

Application for Conditional Use Permit for
Modification of
Existing Structures
in the
Shoreland Protection District

Property at:
101 Cheney Road
Greensboro, Vermont 05841

Owners:
Robert W & Carol H Calcagni Revocable Trust

Contacts;
(802) 533-2311
robertcalcagni@gmail.com

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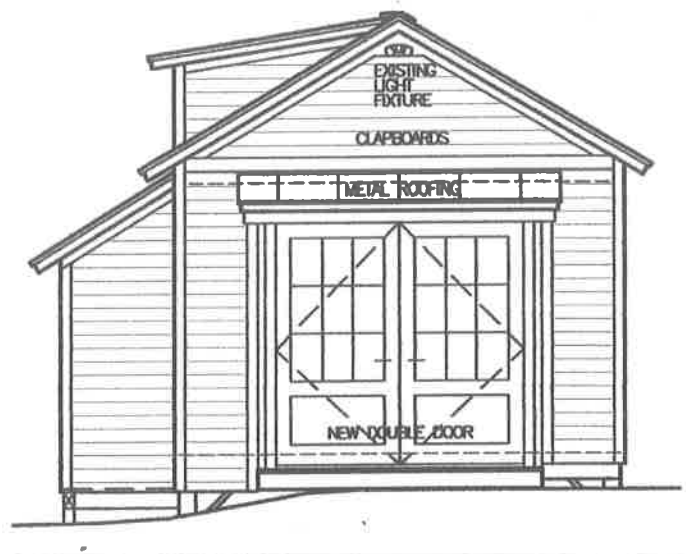
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1. Purpose of this Conditional Use Permit

The purpose of this Application for Conditional Use Permit is to build out an existing free standing structure on the property at 101 Cheney Road into a limited, part time living area. This additional live-in space is not intended for rental purpose, but rather as an attempt to accommodate our growing family which includes our daughter, Tiffin as well as our son, Tylan, his wife, Jen and our grandson, Calvin, along with another on the way.

The structure, originally a dirt floor garage, was converted to a storage shed, approximately 1966, with new wood foundation pilings and a wood floor. At that time our town water connection, which came through the garage, with an outside faucet was terminated at the garage. A new, dedicated line was installed below frost depth to supply the main house. This line was later improved with the replacement of the cottage in 2008. The dimension of the "garage" did not change when the 1966 maintenance update occurred. The building footprint is approximately 12'- 4" x 20'- 4" with an attached "woodshed" that is approximately 3'-1" x 16'- 7", making the entire structure roughly 15'-5" x 20'-4" outside measurement. If this application is approved, the planned build-out will not change the existing footprint. Additionally, the physical appearance of the structure, as viewed from Cheney Road, as well as the Craftsbury Road will not change.

The interior will be built to include a toilet and stall shower. A kitchenette with sink, bar sized refrigerator, induction cooktop, toaster, etc. There will be a room for a queen bed, a small sitting room, and dining table and two 3' x 3' closets. There is currently a loft that will be intended for storage, and does not meet current building code for human use purposes. The interior will be 1x6 v-match pine and vertical beadboard wainscoting where appropriate. The v-match will be varnished on the walls, and painted white on the overhead areas. Floor will be vertical grain spruce, or similar solid flooring.



2. History of the Cheney Cottage



The Cheney Cottage, now identified as 101 Cheney Road, was built around 1905. The four bedroom cottage, with 75' of lakefront was the first to be built on Cheney Road, which now identifies eight cottages.

The cottage and garage remained relatively similar until 1941, when the original garage was replaced with a smaller, more contemporary style. Unfortunately, the owner at the time had the new garage placed a bit more northerly than the original, apparently to accommodate a better view of the Perron barn. Subsequently, the error was discovered that approximately 2' of the new building was placed on the neighboring property. Through a negotiated agreement between the two property owners, a modified side property line was agreed to, allowing a "jut-out" line around the new garage. This accommodation was traded for 10' of shorefront deeded over to the abutting property. The change in the north property line was filed on August 11, 1941. The Cheney cottage property was reduced to include 65' of shorefront. Exhibit A shows the current property line.

In 1953, the Cheney cottage was purchased by Oscar and Hulda Calcagni, from George and Florence Lothar. Oscar Calcagni, MD, the family physician from Morrisville, Vermont at that time, purchased the cottage. In 1962, his brother Louis, my father, purchased the cottage from Dr. Calcagni's widow. In 1993, Carol & I purchased the cottage from my mom with life tenancy, to help her keep the property as taxes and expenses impacted her fixed retirement income.

