

Conditional Use Hearing  
Robert and Carol Calcagni  
101 Cheney Road  
September 26, 2024  
Reconvened October 7, 2024

*To consider a conditional use request by Robert and Carol Calcagni to convert an accessory structure into a remote bedroom at 101 Cheney Road.*

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

**Warnings** were posted on September 4, 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: Ian and Stacey Ambler; Stewart and Rebecca Arnold; Keith Doyle, on September 4, 2024.

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

**Development Review Board members absent:** None.

**Others present:** Robert and Carol Calcagni; Christine Armstrong.

**Correspondence from interested persons:**

Email from Stew and Becky Arnold, September 5, 2024, Exhibit #1

Email from Keith Doyle, September 6, 2024, Exhibit #2

Email from Stacey and Ian Ambler, September 18, 2024, Exhibit #3

**Summary of Discussion, September 26, 2024:**

Ms. Woodruff, chair, began the hearing at 7:05 p.m. She noted the Board will consider an application submitted by Bob and Carol Calcagni to convert an existing accessory structure to an accessory dwelling unit. The applicants have a pre-existing nonconforming cottage on the property. 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. Calcagni said the proposal is to convert an existing structure that had been on property since 1941. Originally a garage, the accessory structure had a dirt floor. In 1966, the family raised the structure, put footings under it, and made it into a storage garage. The proposal asks to convert the structure into additional living space, with a shower, bathroom, kitchenette, sitting and dining area. The property is part of the Cheney Road wastewater treatment facility, set among seven homes to move everyone's wastewater a distance from the lake, about 450 yards. The water system is town water, below frost line. When the wastewater replacement was built, the pumping system interfered with the garage's existing water, so the garage was removed from the water system. The current proposal plans to T off the existing town water system at the cottage. The structure will not be raised up. The visuals will remain the same from Cheney Road and Craftsbury Road. On the west side, the garage doors will be replaced with half-light doors, so furniture and boats can be stored there in the winter.

The purpose of this conversion is to allow the applicants' adult children and growing families to more fully and flexibly use the family property. There is no intent to rent the structure.

Regarding mitigation, Mr. Calcagni noted they are the overseers of water deflection troughs at the corner of Winnimere and Cheney, deflecting water into the woods. The applicants have added six rain gardens and maintain three sets of cedar shrubs that are designed to hold runoff from the lake. If additional mitigation is required, the Calcagnis would comply.

Questioning from the Board confirmed that the structure is 26' from the middle of Cheney Road; 138' from mean low water level; the southern setback is 72'; the northern setback is 2'. The square footage is 270SF. The northern property line was modified in 1941 to settle a neighbor's land dispute when the garage was placed on the neighbor's property. The Board confirmed stone is currently under the drip edge of the standing seam roof. The stone area will be increased on the east. The Board identified that the current wastewater permit will need to be amended to reflect an accessory dwelling unit, rather than a fourth bedroom.

Ms. Christine Armstrong requested the square footage of impervious and cleared area on the lot. Ms. Woodruff noted that data is not required for this application. Some discussion revolved around accessory dwelling units and wastewater permitting.

Because the wastewater issue was not identified to the Calcagnis prior to the hearing, the Board suspended its decision-making process to allow the Calcagnis to consider other options.

**The Board reconvened** on Monday, October 7, 2024, at the Town Hall, Collier Room, and via Zoom.

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

**Development Review Board members absent:** Galen Fisher (alternate).

**Others present:** Robert and Carol Calcagni; Rebecca and Stewart Arnold.

At 7:04 p.m., Ms. Woodruff, chair, noted the Board had reconvened to hear an amended application from Robert and Carol Calcagni. The original application proposed to convert an accessory structure to an accessory dwelling unit. The amendment proposes to convert the accessory structure to a remote fourth bedroom. The structure will contain a bedroom, a bathroom, and no kitchen.

Ms. Woodruff requested the clerk enter into evidence as Board Exhibit #1 an email chain from Ms. Stanciu to the Board, dated October 2, 2024, inquiring what dates are possible for this continued hearing. The important information is Ms. Stanciu's email regarding her conversation with the state's Agency of Natural Resources staff, Eric Deratzian, regarding a remote bedroom and bath as a permitted use. Ms. Woodruff requested the clerk to enter into evidence as Board Exhibit #2 an email chain dated September 27, 2024, between Ms. Stanciu, Eric Deratzian, and John Grenier, site engineer, explaining what is permitted on the Calcagni property. Ms. Woodruff noted the Calcagnis are still under oath. Ms. and Mr. Arnold were sworn in.

Mr. Calcagni said their original application requested a permit to convert the freestanding structure on their property to an accessory dwelling unit, with a bedroom, bathroom, and kitchen. The applicants withdrew that request and asked for a permit to convert this structure to a remote fourth bedroom, with a bathroom, no kitchenette. The purpose is the same as stated in the original application. This structure is not intended as a rental unit, but to accommodate the applicants' growing family. It is the applicants' understanding this request meets state wastewater requirements.

The Board had no questions. Ms. Woodruff noted Ms. and Mr. Arnold had emailed a letter in support of the original application. The Arnolds expressed support for the amended proposal.

At 7:12 p.m., Ms. Woodruff thanked the Calcagnis and the Arnolds for attending the reconvened hearing. The Board entered deliberative session at 7:13 p.m. The Board came back into public session to announce their decision at 7:25 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 remote bedroom will not have an adverse effect upon these elements.
- 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 remote bedroom 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 conversion 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 proposal.

##### *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 .3 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 pre-existing nonconforming structure meets one side setback. The structure is nonconforming regarding the north side setback, the road setback, and the lake setback.
- 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 remote fourth bedroom in this structure complements existing structures in the area.

5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. Residential living space 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 adversely affected by this proposal.

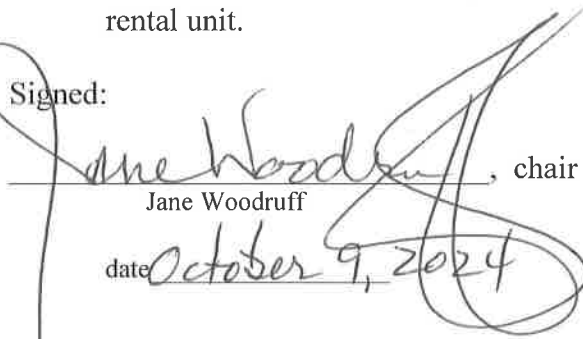
**Decision and Conditions:**

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 convert an accessory structure into a remote bedroom at 101 Cheney Road.

**Conditions:**

1. Any and all necessary state and federal permits must be in place before construction begins.
2. As a remote fourth bedroom, this structure will not be used as a separate freestanding rental unit.

Signed:

  
\_\_\_\_\_, chair  
Jane Woodruff

date October 9, 2024

  
\_\_\_\_\_, clerk  
Brett Ann Stanciu

date October 9, 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.