

TABLE 2.6 SHORELAND DISTRICT (SHR)

(A) Purpose. The purposes of the Shoreland District are: (1) to protect the scenic beauty, environmental qualities and recreational opportunities of Lake Champlain and its shoreline, as viewed from both the lakeshore and the water (2) to minimize runoff pollution and maintain bank stability by maintaining a vegetated buffer within 100 feet of the shoreline, and (3) to allow residential and limited commercial development that is consistent with these aims and is compatible with the rural character of the town as expressed in the *Charlottesville Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section 4.7]
4. Home Occupation I [see Section 4.11]

(C) Permitted Uses

1. Accessory Structure/Uses (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Dwelling/Accessory w/ one bedroom [see Section 4.2]
4. Dwelling/Seasonal
5. Dwelling/Single Family
6. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
7. Home Occupation II [see Section 4.11]

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area: 5 acres  
 Minimum Density: 5 acres/dwelling unit or use  
 Minimum Frontage/Road: 300 feet (along ROW)  
 Minimum Frontage/Shore: 300 feet (at MHW\*)  
 Minimum Setback/Front: 50 feet (from ROW)  
 Minimum Setback/Side: 50 feet  
 Minimum Setback/Rear: 50 feet  
 Minimum Setback/Lakeshore:  
 Structures: 150 feet (from MHW\*)  
 Septic Systems: 150 feet (from MHW\*)

(F) District Standards:

- (1) See Section 3.15(G) Lakeshore Buffers for restrictions on cutting vegetation, dredging, draining and filling.
- (2) Municipal facilities allowed within this district are limited to municipally owned and/or operated outdoor recreational facilities (parks, beaches, lake access, other outdoor facilities and associated accessory structures), and municipal water and wastewater treatment systems.
- (3) Public facilities allowed within this district (other than municipal facilities) are limited to publicly owned and/or operated outdoor recreational or environmental facilities (park, beach, outdoor recreation, boat and fishing access, wildlife management areas, and associated accessory structures); water safety and rescue facilities; and public or community water and wastewater treatment systems.
- (4) Temporary docks which are wooden or metal, used only for noncommercial purposes, are mounted on piles or floats, and removed at the end of each season do not require a zoning permit if the total (combined)

TABLE 2.6 SHORELAND DISTRICT, CONTINUED

length of all docks under single ownership does not exceed 50 feet (from Mean High Water), and the total (combined) area of all docks, including deck areas, does not exceed 500 square feet.

No concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction may form any part of the dock. Other types of docks shall be considered shoreline improvements.

- (5) Marinas and yacht clubs may be allowed only within town-designated Mooring Management Areas if and when mooring management plans have been adopted by the Selectboard. Due to the extent of existing development, fragile environmental conditions, and ferry facilities at McNeil Cove, no additional marinas, boat yards, or associated facilities shall be located at McNeil Cove.
  - (6) Shoreline improvements are exempt from shoreline setback requirements, but shall be sited and designed to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features; shall minimize surface runoff; channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoining shoreland areas.
  - (7) Parking areas, with the exception of handicapped parking, shall be set back at least 150 feet from the shoreline, must be screened as viewed from the lake, and must not create unsafe traffic conditions in the area.
  - (8) Fuel storage tanks, except as used in marina and ferry facilities, agricultural operations, or as required for residential or commercial heating and cooking, shall not exceed 20 gallons in volume.
  - (9) For uses in this district subject to conditional use review under Section 5.4, the Board of Adjustment shall also find that:
    - (a) the proposed use will not cause unsafe or unsanitary conditions on land or on the water;
    - (b) the proposed use will not result in accelerated erosion, sedimentation or water pollution;
    - (c) the proposed use will not adversely impact wildlife habitat areas;
    - (d) the proposed use will not interfere with existing public lake access, or scenic views of the lake as designated in the town plan; and
    - (e) visual impacts, as viewed from the lake and from adjoining properties, are minimized.
- The Board of Adjustment may require for approval the submission of erosion control and/or shoreland management plan, prepared by a qualified professional, which identifies potential adverse environmental or visual impacts and associated mitigation measures. Such measures may be incorporated as a condition of approval.
- (10) Planned residential and planned unit developments are allowed within this district, and may be required by the Planning Commission in accordance with Section 8.2. PRD and PUD review and approval under Chapter VIII, however, shall not allow for any reduction in the minimum shoreland frontage required for this district, nor for any increase in the overall development density of a parcel within this district (e.g., through the application of density bonuses or transfers).
  - (11) For the Cedar Beach Association parcel, there shall be a setback of 50 feet between structures.

driveways serving less than three lots. See also Road, Driveway.

**Road/ Public:** A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways.

**Roof and/or Building Mount Telecommunications Facility:** A telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state.

**Scenic View:** A scenic view is a view from a publicly accessible location which may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or public path. A scenic view may be to a faraway object, such as a mountain, or a nearby object. Many scenic views of particular importance in Charlotte are noted in the *Charlotte Town Plan*.

**School:** A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters (see Section 4.15). See also Public Facility.

**Self Storage Facility:** A multi-unit storage facility that provides separate storage spaces for rent.

**Setback:** The horizontal distance from a road (see below), lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest part of a structure (as defined herein) or, where applicable, a wastewater system (including leach field and septic tank) located on the premises. In the case of a public highway, the setback distance shall be measured from the limit of the highway right-of-way or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, the distance shall be measured from the edge of the road right-of-way. In the case of a driveway, no front setback to structures is required or created.

**Shoreline:** The mean high water mark. For Lake Champlain this is considered 98 feet above mean sea level.

**Shoreline Improvement:** Physical improvements located at or above the mean high water mark within the shoreline area which are intended to provide access to public waters or to prevent shoreline erosion, including permanent docks, stairways and fishing piers; boat hoists, boat houses, launches and ramps; manmade or improved beach areas; and retaining walls or other permanent stabilization measures. See also Ferry Facility, Marina, Shoreline.

**Shoreland Management Plan:** A document establishing a legal agreement between a property owner and the town which identifies features of high public value within the Shoreland, Shoreland Seasonal Home Management, or Conservation Districts, and indicates allowed and prohibited uses for the purpose of protecting these features.