In 2008, as extreme seasonal weather and well meaning but destructive maintenance took its toll, the cottage was torn down and replaced with a more permanent structure of similar size. The new structure was built with three bedrooms on the second floor, with the plan to build the fourth bedroom on the first floor as owner-aging needs evolved. Because of funding restraints, that fourth bedroom, taking part of the enclosed porch, was never completed.

In 2022, this cottage became part of the Cheney Road Wastewater treatment initiative, which built a seven cottage high-tec system that moved treated wastewater away from the lake. Our system, approved for four bedrooms, replaced a 1951 septic system.

We would like to modify our current outbuilding to become an Accessory Dwelling Unit (ADU), representing our fourth bedroom. Looking forward to when the Cheney Road property is taken over by our son and daughter, their respective families, this ADU will serve as quarters for one of the siblings, as the other takes advantage of the bigger cottage.

3.

APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE
FOR RECONSTRUCTION OR RELOCATION OF NONCONFORMING STRUCTURES
IN THE SHORELAND PROTECTION DISTRICT

TOWN OF GREENSBORO
PO Box 119, Greensboro, VT 05841
(802) 533-2640 Fax (802) 533-2191
zoning@greensborovt.org

FOR ADMINISTRATIVE USE ONLY

Application Number: 2024-033 Tax Map Number 23-20-10
Zoning District Shoreland Protection District
Date Application Received 8/29/2024 Fee Paid \$ _____
Reason for Seeking Conditional Use Permit or Variance:
nonconforming structure converted to ADU

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the *Town of Greensboro*.

Applicant(s):

Name(s): ROBERT W. CALCAGNI & CAROL H. CALCAGNI LIVING TRUST
Mailing Address: P.O. Box 227, GREENSBORO, VT 05841
Telephone(s) Home: 802-533-2311 Work: _____ Cell: 207-462-9970
E-Mail: ROBERTCALCAGNI@GMAIL.COM

Landowner(s) (if different from applicant(s)):

Name(s): _____
Mailing Address: _____
Telephone(s) Home: _____ Work: _____ Cell: _____
E-Mail: _____

Physical Location of Property (911 address):

101 CHENEY RD, GREENSBORO, VT 05841

Type of Permit:

Conditional Use Variance

Permits Which May Be Necessary:

State Septic & Potable Water Permits - required prior to approval _____

Pre-development Submission Requirements:

- An existing condition site assessment providing slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.
- A map drawn to scale showing the location, extent and type of proposed Development and land disturbance and its proximity to the Shoreland Buffer Resource Zone and Lake. The plan shall include consideration of low impact development concepts as recommended in the Vermont Low Impact Development Guide for Residential and Small Sites.
- An erosion and sediment control plan that incorporates accepted management practices as recommended by the state of Vermont is The Low Risk Site Handbook for Erosion Prevention and Sediment Control.

Property Description:

Acreage in lot ± 0.30 Acres

(Please Note: If your property is enrolled in the Current Use Program, your conditional use or variance application may impact your Current Use status. Please verify your status with Vermont Property Valuation and Review, Current Use Program at 802-828-6633).

Feet of Road Frontage 104'

Setbacks: Front 26' (to center of road)
Right side 2' NORTH
Lakeshore _____
Lot Width 85'
Other _____

Left Side 73' SOUTH
Rear 138'
Shoreline Frontage 65'
Lot Depth 148'

Dimensions of Proposed and Existing Buildings:

Existing:

Length 20' 4" No. of Stories 1
Width 15' 3"
Height 13' 7"

Proposed:

Length 20' 4" No. of Stories 1
Width 15' 3"
Height 13' 7"

Lakeshore District Properties, please indicate the total habitable floor area of the dwelling: 240 sqft
Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") STORAGE SHED

Proposed use and occupancy. (Write whether it will be seasonal or full year. If you decide to change the use of your property later you may need another permit.) SEASONAL FOURTH BEDROOM & WASTE WATER FACILITY, PLUS MINOR KITCHEN FACILITY

Sketch or attach a general plot plan showing the following:

1. Location of property. - APPENDIX II
2. Location of buildings on property. APPENDIX I-2
3. Location of driveway. APPENDIX I-1
4. Location of water source and septic/waste water system. APPENDIX II-1

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration. (This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

SEE APPENDIX V-2

If the property is sited within the buffer area of a major water body (within 75' of Caspian or Eligo Lakes, 50' of Horse & Mud Ponds, 100' of Long Pond, or 25' of any river or stream), please attach a landscape design plan for your project. Include types of plantings, landscape materials to be utilized and size and location of access paths. *New lawns shall not extend into the buffer.*

N/A

Mitigation Measures:

Mitigation is an action required of a shoreland property owner designed to compensate for shoreland buffer lost to impervious surfaces within the Shoreland Protection District.

