

Conditional Use Permit for
Multifamily Dwellings in
Pre-Existing Nonconforming
Structures and Lot in the
Rural Lands District by **Isaac
Jacobs at 177 Highlander
Street**

April 23, 2025

To consider a request for a conditional use permit to convert an existing one-story ranch and a detached garage into multifamily dwelling units by Isaac Jacobs at 177 Highlander Street.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.5 Rural Lands District; 3.8 Nonconformities and 5.4 Conditional Uses. **Warnings** were posted on Thursday, April 3, 2025 at the Greensboro Post Office, the Greensboro Bend Post Office, the Willey's Store and the Greensboro Free Library. The warning was sent to the applicants and the following abutters and neighboring property owners: Steve and Christine Shatney, Laura Hodgdon, Annette Jones, Penny Jones, Shawn Mercier, Michael Clark and Liza Kiesler. The warning was published in the Hardwick Gazette on Wednesday, April 2, 2025.

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

Development Review Board members absent: Galen Fisher

Others present: Isaac Jacobs, Steve and Christine Shatney,

Peter Romans, Liza Kiesler, Nathan Day, Dale Glass, Melissa Bouchard, Thomas Greaves, Warren and Laura Hill, Warren Hill, Jr., and Becky and Greg Young.

Correspondence from interested persons: Email dated April 19, 2025 from Liza Kiesler

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

Summary of Discussion:

Mr. Smith, chair, began the hearing at 7:02 p.m. Mr. Smith explained the hearing's procedure and asked that anyone who wished to speak at the hearing be sworn in. Mr. Smith then asked Mr. Jacobs to describe what he wanted to do.

Mr. Jacobs stated that it was his intention to convert the two nonconforming structures at 177 Highlander St. into seven apartments. Three apartments would comprise the existing 1800 square foot residence and four apartments would be built in the 42 foot by 35 foot existing garage. He explained that parking for the potential occupants would be provided on the site; he presented a drawing of the site that indicated 15 parking spots. Eight of those spots were next to the garage and seven were closer to the house. With respect to waste water and potable water, Mr. Jacobs indicated that he received a permit for an in-ground septic system for the proposed 7 units. The well pumped two gallons per minute. The system had three electric pumps with no power backup. The three apartments in the existing house would be one-bedroom apartments. There would be two one-bedroom apartments and two two-bedroom apartments in what is now the detached garage. Conceivably, at maximum occupancy the seven apartments could house a minimum of eighteen people. This estimate is based upon two people per bedroom.

In response to questions from the Board, Mr. Jacobs indicated he planned to provide sound isolation between the units. He stated these units are not intended to be affordable housing units and the rents will be in the vicinity of \$900.00 per month range. He continued to state that the roofs were in pretty good shape and would remain in place - metal on the house and asphalt on the garage. He assured the Board that the proposed renovations would occur on the existing footprints and that the footprints would not be enlarged. When queried about outside lighting, Mr. Jacobs, answered that each unit would have an outside door light and there would be motion sensor lights in the parking areas for safety for the residents to get to their outside door.

The discussion was then opened up to members of the public to make statements on the project or to ask questions. There were two main themes from many of the people who live on Highlander Street. To begin with, they were concerned that seven apartments on a 2.4 acre lot would adversely affect the character of the area, namely, its rural lands nature. In addition, they were concerned that an influx of potentially eighteen people on that small lot was contrary to Section 2.5 of the Zoning By-law that states that the district is established to accommodate low density residential development. Specifically, they argued that the proposal for seven apartments was not low density development. In addition, some of the residents of the area raised concerns about the type of people such an apartment development would attract. They expressed concerns that the apartment dwellers would be transient and were concerned they would not fit in with their neighborhood which is a friendly neighborhood where they all help each other when they are in need. Others raised concerns over the increase in traffic on the dirt road. There is a farm immediately adjacent to the proposed site with animals and that resident raised concerns about any animals that might get into the road. Neighbors also expressed concerns about the safety of their own pets in the road with increased traffic. Safety concerns were also raised for

pedestrians and bicyclists with a substantial increase in motor vehicle traffic due to the influx of all the apartment dwellers.

FINDINGS OF FACT:

Based upon the application, building schematics, Waste Water and potable water permit and testimony adduced at the hearing, the Development Review Board makes the following findings of fact:

2.5 Rural Lands District

(A) Description. The Rural Lands District consists of land that is rural in character with residential uses, forestry, agricultural, Agribusiness, and other small businesses which facilitate the local food economy as the present primary uses. The Rural Lands District areas are generally served by town roads and are suitable for rural residential and Agribusiness development.

