

Conditional Use Hearing  
Patrick Kane  
21 Rowdis Road  
June 24, 2024

*To consider a conditional use request by Patrick Kane to raze and rebuild a seasonal cottage at 21 Rowdis Road owned by Stuart O'Sullivan and Dionicia Hernandez.*

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 3.8 Nonconformities.

**Warnings** were posted on May 29, 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 applicants and the following abutters and neighboring property owners: Bennum Trust; William, Susan, and David Million; James, Jr, and Mark Carpenter; Sharon Putney; Howard Camp Trust; Dionicia Hernandez on May 29, 2024.

**Development Review Board members present:** Jane Woodruff; Wayne Young; Nat Smith; Mike Metcalf; Tim Brennan; Rob Brigham (alternate); Galen Fisher (alternate); Brett Stanciu (ex officio).

**Development Review Board members absent:** Lise Armstrong; BJ Gray.

**Others present:** Stuart O'Sullivan; Patrick Kane.

**Correspondence from interested persons:**

Email from Susan and Perry Howard, June 6, 2024, Exhibit #1

Email from Richard and Nancy Bennum, June 11, 2024, Exhibit #2

Email from the Carpenters, June 17, 2024, Exhibit #3

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:11 p.m. She noted the applicants have requested a conditional use permit to raze and rebuild a cottage on Rowdis Road. A site visit was attended by many Board members the previous Saturday for a visual reference. Ms. Woodruff explained the procedure for the quasi-judicial hearing and asked the clerk to swear in those who wished to speak. She asked the clerk to enter into evidence three letters written by abutting landowners in support of the proposed project.

Mr. O'Sullivan said he and his wife, Ms. Hernandez, had purchased the camp in 2020. The camp is old and in dilapidated condition. Repair is expensive, and the couple cannot insure the structure in its entirety. The couple, who have three children, also own a nearby cottage at the lakefront. At 21 Rowdis Road, the couple would like to rebuild a one-story, two-bedroom, one-bathroom seasonal camp. The front of the structure would be used for storage of boats and bicycles.

Mr. Kane noted the proposed rebuild will conform to the lake setback, the road setback, and two side setbacks. To the east, the proposed rebuild will slide six feet away from Ms. Putney's boundary line, becoming less nonconforming. The intent is to meet the zoning regulations as much as possible.

Questioning from the Board confirmed that the roof will be metal, and a drip system will be included to slow erosion. The current foundation is a combination of cedar logs, bricks, and stone. The proposed foundation will be a combination of slab on grade, with an elevated section over the storage area. Ledge is expected. The intent is not to blast. The Board confirmed that the use will be three-season and a septic replacement is not required. The cottage will remain on the Town water system, which is available May 15-October 15. The structure will be insulated for the chillier ends of spring and autumn.

Mr. O'Sullivan noted the demolition plan would commence in September, to avoid disturbing summer visitors. Completion is planned for June 2025. Mike Brochu is the builder. Mr. O'Sullivan and Mr. Kane thanked the Board for their time. At 7:29 p.m., the Board entered executive session. The Board 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:

#### **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.* This proposed raze and rebuild will not affect 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 rebuild as proposed will fit into the area's cottages.
3. *traffic on roads and highways in the vicinity.* Traffic will not be incurred by this project.
4. *bylaws and ordinances presently in effect.* The proposed dwelling rebuild 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.* This is a pre-existing nonconforming lot of .361 acres in the Shoreland Protection District.
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 expansion meets lake and road setbacks. The structure is nonconforming regarding the east side setback. The proposed rebuild will make this cottage less nonconforming by 6'.
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 cottage rebuild complements existing structures in the area.

5. *In each district, uses are given specific criteria. In all cases these criteria will be adhered to.* Single family dwellings are a permitted use in the Shoreland Protection District. This proposed expansion will not violate any uses.

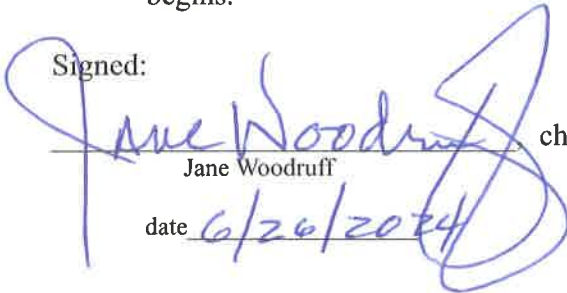
6. *Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered.* These criteria will not be affected by the proposed expansion.


**Decision and Conditions:**

The Board determined that the standards for a conditional use permit were met. Based upon these findings, the Development Review Board voted unanimously (7 – 0) to approve the application to raze and rebuild a seasonal cottage at 21 Rowdis Road.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction begins.

Signed:  chair  
Jane Woodruff  
date 6/26/2024

 , clerk  
Brett Ann Stanciu  
date 6/26/2024

**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.