In circumstances where nonconforming structures are permitted to be expanded or reconstructed within the Shoreland Buffer Resource Zone, the Development Review Board (DRB) shall require the shoreland property owner to create and adhere to an approved mitigation plan.

Measures which may be included in such a plan are as follows:

- **Buffer Restoration.** Returning mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation in order to restore the lakeshore buffer. **Must be part of the approved mitigation plan.**
- **Rain Gardens.**
- **Implementation of erosion and stormwater runoff controls.** Creating runoff capture and building infiltration structures to prevent stormwater runoff from reaching the lake.
- **Removal of nonconforming or obtrusive accessory structures** within the shoreland setback area.
- **Additional site specific requirements** can be determined by the Development Review Board before final plan approval, based on a review of site conditions and the need for any special buffer area protection or restoration measures.

Please provide the DRB with your proposed mitigation plan. Suggestions and descriptions of various mitigation measures are available from the Zoning Administrator or on-line at www.greensborovt.org/zoning.

Conditional Use Criteria:

At your DRB hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"The DRB shall make its findings on general and specific standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on the following:

1. The capacity of existing or planned community facilities; (e.g. schools, police and fire service, etc.);
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 (e.g. why your project is consistent with other uses in the area or how your project fits in with existing development);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question;
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
 - (a) No free standing internally lit signs shall be permitted
 - (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
5. Location on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered."

(Page 36 in the Greensboro Zoning By-Laws).

Variance Criteria:

"The DRB may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and findings are specified in its written decision.

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not:
 - a) Alter the essential character of the neighborhood or district in which the property is located;
 - b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - c) Reduce access to renewable energy resources;
 - d) Be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan." (Pages 37 & 38 of the Greensboro Zoning By-Laws).

At your DRB hearing, you will be asked to present your proposal. Please be prepared to explain why your project should be granted a variance.


Permission to Enter Property & Applicant Certification Signatures


Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

Construction may not be started until 15 days from the date of approval on this permit.

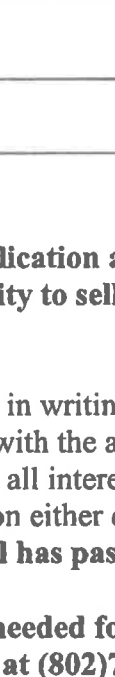
Signature of Applicant(s)  Date 8/29/2024

Signature of Landowner(s)  TRUSTEE Date 8/29/2024
(All landowners must sign)

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0130.

FOR ADMINISTRATIVE USE ONLY	
{ } Approved { } Denied	<input checked="" type="checkbox"/> Referred to the Development Review Board
Date <u>8/29/2024</u>	Signature <u></u>
Remarks and/or Conditions: _____	
Date of Approval or Denial by Development Review Board: _____	
Applicant/Landowner Received a Copy of the Applicable Building Energy Standards: _____ (Date)	
Applicant/Landowner Did NOT Need to Receive a Copy of the Applicable Building Energy Standards (Due to the fact that the structure will not be heated or cooled): _____ (Date)	

4. Site Plans

The modifications we are requesting are for the interior of an existing building. The building will effectively appear the same as it currently appears, and the location will remain the same.

A. Building Location

Appendix I provides a site plan for 101 Cheney Road with a free standing building, identified as "Outbuilding". This is the building we wish to modify to become an Accessory Dwelling Unit (ADU).

Appendix II provides a site plan for 101 Cheney Road, plus pertinent adjoining properties.

B. Other Buildings

Appendix I provides a site plan for 101 Cheney Road with a free standing building, identified as "GARAGE/OUTBUILDING". This is the building we wish to modify to become an Accessory Dwelling Unit (ADU).

C. Water Source

Appendix II identifies the access source for Greensboro town water (Ex. HYD).

D. Septic System

In 2022, this cottage became part of the Cheney Road Wastewater treatment initiative, which built a seven cottage high-tec system that moved treated wastewater away from the lake. The system serving 101 Cheney Road was built to serve four bedrooms. Appendix II shows the location of the dedicated collection tank and pumping station specific to 101 Cheney Road. Additionally, Appendix II shows the location of the aggregated pumping station as well as the aggregated leach field.

5. Setbacks

SETBACKS	REQUIRED BY ZONING	EXISTING STRUCTURE	PROPOSED	NOTES
FRONT (Cheney Road)	50'	26'	26'	● See Below
SIDE (North)	20'	2'	2'	
SIDE (South)	20'	73'	73'	
Back (Lake)	150'	138'	138'	

- Structure remains as existing, Conditional Use Permit is for repurposing use of structure.
- The 2' North side setback was a deeded 8/11/1941 accommodation between Imer and Wilder, abutters.

