

Subdivision
Isa Oehry
September 4, 2024

To consider a subdivision request by Isa Oehry at 684 Taylor Road.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.5 Rural Lands District; 5.1 Zoning Permits; 54. Conditional Use.

Warnings were posted on August 14, 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: Matt McAllister; Kinross; Jayne and Walter Donohue; Brent and Maya McCoy; Stanley and Deborah Allen; Douglas and Alice Fleer; Maurice Lehouillier Family Trust. It was published in the Hardwick Gazette on Wednesday, August 14, 2024.

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, Lise Armstrong, Galen Fisher (alternate), Mike Metcalf.

Development Review Board members absent: Rob Brigham (alternate), BJ Gray, Tim Brennan.

Others present: Isa Oehry.

Correspondence from interested persons: None.

During the course of the hearing the following exhibits were submitted: None.

The hearing was in person and conducted by electronic communication (ZOOM). All participants were in person.

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:05 p.m. She noted that the Board was assembled to hear a request from Ms. Oehry regarding 130 acres, on one side of Taylor Road. Ms. Woodruff noted the application requests that 30 acres will remain with the farmhouse and the remaining 100 acres will be divided as a separate parcel. The land as it exists now is three parcels: a 10-acre parcel, a 40-acre parcel, and an 80-acre parcel. The proposed line of subdivision, on the 10-acre parcel, would make that parcel a 7-acre lot, which is not allowed in the Rural Lands. One of two things would be required to conform to the Rural Lands District minimum lot size of 10 acres: that 7-acre lot must remain 10 acres, or the whole parcel could become an 100-acre lot. Ms. Woodruff noted it's her understanding Ms. Oehry and Ms. Stanciu discussed the requirement for new deeds and recording of an updated wastewater permit. The wastewater permit is not the Town's purview, but state permits are a condition of Town permits. Ms. Woodruff invited Ms. Oehry to fully present her request to the Board.

Ms. Oehry thanked the Board. She described herself as the steward of 130 acres on one side of Taylor Road. The acreage includes the large homestead, known as the old Clary Farm, a five-bedroom farmhouse. Ms. Oehry expressed her love for the place and the land, but she now needs a smaller footprint. She proposes to subdivide the farm with the pasture. The farmhouse and the pasture belong together. A strip of forest was added for buffer. A five-bedroom wastewater permit with an in-ground back-up system has been filed with the state. Ms. Oehry received

confirmation from Sue Cross at the Agency of Natural Resources that the request was assigned to Eric Deratzian; approval is expected within 30 days.

Ms. Oehry proposes to move uphill on her property and build a small two-bedroom house. An approved septic system has already been recorded in the Town land records. She proposes to combine the remaining 100 acres into one lot. 90 acres of this property is forest, and Ms. Oehry intends to remain indefinitely on this land.

Questioning from the Board confirmed that the two new parcels — the 30 acres with the farmhouse and the 100 acres where Ms. Oehry intends to build a house — will be re-deeded. The Board questioned how Ms. Oehry determined 30 acres. Ms. Oehry noted that 27 acres are required for the new owner to enroll in Current Use: 25 acres and 2 homestead acres. The pasture belongs to the farm. She included a small amount of forest buffer and rounded up. She hopes the new owners will love the land and not cut the property into pieces.

At 7:25 p.m., Ms. Oehry thanked the Board for their time and again expressed her deep love for this property. At 7:26 p.m., the Board entered executive session.

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 subdivision 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 subdivision will fit into the rural character of the area.
3. *traffic on roads and highways in the vicinity.* Traffic will not be incurred by this subdivision.
4. *bylaws and ordinances presently in effect.* The proposed subdivision will not adversely impact the Town's bylaws and ordinances.
5. *the utilization of renewable energy resources.* Renewable energy resources will not be impacted by this subdivision.

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 proposed lots of 30 acres and 100 acres are greater than the minimum 10-acre requirements for the Rural Lands District.
2. *Setbacks will be the same as for other permitted uses unless other standards are given for conditional use setbacks in the district.* Setbacks are not impacted.
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. This is in compliance.

5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. This proposed subdivision 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 subdivision.

The Board came out of executive session at 7:45 p.m. and announced their decision.

Decision:

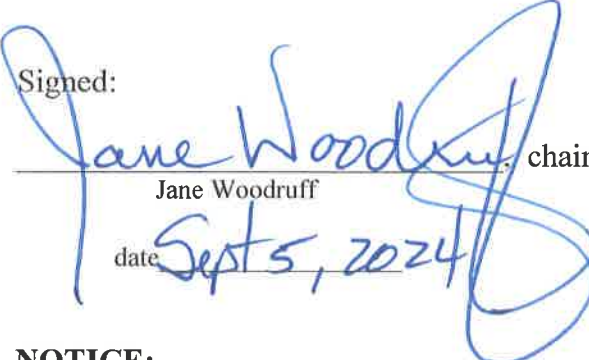
Based upon these findings, the Development Review Board voted unanimously (5-0) to approve a Conditional Use permit to allow a subdivision on Isa Oehry's property at 684 Taylor Road to create a 30-acre lot that surrounds the existing farmhouse.

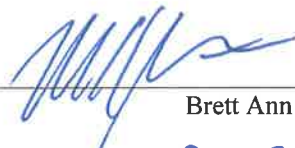
Based upon these findings, the Development Review Board voted unanimously (5-0) to approve a Conditional Use permit to combine the remaining property on Isa Oehry's property at 684 Taylor Road into a 100-acre lot.

Mr. Metcalf joined the Board at 7:31 p.m. and did not vote.

Conditions:

1. The Conditional Use permit will be granted when the following materials are recorded by the Town Clerk:
 - Any and all necessary state and federal permits for both lots.
 - A new deed each for the 30-acre parcel and the 100-acre parcel.
 - A mylar of the survey.

Signed:  chair
Jane Woodruff
date Sept 5, 2024

 clerk
Brett Ann Stanciu
date 9-5-2024

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.

