

Boundary Line Adjustment
John R. and Janice Guilmette and Maureen Roianov
August 15, 2022

To consider a waiver request for a survey for boundary line adjustment by John R. and Janice Guilmette and Maureen Roianov at 918 Eligo Lake Road and 1043 Eligo Lake Road.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 2.5 Rural Lands District; 5.1 Zoning Permits.

Warnings were posted on Wednesday, July 27, 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: Sarah Overfield and Macy Mullican; Daniels Life Estate; Elaine Daniels; Amy Papineau; Gerald and Amy Papineau; Edward, Peter, and Andre Bombard; Allison Johnson. It was published in the Hardwick Gazette on Wednesday, July 27, 2022.

Development Review Board members present: Jane Woodruff, Nat Smith, Mike Metcalf, MacNeil, Wayne Young, Tim Brennan, Lise Armstrong (alternate).

Development Review Board members absent: BJ Gray; Joann LaCasse (alternate).

Others present: John Guilmette; Annette Lorraine; Maureen Roianov; Allison Johnson; Jeff Drucker; Brett Stanciu.

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 7:05 p.m. Ms. Woodruff noted that Ms. Lorraine represents Mr. and Ms. Guilmette. Ms. Greaves represents Ms. Roianov. As Ms. Greaves did not attend the hearing, Ms. Woodruff asked Ms. Roianov if she had concerns about Ms. Lorraine speaking for the application. Ms. Roianov answered that she is in agreement with the Guilmettes. Ms. Woodruff reiterated that Ms. Roianov should speak up if a statement is made that she does not agree with. 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.

Ms. Lorraine said Ms. Roianov's home has lake frontage on the east side of Route 14 and undeveloped land on the west side. The Guilmettes own adjacent land in excess of 15 acres. The Guilmettes propose to reserve a section of that property for themselves and convey the remainder to Ms. Roianov. No new lot is proposed, so this is a boundary line adjustment and not a subdivision. Shane Clark of Truline Land Surveyors surveyed the west side of Route 14 in April 2022. Ms. Lorraine asserted that Mr. Clark declined to survey the lots on the east side of Route 14 as those lots will not change. Russell Brown surveyed those lots in 2015. Ms. Lorraine said Mr. Clark had relayed that he had never had to resurvey for an experienced surveyor such as Mr. Brown. Ms. Lorraine expressed concern that a resurvey would require Mr. Clark to use his own equipment which might result in small discrepancies that could confuse wastewater permits and the title, more confusion, and additional expense for the applicants. Ms. Lorraine said the full survey on the west side of Route 14 should fulfill the Greensboro zoning requirements as the lots

on the lake will not change. Two 2015 surveys by Russell Brown were submitted. Ms. Woodruff asked Ms. Roianov if this explanation fairly represents her position. Ms. Roianov affirmed that does.

The Board questioned at some length the lakeside acreage. Ms. Lorraine noted that the 2015 surveys are still accurate although the lot numbers have changed in the Truline survey. The deeds are accurate, and the 2022 survey is accurate. Mr. Guilmette noted that Ms. Roianov does not own a portion of lake frontage labeled as 128' in the tax map, but this parcel is proposed to be conveyed to Ms. Roianov. Further questioning from the Board revealed that the 128' is not included in the Guilmettes' tax bill or on the listers' card. Ms. Lorraine noted that this correction could be made by the assessor with wastewater permits and deeds. The Board questioned whether a new survey would be required. The Board inquired about the documentation that illustrates the proposed new property lines. Ms. Lorraine answered that she and Ms. Greaves drafted a warranty deed. The proposal has been verbally explained. The deed references the 2022 Truline survey and the two 2015 Russell Brown surveys. Ms. Lorraine asserted that the three surveys and the warranty deed are clear. Mr. Guilmette noted that the corner markers are unquestioned, and the applicants have already spent in excess of \$5,000.

Ms. Woodruff clarified that Ms. Roianov owns .36 acres, a house, and 285' of waterfront on the east side of Route 14. The Guilmettes propose to convey an additional 128' on the east side of Route 14 to Ms. Roianov. The Guilmettes propose to retain 2.17 acres and approximately 115' of shoreline north of the 128' shoreline. Approximately 15 acres on the west side of Eligo are proposed to be conveyed to Ms. Roianov in addition to the 128' of lake frontage. Ms. Stanciu inquired where the application specifies a proposed boundary line adjustment on the east side of the road. It was determined this proposed boundary line adjustment is written in the draft deed.

Some discussion revolved around development potential. The lots on the west side of Eligo might be developed with zoning permits. The lots on the east side cannot be developed in conformance with current Greensboro zoning regulations. Abutting landowner Allison Johnson declined to offer a comment.

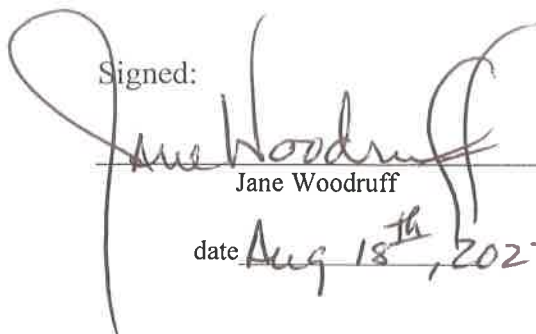
Ms. Lorraine respectfully asked the Board to grant a waiver for a complete survey of the proposed lots. She noted the two recorded 2015 surveys on the east side are accurate. A 2022 survey was completed on the west side of the road. Ms. Roianov said she was in agreement with this statement.

At 8:08 p.m., Ms. Woodruff thanked all participants for their patience and attention to detail. The Board entered into executive session at 8:11 p.m. The Board came out of executive session at 8:40 p.m. and announced their decision.

Decision:

Based upon these findings, the Development Review Board voted unanimously to deny the applicants' request for a waiver of the survey requirement for their proposed boundary line adjustment at 918 and 1043 Eligo Lake Road. Lise Armstrong, alternate, voted in place of BJ Gray. The Board determined the March 1, 2022 Greensboro Zoning Bylaw requires in §5.1 (D) that the applicants for a boundary line adjustment shall obtain a survey *which includes existing*

and proposed property lines, lot lines, boundary dimensions for the parcels under consideration on the west and east side of Route 14.

Signed:  _____, chair
Jane Woodruff
date Aug 18th, 2022

 _____, clerk
Brett Ann Stanciu
date Aug 19, 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.

