

Conditional Use Hearing  
DRB Reorganizational Meeting  
Benjamin Lange  
October 27, 2022

*To consider a conditional use request by Benjamin Lange for a shoreland restoration project at 36 Winnimere Circle.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.7 New Uses and Encroachments Within the Shoreland Buffer Resource Zone.

**Warnings** were posted on October 5, 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 applicant and the following abutters and neighboring property owners: Alison Anand, Wendy Valliere, and Angela and Mateo Kehler on October 5, 2022.

**Development Review Board members present via Zoom:** Jane Woodruff, Wayne Young, Nat Smith, Mike Metcalf, MacNeil, BJ Gray, Lise Armstrong (alternate) and Joann LaCasse (alternate).

**Development Review Board members absent:** Tim Brennan.

**Others present via Zoom:** Benjamin Lange.

**Correspondence from interested persons:** The application included emails in support of the project from Mateo Kehler and Wendy Valliere.

The hearing was conducted by electronic communication (ZOOM).

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:04 p.m. She noted the applicant requests a conditional use permit for a shoreland re-establishment and bank stabilization project in 8.7 New Uses and Encroachments within the Shoreland Buffer Resource Zone, section B, 1. Ms. Woodruff explained the procedure for the quasi-judicial hearing and noted the applicant submitted a complete and detailed application. After he was sworn in, Dr. Lange stated he and his spouse bought the Winnimere cottage in 2018 and replaced the dock. Beside the dock is a space approximately 8 feet wide where fairly severe erosion is occurring, and tree roots are exposed. The Lake Wise Program worked with the Langes to complete a proposal for restoration work. The proposal includes a bio-engineered terrace system of tubes to create a four-level terrace from the lake to the shore. Native vegetation will be planted on each layer of the terrace to retain soil and prevent run-off. A small excavator will access the site through the Kehler property to move a few larger rocks. The machinery impact is expected to be very minimal. No trees will be cut.

The Board had no questions.

At 7:13 p.m., Dr. Lange thanked the Board for their volunteer work and departed. Ms. Woodruff moved the hearing into the reorganizational agenda item. She reminded the Board that members should be cognizant that Board email is public record. The deliberative process should not be contained in email.

Mr. Smith nominated Ms. Woodruff as Chair of the Development Review Board. Seconded by Ms. Armstrong. All in favor. Ms. Woodruff nominated Mr. Smith as Vice Chair. Mr. MacNeil seconded. All in favor. Ms. Woodruff nominated Mr. Young as Bursar. Mr. Smith seconded. All in favor.

The Board inquired of Ms. Stanciu when the governor's order allowing virtual only hearings will expire. Ms. Stanciu replied she believes this will expire in January, but a virtual component will remain an option.

The Board entered into deliberative session at 7:20 p.m. and came back into public session to announce their decision at 7:46 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 permit:

### **5.4 Conditional Uses**

*(B) Such general standards shall require that the proposed conditional use shall not result in an undue 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 affected, 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 shoreline reconstruction project will actually contribute to the character of the area as stated in the Town Plan.
3. *Traffic on roads and highways in the vicinity;* This standard is not applicable.
4. *Bylaw and ordinances then in effect;* The proposed project will not adversely affect current bylaws.
5. *Utilization of renewable energy resources.* Renewable energy resources will not be impacted by this reconstruction.

*(C) Specific standards shall include:*

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 pre-existing, nonconforming .14 acre lot.
2. *Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.* This standard is not applicable.
3. *Exterior signs shall conform to the following in all districts:*
  - (a) No internally lit signs shall be permitted* No signs are included in the application.

*(b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located. No signs are included in the application.*

4. *Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected. This standard is not applicable.*
5. *In each district, uses are given specific criteria. In all cases these criteria will be adhered to. This proposed restoration project meets all specific criteria.*
6. *Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. These criteria will not be adversely affected by this proposed project.*

**Decision and Conditions:**

The Board determined that the standards for a conditional use permit were met for a shoreland buffer re-establishment and bank stabilization project in the Shoreland Buffer Resource Zone. Based upon these findings, the Development Review Board voted unanimously (8-0) to approve the application to re-establish shoreland buffer and stabilize the bank at 36 Winnimere Circle.

**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.