**Sign:** Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

**Silviculture:** See Forestry.

- (6) Unlit, non-advertising informational signs which do not exceed three (3) square feet in area, for the direction, instruction, or convenience of the public (e.g., that identify restrooms, public telephones, freight entrances, vacancies, or are related to posted areas, trespassing, hunting or trail markers).
- (5) Gasoline stations, in addition to the sign allowed for businesses under Subsection (C), are allowed to have either one (1) pricing sign which does not exceed 12 feet in area, and pump-top pricing signs, each not to exceed two (2) square feet in area;

### Section 3.14 Steep Slopes

(A) **Steep Slopes.** Development impacting an area of 200 square feet or greater which has a slope with an existing grade equal to or in excess of 15% (prior to any site improvement, excavation or blasting), or which results in such slopes over such an area, if not being reviewed as a subdivision or Planned Residential or Unit Development under the provisions of Chapters 6, 7 and 8, shall be subject to conditional use review by the Board of Adjustment under Section 5.4 and the following provisions:

- (1) The site development plan submitted under Section 5.2 shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a professional licensed by the state, that covers all phases of development (site preparation, construction, post construction).
- (2) Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to:
  - (a) prevent runoff, erosion, slumps, and other down slope movements of material, and
  - (b) to minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.
- (3) Development, including road and utility corridors, on slopes equal to or in excess of 15% shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

(B) **Very Steep Slopes.** Development is specifically prohibited on slopes equal to or in excess of 25%, with the exception of stairways to the shoreline within the Shoreland District and the Shoreland Seasonal Home Management District, which are subject to conditional use review under Section 5.4

### Section 3.15 Surface Waters & Wetlands

(A) **Setbacks from Streams.** To prevent surface runoff and accelerated soil erosion, and to protect water quality and wildlife habitat, all structures and wastewater disposal systems (septic tanks, leach fields) and other impervious surfaces shall be set back a minimum of 100 feet from all named streams, and a minimum of 50 feet from all unnamed streams as depicted on the zoning map or as identified through field investigation, and as measured horizontally from the top of the nearest stream bank. Where the standards of this section differ from other applicable standards under the Flood Hazard Hazard Area Overlay District, the more restrictive shall apply. In addition, all structures and wastewater disposal systems shall be set back a minimum of 150 feet from the top of the nearest stream bank of the following:

- (1) The tributary of the LaPlante River which originates near the intersection of Bingham Brook Road and Spear Street Extension and flows generally north through a large wetland adjacent to the microwave tower east of the Spear Street Extension.

- (2) The stream which originates in a wetland parallel to and west of Bean Road, flows into and out of a wetland near the intersection of Bean Road and Prindle Road, and then generally south to its intersection with Lewis Creek.
- (B) **Encroachments.** The expansion or enlargement of any structure that is legally in existence prior to the effective date of these regulations within required stream setback areas shall be subject to review as a nonconforming structure under Section 3.8 and applicable overlay district requirements in addition to the standards set forth in this section. The expansion or enlargement of existing structures within designated flood hazard areas is also subject to flood hazard area review under Section 5.6.
- (C) **Stream-bank Buffers.** In order to protect water quality and riparian habitat, and to prevent surface runoff and accelerated soil erosion, stream-bank buffers of 25 feet (minimum) are required, within which vegetation shall be maintained and fertilizers and pesticides should be avoided.
- (D) **Modification of Stream Setbacks & Buffers.** For development subject to subdivision, site plan, or conditional use review, the Planning Commission or Board of Adjustment may require increased setback and buffer distances, limited or shared access to surface waters, a buffer management plan and/or other mitigation or enhancement measures to protect water quality and riparian habitat. A geomorphic assessment, prepared by a qualified professional or geomorphologist approved by the town, may be required to determine appropriate stream setback and buffering requirements.
- (E) **Delineation of Wetland Boundaries.** Upon receipt of an application for subdivision or land development within 50 feet of a potentially significant wetland, as informed by the National Wetland Inventory (NWI) map, the Vermont Significant Wetland Inventory (VSWI) map, and Charlotte's wetland planning map entitled "Wetlands of Charlotte Vermont", all as most recently amended, the Zoning Administrator, Planning Commission or Board of Adjustment may require the applicant to provide a delineation of wetland boundaries within an area bounded by the rearer of either 200 feet from any proposed site improvements or the property line, unless the adjoining property-owner allows delineation on his/her property, in which case the delineation shall extend the full 200 feet regardless of property line. Such delineation shall be performed by a qualified professional in accordance with accepted federal and state methodologies to determine the wetland classification, and whether or not the wetland is significant and warrants protection.
- (F) **Wetland Permits.** In order to protect water quality and wetland functions, land development in or near a classified wetland or buffer may require a permit from the Army Corps of Engineers or the State of Vermont Agency of Natural Resources.
  - (G) **Lakeshore Buffers.** A vegetated buffer zone shall be maintained within 100 feet of the shoreline of Lake Champlain in order to minimize runoff and pollution, and to maintain bank stability and environmental quality. Within 100 feet of the shoreline, the following shall apply:
    - (1) There shall be no cutting or removal of trees or shrubs except with administrative review and approval by the Zoning Administrator; such review will determine whether the proposed cutting or removal is in conformance with any approved wildlife habitat plan or shoreland management plan.
    - (2) Limited pruning of branches of trees and shrubs is allowed to maintain cleared openings or views legally in existence as of the effective date of these regulations. Such openings or views shall not be enlarged except as allowed herein.
    - (3) Nothing in this section shall prohibit the cutting and removal of storm-damaged, diseased or dead trees which pose a hazard as determined by the Zoning Administrator.
    - (4) There shall be no dredging, draining or filling of land along the shoreline, or in wetland areas, and no cutting or removal of wetland vegetation shall be permitted, except in conformance with a shoreland management plan approved by the Board of Adjustment.

