



Shoreham Town Office

297 Main Street

Shoreham, Vermont 05770

802-897-5841

shorehamtown@shoreham.net

TOWN OF SHOREHAM ZONING BOARD OF ADJUSTMENT

Findings of Fact and Notice of Decision

Permit Application Nos. 18-03, 18-04
Application for Hearing No. 18-05
Property Owner: Tom and Carol Wells
Applicant: Tom and Carol Wells
Property Address: 2107 Lake Street
Parcel Number: 04-01-36
Subject: Conditional Use – Construction of a family camp with one principal residence and multiple cabins on a 20 acre parcel

INTRODUCTION AND EVIDENCE:

1. This proceeding involves review of an application for a conditional use review under the *Town of Shoreham Zoning Regulations*, dated August 26, 2014, (hereafter referred to as “Zoning Regulations”) for the subject property to provide for the following:
 - a) A 12’ x 20’ two-story cabin.
 - b) A 14’ x 26’ two story cabin.
2. The application for zoning permit was received at the Town Office on February 8, 2018. The application is on-file at the Town Office.
3. The application for hearing was received at the Town Office on March 5, 2018. The application is on-file at the Town Office.
4. Completed application was forwarded to the ZBA Chair on March 8, 2018, and forwarded to the ZBA members on March 9, 2018.
5. The request for a conditional use was considered by the ZBA at a hearing on May 10, 2018, warned in the *Addison Independent* on April 19, 2018. The ZBA reviewed the application under the Zoning Regulations.
6. Present at the hearing were the following members of the ZBA:

John Kiernan	Robin Conway
Linda Oaks	Bob Fisher
Brandon Streicher	Gail Wood

Also present:

Tom Wells, Applicant	Mac Thompson
Carol Wells, Applicant	Julie Thompson
7. At the outset of the hearing, the ZBA afforded an opportunity for persons wishing to achieve status as an interested person under *24 V.S.A. § 4465(b)* to demonstrate that the criteria set forth in that subsection are met. The ZBA granted interested person status to the following persons:

Mac Thompson (as adjoining landowner)
Julie Thompson (as adjoining landowner)
8. Board Chair requested disclosure of any conflicts of interest or ex-parte communications related to this application. None were revealed.
9. During the course of the hearing the following exhibits and testimony were submitted to the ZBA:

- a) A copy of materials submitted with the application including a project narrative in a letter dated February 6, 2018, an existing site plans dated January 18, 2017 with proposed locations of each structure, photo renderings of similar structures, a Shoreland Protection Permit effective September 13, 2017, List of Abutting Property Owners, State Wastewater System and Potable Water Supply Permit #WW-9-1855-1 dated November 22, 2017, the applications for Zoning Permits, and the Hearing Application.
 - b) A copy of materials submitted at the hearing, including floor plans and building elevations for a 12' x 20' Structure (denoted as #1) and a 14' x 26' structure (denoted as #2, or "Jordyn's Tiny House"). A third structure with 22' x 14' dimensions (denoted as #3) was provided for information, but is not part of the existing application.
 - c) Tom Wells provided an overview of the project, including the following points:
 - The property had an existing permit for a 3-lot subdivision with a shared wastewater system. They intend to abandon the subdivision and keep the property as one parcel, and have the property set up as a family trust, with no intention of converting the property to commercial use now or in the future.
 - Tom and Carol have received a zoning permit for constructing the primary structure on the property, which is intended to act as the main residence (referred to as the "Lodge" with a one bedroom living quarters within this structure. The structure will be approximately 3,000 square feet, and will provide for year-round occupancy.
 - Tom and Carol intend to construct up to 6 accessory structures (a.k.a. "cabins") on the property for family members. The ZBA did indicate that the hearing was only to review two accessory structures and the Wells would need to apply for a conditional use if additional structures are planned.
 - The cabins will have electric (off-grid) but will not be connected to the property's permitted water or wastewater systems.
 - The intent would be to provide parking in a central location near the Lodge.
10. Queries from Board and attendees:
- Wastewater Permit – Board members asked about the existing wastewater permit and how it was modified to accommodate the new plan. The existing wastewater permit was provided for a shared wastewater disposal system for the previous Lot Nos. 2 and 3, and the Wells intent to construct the wastewater system as originally designed. The revised permit reflects this.

FINDINGS OF FACT

Based on the application, testimony, exhibits, and other evidence the ZBA makes the following findings:

- 1) The subject property is in the Low Density Residential (LDR) District, and is considered a main residence with two accessory structures.
- 2) The proposed improvements will have no undue adverse effect on the following *General Standards* (§5.4):
 - *Capacity of Existing or Planned Community Facilities*
 - *The Character Of The Neighborhood, Area, Or District*
 - *The Utilization Of Renewable Energy Resources*
 - *Traffic On Roads And Highways In The Vicinity*
 - *Zoning Regulations and Ordinances Currently In Effect*— the Project meets all required set-backs for the district where located
- 3) The proposed plan will have no undue adverse effect on the following *Specific Standards* (§5.5):
 - *Traffic And Pedestrian Circulation*
 - *Outdoor Storage And Display*
 - *Water And Wastewater*
 - *Lighting*
 - *Natural And Cultural Resources*
 - *Noxious Odors Or Emissions*
 - *Noise Levels*
 - *Municipal Services and Public Safety*

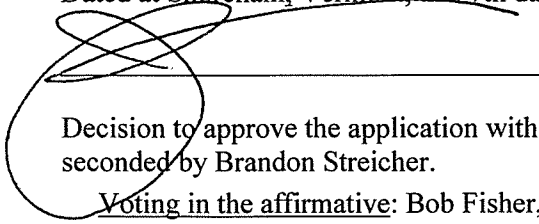
DECISION

Based upon these findings, the conditional use to construct two accessory structures is hereby APPROVED by the ZBA, with the following conditions:

- 1) The accessory structures shall not be connected to the property's water and wastewater systems.
- 2) The height of all structures shall be no more than 35 feet in height.

- 3) The applicant shall construct at least 1 pull-off area (minimum of 10' x 50') along the access road to provide safe access for emergency vehicles, per Zoning Regulations, Section 3.2 (F).

Dated at Shoreham, Vermont, this 7th day of June, 2018.



John Kiernan, Chair

Decision to approve the application with referenced conditions was motioned by Bob Fisher, seconded by Brandon Streicher.

Voting in the affirmative: Bob Fisher, Brandon Streicher, Linda Oaks, John Kiernan, Robin Conway, Gail Wood

Voting in the negative: None

Abstaining: None

Absent: Jim Ortuno

APPEAL

Pursuant to *Title 24 V.S.A. §4471* and *§4472*, an interested person who has participated in the review of this application may appeal this decision by filing a Notice of Appeal directly to the Environmental Division of the Vermont Superior Court, 2418 Airport Road, Barre, VT 05641, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of this Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.

Note:

No construction may begin until the 30-day Appeal Period has expired. The applicant is encouraged to seek a building/use permit from the ZA within 15 days of the issuing of this Decision so that the Permit Appeal Period expires in conjunction with this Decision's Appeal Period, thus eliminating additional delay.