

Conditional Use Hearing
Arthur Newhouse III
November 20 and 30, 2023, February 15, 2024

To consider a conditional use request by Arthur Newhouse III for a conditional use permit to expand an existing boathouse at 131 Blockhouse Hill 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 November 1, 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 applicant and the following abutters and neighboring property owners: Hale Family Trust; Greensboro Realty Trust; Iola Benedict and Harry Hoblin; Nancy and Gregory McHugo; Richard Albores and Louise Stedman; Jenkins Family, LLC; Marjorie Kars and David Bamford; Ruth H. Seel Trust on November 1, 2023. It was published in the Hardwick Gazette on Wednesday, November 1, 2023.

The hearing was conducted by electronic communication (ZOOM).

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, BJ Gray, Tim Brennan, Mike Metcalf, MacNeil, Brett Stanciu (ex officio). Lise Armstrong (alternate), recused herself and attended as a member of the public.

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

Others present: Arthur Newhouse III, Janet Patterson, Christine Armstrong.

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 7:03 p.m. She 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. She noted the hearing is recorded for purposes of any appeal.

Mr. Newhouse thanked Chair Woodruff and the Board members for their time. He said his current boathouse is 12'6" by 20'6". A 6' by 12' deck is on the lakeside. The existing boathouse is approximately 6' from lake with a square footage of 260', not including the deck. The proposal is to construct an addition of 20' by 6' of 120sf for a structural total of approximately 380sf. The proposed addition would start halfway down the existing boathouse on the west side. The topography at north end of the existing boathouse is probably greater than the 15% slope allowed by zoning regulations. The proposed placement would be on flatter ground. The existing building is approximately 13' high. The height of the proposed expansion is 8'6". The expansion is designed to hold a sunfish boat and boat gear. Mr. Newhouse noted he values the water quality of Caspian Lake. Pea stone would be placed under the eaves for water drainage. He intends to plant bushes along the backside of the boathouse. The existing boathouse will be re-shingled and painted and matched with the proposed addition.

Some questioning from the Board revolved around whether Mr. Newhouse considered moving the boathouse. It was agreed that moving the boathouse would require a new application. The Board clarified that the level of the proposed floor would be at the same level of the existing structure. The Board noted that the site visit determined that would put the proposed floor level on the ground.

Mr. Newhouse ended by adding he would add pea stone beneath the proposed addition to prevent runoff into the lake.

At 7:24 p.m., Ms. Woodruff thanked Mr. Newhouse for his presentation. Ms. Woodruff said the Board will deliberate on the application received, not a proposal to move the existing boathouse. The Board entered deliberative session at 7:26 p.m. At 8:56 p.m., the Board left deliberative session without announcing findings.

The Board continued deliberations on November 30, 2023, at 7:04 p.m., and paused deliberative session at 7:54 p.m. without announcing findings.

The Board invited Mr. Newhouse back into open session February 15, 2024, to consider revisions to his application to expand his boathouse at 131 Blockhouse Hill Road.

Warnings for this session were posted on January 31, 2024, 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 applicant and the following abutters and neighboring property owners: Hale Family Trust; Greensboro Realty Trust; Iola Benedict and Harry Hoblin; Nancy and Gregory McHugo; Richard Albores and Louise Stedman; Jenkins Family, LLC; Marjorie Kars and David Bamford; Ruth H. Seel Trust on January 31, 2024. It was published in the Hardwick Gazette on Wednesday, January 31, 2024.

The hearing was conducted by electronic communication (ZOOM).

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, BJ Gray, Tim Brennan, MacNeil, Brett Stanciu (ex officio). Lise Armstrong (alternate), recused herself and attended as a member of the public.

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

Others present: Arthur Newhouse III, Christine Armstrong.

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 7:05 p.m. She noted the Board had invited Mr. Newhouse to resubmit his application with no additional fees and an amended design to expand his boathouse. She explained the procedure for the quasi-judicial hearing and asked the clerk to swear in all those who wished to speak at the hearing. She noted Board member Lise Armstrong is attending as a member of the public.