(B) Purpose. The Rural Lands District is established to accommodate low density residential development while preserving open space, and to encourage Agribusiness and other small businesses which facilitate the local food economy as well as productive agricultural and forest resources. When classified as affordable housing, clustered higher density development may be appropriate in this district.

One of the permitted uses in this district is a single-family dwelling and a conditional use is multiple family dwelling. A multiple family dwelling is defined as a building containing separate living quarters for three (3) or more families living independently of each other. Includes condominiums, apartments, and other forms of multiple family housing.

To be able to have multifamily dwelling in the Rural Lands District the application must be reviewed under the conditional use section of the Zoning By-law. As this application is for a multifamily dwelling, it is reviewed under Section 5.4.

The Board then went on to analyze this proposal pursuant to the standards in Section 5.4.

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;** *This standard is not affected by the application.*
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 development of these two existing structures into seven apartments unduly adversely affects the character of the area. See discussion below.*
3. **Traffic on roads and highways in the vicinity;** *The proposed development of these two existing structures into seven apartments unduly adversely affects traffic on roads and highways in the area. See discussion below.*
4. **Bylaw and ordinances then in effect;** *This standard does not apply in this instance.*
5. **Utilization of renewable energy resources.** *This standard is not applicable here.*

The Board found that the proposed development of this property into seven apartments with a potential for eighteen residents would have an adverse effect on general standards numbers two and three. Specifically, the majority found that the purpose of the Rural Lands District is to accommodate low density residential development. Given that the character of the immediate surrounding area is that of a farm and single-family dwellings on conforming lots, i.e., at least 10 acre lots, to allow such a high density development of seven apartments with a potential for 18 occupants on a 2.4 acre lot was not in keeping with the character of the area. In other words, the majority of the Board specifically found that this application was not low density residential development and thus, it would adversely impact the character of the area.

With respect to general standard three, with the influx of potentially eighteen people, all of whom could be adults with motor vehicles, the Board found that the traffic on the dirt road will substantially increase which will have not only an adverse impact on the infrastructure of the road itself, but it will substantially increase the noise in the area from the motor vehicles. In addition, increased traffic to the degree contemplated by this proposal will unduly adversely affect the safety of pedestrians, bicyclists and animals near the road.

C) Specific Standards:

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 non-conforming lot.*
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. *This is a pre-existing non-conforming lot.*

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

(a) No 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. *This specific standard does not apply to this application.*

4. Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected. *This is a pre-existing non-conforming lot with structures in place that cannot have their footprints enlarged.*

5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. *The application complies with this standard.*

6. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. *These factors were considered by the Board and are controlled by the decision rendered by the majority of the Board in the general standards which found that the character of the area and neighborhood would be unduly adversely affected by this proposal.*

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 standard is not applicable to this application.*

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 standard is not applicable to this application.*

(D) A multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected. *This paragraph is not applicable to this application as this application sought to construct seven apartments in the two existing structures. However, it is instructive for future potential requests for development.*

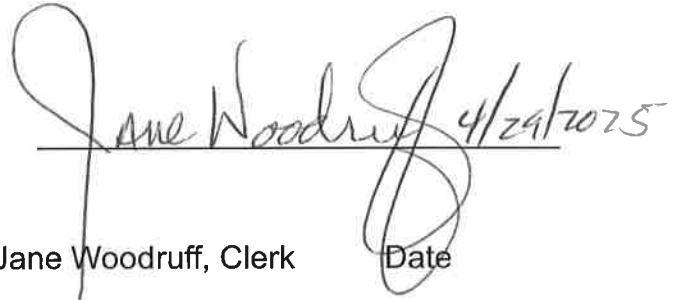
Decision:

The Development Review Board voted 5 to 2 to deny the conditional use permit for Isaac Jacobs to renovate the two structures on the lot at 177 Highlander Rd. into seven apartments. Those voting to deny the application were Nat Smith, Tim Brennan Mike Metcalf, Rob Brigham and Lise Armstrong. Those who voted in favor of the application were Wayne Young and BJ Gray.

Signed:

 Nat Smith 4/27/25

Nat Smith, Chair Date

 Jane Woodruff 4/29/2025

Jane Woodruff, Clerk Date

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.