6. Location Relative to Caspian Lake

The building (GAR) is located on the property behind the primary cottage as related to the lakefront. The closest corner of this building is 138 feet from the mean low water level.

Appendix I shows the lot and associated structures.

7. Architectural Before and After Exterior Elevations Architectural Existing and Proposed Floor Plan

Appendix III (2 Pages) shows Existing Elevations - North & West, South & East

Appendix IV (2 Pages) shows Proposed Elevations - North & West, South & East

Appendix V (2 page) shows Existing & Proposed Floor Plan

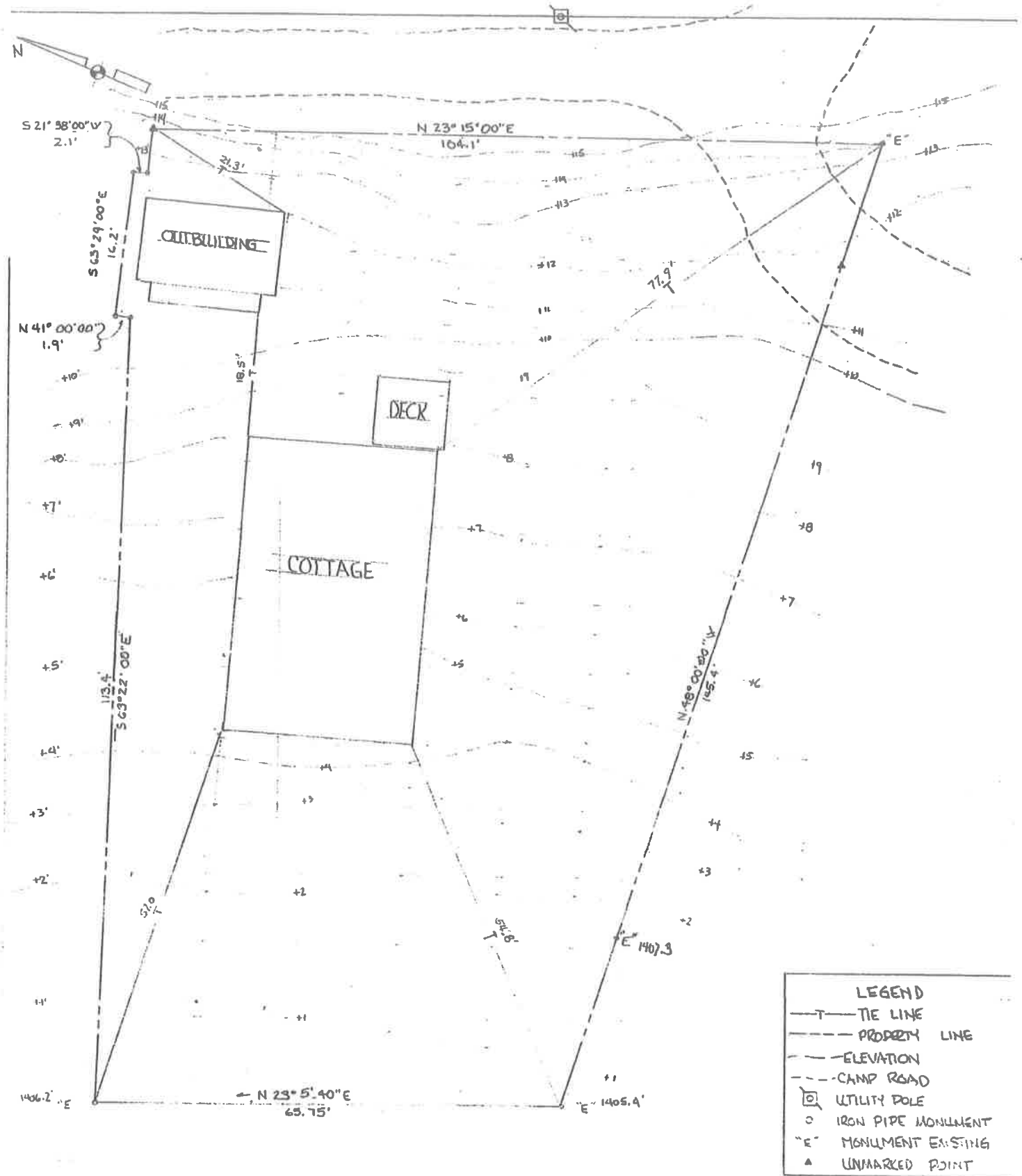
8. Statement of Mitigation Measures

It needs to be noted that this application is for the repurposing of an existing building. There will be no disruption of existing efforts we have made to maintain existing shoreline buffers needed to, in good faith, comply with the intent of the Shoreline Protection District.

