

Boundary Line Adjustment  
John R. and Janice Guilmette and Maureen Roianov  
June 26, 2023

*To consider a request for two boundary line adjustments 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, May 31, 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: Sarah Overfield and Macy Mullican; Daniels Life Estate; Elaine Daniels; Amy Papineau; Gerald and Amy Papineau; Edward, Peter, and Andre Bombard; Tyler and Michelle Demers; Allison Johnson. It was published in the Hardwick Gazette on Wednesday, May 31, 2023.

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

**Development Review Board members absent:** None.

**Others present:** John Guilmette, Janice Guilmette, Annette Lorraine, Maureen Roianov, and Allison Johnson.

**Correspondence from interested persons:** None.

**During the course of the hearing the following exhibits were submitted:** Exhibit 1, a survey certified by Truline Land Surveyors, dated May 25, 2023.

The hearing was conducted by electronic communication (ZOOM).

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:02 p.m. Ms. Woodruff noted that Ms. Lorraine represents Mr. and Ms. Guilmette. Ms. Lorraine does not represent Ms. Roianov and cannot speak for this applicant. Ms. Roianov will be asked to confirm her opinion. Ms. Woodruff explained the hearing's procedure and entered into evidence as Exhibit 1, a survey map by Truline Land Surveyors, dated May 25, 2023. Ms. Woodruff expressed appreciation for the new complete survey.

Ms. Lorraine confirmed the correct survey had been submitted. The application also included a draft deed and a survey copy indicating the proposed two boundary adjustments. She noted the Guilmettes own almost eighteen acres on both sides of Route 14. Ms. Roianov owns 1.02 acres on both sides of Route 14. The properties are abutting. The applicants propose a boundary line repositioning so the Guilmettes will own less property, and Ms. Roianov will own more. The Guilmettes propose to convey 15.68 acres to Ms. Roianov on both sides of Route 14. The Guilmettes will retain 2.17 on both sides. The submitted survey shows current lots and proposed lots. Ms. Woodruff asked Ms. Roianov if the statements Ms. Lorraine made were consistent with her understanding. Ms. Roianov answered in the affirmative.

Ms. Woodruff opened the hearing to Board questions. Board members expressed appreciation for the new survey. It was noted the request spans two zoning districts. Mr. Brennan questioned if a

.69 acre lot will be created in the Rural Lands District. Ms. Woodruff noted that the 1.41-acre lot named 2D conforms to the Shoreland Protection District's minimum one-acre lot requirements. However, adjusting the back boundary line traverses the lot across two different zoning districts. The request by the Guilmettes joins two lots (identified as 2D and 2F on Exhibit 1); however, this proposed new lot (of 2D and 2F) does not conform with the minimum lot requirement of ten acres in the Rural Lands District.

Ms. Lorraine replied that the division line between the Shoreland Protection District and the Rural Lands District is not magic. Ms. Woodruff noted both districts have specific requirements and a nonconforming lot is created. Ms. Lorraine stated the proposed boundary line adjustment is for a wastewater permit and to buffer the remaining lot. Ms. Woodruff inquired that, if the boundary line adjustment was approved, would the Guilmettes be willing to include an exclusion against further development? Ms. Lorraine replied that zoning requirements may change in the future, and any building development would need to adhere to zoning requirements. A deed restriction would make no sense. Ms. Lorraine said that an exclusion against building could be noted in the permit.

The Board inquired: why complicate the lot which conforms to the Shoreland Protection District by extending it into the Rural Lands District? Mr. Guilmette answered that the proposed extension is a high and steep section of property. The boundary line adjustment would provide a privacy buffer and space for a garden if desired. The proposed extension provides legal access through a logging road across the Johnson property. An approved septic system designed by Patrick Larsen is closer Route 14. Mr. Smith expressed a lack of clarity regarding the desire to extend the property.

Ms. Lorraine asserted that the Guilmettes are choosing to retain what is identified as Lot 2F, and it will be connected to Lot 2D. Mr. Guilmette reiterated he is asking for a boundary line adjustment and not a subdivision. Ms. Woodruff again noted her concern is that the original lot that is conforming in the Shoreland Protection District will now become nonconforming in the Rural Lands District.

An exchange between Ms. Woodruff and Ms. Johnson clarified that the boundary line adjustment on the Johnsons' property, which is adjacent to the Guilmette property, required ten acres in the Rural Lands District. The minimum lot size in the Rural Lands District is ten acres. In the Shoreland Protection District, the minimum lot size is one acre.