**(C) Public Notice.**

- (1) In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.4), appeals and variances (Sections 9.6 and 9.7), and preliminary and final subdivision approval (Sections 6.4 and 6.5). Any notice for a public hearing required under these proceedings shall be given at least 15 days prior to the date of the hearing by *all* of the following:
  - (a) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town;
  - (b) posting of the same information in three (3) or more public places within the town in conformance with the requirements of state statute [1 V.S.A. §312(c)(2)], including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;
  - (c) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public or private rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the proceeding is a prerequisite to the right to take any subsequent appeal;
  - (d) for hearings required in association with the review of subdivision plats located within 500 feet of a municipal boundary, to the clerk of the adjoining municipality; and
- (2) Public notice of all other types of quasi-judicial proceedings, including site plan review hearings under Section 5.5, shall be given not less than seven (7) days prior to the date of the public hearing, and at minimum shall include the following:
  - (a) Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statutes [1 V.S.A. §312 (c)(2)], and
  - (b) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public or private rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the proceeding is a prerequisite to the right to take any subsequent appeal.
- (3) The applicant shall be required to bear the cost of the public warning and the cost and responsibility of notifying adjoining property owners. The applicant shall be required to demonstrate proof of delivery to adjoining property owners either by certified mail, return receipt requested, or by notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
- (4) In accordance with the Act [§4464(a)(5)], no defect in the form or substance of a notice under Subsections (C)(1) or (C)(2) shall invalidate an action of the Board of Adjustment or Planning Commission where reasonable efforts have been made to provide adequate posting and notice. An action will be invalid when the defective posting or notice was materially misleading in content.

# ZONING BOARD OF ADJUSTMENT - APPLICATION

TOWN OF CHARLOTTE

Office Use Only #ZBA- \_\_\_\_\_

Planning & Zoning

Date Received: 11/6/14

P.O. Box 119

159 Ferry Road

Note: Decisions of the Zoning Board of Adjustment may be appealed to the Vermont Environmental Court within 30 days of the date of the Board's written decision. Zoning Permits will not be issued so as to become effective prior to the end of that appeal period.

Charlotte, VT 05445

Phone: 802-425-3533

Fax: 802-425-4241

E-Mail: Gloria@townofcharlotte.com

Hearing Date: NOV 06 2014  
CHARLOTTE PLANNING & ZONING

Receipt # 2468

Application Fee \$250 500.00

Appeal Fee \$500

Telecommunications Facilities Fee \$2,000

## \*APPLICANT/REPRESENTATIVE (if different from owner)

Name PETER DEMICK Name \_\_\_\_\_

Address 350 PALMER LANE Address \_\_\_\_\_

CHARLOTTE, VT 05445

Phone 802-425-6488 Phone \_\_\_\_\_

\*Representative must submit a letter from the owner of the property authorizing him/her to represent them for permits, hearings, etc.

Map 42 Block 50 Lot 52 Parcel ID # 00025-0556 Thompsons Point Lot # \_\_\_\_\_

Property address 556 FLAT ROCK RD.

Zoning District SSHM Lot size 55m Lot frontage 125' % of Lot coverage (building) 6 (overall) \_\_\_\_\_ Building height 21'

Existing front yard setback 31' Existing side yard setbacks 1. 50' 2. 16' Existing rear yard setback 70'

This application references Zoning Bylaw section(s) 5.4 - Conditional Use Review 2

Plot Plan (a plot plan must be submitted showing the lot, existing structures and setbacks, easements, right-of-ways on or abutting the lot, septic primary and replacement areas, well, streams and any other information significant to this application) Submittals no larger than 11" x 17". All measurements must be accurate.

Use attached sheet to list all abutting property owners. Include those across any street, private road or right-of-way.

Applicant will be required to notify adjoining property owners, by certified mail or certificate of service, after a hearing date has been set.

Submit (1) original and (5) copies of complete application.

Application is for: (please check all that apply)

Conditional Use: \_\_\_ Variance: \_\_\_ Thompson's Point Seasonal Dist:  Appeal: \_\_\_ Other: describe) \_\_\_\_\_

Describe your request: (When appropriate, make reference to attached documents, letters, photographs, etc.)

INSTALLATION OF APX 32" HIGH MORTARED PANTON STONE WALL, 30' LONG, CONNECTING EXISTING WALL TO LEDGE ON FAR SIDE TO PROVIDE FLAT AREA FOR KAYAK, BOAT RESTING AREA.

APPLICATION MUST BE RECEIVED AT LEAST 23 DAYS PRIOR TO THE HEARING DATE.

BE SURE TO COMPLETE ALL SECTIONS OF THE NECESSARY FORMS AND ATTACHMENTS. ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED.

Signature of applicant(s) Peter Demick Date 11/6/14

Information available from Town Lister and Tax Map.

<p>Name _____ Address _____ 148 ASPEN CIRCLE</p> <p>Parcel # Map 42 SHELburnE, UT Block 50 05482 Lot 51</p>	<p>Name _____ Address _____ 256 S MOUNTAIN AVE MONTCLAIR, NJ. 07042</p> <p>Parcel # Map 42 Block 50 Lot 63 534 PLAT ROCK</p>
<p>Name _____ Address _____ 272 PIERSON DR SHELburnE, UT 05482</p> <p>Parcel # Map 42 Block 50 Lot 53</p>	<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>
<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>	<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>
<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>	<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>
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<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>	<p>Name _____ Address _____</p> <p>Parcel # Map _____ Block _____ Lot _____</p>