Over the past four years, we have met with representatives of the Department of Environmental Conservation Lake Wise Program to develop strategies and to discuss efforts already initiated to determine if there are improvements that would better serve the mission of Lake Wise and The Shoreline Buffer Resource Zone. The following outlines the efforts made to mitigate rainwater runoff on our property at 101 Cheney Road:

- We have been instrumental in establishing drivable rainwater deflection bars on the south connector of Cheney Road. These angled deflector ditches have successfully diverted rainwater into the adjoining forest.
- We have dug and maintained a rainwater deflection ditch at the intersection of Cheney Road and North Winnimere Lane, to divert water into our wooded area on the south border of our property.
- We maintain 6 existing Rain Gardens that accept generous amounts of rain water and rainwater runoff flowing toward the lake.
- We have planted, maintained and expanded 3 cedar hedges designed to interfere with rainwater runoff and to bring the lakefront appearance back to a native state.
- We have built a necessary retention structure to prevent lake erosion, and to stabilize our shore. Further, we have maintained the retention structure as rain gardens to further present this man made structure in a lake-friendly manner.
- In combination with the necessary reconstruction of our lakefront structure after extensive damage caused by high water and lake ice, we rearranged the natural stone lakeshore in a manner that both protects the shorefront from seasonal damage, and reduces the visibility of our lakeshore structures.

We welcome any recommendation by the Development Review Board to help us build on the efforts we have initiated to improve the quality of our lake and grounds.



CASPIAN LAKE
ELEVATION 1399.6'

CALCAGNI COTTAGE
101 CHENEY ROAD
GREENSBORO, VT



N/F FAMILY
CONNELLY TRUST
DYNASTY TRUST
166 NORTH MINNERE ROAD

N/F DOYLE
161 NORTH MINNERE ROAD
0.2 ACRES

N/F
ROBERT CALCAON
101 CHERTY ROAD
0.3 ACRES

IAN & STACEY
AMBER
115 CHERTY ROAD
(0.28 ACRES) 4A

STEWART ARNOLD
REBECCA TRUST
179 CHERTY ROAD
(0.2 ACRES)
AFTER ADJUSTMENT

REBECCA ARNOLD
REBECCA TRUST
177 CHERTY ROAD
0.3 ACRES 4A

N/F
ANDREW & ANNE
194 CHERTY ROAD
0.5 ACRES

CASPARI LAKE

LOT B
REMAINING LANDS
2.6± ACRES
NOT FOR DEVELOPMENT
(SUBJECT TO NOTICE OF PERMIT REQUIREMENTS)

STEWART ARNOLD
REMAINING LANDS
2.6± ACRES
NOT FOR DEVELOPMENT
(SUBJECT TO NOTICE OF PERMIT REQUIREMENTS)
(see 1-25-01)

