

Conditional Use Hearing
Caspian Critters 4-H Club
October 23, 2024

To consider a conditional request by the Caspian Critters 4-H Club to construct a gazebo on the Village Green opposite Willey's Store.

This application comes before the Development Review Board after the Selectboard granted permission for the 4-H Club to use the town's property to construct a gazebo on the property.

The application requires a review under the following sections of the Greensboro Zoning Bylaw: 2.3 Greensboro Village District and 5.4 Conditional Uses.

Warnings were posted on October 2, 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: Chad Sims and Elsa Schultz; Nancy Riege; Janet Long, Janice Dinsdale, Willey's Store; Jerilyn Virden and Devin Burgess. It was published in the Hardwick Gazette on Wednesday, October 2, 2024. The hearing was held in the Greensboro Free Library and also conducted by electronic communication (ZOOM).

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

Development Review Board members absent: BJ Gray, Galen Fisher (alternate).

Others present: Heather Lumsden, Laura Hill and baby, Emma Rowell, Natalie Hill, Maia Young, Devin Burgess, Janet Long, Jan Terwiesch.

Correspondence from interested persons: None.

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

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:05 p.m. She noted she was not at the site visit, but she expects setbacks can be met. The application would then only require a conditional use permit as the lot does not meet minimum dimensional standards. Ms. Woodruff explained the procedure for quasi-judicial hearing, and asked the clerk to swear in all those who wished to speak at the hearing.

Ms. Rowell said the Caspian Critters 4-H Club proposed to build a gazebo in the village park. The proposed gazebo will be octagonal, 12' wide, with shingles, placed on cement blocks on a bed of stones, and with permanent benches. Ms. Young added that the funding for this project comes from an ARPA grant the 4-H Club applied for and received. Ms. Hill said the gazebo's proposed use is for community events, art performances, and social events in an outdoor setting. Kevin Rich will do the site work. Mike Lapierre will construct the gazebo.

Questioning from the Board confirmed the roof will be asphalt. Some discussion revolved around whether the benches might be designed to flip up, to provide more room. The Board confirmed the gazebo is not a kit; the photo in the application is only a representation. Ms. Rowell said Mr. Lapierre will construct a structure from scratch, on the site, similar to the photo. In response to further questions, Ms. Rowell said that additional events might include live music or Halloween events. The Board inquired if the Selectboard had addressed long-term maintenance when they gave approval. The Selectboard had not. The club will use stain and not paint to lessen upkeep. Ms. Rowell hoped volunteers would be able to assist with maintenance. Some discussion revolved around trash. Board members noted the green is currently well-used, and trash is not a problem. The Board confirmed that the 12' size was chosen on the basis of available funds. Mr. Smith expressed admiration for including a cupola.

Ms. Woodruff noted that the Town's ARPA committee awarded the club \$7,000. The applicants confirmed that Mr. Rich and Mr. Lapierre have agreed to uphold their original estimates; the club expects to have sufficient funds to finish the project. Some discussion revolved around the setbacks. Ms. Rowell agreed that a slight shifting will make this structure conforming to all setbacks.

Mr. Terwiesch expressed appreciation for the project. Ms. Long said she was hoping the green would remain free of additional clutter. The green currently has two picnic tables and three benches. She noted the proposed site will be in her view. Mr. Burgess said he was in favor of the project. He appreciated that the proposed gazebo would be made from wood and not plastic or vinyl. He complimented the club members on their research.

After a brief discussion about the larger gazebo in Craftsbury, Ms. Woodruff reminded the applicants that, should a permit be issued, it would only be for the proposed project. A brief discussion followed about ARPA funds. The Club agreed to return any unused ARPA funds to the Town.

Ms. Woodruff thanked the applicants. The hearing ended at 7:40 p.m. The Board entered deliberative session at 7:41 p.m. and came back into public session to announce their decision at 7:58 p.m.

Findings of Fact:

Based on the application and testimony, the Development Review Board makes the following findings:

§ 5.4 Conditional Uses

(B) Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on:

1. *The capacity of existing or planned community facilities;* The Board determined this is not applicable.

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 proposed gazebo will be compatible with the uses and structures in the Greensboro Village District.

3. *Traffic on roads and highways in the vicinity;* The Board determined the proposed gazebo will not have an adverse impact on traffic.

4. *Bylaw and ordinances then in effect; the proposed development shall comply with all applicable bylaws and ordinances in effect at the time of application.* The Board determined the proposed structure would be in compliance.

5. *Utilization of renewable energy resources.* The Board determined this is not applicable.

(C) 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.* This is a pre-existing lot of .3 acres.

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.* The Board determined that all setbacks of 50' to the center line of surrounding roadways shall be met.

3. *Exterior signs shall conform to the following in all districts:*

(a) No internally lit signs shall be permitted. The Board determined this is not applicable.

(b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located. The Board determined 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 Board noted the proposed location is compatible with village structures and uses.

5. *In each district, uses are given specific criteria. In all cases these criteria will be adhered to.* The Board determined the proposed gazebo use is suitable for the area.

6. *Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered.* The Board noted an adjacent landowner is concerned about clutter on the green. The Board considered her concerns and also considered that the application conforms with the requirements of 5.4 of the zoning bylaw.

7. *In the Shoreland Protection District, the DRB must find that the district's purposes will be protected through erosion controls, supplemental planting of native species, protection of existing vegetation, and/or other measures.* This is not applicable.

8. *In the Shoreland Protection District, the visual impact of man-made development shall be softened by existing vegetation or additional planting of natural vegetation to provide visual breaks to and filtered views of building facades when viewed from the lake or the shoreline during summer leaf-on conditions.* This is not applicable.

Decision:

Based upon these findings, the Development Review Board voted to approve the Caspian Critters 4-H Club request to construct a gazebo on the village green. The Board (7-0) determined that the standards for a conditional use permit were met.

Conditions:

1. Any and all necessary state and federal permits must be in place before construction begins.
2. The gazebo placement must conform with all 50' setbacks surrounding the green. Distance shall be measured from the middle of the surrounding roads and the adjacent parking lot.

Signed:

Jane Woodruff, chair
Jane Woodruff

Brett Stanciu, clerk
Brett Ann Stanciu

date

10/28/2024

date 10.28.2024

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.