

Conditional Use Hearing
Randall Massey
June 9, 2022

To consider a conditional use request by Randall Massey to replace an accessory building with storage containers and use these units as commercial self-storage on his property at 55 Breezy Avenue.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.3 Greensboro Village District; 3.8 Nonconformities; 5.4 Conditional Use.

Warnings were posted on Wednesday, May 25, 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: John and Lydia Makau; the Gertrude Willey Estate; Willey's Store; the Vermont Housing Foundation; Peter Romans, Greensboro Selectboard, Chair; Kim Greaves, Greensboro Town Clerk. It was published in the Hardwick Gazette on Wednesday, May 25, 2022.

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, Tim Brennan; Mike Metcalf; and Joann LaCasse (alternate).

Development Review Board members absent: MacNeil.

Others present: Randall Massey; Brett Stanciu; Nancy Hill; Robbie Hurst; Bethany Warner; BJ Gray and Lise Armstrong (alternate) recused themselves as Development Review Board members and attended as members of the public.

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).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:06 p.m. Ms. Woodruff stated that two Board members are also officials of the Greensboro Historical Society. These two members recused themselves as Board members from this hearing. They agreed not to participate in the decision-making process and attended the proceeding solely as interested members of the public. Ms. Woodruff 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. Massey explained his request to demolish the existing structure on his property. In its footprint, five 20' shipping containers would be placed. Concrete piers would be used for the foundation. In April, Patrick Ross, River Management Engineer for the Department of Environmental Conservation, made a site visit with Mr. Massey and Ms. Stanciu. Mr. Massey noted Mr. Ross explained that piers were the only permissible foundation on the stream side. The replacement piers would match the existing piers in footprint. Steel beams would be attached perpendicularly on top of the piers to support the boxes. A retaining wall of pre-cast concrete blocks would be constructed on Perrin Road side. The grade would be built up which would aid with parking. Mr. Massey does not intend to block access to Perrin Road in any manner. The five units would be rented as storage space.

The Board clarified that the containers would all be placed on the same level. Mr. Massey explained that he might build a wooden roof over the top as condensation is problematic for metal boxes in the sunlight. The Board asked if specific hours would be set for renters. Mr. Massey did not foresee a reason for this restriction. He added that surveillance and lighting might be included at some point. If required, Mr. Massey agreed to install surveillance and lighting. The Board confirmed that the use would only include rented storage, not rental space for a retail operation as parking is a Board concern. The Board clarified that Mr. Massey intended to start this project as soon as possible if granted a permit. The construction process would involve using Perrin Road to truck out demolished or salvaged materials.

Mr. Hurst stated his two biggest concerns are access and security. He noted business activity and a flattened grade would provide more public access to the underside of Willey's Store and The Miller's Thumb. He considers the current lack of development in that area a security feature. If the Board granted the applicant a permit, Mr. Hurst requested that cameras and lighting be installed. Mr. Massey said he intended to rent to local people he knew. He agreed with Mr. Hurst's concern regarding security and lighting. Mr. Hurst added that he understands the Makau property has rights to build a bridge over the brook to access that area. Mr. Hurst noted that the Willey's Store is potentially in jeopardy of falling into the stream. Following the consultation of an engineer, he anticipates undertaking support work behind his building fairly soon in a relatively tight area. In addition, the store's septic borders Mr. Massey's property. He requested that Mr. Massey be cautious regarding the store's leach field. Heavy machinery might damage that field. The store's septic system could be required to upgrade at some future date, and there are unknowns regarding what that might mean. Mr. Hurst expressed additional concern that a retaining wall might block water. He noted there is a significant amount of water in this area. Mr. Massey stated he intended to include drainage around the retaining wall. Mr. Hurst and Mr. Massey agreed to communicate to avoid potential problems.

Ms. Hill inquired about verifying property lines. Ms. Stanciu replied that she was unable to obtain a survey from the Housing Foundation. The Board has a survey of Perrin Road that Wayne Mutrux completed.

