

Conditional Use Hearing
Diane (Lisa) Yokana and Blake Auchincloss
March 2, 2023

To consider a conditional use request by Diane (Lisa) Yokana and Blake Auchincloss to raze, relocate, and reconstruct their cottage at 168 Church Lane.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone.

Warnings were posted on February 15, 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: Church Lane, LLC; William Hardy; Luanne Murray et al; David and Margaret Altman on February 15, 2023. It was published in the Hardwick Gazette on February 15, 2023.

Development Review Board members present: Jane Woodruff, Wayne Young, Nat Smith, Mike Metcalf, Tim Brennan, MacNeil, BJ Gray, Lise Armstrong (alternate), and Brett Stanciu (zoning administrator and ex officio member).

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

Others present: Diane (Lisa) Yokana, Blake Auchincloss, Margaret Altman, Kent Hansen, Robin Hardy, Bill Hardy, and Christine Armstrong.

Correspondence from interested persons: Robin and Bill Hardy.

During the course of the hearing the following exhibits were submitted: an email from Robin and Bill Hardy in support of the proposed project, dated February 25, 2023, labeled DRB exhibit #1.

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:01 PM. She noted the project under consideration is to raze, relocate, and rebuild a seasonal cottage at 168 Church Lane. She explained the procedure for the hearing and asked the clerk to swear in all those who wished to speak at the hearing.

Mr. Auchincloss, co-owner and architect for the project, noted the submitted application includes the history of the family cottage, the applicants' intentions, options the applicants explored, and conclusions for the best course of action. The existing structure is essentially an unimproved structure on posts, seasonal plumbing, and heated by fireplace in the shoulder seasons. The applicants desire a four-season dwelling for part-time retirement use. Mr. Auchincloss noted three options: keep the cottage as is and only upgrade the septic system; renovate the existing structure which requires significant foundation, wiring, and plumbing upgrades; or demolish the structure and rebuild a four-season cottage. The applicants determined their wisest option was to demolish and rebuild a cottage with the look and feel of a traditional cottage that will fit into the lakeside neighborhood.

The existing lot and dwelling are nonconforming. The applicants propose to rebuild the garage in the existing footprint and move the dwelling to be in conformance with the road setback. The cottage meets the lake setback. The applicants will rebuild with the same number of bedrooms—four—and a downstairs study. The footprint will be approximately 80SF larger and remain in conformance with the Greensboro zoning bylaw's inhabitable living space definition. The current height is 26.5 feet. The proposed roof will be no higher than 30 feet with 9/12 roof pitch like the existing cottage. The heating will be all electric. The proposed house will not be a net zero house but well above code requirements with lots of insulation and a heat pump system that will be mounted out of sight behind the house. The applicants consulted with their neighbors, particularly the Hardys, who live across the road. Ms. Yokana noted replacing the septic system is their priority as lake water quality is extremely important to the applicants. Mr. Auchincloss emphasized that all necessary care will be

taken to mitigate impact and erosion during construction and to provide any needed upkeep on Church Lane. The driveway will be crushed stone. Ms. Yokana added that the applicants intend to decrease their lawn area and allow the field to grow in. The perennial flowers will be relocated to the neighbors' property for safekeeping. Perennial gardens will be replanted.

The Board expressed appreciation for the application's quality and thoroughness. Questions from the Board confirmed that the proposed demolition might be late 2023 or early 2024, or possibly pushed later into 2024. As much as possible, construction will not take place in the summer season. Relocating the dwelling will not encroach on the rear setback. Ms. and Mr. Hardy expressed support for the project. Ms. Altman noted she looks forward to seeing the finished cottage.

Mr. Auchincloss added that the plans include a full basement. If ledge is discovered, the dwelling might have a crawl space. Site water will be appropriately handled. Ms. Yokana emphasized that their septic design prioritized preserving the lupine field.

At 7:32 p.m., Ms. Woodruff thanked the applicants for their detailed application. She thanked everyone for appearing and noted the Board's decision-making process is aided by community input. The Board entered into deliberative session at 7:33 p.m. and came back into public session to announce their decision at 7:50 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 raze, reconstruct, and rebuild a cottage:

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 rebuild 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 which the project is located, and specifically stated policies and standards of the Town Plan.* This proposed dwelling will be compatible with the character of the area.
- 3. traffic on roads and highways in the vicinity.* Traffic will not be impacted by this proposed rebuild.
- 4. bylaws and ordinances presently in effect.* The proposed project will not adversely affect current bylaws.
- 5. the utilization of renewable energy resources.* Renewable energy resources will not be impacted by this proposed project.

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 pre-existing, non-conforming lot of .46 acres.
- 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 will become slightly more conforming to the northern side setback. A small shed attached to the garage will not be rebuilt, and the setback will increase from 2.5 feet to 7.5 feet. The proposed project will become conforming to the road setback. All other setbacks will be met.
- 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. Location, on the lot, of structures shall be compatible with other structures in the area affected.* This dwelling conforms with other dwellings in the area.
- 5. The proposed structure adheres to the uses allowed in the relevant district.* A single-family cottage is an allowed use in the Shoreland Protection District.

7. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. This completed rebuild will not have an adverse effect on these elements.

Decision and Conditions:

The Board determined rebuilding and relocating a cottage is an allowed use at 168 Church Lane. Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to raze, relocate, and reconstruct a cottage at 168 Church Lane. 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.

Signed:

 , vice chair
Nathaniel Smith

date 3/7/23

 , clerk
Brett Ann Stanciu

date 3.6.2023

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.