Mr. Newhouse said his current boathouse is 12'6" by 20'6" and is located on the northeast corner of the property which is approximately one acre. The existing boathouse is 260sf. The proposed plan will extend the boathouse straight out in a southerly direction with a 10' by 10' addition, on the westerly side of the boathouse. The property is fairly flat at that location. There will be no need to disturb the land through digging. The door and wood siding would be similar to the existing boathouse. The paint would be the same red color. The proposed mitigation is approximately 500sf on the western side of the boathouse and would replace lawn. Plants would be in accordance with the State of Vermont recommendations for mitigation.

The Board thanked Mr. Newhouse for rethinking the project so it would be more in line with the bylaw. The Board clarified that the proposed mitigation would be along the stone wall behind the boathouse. Mr. Newhouse confirmed that there is space between the stone wall and boathouse. The mitigation would extend to the walkway that goes to the house. Some discussion revolved around the four existing willows. Mr. Newhouse clarified that native plants would be allowed to grow in around the shrubs. Ms. Woodruff noted that the Board can place a condition requiring the amount of mitigation and that the plants are in compliance with the State of Vermont guidelines; specific plants are chosen by the applicant.

At 7:15 p.m., Ms. Woodruff thanked Mr. Newhouse for resubmitting an application more in conformity with the bylaw. At 7:17 p.m., the Board entered deliberative session. Ms. Lise Armstrong, recused, did not attend deliberations. At 7:35 p.m., the Board left deliberative session and announced these findings.

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 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 expansion will fit into the surrounding area.
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 expansion will not impact the town's bylaws and ordinances.
5. *the utilization of renewable energy resources.* Renewable energy resources will not be impacted by increasing the size of this structure.

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.* The lot size of 1.1 acres meets minimum standards.

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 expansion adheres to adjacent lot 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 expansion compliments 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.* These criteria were considered and determined not to be applicable.

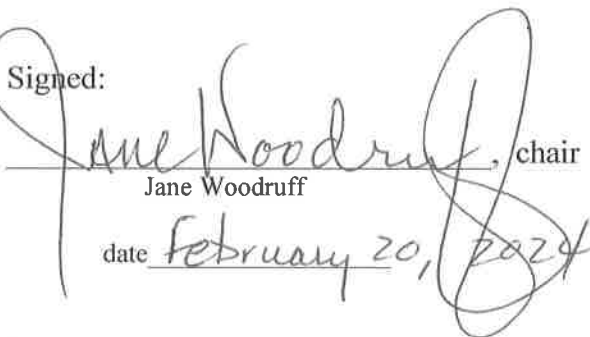
Decision and Conditions:

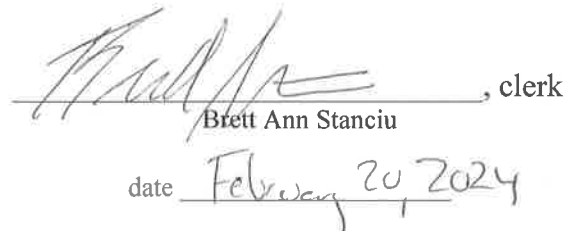
Based upon these findings, the Development Review Board voted unanimously (6 – 0) to approve the application with the four conditions enumerated below to expand an existing boathouse with a 10’ by 10’ addition that extends in the southerly direction on the flat plain at 131 Blockhouse Hill Road. The Board determined that the standards for a conditional use permit were met with these conditions.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.
2. The applicant shall provide 500sf of mitigation by planting appropriate non-invasive native vegetation according to the State of Vermont’s Shoreland Best Management Practices.
3. This structure shall be used only for the storage of boats.
4. The boathouse shall have no plumbing.

Signed:


 _____, chair
 Jane Woodruff
 date February 20, 2024


 _____, clerk
 Brett Ann Stanciu
 date February 20, 2024

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.