COUNTY DEEP BEDROCK
SPRING AND
SEE DETAIL SHEET FOR
LAYOUT

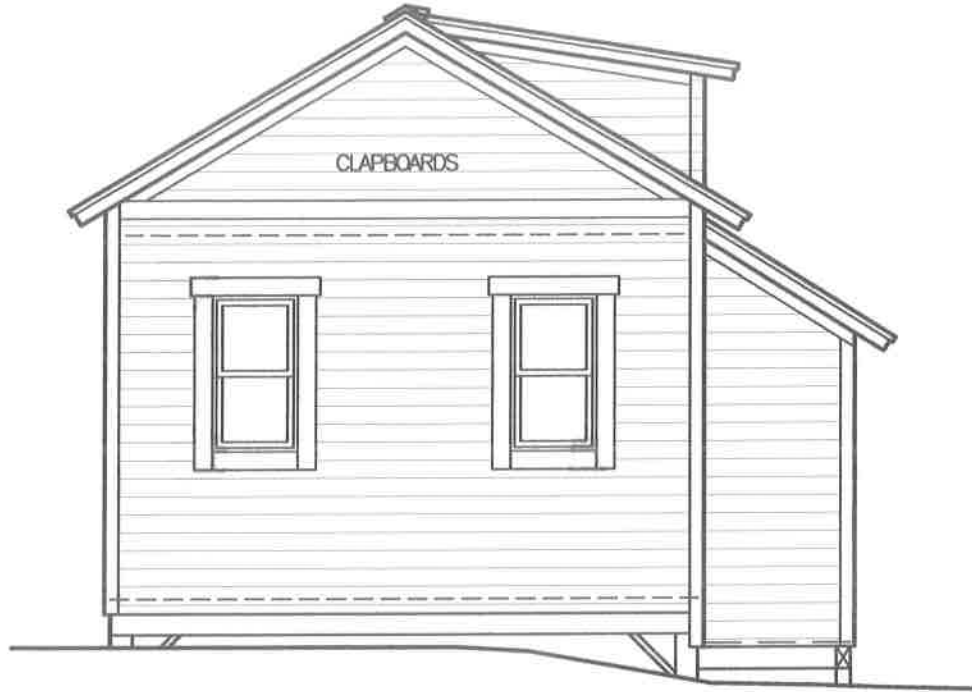
EAST CRANTSBURY ROAD

APPENDIX II-1

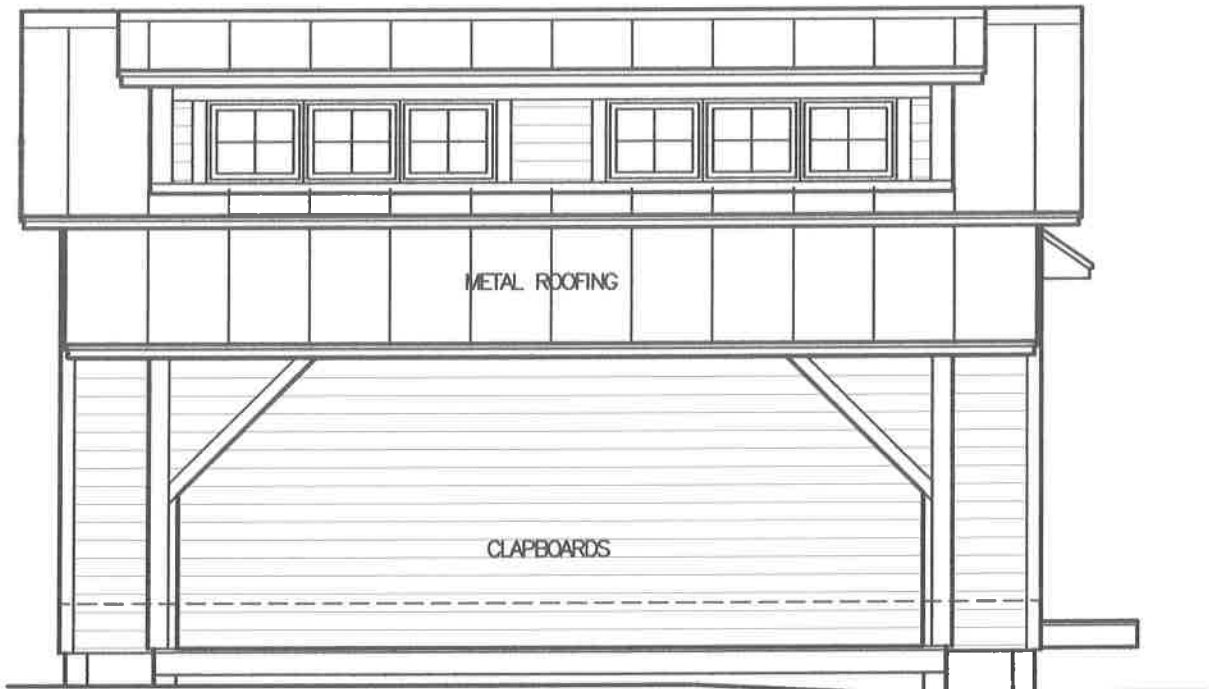


-LEGEND-

- PROPERT LINE
- E LINE
- EDGE OF LAKE - O
- UTILITY POLE
- HYDRANT
- IRON PIPE MONUM
- CONC. MON. WITH
- MONUMENT EXT
- MONUMENT SET
- UNMARKED MON