Ms. Lorraine asked if landowners are expected to subdivide based on the line of the zoning districts. The Board affirmed that Board decisions are based on the zoning bylaw. Ms. Lorraine expressed frustration that she had not been made aware of this potential problem by the zoning administrator. Ms. Stanciu replied that she met repeatedly with Mr. Guilmette to obtain required materials. The application states conforming lots are required. The decision will be made by the Board.

Ms. Lorraine asked for a chance to speak with her clients regarding restrictive covenants before a possible denial is issued. Ms. Woodruff answered that opportunity would be provided. Her concern regards creating a partially nonconforming lot and further protections against

development may be required. She offered to pause and reconvene without further fees. She requested the zoning administrator to seek advice from Vermont League of Cities and Towns. Ms. Lorraine said she had just received a text from her clients that they would be amenable to adding restrictive covenants in the deed.

Ms. Roianov stated she has been trying for a year and a half to buy this property. She would like to create a solution. Ms. Johnson expressed support for the application. Mr. Guilmette said the purpose is not to build, but to make the land more private. He and Ms. Guilmette have a permit for the water supply and a wastewater system that has been approved and intends to file it with the town. Ms. Lorraine said she doesn't think the .69 acre lot is detrimental to the town's overall plan. Her clients indicated they would be willing to have a restriction on further development. She expressed hope that the Board would look favorably on the request.

At 7:47 p.m., Ms. Woodruff thanked the participants for their input into the hearing. At 7:48 p.m., the Board entered into executive session for deliberations. The Board recessed at 8:42 p.m. and resumed deliberations on June 28, 2023, at 7:12 p.m. The Board came out of executive session at 8:10 p.m. and announced their decision.

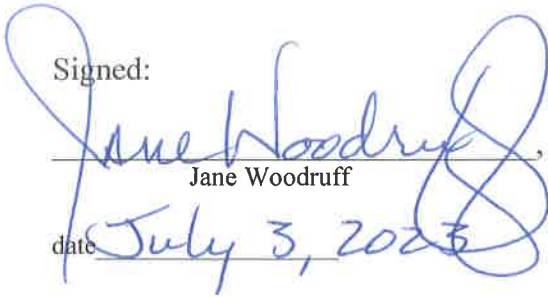
### **Decision:**


The Development Review Board voted unanimously (9-0) to approve the boundary line adjustment for Maureen Roianov to add Lot 1C (.02 acres) to her property at 918 Eligo Lake Road. The Board concluded this boundary line adjustment adheres to the Shoreland Protection District's minimum standards.

The Development Review Board voted unanimously (9-0) to deny the proposed boundary line adjustment request submitted by John and Janice Guilmette to add .69 acres to their 1.48 acre combined lot at 1043 Eligo Lake Road. The Board determined the March 1, 2022, Greensboro Zoning Bylaw, in section §5.1(D)2, requires a minimum lot size of ten acres in the Rural Lands District. The Board determined the proposed boundary line adjustment would create a nonconforming lot of less than ten acres in the Rural Lands District. The Board referred to the Zoning Bylaw's boundary description of Eligo Lake Shoreland Protection District that is contained on pages 100 and 101 of the March 1, 2022, Greensboro Zoning Bylaw. The Eligo Lake Shoreland Protection District's boundary is "along a line running parallel to and 300 feet westclry of Vermont Route 14." Based on this description and the submitted survey, the Board determined the proposed .69 acre lot is in the Rural Lands District. The Board notes that the applicants' stated goals of a privacy buffer, creating a garden, and access from an existing logging road could be achieved through restrictive covenants and easements on Lot 2F, if conveyed to Ms. Roianov.

The Zoning Administrator announces the decision of the Development Review Board to the parties via email once a decision is reached. The written minutes and decision are then filed within five days. Subsequent to hearing the Board's decision but prior to the signing of the minutes and decision, applicant John Guilmette sent an email to the ZA arguing that the Board's decision was unfair, referencing other properties in the immediate area. The Board's decision in this case is based upon the evidence the parties introduced, the arguments they made, and the

Greensboro Zoning Bylaw in effect. If the applicant thinks the decision is in error, an appeal can be taken to the Environmental Court, as described below.

Signed:  chair  
Jane Woodruff  
date July 3, 2023

 clerk  
Brett Ann Stanciu  
date July 3, 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.