

Conditional Use Hearing
Coe and Coe Architecture
151 Gunther Lane
January 29, 2024

To consider a conditional use request by Coe and Coe Architecture for a conditional use permit to raze and rebuild an accessory structure for Nicholas and Susanna Gunther at 151 Gunther Lane.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; 5.4 Conditional Uses; and 8.8 Nonconforming Uses and Structures Within the Shoreland Resource Zone.

Warnings were posted on January 10, 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: Potter and Ferber Trust; Zoe Carter and Joseph Guth; Lisa Carter, on January 10, 2024. It was published in the Hardwick Gazette on Wednesday, January 10, 2024.

The hearing was conducted by electronic communication (ZOOM).

Development Review Board members present: Jane Woodruff, Nat Smith, Wayne Young, BJ Gray, Tim Brennan, Mike Metcalf, Lise Armstrong (alternate), Joann LaCasse (alternate), Brett Stanciu (ex officio). MacNeil, recused himself and attended as a member of the public.

Development Review Board members absent: None.

Others present Zoom: James Coe, Susanna Gunther, Nicholas Gunther, Kent Hansen, Christine Armstrong, Janet Patterson.

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 7:02 p.m. She noted the Board will consider a request from the Gunthers to remove a pre-existing sleeping cabin and construct an office behind their existing cottage. Most Board members attended the site visit and have the benefit of seeing the staked site and the building proposed to be razed. Ms. Woodruff explained the process of the quasi-judicial hearing, noted the hearing is recorded for purposes of any appeal, and requested the clerk to swear in all participants who wished to make a statement or ask questions. She added that the Board will deliberate in executive session to determine if the application conforms to the Greensboro zoning bylaw.

Mr. Coe explained that the project proposes to remove an existing sleeping cabin and convert that square footage into office space. The applicants decided to relocate the proposed structure further back from the lake at approximately 55' from the shoreline. This reduces the building's nonconformity and allows the applicants to raise the height. The proposed office building will be tucked into the woods for privacy. Electricity will be included, but no plumbing. The structure will have a heat pump. The use is intended as a three-season adult office space. The structure

will match the existing buildings on the property. Exterior stairs are included for access. There is a balcony. The surrounding area will be restored to existing natural habitat. Noninvasive plants will be planted.

Mr. Gunther said he and Ms. Gunther are educators and private work spaces are a requirement. The applicants decided not to modify the existing cottage which has sentimental and historic value to the family. Ms. Gunther noted that satisfactory work space will enable her family to enjoy longer stays on the property. Mr. Gunther acknowledged the Gunthers have made repeat requests to the Board. The property has undergone no renovations for approximately 50 years. A finite set of renovation projects is planned.

Ms. Woodruff requested a verbal site map of the past, current, and proposed projects on the property. Mr. Gunther said the first project was to replace the garage with a more modern garage. The foundation and walls of the existing garage had been too compromised to salvage. Two pre-existing sleeping structures, with plumbing, were irredeemable. These structures had been removed and replaced with one sleeping cabin used primarily for guests. The only new structure is the boathouse. Mr. Coe added that the first and most significant alteration was replacing the septic system with a modern mound system. The final proposed project will be the hill house located on the top side of the lawn. This is an accessory dwelling unit on the northern property line that will be replaced. The Gunthers noted their preference would be to renovate that structure but believe that may not be possible. Ms. Woodruff noted that project is not currently under consideration. She thanked the Gunthers and Mr. Coe for the overview.

Board members thanked the applicants for the detailed materials and well-prepared presentation. The Board questioned if additional lawn would be added. Mr. Coe replied there will be naturalized areas and no new lawn. He noted there will be a garden strip between the forest and lawn. The proposed building's access will be through a wooded path from the lake house beneath the forest canopy. There will be no direct connection to the lawn or the lake. Ms. Lise Armstrong asked why the proposed building isn't located in the lawn. Mr. Coe answered that the original consideration was to replace the current structure in the same location. The Gunthers opted to move the structure back from the lake beyond the 50' mark and place it in a more discrete location. Mr. Gunther noted the property's well is in the lawn area. In addition, the north side of the property is wet and would require significant drainage work. Mr. Coe said the location was chosen as the most suitable, with the least amount of clearing. This section of forest has some downed trees, and clearing will be limited. Ms. Armstrong asked for clarification regarding the percentages of impervious area 9%, open 30%, and cover 61%. Mr. Coe calculated the percentages based on surveys and aerial photos and subtracted the boathouse. Some discussion revolved around cleared area. Ms. Armstrong noted she disagreed with Mr. Coe's calculations and asked about mitigation for the ADU rebuild. Mr. Coe and Mr. Gunther noted work is in process. Ms. Armstrong asked if machinery will be required to remove the existing structure. Mr. Coe replied yes. The main work will be carrying walls and roofs to a dumpster. Mr. Smith said he noted four trees at the site visit. Two were badly leaning. He clarified with Mr. Coe that the state standards will be met. Mr. Coe confirmed this.