Existing North Elevation



Existing West Elevation

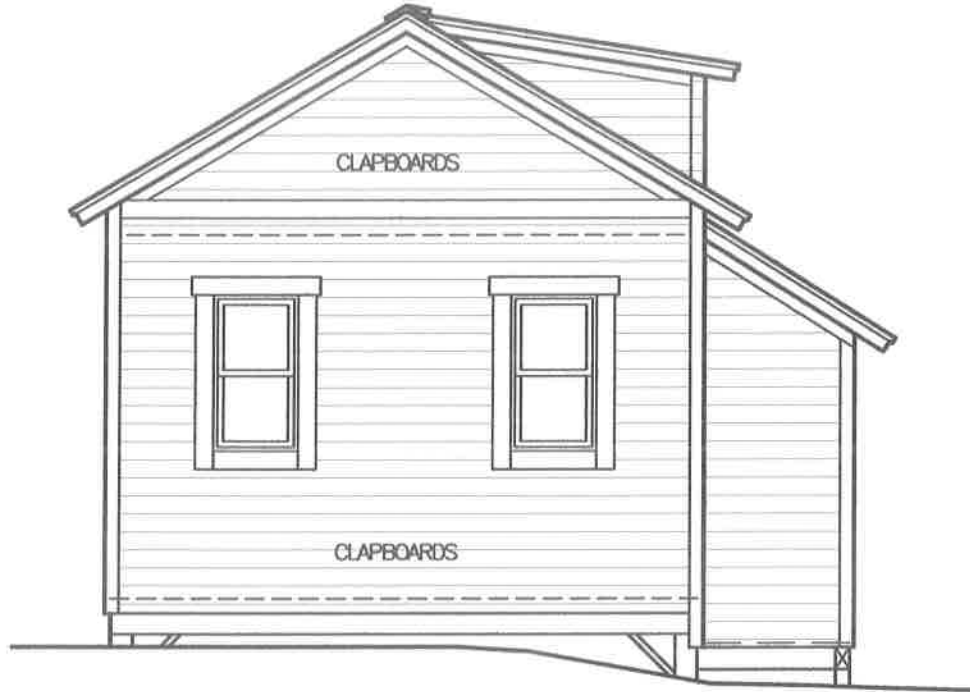
Calcagni Cottage

Scale: 1/4" = 1'-0" 8-7-24

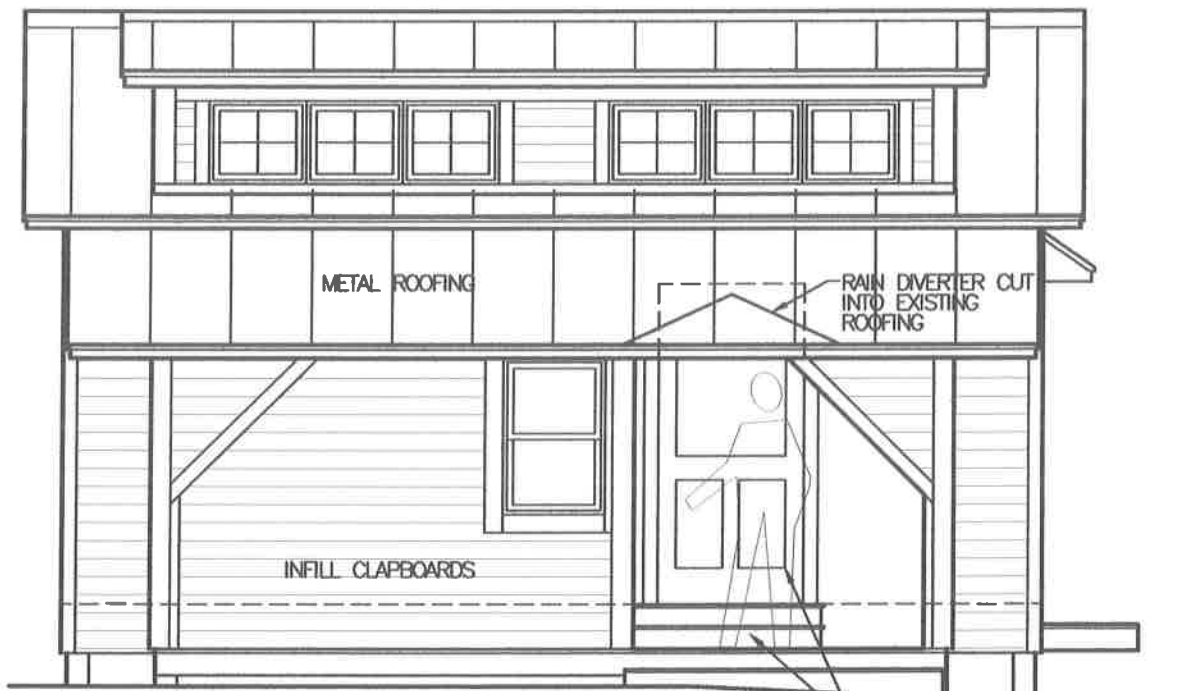
Vermont Architects Collaborative

3 Deer Run, Randolph, VT 05060

802-505-0109 vt.arch.col@gmail.com



Proposed North Elevation



Proposed West Elevation

NEW DOOR AND STEPS

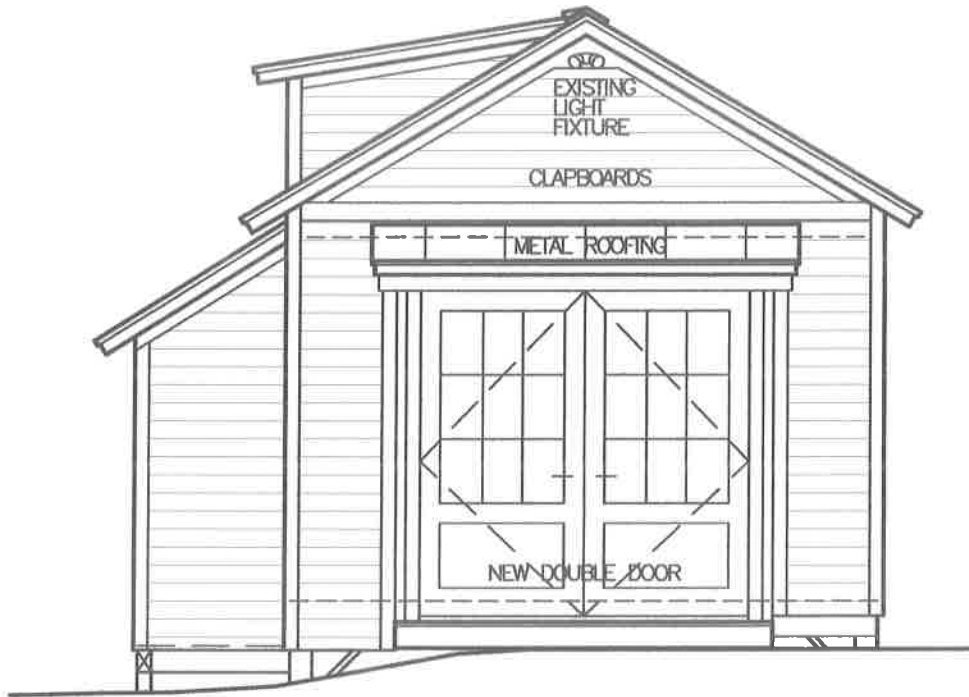
