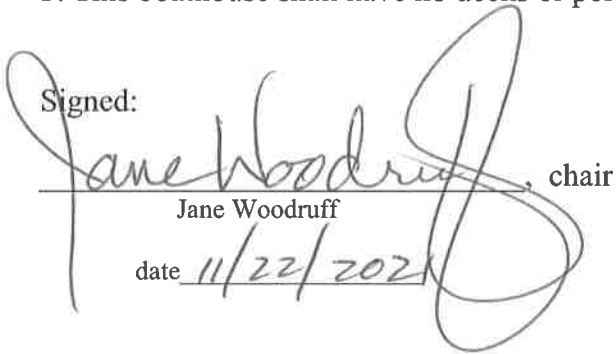
Decision and Conditions

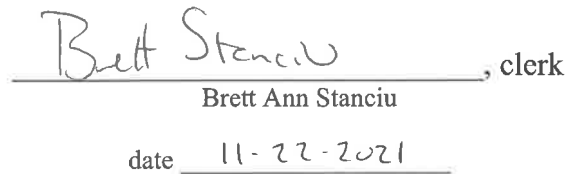
Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to build a new boathouse at 136 Breezy Lane. The Board determined that the standards for a conditional use permit were met. Mike Metcalf, alternate, voted.

Conditions:

- 1. Any and all necessary state and federal permits must be in place before construction begins.
- 2. This building shall be used solely for the storage of boats and related goods, as per the Greensboro Zoning Bylaws.
- 3. This boathouse shall have no decks or porches or any other appendages.

Signed:


 _____, chair
 Jane Woodruff
 date 11/22/2021


 _____, clerk
 Brett Ann Stanciu
 date 11-22-2021

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.