Ms. Gray asked Mr. Massey to share his motivation regarding the proposed project. Mr. Massey replied that the current structure is falling down. A replacement storage structure could be installed for himself, but he considers this a good location for a storage shed for more than one person. Ms. Gray inquired about potential damage to Perrin Road. Mr. Massey answered that he is willing to maintain and improve the road as that would be mutually beneficial to him and abutting landowners.

The Board clarified that Mr. Massey would seek tenants immediately if he was granted a permit. Further Board questioning revealed that each empty container is estimated to weigh approximately 5,000 pounds. Some discussion revolved around the roof plans and concern regarding water run-off. Mr. Massey indicated his plans were for a steel or tin roof, with gutters, sloped towards the back. He noted the pitch would be limited as he would be required to remain within the existing height of the current structure. He concluded by emphasizing that he hopes to work with the Board and his neighbors.

The hearing ended at 7:40 p.m. The Board entered deliberative session at 7:41 p.m. and came back into public session to announce their decision at 9:03 p.m.

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 replace an accessory building with storage containers and rent these units at 55 Breezy Avenue:

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 Board determined this standard is not applicable.
2. *the character of the area, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan.* The proposed project does have an undue adverse effect on the area especially in regard to Greensboro Brook. The Board referred to Natural Resources in the Greensboro Town Plan, subsection Rivers and Streams, and cited, "River corridor protections around issues of channel erosion, encroachment, flood resiliency, and nutrients are important considerations for the Town Planning and Zoning regulations." The Board noted the Town Plan states in the same section, "Greensboro Brook, the outlet of Caspian, also drains to the Lamoille. However, according to the Lamoille Watershed Tactical Plan, this brook is stressed by land erosion, toxins and nutrients. Projects to mitigate stormwater runoff from Lauredon Avenue will be important," and concluded that it is imperative not to contribute to existing degradation. The Board stated concerns regarding the proposed project's proximity to Greensboro Brook; the short and long-term stability of the proposed project's excessive weight on the limited pier system required by the state on the stream side; and the contribution to erosion and bank deterioration from the impact of heavy equipment on the road and along the streambed.
3. *traffic on roads and highways in the vicinity.* Given the evidence produced at the hearing, the Board could not determine whether there will be an undue effect on traffic in the vicinity.
4. *bylaws and ordinances presently in effect.* The proposed project would not adversely affect current bylaws.
5. *the utilization of renewable energy resources.* Renewable energy resources would not be impacted by this reconstruction.

C) Specific Standards:

1. *Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question.* This is a .06 acre pre-existing lot.
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 project would replace a pre-existing nonconforming structure and does not increase setback nonconformity.

3. 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.

4. The proposed structure is compatible with other structures in the area. The Board deliberated on compatibility in General Standards, #2.

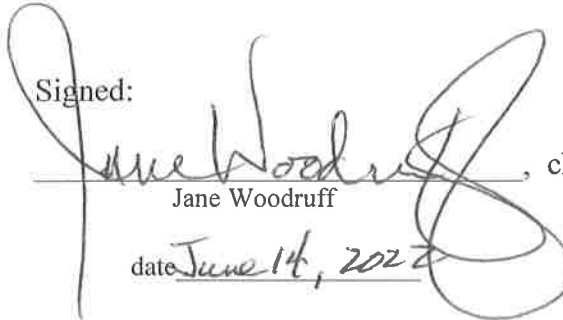
5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. The Board listed concerns in General Standards, #2.


6. Noise, air pollution, exterior light, viewshed, and effects on character of the area shall be considered. The Board deliberated on these considerations and included their findings in General Standards, #2.

Decision:

Based upon these findings, the Development Review Board determined the standards for a conditional use permit under 5.4 Conditional Uses were not met and voted (6-0) to deny the application to replace an accessory structure with storage containers at 55 Breezy Avenue. Joann LaCasse (alternate) voted for BJ Gray. The Board agreed to rehear an amended proposal from Mr. Massey without an additional fee, if submitted.

Signed:


_____, chair
Jane Woodruff
date June 14, 2022


_____, clerk
Brett Ann Stanciu
date 6.14.2022

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.