

Conditional Use Hearing
Charles Peck
February 16, 2022

To consider a conditional use request by Charles Peck to rebuild an accessory structure at 200 Miller 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 January 26, 2022, 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: the Winship Family Trust and Christine Armstrong on January 26, 2022.

Development Review Board members present via Zoom: Jane Woodruff, Wayne Young, Nat Smith, Mike Metcalf, Jan Travers, and MacNeil.

Development Review Board members absent: BJ Gray and Linda Romans.

Others present via Zoom: Charles Peck, Sabrina Peck, Peg Winship, Tim Brennan, Christine Armstrong, Lise Armstrong, Douglas Reed, and Brett Stanciu.

Correspondence from interested persons: email from Margaret Winship, dated February 16, 2022.

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:02 PM. She explained the procedure for the quasi-judicial hearing, and asked the clerk to swear in all those who wished to speak at the hearing. Mr. Peck said the A-frame on his property was built in 1952. The structure has been repaired in prior years. It has now deteriorated and reached the end of its life. The building has been used for storing wheelbarrows and canoes. It was also used as a supplemental sleeping building. He proposes to build in the same footprint, but construct a more functional style of accessory building. The proposed plan is a square building on the exact same site, with vertical walls and shed roof. No plumbing will be added. This proposal is a minimal change, short of rebuilding an A-frame. He noted to choose a new site would be less convenient for boat storage and might affect the neighbors. The Winships, who are the abutting landowners on the nearest side, have written a letter of support.

The Board inquired about the roof material. Mr. Peck replied that the exact material hasn't been determined. His preference would be metal, as that would match the house. He expects to take the advice of a local builder. The Board asked about the proposed foundation. Mr. Peck noted that the current foundation is posts. He expects to use wood posts for the proposed rebuild. Poured concrete will not be used. Abutting landowner Peg Winship added that she approves of the plan. Trees are between their cottage and the current structure. The proposed rebuild will be even less noticeable. Christine Armstrong, also an abutting landowner, said this is a thoughtful rebuild. She noted the Pecks are good stewards of their land.

Ms. Woodruff thanked Mr. Peck for his thorough application. 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 for a request for a conditional use to rebuild an accessory structure at 200 Miller Road:

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 reconstruction 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 reconstruction.

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 1.93 acre lot and meets minimum standards.
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 is approximately 70 feet from the lake and does not meet that setback. The proposed rebuild will not increase this nonconformity. The structure meets all other 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 proposed rebuild conforms with other accessory dwellings in the area.
6. *The proposed structure adheres to the uses allowed in the relevant district.* This pre-existing accessory structure 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 project will not affect noise or air pollution.

Decision and Conditions:

The Board determined reconstructing a pre-existing nonconforming accessory structure is an allowed use at 200 Miller Road and that the standards for a conditional use permit were met. Based upon these findings, the Development Review Board voted unanimously (6 – 0) to

approve the application to rebuild an accessory structure in a non-A-frame style at 200 Miller Road.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.

Signed:

_____, chair
Jane Woodruff

_____, clerk
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.