**TABLE 5.1 DEVELOPMENT REVIEW APPLICATION MATERIALS**

Required Information (unless waived)	Conditional Use Review	Applicant's checklist
1. Names, addresses of property owner(s) of record and persons preparing the application	✓	
2. Names, addresses of the owner(s) of record of adjoining and facing properties; proof of notification	✓	
3. Project description [maximum one page summary]	✓	
4. Site location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels	✓	
5. Legal deeds, decisions, and all recorded plats relative to the property/application	✓	
6. Town data overlay map (provided by the town) with a sketch of the project footprint(s)	✓	
7. Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect and/or other person(s) approved by the Board or Commission, showing as applicable:	✓	
a. Date, scale, north arrow, title block, preparer information	✓	
b. Legal property boundaries	✓	
c. Zoning district boundaries (inc. designated flood hazard areas)	✓	
d. Required setbacks and designated building envelope, if any	✓	
e. Site features and vegetation in the vicinity of the project: prime agricultural soils, active agricultural areas, surface waters, wetlands, shorelines and associated setback and buffer areas, critical wildlife habitat areas, prominent ridgelines and hill tops, steep slopes (15% to 25%, 25%+); structures (e.g., buildings, walls, fence lines, signs), including known historic sites and structures; existing parking, loading and service areas, roads and driveways, utility corridors, water supply and wastewater system locations; rights-of-way and easements.	✓	
f. Proposed structures (footprints); land use; roads, driveways, and pedestrian walkways; parking, loading and service areas; utility corridors; water supply and wastewater system locations; rights-of-way and easements	✓	
g. Proposed site grading and drainage	✓	
h. Proposed landscaping, screening, lighting and signage	✓	
i. Channel, floodway and base elevations		
8. Photographs of the site	✓	
9. Preliminary architectural elevations (for new structures, additions)		
10. Draft legal documents (e.g., proposed easements, improvement or maintenance agreements)	✓	
11. Construction schedule, including the sequence and timing of proposed site development and related improvements	✓	
12. The following information, as applicable for a particular use or zoning district, or as requested by the Board or Commission to determine conformance with these regulations:		
a. Landscaping plan (including landscaping material specifications)	✓	
b. Lighting plan (including lighting fixture specifications)	✓	
c. Shoreland management plan	✓	
d. Stormwater management and erosion control plan	✓	
e. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)	✓	
f. Environmental impact analysis (analysis of potential environmental impacts, proposed mitigation measures)	✓	
g. Visual impact analysis (analysis of potential visual impacts, proposed mitigation measures)	✓	
h. FEMA Elevation Certificate		
i. FEMA Floodproofing Certificate [nonresidential buildings]		
j. Hydraulic analysis [for development located within the floodway]		
k. Description of any proposed watercourse alterations or relocations		

## Section 5.4 Conditional Use Review

(A) **Applicability.** Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) **Review Process.** Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46<sup>th</sup> day.

(C) **General Standards.** In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

(1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

*NO IMPACT FOUND*

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(2) **Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

*BEAUTIFICATION OF SMALL EDGE AREA WITH A GREAT  
LOOKING SMALL WALL. TOTALLY FITS THE CHARACTER AND  
CAN HARDLY BE SEEN*

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(3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.

*WALL WILL LIKELY ONLY SEE MINIMAL PRIVATE FOOT TRAFFIC*

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- (4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

PROJECT ONLY NEEDS REGISTRATION WITH THE

STATE AS IT IS LESS THAN 100 FEET FT. MAX 90 FF.

- (5) **The use of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability on the subject parcel, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

NO IMPACT

(D) **Specific Review Standards.** In addition to general standards under subsection 5.4(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

- (1) **Conformance with the Town Plan.** Whether applications conform to policies and objectives of the *Charlotte Town Plan*, and do not adversely affect significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.

THE WALL FITS INTO THE TOWN PLAN

- (2) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.

THE WALL INCREASES THE BEAUTY OF THE SURROUNDING AREA.

MAY MAKE SOME OTHER WALLS NEARBY LOOK NOT AS GOOD!

- (3) **Performance Standards.** The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.13, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

**Section 3.12 Performance Standards**

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

- (1) **noise in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/Light Industrial District, noise in excess of 75 decibels;**
- (2) **clearly apparent vibration which, when transmitted through the ground, is discernable at property lines without the aid of instruments;**
- (3) **smoke, dust, noxious gases, or other forms of air pollution which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;**
- (4) **releases of heat, cold, moisture, mist, fog or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;**
- (5) **electromagnetic disturbances or electronic transmissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).**
- (6) **glare, lumen, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;**
- (7) **liquid or solid waste or refuse which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or**
- (8) **undue fire, safety, explosive, radioactive emission or other hazard which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.**

**Section 3.13 Sign Requirements**

(A) **Applicability.** No signs of a fixed or permanent nature shall be allowed in any zoning district except as specifically provided herein.

(B) **Submission.** A permit is not required for a sign, however the following information shall be submitted to the Zoning Administrator in advance of construction:

- (1) A plot plan (does not need to be survey) showing the proposed location of sign with distances to property lines, structures, rights-of-way and setbacks.

**Section 3.12 Performance Standards**

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

- (1) noise in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/ Light Industrial District, noise in excess of 75 decibels;

THERE IS NO NOISE ISSUE. MIXER IS ELECTRIC.  
STONE BROUGHT TO SHORELINE IN SKIDSTEER.

- (2) clearly apparent vibration which, when transmitted through the ground, is discernable at property lines without the aid of instruments;

NO VIBRATION NEEDED OR WANTED.

- (3) smoke, dust, noxious gases, or other forms of air pollution which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;

NOTHING TO OFFEND ANYONE.

- (4) releases of heat, cold, moisture, mist, fog or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;

HEAT KEPT WITHIN CONFINES OF BLANKET. NO  
THREAT TO PUBLIC SAFETY.

- (5) **electromagnetic disturbances or electronic transmissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).**

APESIDES THE TALKING ROCKS, THERE IS NO  
DISTURBANCE AT ALL.

- (6) **glare, lumen, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;**

LOW LUSTER PANTON STONE FROM VIRGIN ROCKPINE  
TYPE 5 LIGHT GRAY MORTAR.

- (7) **liquid or solid waste or refuse which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or**

NONE

- (8) **undue fire, safety, explosive, radioactive emission or other hazard which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.**

NONE

**Section 3.15 [section (G) on page 35] worksheet**

**(G) Lakeshore Buffers.** A vegetated buffer zone shall be maintained within 100 feet of the shoreline of Lake Champlain in order to minimize runoff and pollution, and to maintain bank stability and environmental quality. Within 100 feet of the shoreline, the following shall apply:

(1) There shall be no cutting or removal of trees or shrubs except with administrative review and approval by the Zoning Administrator; such review will determine whether the proposed cutting or removal is in conformance with any approved wildlife habitat plan or shoreland management plan.

\_\_\_\_\_  
*THERE IS NO CUTTING OR PRUNING, IN FACT,  
CURVING IN BACK OF SMALL EEM TREE TO SAVE IT!*  
\_\_\_\_\_

(2) Limited pruning of branches of trees and shrubs is allowed to maintain cleared openings or views legally in existence as of the effective date of these regulations. Such openings or views shall not be enlarged except as allowed herein.

\_\_\_\_\_  
*NONE*  
\_\_\_\_\_

(3) Nothing in this section shall prohibit the cutting and removal of storm-damaged, diseased or dead trees which pose a hazard as determined by the Zoning Administrator.

