

Conditional Use Hearing  
Barbara Paterson and James Whitby  
August 28, 2023

*To consider a conditional use request by Barbara Paterson and James Whitby to reconstruct a deck on their cottage at 800 Lake Road.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.6 Resource District; 5.4 Conditional Use; 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone.

**Warnings** were posted on Wednesday, August 9, 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: M. L. Heath Trust and Paul and Christopher Carrick. It was published in the Hardwick Gazette on Wednesday, August 9, 2023.

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

**Development Review Board members absent:** Tim Brennan, Joann LaCasse (alternate).

**Others present:** Barbara Paterson, James Whitby, Janet Patterson, Christine Armstrong.

**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 7:08 p.m. She explained that Barbara Paterson and James Whitby have requested to reconstruct a deck described as 14 feet by 21 feet. The existing deck is deteriorating and needs to be replaced. Ms. Woodruff explained the procedure for the quasi-judicial hearing and asked the clerk to swear in all those who wished to testify at the hearing.

Ms. Paterson said she and Mr. Whitby would like to remove and rebuild an existing deck. The rebuild will be duplicative in footprint and design. The only alteration will be the addition of hand railings. The project will be done with manpower. No powered equipment or excavator will be used. A delivery truck cannot navigate the exceptionally steep driveway, so smaller vehicles will be used. The intent is be as non-disruptive as possible on the lot. The current deck is on rotting trees. The deck will be replaced with cement blocks and probably some gravel. The existing vegetation is natural, or was planted many years ago and has been naturalized to the area. This is a simple project with a goal to make a safe deck that will last for years to come.

Questioning from the Board noted that fabric on the ground might be helpful if a significant rain like the recent storm occurred during construction. Ms. Paterson noted that the camp is built over dirt. No wash out occurred in the July storm. The applicants expect to salvage existing boards from the reconstruction and store beneath the rebuilt deck for future use. Some discussion revolved around the use of a silt fence. Ms. Paterson noted a row of cedars borders the lake. Ms.

Christine Armstrong inquired about the mitigation plan. The Board discussed the lot's natural landscaping, including cedars and daylilies.

Ms. Paterson and Mr. Whitby thanked the Board for their time and consideration. The hearing ended at 7:27 p.m. The Board entered into deliberative session at 7:28 p.m. and came back into public session to announce their decision at 8:02 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 reconstruct a deck at 800 Lake Road.

### **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 deck reconstruction will have no adverse effect on community facilities.
- 2. the character of the area, 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.* This proposed project is in keeping with the character of the area.
- 3. traffic on roads and highways in the vicinity.* Traffic will not be affected by the proposed deck 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 reconstruction.

#### *C) Specific Standards:*

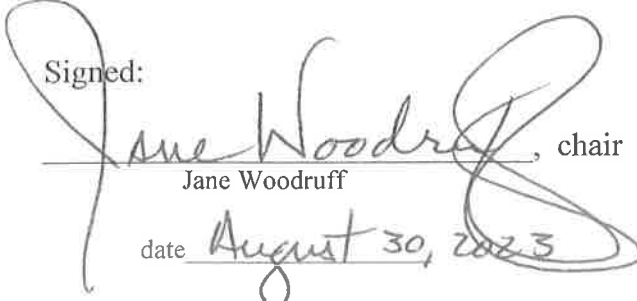
- 1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question.* This is a pre-existing 1.3 acre lot.
- 2. Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* The proposed deck rebuild meets side and road setbacks. The structure is a pre-existing nonconforming dwelling which not does meet the lake setback.
- 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. The proposed structure is compatible with other structures in the area.* This nonconforming structure conforms with other structures in the area.
- 5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.* A deck rebuild is an allowed use in the Resource District.
- 6. Noise, air pollution, exterior light, viewshed, and effects on character of the area shall be considered.* This proposed deck rebuild will not adversely affect these criteria.

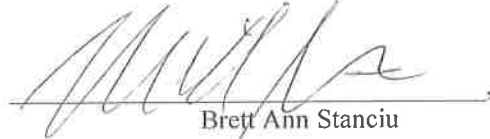
**Decision:**

Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to reconstruct a deck at 800 Lake 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.

Signed:  chair  
Jane Woodruff  
date August 30, 2023

 clerk  
Brett Ann Stanciu  
date August 30, 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.

