

Conditional Use Hearing
Brian Hamor
June 27, 2024

To consider a conditional use request by Brian Hamor to raze and rebuild a single family dwelling at 342 Lake Shore Road owned by Nancy and Richard Bennum.

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 June 5, 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: Judith Whitman Trust; Ila Hunt; MacNeil Hunt, LLC; Sharon Putney; William, Susanne, and David Million; Next 1, LLC; Dionicia Hernandez and Stuart O'Sullivan on June 5, 2024.

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

Development Review Board members absent: Lise Armstrong; BJ Gray; Rob Brigham (alternate).

Others present: Brian Hamor; Nancy and Richard Bennum.

Correspondence from interested persons:

Email from the Carpenters, June 17, 2024, Exhibit #1

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:10 p.m. She noted the applicants have requested a conditional use permit to raze and rebuild a single family house at the corner of Lake Shore Road and Randolph Road. The applicants are present with their architect, Brian Hamor. Board members attended a site visit on the previous Saturday, June 22, for a visual reference. Ms. Woodruff reminded the Board that everything said at the site visit will need to be repeated this evening. She 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 as Exhibit #1 the letter written by the Carpenters in support of the proposed project. No additional correspondence was received.

Dr. Bennum said the camp under consideration was built in 1920. The dwelling is in poor condition. The applicants' intent is to demolish the old camp and rebuild on the same site, in approximately the same footprint and size. The proposed plans include more space by utilizing the ground floor with a walk-out foundation. The original camp is nonconforming to both road setbacks. The camp conforms to the lake and side setbacks. The proposed plans will make the new construction slightly less nonconforming, regarding both the Lake Shore and Randolph Road setbacks. The dwelling is proposed to remain slightly nonconforming as mature maples are adjacent to the camp. To become fully conforming, the maples would need to be cut or their root systems endangered. The proposed structure has been repositioned to preserve these existing trees.

Mr. Hamor added that the roof line is the maximum allowed, at 30', to provide for additional space and does not exceed the 2,500SF allowed for habitable living space. The applicants have

received an updated wastewater permit. A well and new septic system will be installed. The proposed rebuild is designed to maintain the same attributes as the original camp.

Questioning from the Board clarified that the roof will be shingled on the upper elevations which should slow snow and rain run-off. The lower pitches will be standing seam metal. The house will be spray-foam insulated for year-round use. Dr. Bennum noted the current camp lacks a foundation in places. The foundation that does exist is severely cracked. The plumbing and electrical systems need to be replaced. The house is filled with mice, and maintenance needs are significant. A rebuild will be tighter, cleaner, and more functional. Mr. Hamor added that the current camp is structurally undersized, such as its roof rafter width, as was typical of that building period. It does not meet current energy or structural codes. The expectation is that the rebuild will be a modern dwelling that will withstand the test of time. Deconstruction of the camp is anticipated for the end of August or the beginning of September. A completion date is expected by May 1. Additional questioning revealed the well is planned to be used by both houses on the property. The houses are located near to each other, share a yard and garden, and will be used by family.

At 7:27 p.m., Ms. Woodruff thanked Mr. Hamor for his clear and precise drawings and the applicants for attending the hearing. At 7:28 p.m., the Board entered deliberative session. The Board and came back into public session to announce their decision at 7:57 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 dwellings.
- 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 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 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 conforming lot of 10.01 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 reconstruction will make this

nonconforming structure slightly less nonconforming by a few feet on both the Randolph Road and the Lake Shore 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 reconstruction complements existing dwellings 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.

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.

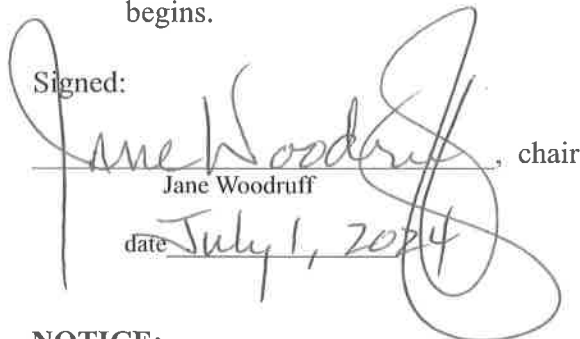
Decision and Conditions:

The Board determined that the standards for a conditional use permit were met. Based upon these findings, the Development Review Board voted unanimously (6-0) to approve the application to raze and rebuild a dwelling at 342 Lake Shore Road, pursuant to the application as presented this evening, which identified the rebuild as less nonconforming to the two road setbacks.

Conditions:

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

Signed:


Jane Woodruff, chair
date July 1, 2024


Brett Ann Stanciu, clerk
date July 1, 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.