\_\_\_\_\_  
*NOTHING CUT*  
\_\_\_\_\_

(4) There shall be no dredging, draining or filling of land along the shoreline, or in wetland areas, and no cutting or removal of wetland vegetation shall be permitted, except in conformance with a shoreland management plan approved by the Board of Adjustment.

\_\_\_\_\_  
*O.K.*  
\_\_\_\_\_

- Inbox (1)
- Drafts (11)
- Sent
- Spam
- Trash (43)
- > Folders
- > Recent

Wall permit

Douglas Mariboe

Today at 10:18 AM

To me

To whom it may concern, I give permission to Peter Demick to represent me in the permit process for the lakefront stone wall project at 556 Flat Rock Road property (Lots 103, 102).

Thank you for taking care of this matter.

Regards, Doug Mariboe Nov. 7, 2014

--

\* P \*

Doug Mariboe
Communications Associate/Sports Information
Peddie School
201 South Main Street
Hightstown, NJ 08520-3349
Office 609.944.7612, Cell 609.915.7133



Villa Cicolina

Book now

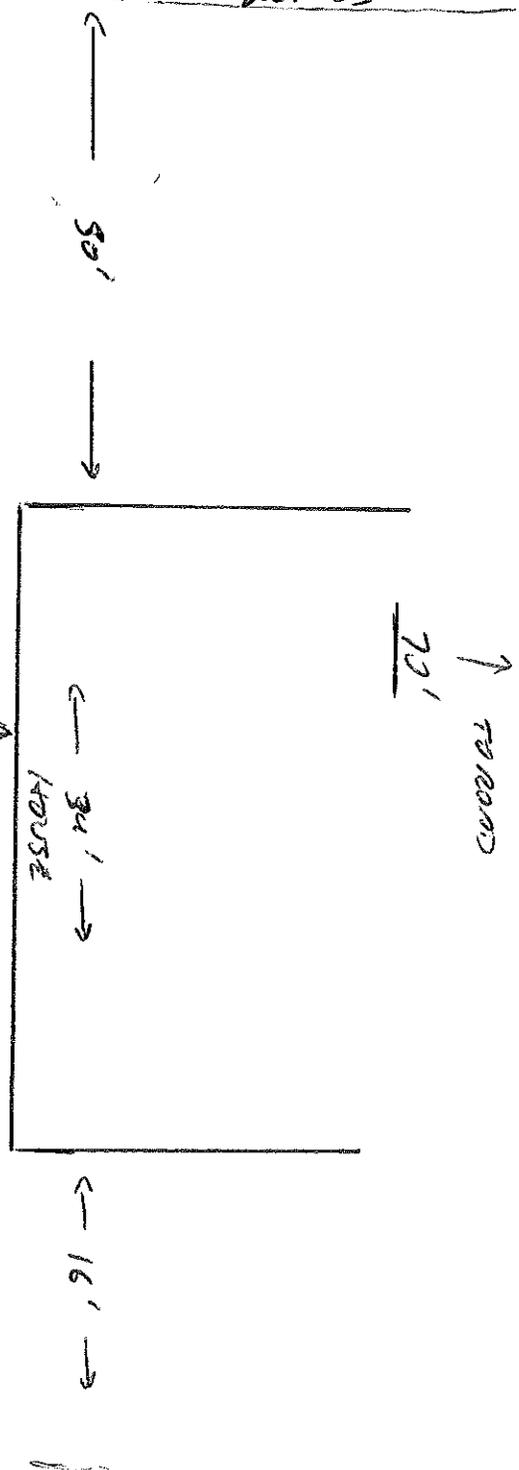
Palazzo Carletti

Book now

Meublè Evoè

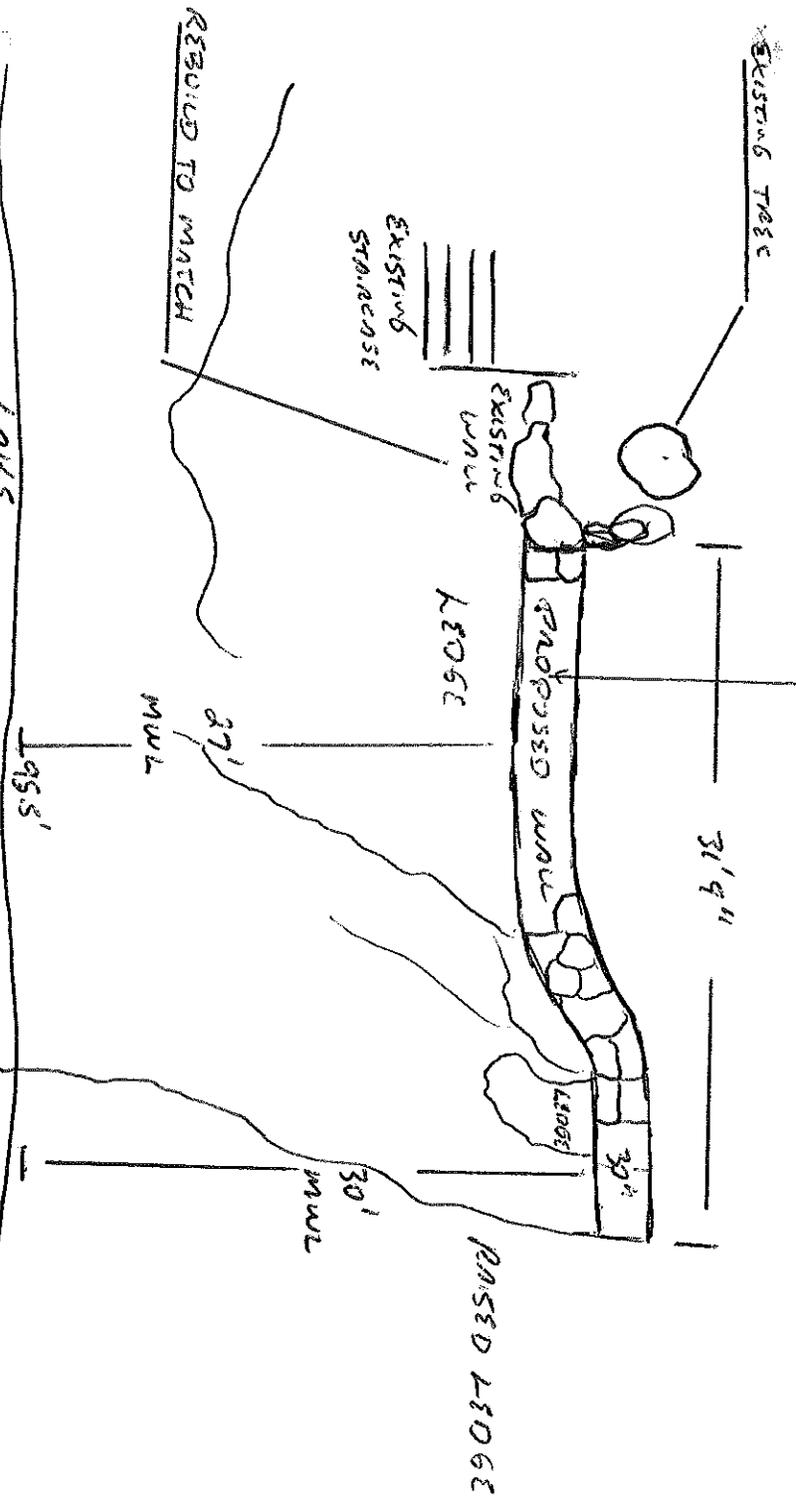
Book now

Reply, Reply All or Forward | More



LOT 51

31' TO FRONT OF WALL



WARRIOR RESIDENCE  
 THOMPSON PT.  
 LOT # 52  
 UT WARRIORS + STONE  
 PRESERVATION LTD  
 BUILDER  
 11/5/14



DEMO WALL TO SNOW LAYOUT

IMMIBOU  
THOMPSONS POINT  
UT WALKWAYS



WARRISON

DEMO WALL TO SNOW LAYOUT.

UP WALKWAYS



TOP OF  
WALL

VIEW FROM SHORELINE MARLBOROUGH RESIDENCE UT WALKWAYS

# SKETCH/AREA TABLE ADDENDUM

Parcel No 00025-0556

SUBJECT

Property Address 556 Flat Rock Road

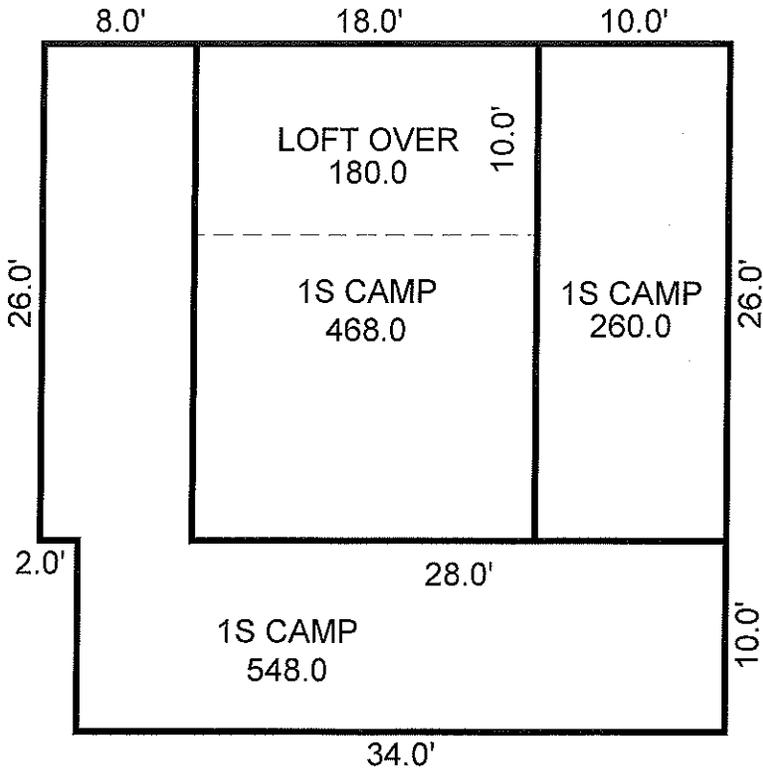
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Owner \_\_\_\_\_

Client \_\_\_\_\_

Appraiser Name \_\_\_\_\_

IMPROVEMENTS SKETCH



AREA CALCULATIONS

### AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	1S CAMP	1.00	260.0	72.0	
	1S CAMP	1.00	468.0	88.0	
	LOFT OVER	1.00	180.0	56.0	
	1S CAMP	1.00	548.0	144.0	1456.0
Net LIVABLE Area (Rounded w/ Factors)					1456


## TOWN OF CHARLOTTE THOMPSON'S POINT LEASE

THIS LEASE AGREEMENT made this 4<sup>th</sup> day of April, 1997 by and between the TOWN OF CHARLOTTE (hereinafter referred to as the "Lessor") and Douglas Mariboe (hereinafter referred to as "Lessee").