Mr. MacNeil, as a member of the public, identified specific trees on the property that had fallen in December's storm. Mr. Coe agreed forests change.

Ms. Christine Armstrong asked for clarification regarding the cleared percentages. Mr. Coe replied that the calculation is based upon tracing the edge of the forest. The boathouse is subtracted from the forest.

Ms. Patterson asked for clarification regarding the existing building's footprint. Mr. Coe replied that is 218SF. The proposed building is 182SF, 13' by 14'. Ms. Patterson noted the proposed building has a larger impermeable surface with the porch, stairs, and roof overhang. Mr. Coe agreed and said the proposed roof area is 380SF. Ms. Patterson inquired if the building will fit in the trees. Mr. Coe noted the building may need to move northward by a foot or so. He noted this proposed structure is less nonconforming as it has been moved back from the lake. The zoning bylaw allows for the porch and does not regulate roof overhangs.

Mr. Gunther said the landscape where the existing structure is will be returned to a natural state. He acknowledged his family has requested repeat renovations and attributed this to the lack of renovation work for many decades. Ms. Gunther added the family greatly appreciates the forest and has left the forest intact except for the boathouse. The Gunthers' gardens have lessened the lawn space. The Gunthers and Mr. Coe thanked the Board for their time and consideration.

Ms. Woodruff thanked the applicants for their presentation. The hearing ended at 8:04 p.m. The Board entered into deliberative session at 8:05 p.m. and came back into public session to announce their decision at 8:40 p.m. Mr. MacNeil recused himself and was not present for deliberations.

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; *An accessory building will not impact these 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 proposed accessory structure is in keeping with character of the area.*
3. Traffic on roads and highways in the vicinity; *Traffic will not be impacted by this proposed project.*
4. Bylaw and ordinances then in effect; *An accessory building will not unduly affect either the bylaw or ordinances in effect.*
5. Utilization of renewable energy resources. *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 conforming lot of 1.8 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. *This proposed structure meets side and road setbacks. The proposed structure will become less nonconforming to the lake setback. The pre-existing structure is 23' from the lake. The proposed structure is 55'.*
3. Exterior signs shall conform to the following in all districts:
 - (a) No internally lit signs shall be permitted. *No signs are included.*
 - (b) All signs shall 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 Board determined this is a compatible structure.*
5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to. *No adverse criteria were identified.*
6. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered. *The proposed structure will not negatively affect these criteria.*

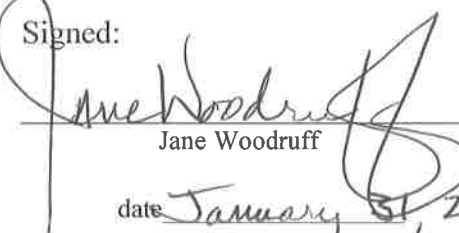
Decision and Conditions


Based upon these findings, the Development Review Board voted unanimously (8 – 0) to approve the application to raze a sleeping cabin and rebuild an office structure at 151 Gunther Lane. The Board 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 razed building's footprint shall be converted to natural groundcover in conformance with the Greensboro zoning bylaw. Natural groundcover definition is in the bylaw in 9.2 as: *"Any herbaceous plant, woody seedling or shrub less than three feet in height. Natural Ground Cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural Ground Cover shall not include lawns, landscaped areas, gardens, invasive species, exotic species, imported organic or stone mulches, or other artificial materials."*
3. Due to the increase in impervious surface, the applicants shall plant shrubs around the new office structure to cover at least 100SF. Impervious surface is defined in the Greensboro zoning bylaw in 9.2 as: *"A constructed hard surface that either prevents or*

retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to Development. Examples include roads, rooftops, out buildings, decks, paths, patios, parking areas, and concrete, or asphalt driveways."

Signed:  _____, chair
Jane Woodruff
date January 31, 2024

 _____, clerk
Brett Ann Stanciu
date 1.31.2024

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.

