

Conditional Use Hearing  
Walter and Laura Giles  
February 13, 2023

*To consider a conditional use request by Walter and Laura Giles to build a new boathouse at 300 North Shore 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 8.7 New Uses and Encroachments Within the Shoreland Buffer Resource Zone.

**Warnings** were posted on January 18, 2023, 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: William Berman and Elizabeth Baum; William Finsthwait; James Jacobson and Polly Parsons; Erik Synnestvedt, on January 18, 2023. It was published in the Hardwick Gazette on Wednesday, January 18, 2023. 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, MacNeil, Wayne Young, Tim Brennan, Mike Metcalf, and Lise Armstrong (alternate),

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

**Others present via Zoom:** Sandra Vitzthum, Laura Giles, Liz Baum, and William Berman.

**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 7:04 p.m. Ms. Woodruff noted the property under discussion has a 40' privacy buffer on the Finsthwait side. Abutting landowner Ms. Baum attended the Saturday, February 11, site visit. Ms. Woodruff 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. Vitzthum said she is the applicants' architect and will speak for the proposed project. The applicants own two kayaks, a canoe, and a small sailboat, and request a permit to build a boathouse. A surveyor staked setbacks and property lines. A 15' by 26' boathouse will fit within setbacks. The applicants are committed to removing only necessary trees to clear the footprint and to enable passage around the structure. Stairs may be constructed to the water. Ms. Stanciu noted stairs less than 4' in width do not require a permit. The Board clarified that the applicants have received written permission from the Finsthwait family to utilize their driveway for construction access with a short cross-over through the woods. The goal is to finish the boathouse early in the season to minimize impact on neighbors. The Board clarified that the top of roof will be 15' above the average grade. The proposed boathouse will be no more than 400' square feet to the outside of the structure, not the inside framing. No plumbing, decks, or appendages will be included. No other boathouse is on the lot. The structure will be used only for the storage of boats.

Further questioning from the Board clarified that the roofing will be either shingle or metal. The foundation will be minimal piers, possibly helical coils. Digging footings and frost walls was determined by the applicants not to be desirable in this environment. Roof runoff will be absorbed by sawdust. Ms. Vitzthum noted her experience with boathouses indicates that sawdust and natural ground cover will better allow water to soak in, as opposed to gutters. Ms. Vitzthum noted the Board's questions were thorough, and she appreciated the opportunity to speak.

Ms. Woodruff thanked Ms. Vitzthum, Ms. Giles, Ms. Baum and Mr. Berman for attending. The hearing ended at 7:23 p.m. The Board entered into deliberative session at 7:25 p.m. and came back into public session to announce their decision at 7:40 p.m.

### **Findings of Fact:**

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

#### **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, as defined by the purpose of purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan.* The proposed boathouse will be concealed in a wooded lakeshore area where boathouses are common.
3. *traffic on roads and highways 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. *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.* The 2.5 acre lot is in compliance.
2. *Setbacks will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.* The proposed boathouse meets side setbacks and the road setback.
3. *Exterior signs shall conform to the following in all districts:*
  - a) *No internally lit signs shall be permitted.* This is not applicable.
  - b) *All signs shall be compatible in size, materials, and workmanship to the area in which they are located.* This is not applicable.
4. *Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.* The proposed boathouse compliments existing structures in the Shoreland Protection District.

5. In each district, uses are given specific criteria. In all cases, these criteria shall be adhered to. Boathouses are a conditional use in this district.

6. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. These elements will not be affected by the proposed boathouse.

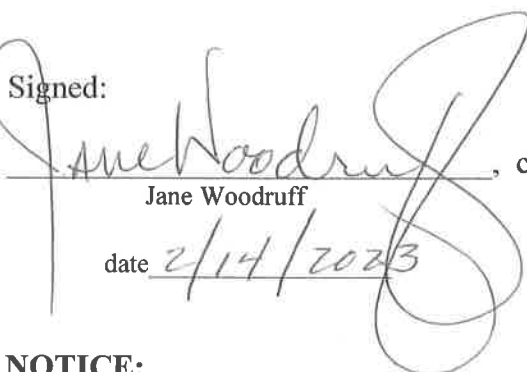
### Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to build a new boathouse at 300 North Shore Road. The Board determined that the standards for a conditional use permit were met.

#### Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.
2. Woodchips, sawdust, or similar material to absorb or divert runoff shall be piled at least 2-3" beneath the eaves.
3. All vegetative cutting shall be in compliance with the Shoreland Protection Act.

Signed:

  
\_\_\_\_\_, chair  
Jane Woodruff  
date 2/14/2023

  
\_\_\_\_\_, clerk  
Brett Ann Stanciu  
date 2.14.2023

#### 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.