In consideration of the mutual covenants and agreements herein contained, Lessor does lease to Lessee Lot(s) No(s) 103<sup>4</sup> & 102 as depicted on a plan entitled "Thompson's Point Survey Map" dated February, 1932, by H.M. McIntosh, which map is on file in the Charlotte Town Clerk's office.

1. **TERM.** This Lease shall commence on the 1st day of January, 1998 and shall continue for a term of twenty (20) years. This lease shall end the last day of December, 2017, unless sooner terminated as herein provided.

## 2. RENTAL

a. Lessee shall pay Lessor an annual rental based on the following formula: (Annual Combined Tax Rate for Town and School District x 105%) x (Fair Market Value of leased Premises as determined in accordance with subsection (b)).

b. The "fair market value" of the leased premises as of January 1, 1989 for purposes of computing the annual rental is \$ 118,000. This fair market value may be redetermined by Lessor during the term of this lease. Such redetermination shall not occur more frequently than every fifth year. Provided Lessor shall determine the fair market value of the leased premises on the basis of accepted appraisal practices, Lessee shall have no right to challenge any redetermination under this lease.

c. The Annual Combined Tax Rate for the Town and School District used to establish annual rental shall be the annual combined tax rate established for the fiscal year (July 1 through June 30) that ends during the year for which the rent is due. (Example: For the lease year that runs from January 1, 1997 through December 31, 1997, the annual combined tax rate shall be the rate established for the fiscal year that runs from July 1, 1996 through June 30, 1997.)

d. Lessor shall notify Lessee of the annual rent due under this lease on or before February 1st of each year and Lessee shall pay such rent to the Charlotte Town Clerk on or before March 1st. If rent is not paid on or before March 1st, interest at a rate of 1 1/2% per month (18% per annum) shall be paid in addition to the rent.