Calcagni Cottage

Scale: 1/4" = 1'-0" 8-7-24

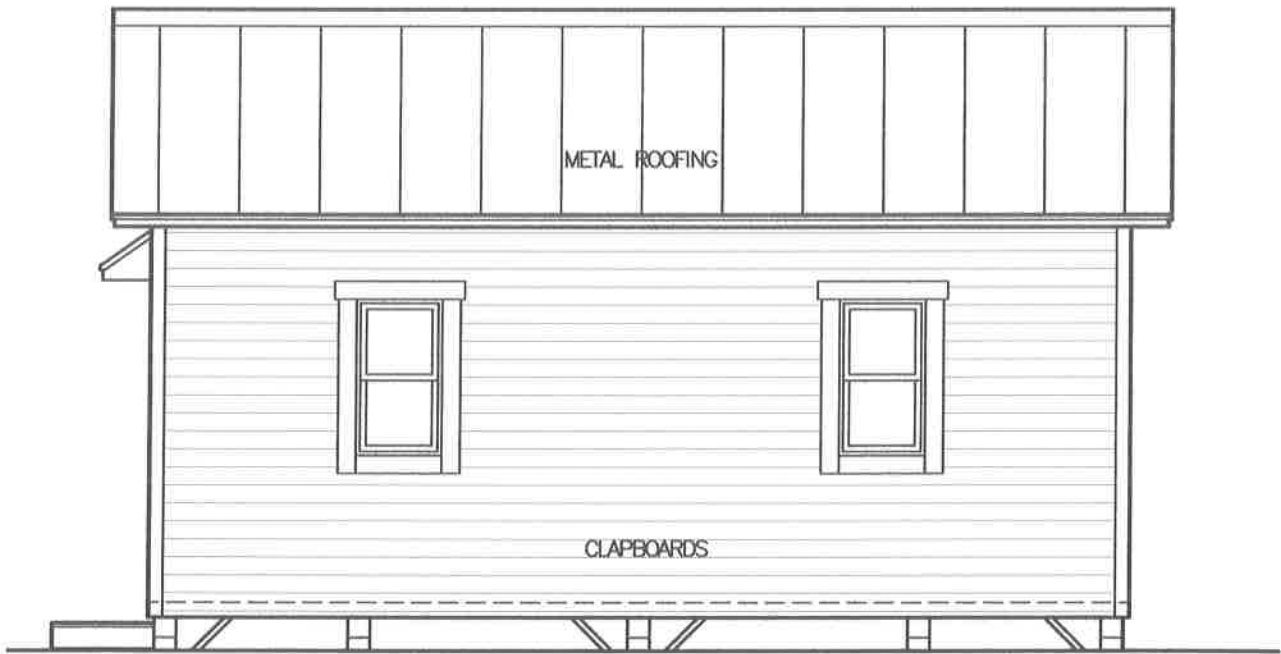
Vermont Architects Collaborative

3 Deer Run, Randolph, VT 05080

802-505-0109 vt.arch.coll@gmail.com



Proposed South Elevation



Proposed East Elevation

Calcagni Cottage

Scale: 1/4" = 1'-0" 8-7-24

Vermont Architects Collaborative

3 Deer Run, Randolph, VT 05080

802-505-0109 vt.arch.col@gmail.com

