

Conditional Use Hearing
Patrick Kane
156 Breezy Avenue
December 20, 2023

To consider a conditional use request by Patrick Kane of Kane Architecture for a conditional use permit to build a boathouse for Stephen Aldrich at 156 Breezy Avenue.

The application requires a review under the following sections of the Greensboro Zoning Bylaw: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 New Uses and Encroachments Within the Shoreland Protection District.

Warnings were posted on November 29, 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: Vermont Land Trust; Coleman and Jody Parker; Kenneth and Gwen Mann; Jesse and Amy Nichols, on November 29, 2023. It was published in the Hardwick Gazette on Wednesday, November 29, 2023.

The hearing was conducted by electronic communication (ZOOM).

Development Review Board members present: Jane Woodruff, Nat Smith, MacNeil, Wayne Young, Lise Armstrong (alternate), Joann LaCasse (alternate), Brett Stanciu (ex officio).

Development Review Board members absent: Tim Brennan, BJ Gray, Mike Metcalf.

Others present: Patrick Kane, Stephen Aldrich, Coleman Parker, Christine Armstrong, Janet Patterson.

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. She noted the application under consideration has been submitted by Mr. Kane to construct a new boathouse for Mr. Aldrich. Ms. Woodruff explained the hearing is quasi-judicial and asked the clerk to swear in attendees who would like to present evidence.

Mr. Kane noted the proposed site plan conforms to the Greensboro zoning bylaw. It adheres to the 20' side setback and is approximately 50' from the shoreline, its front located approximately at the rear of Mr. Parker's boathouse on the adjacent property. The proposed ridge will be no higher than 15', and the footprint will not exceed 400 square feet. 560 square feet of existing lawn will be converted into naturalized native area between front of the boathouse and the existing shoreline. The proposed vegetative roof, also known as a sod roof, will be composed of soil and greenery. Designed to absorb water, the sod roof will minimize runoff and the disturbed area. Helical coils will be used for the foundation to minimize the access impact of heavy equipment vehicles. Grading will be minimized as the topography is relatively level. Mr. Aldrich thanked the Board for considering the application. He noted that he believes Mr. Kane's presentation and the application conforms to the letter and spirit of the bylaw intent. He noted the proposed boathouse will be used for lake equipment.

Questioning from the Board confirmed that a concrete truck will not be utilized. Access for construction will utilize Mr. Aldrich's yard. Mr. Aldrich noted the wettest area of his yard is behind his house. The Board noted the sod roof will mitigate water. Mr. Kane noted pea stone will be used under the drip edge. A deck will not be included, as decks are forbidden in the bylaw.

Mr. Parker expressed his support for Mr. Aldrich's proposed boathouse. Ms. Christine Armstrong noted the Agency of Natural Resources map indicates hydric soils which do not drain well. She questioned how the figure of 560 square feet of mitigation was determined. Mr. Kane replied that the mitigation area was initially proposed to the east of the boathouse and reflects the square footage between the proposed boathouse and the adjacent property line. After some consideration, the mitigation was relocated within 50' of the shoreline. Ms. Christine Armstrong inquired why the proposed mitigation isn't right up against the water. Mr. Aldrich said he desires some access to the water. Further discussion confirmed that gravel will be added at the footprint and around the building for drainage. Electricity will be added. All construction damage will be remedied. Some discussion revolved around future landscaping and decreasing the lawn.

At 7:31 p.m., Mr. Kane thanked the Board for its time and consideration. The Board entered deliberative session at 7:32 p.m. At 7:45 p.m., the Board left deliberative session and announced their findings.

Findings of Fact:

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

2.7 Shoreland Protection District

A boathouse is a conditional use in the Shoreland Protection District. With 1.6 acres, the lot size meets the dimensional lot standards as noted in the bylaws. The structure conforms to the side and road setbacks.

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 do not impact 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 boathouse will fit into the surrounding area.
- 3. traffic on roads and highways in the vicinity.* Traffic will not be impacted by this structure.
- 4. bylaws and ordinances then in effect.* The proposed boathouse will not affect the town's bylaws and ordinances.
- 5. utilization of renewable energy resources.* Renewable energy resources will not be impacted by this structure.

C) *Specific Standards:*

1. *Minimum 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 lot size of 1.6 acres is in compliance.

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 boathouse meets side and road setbacks.

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.* 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 complements existing structures in the Shoreland Protection District.

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

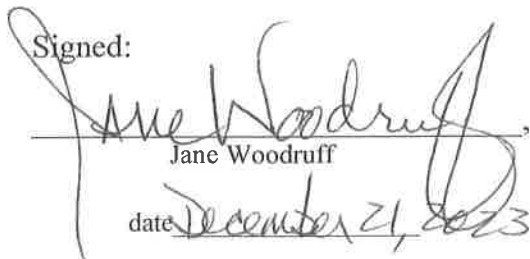
6. *Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered.* The proposed boathouse will not have an adverse impact on these elements.


Decision and Conditions

Based upon these findings, the Development Review Board voted unanimously (6 – 0) to approve the application to build a new boathouse at 156 Breezy 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.
2. Pursuant to the application, the applicant shall include 560 square feet of mitigation.
3. The applicant shall take measures to address the drip edge.
4. There shall be no plumbing.
5. This boathouse shall have no decks or porches or any other similar appendages.

Signed:  , chair
Jane Woodruff
date December 21, 2023

 , clerk
Brett Ann Stanciu
date December 21, 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.