## 3. USE

a. Lessee shall use and occupy the leased premises for seasonal residential purposes only.

during the period of April (+/-) 15th through November (+/-) 15th each year. Lessee shall not use, nor allow anyone else to use the leased premises for any other purpose, including without limitation the conduct of any business, or occupancy on a year round basis.

b. Lessee agrees to maintain the leased premises and any improvements constructed thereon in a safe, orderly and habitable condition.

c. Lessee shall use the leased premises in a reasonable manner and shall not allow disorderly conduct, loud or disturbing noise, or activities which interfere with the use and enjoyment of neighboring properties to occur on the leased premises.

d. Lessee shall not cut or remove any tree having a trunk diameter of two inches or greater, measured at one foot above ground level, without Lessor's prior approval.

e. Lessee shall not dump or discharge or permit dumping or discharging of any substance into the waters of Lake Champlain or onto other lands owned by Lessor.

## 4. CONSTRUCTION OF IMPROVEMENTS

a. Lessee may, at Lessee's sole expense, construct and maintain on the leased premises a structure to be used for seasonal residential purposes.

b. In the event improvements on the leased premises are destroyed by fire, storm or any other unforeseen and involuntary occurrence, Lessee shall have the right to rebuild and/or restore such improvements providing that the footprint and height of the newly constructed improvements do not exceed those which existed prior to such destruction.

c. Such construction or reconstruction of improvements shall be in compliance with all applicable state and local laws regulations including, but not limited to, any zoning regulations in effect in the Town of Charlotte.

5. **WATER SUPPLY.** By acceptance of this Lease, Lessee expressly accepts full responsibility for the provision of water to the leased premises and agrees to bear all expense associated with

60 A (c)

(107)

50'

50'

50'

(106)

100'

49

.56 AC. (c)

(105)

T.P. ROAD

100'

50

.34 AC. (c)

(104)

ROAD

100'

51

.34 AC. (c)

(103)

STAMP (103)

100'

LOT SIZE 23 958 sq. ft.

ROCK FLAT

100'

52

.55 AC. (c)

(102)

150'

FLAT

100'

140'

(101)

67.7'

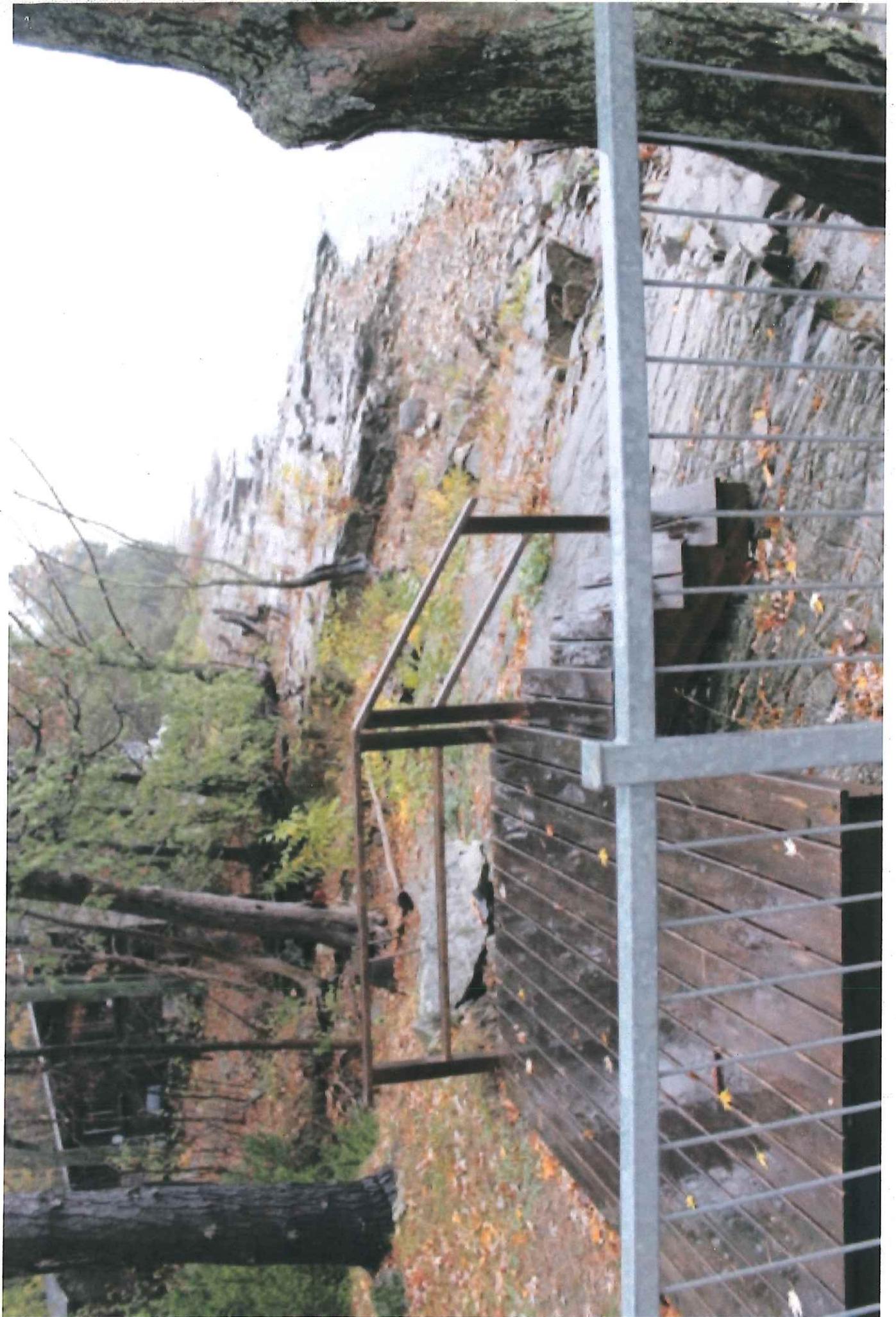
ACROSS TO LEDGE  
TO MAKE FLAT  
AREA FOR KAYAKS  
& CANOES



REF. TREE

STARTING  
AT FALLING  
DOWN OLD  
WALL SECTION

MARIBOW RESIDENCE  
FLAT ROCK RD.



PETER DEMICK 923 6488 298-3831



Fallen old  
wall section  
pile of stones

BASE 100.2 AT THE LOWEST

WALL CARRIES BACK TO DECK / SIX FALLEN STONE!



**Zoning Board of Adjustment**

**Garner - Conditional Use Review**

**ZBA- 14-10**

**Scheduled for December 4, 2014**

**General information:**

Applicant	Peter Demick ( on behalf of Douglas Mariboe)		
Application #:	ZBA- 14-10		
Parcel I.D	00025-0556	M42B50L52	
Status of Applicant	Designated Co-Applicant		
Requested Action	Conditional Use Review - Thompson's Point - Shoreline improvement		
Purpose	Applicant is seeking Conditional Use approval to construct a stonewall on the shoreline.		
Existing Zoning	Shoreland Seasonal Home Management District		
Location	556 Flat Rock Road		
Size	0.55 acres	Building Lot coverage	Total lot Coverage:
Existing Land Use	Seasonal Shoreland Camp		
Surrounding Land Use	Seasonal Shoreland District		
Recent Permitting History	1984- Septic Permit 1998- Building permit to construct a kitchen, bath, and dormer.		
Applicable Regulations	Charlotte Land Use Regulations (2010), The Charlotte Town Plan. Vermont Shoreland Stabilization Act.		

**Overview:**

The applicant is seeking conditional use approval to construct a wall on the shoreline. The wall may have backfill and is proposed to be used as a kayak/ canoe resting area.

**Standards that Apply:**

**Table 2.7- Shoreland Seasonal Home Management District (Page 16)**

**(4) In addition to the provisions of Section 3.15, existing native woody vegetation between the shoreline and a structure shall be preserved and maintained. No existing or proposed use or activity shall result in soil erosion or adversely impact designated wildlife habitat areas.**

There are no trees proposed to be cut as part of this application.

**All trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting or pruning within this district. Dead or storm damaged trees shall not be cut unless they are determined by the Tree Warden to be a hazard to structures or to public safety.**

There are no trees proposed to be cut as part of this application.

**(5) Ordinary maintenance and repair of an existing structure which does not alter its footprint, height, appearance or historic character does not require a zoning permit.**

The applicants are proposing a Shoreline improvement that requires conditional use approval under Table 2.7.

**(6) No construction activity other than routine maintenance shall occur within this district between July 1st and Labor Day.**

This will be a condition of the decision if the application is approved.

**(7) The alteration or expansion of an existing principal structure may be approved by the Board of Adjustment subject to conditional use review under Section 5.4, provided that:**

**(a) The building footprint which is covered by a roof (including covered porches and decks) does not exceed seven percent (7%) of the area of the leasehold it occupies; and**

There is not proposed expansion of the principal structure.

**(b) The alteration or expansion is not for the purpose of increasing occupancy; and**

N/A

**(c) The applicant can demonstrate that all municipal and state regulations for sewage disposal are met for each structure altered or expanded including, where applicable, the Thompson's Point Wastewater System Sewer Ordinance.**

The applicant has received permission from the Charlotte Selectboard and has registered with the State of Vermont. Documentation of these approvals are included as attachments of this application.

**(8) The alteration, expansion or repair of any structure shall not reduce the structure's existing setback distance from the shoreline (mean high water mark) as of the effective date of these regulations, nor increase the height of the structure so that it exceeds two (2) stories or 30 feet, whichever is less.**

As per Table 2.7 (F) (11) Shoreline improvements are exempt from shoreline setback requirements, but shall be sited and designated to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features, shall minimize surface runoff, channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoin property owners.

**(9) Demolition and alterations, expansions or repairs that change the appearance, height, footprint or historic character of an existing structure are subject to conditional use under Section 5.4, design review under Subsection (G), and the requirements of Section 3.1. Historic structures damaged beyond repair may be replaced within the same footprint, subject to conditional use review under Sections 5.4, and design review under Subsection (G).**

This application is not subject to Design Review.

**Section 3.15-Surface Waters and Wetlands (Page 34):**

The applicant's landscape plan shall be reviewed. The Charlotte Tree Warden shall be consulted before removing trees or other vegetation.

**Section 3.12- Performance Standards (Page 31):**

The performance standards have little effect on the applicants' project. See attached application.

**Section 5.4- Conditional Use Review (Page 64):**

- 
- The capacity of existing or planned community facilities and services – Does not apply to construction of seawall.
  - Character of the area affected – The aesthetics of the alterations and cohesiveness of the proposed alteration must be reviewed.
  - Traffic on roads and in vicinity – Again, no proposed increase in occupancy thus no increase in traffic.
  - Bylaws in effect – Shoreline improvements require approval from the Selectboard and State. The Charlotte Land Use Regulations and the Charlotte Town Plan will be reviewed.
  - Use of renewable energy resources – The construction of a seawall should not impede the use of renewable energy sources.
- 
- Conformance with the Town Plan – the project will not adversely affect natural, cultural, or scenic features as outlined in the Town Plan.
  - Additional Restrictions – there are no new buildings associated with this project.
- 

Definitions: Shoreline: Physical improvements located at or above the mean high water mark within the shoreline area which are intended to provide access to public waters or to prevent shoreline erosion, including permanent docks, stairways and fishing piers; boat hoists, boat houses, launches and ramps; manmade or improved beach areas; and retaining walls or other permanent stabilization measures. See also Ferry Facility, Marina, and Shoreline.

**Public Notice:** Public notice will be achieved by publishing a notice of hearing in The Citizen on January 15, 2015. In addition, a copy of the notice will be mailed to adjoining landowners, posted to the Town Website, and posted at The Old Brick Store, Spear's Store, and Town Hall.

**Exhibit List (to date):**

Completed conditional use application (Submitted November 6, 2014)

Authorization of co-applicant letter (Submitted November 7, 2014)

List of abutting property owners

Registration letter from the State Shoreland Permit Program (Effective December 30, 2014)

Selectboard approval letter to submit a conditional use application the ZBA

Site plan showing proposed seawall

A set of photographs depicting area where wall is proposed