

TOWN OF CHARLOTTE  
Zoning Board of Adjustment

In Re: Peggy and Peter Briggs  
209 Association Way

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ZBA-13-05  
CHARLOTTE TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD  
This 17 day of October A.D. 20 13  
at 10 o'clock, 00 minutes A m and  
recorded in vol. 210 on page 189-192  
Attest Sharon B. Belaban Town Clerk  
*asst*

OPINION

**I. Introduction and Issues Presented**

This matter came before the Zoning Board of Adjustment (ZBA) by Peggy and Peter Briggs (Applicants) and their representative Stephen Selin for property at 209 Association Way on Thompson's Point.

The request is for Conditional Use approval for alterations to the camp. The project will include removing a non-historic portion of the camp that was added in the 1980's and changing some areas of the footprint. The older portion of the camp is on the Historic Sites register for the state of Vermont. Any alteration or demolition of an existing structure or portion thereof on Thompsons Point is required to seek Conditional Use review under Table 2.7 and Section 5.4 of the Land Use Regulations<sup>1</sup>. Before granting conditional use approval for any alteration, expansion, demolition, or removal of any portion of any principal structure in this district, the ZBA must seek the recommendations of the Design Review Committee (DRC) as outlined in Table 2.7(G) of the Land Use Regulations.

Based on the application, exhibits and testimony at the hearing<sup>2</sup> on September 30 and a site visit<sup>3</sup> on September 30, 2013 the Board renders the following Substantive Review (including listing of relevant evidence, findings of fact, and determinations of law) and Decision.

**II. Substantive Review**

<sup>1</sup> Unless otherwise indicated, all Section references in this document are to the Town of Charlotte Land Use Regulations approved November 2, 2010

<sup>2</sup> Participants in the hearing: Stephen Selin

<sup>3</sup> Attendance at the site visit: Stephen Selin, Andrew Swayze, Jonathan Fisher, Ben Pualwan

The Board must determine if this application meets the General, Specific, and Performance Standards under the Land Use Regulations.

A. Evidence presented

1. Regarding the parcel and building site:

- a. Town records and testimony show that...
  - i. Peggy and Peter Briggs lease Lots 36 & 37 from the Town
  - ii. This parcel is located at 209 Association Way and is in the Shoreland Seasonal Home Management District (SHM) (established by the Charlotte Land Use Regulations adopted November 2, 2010)
  - iii. The lots are approximately 22,400 sq. ft. with 11% of building lot coverage
  - iv. There is one accessory building on the lot
  - v. The original portion of the camp is listed on the Historic Sites and Structures Survey prepared by the Vermont Division for Historic Preservation
- b. Testimony presented for the structure in Exhibit B from the Design Review Committee report...
  - i. The new house maintains details that are reminiscent of the predominating country Victorian architectural type of the area
  - ii. The size of the new house is larger, but it would not be the largest house in the neighborhood
  - iii. Attention to roof slope as well as broken rooflines helps to keep the mass of the building nestled into the landscape
  - iv. The proposed building materials are appropriate
  - v. Because part of the canopy will be removed, the new roofline will become more visible from both the road and the lake
  - vi. Utmost care will be taken to preserve existing trees and recommends some strategic planting of new trees to soften the new building
- c. Testimony presented for the site on Exhibit A from the Tree Warden (Larry Hamilton) report...
  - i. In the space made available by removal of the “new” wing and chimney, he requests that 2 native oak trees be planted
  - ii. Construction equipment should be limited in size and weight of a bobcat (no big excavator) and small trucks that do not damage tree branches in coming in or going out with loads, and which do not put too much weight on soil
  - iii. Conditions be set forth to prevent injury to all remaining trees.
  - iv. Recognized best practices should be required as set forth by several publications submitted. Specifically, following the guidelines set forth in a letter to the Briggs from a potential Landscape Contractor, William deVos of Tree Works should be mandated.
- d. Testimony presented for the existing structure, its dimensions and use and the proposed changes and site plan...
  - i. The owner’s representative Stephen Selin submitted drawings of the existing floor plan and elevations. The drawings are identified as “Residence for Peggy and Peter Briggs, Charlotte, Vermont”. These drawings are labeled D-1.0 Existing First Floor

Plan, D-1.1 Existing 2<sup>nd</sup> Floor Plan, D-2.0 Existing Elevations, and D-2.1 Existing Elevations.

- ii. Plans presented for the project are shown on A-1.0 First Floor Plan, A-1.1 2<sup>nd</sup> Floor Plan, A-1.2 Roof Plan, A-2.0 Elevations, A-2.1 Elevations and A-2.2 Elevations
- iii. Proposed Site Plan Thompson's Point Lease Lots 34-37 (sic), C-1.0 and dated March 8, 2013

B. Findings of Fact

1. Regarding the parcel and building site:

- a. These lots, #36 & #37, are located on Thompson's Point, Thompson's Point is owned by the Town of Charlotte and the lots are leased to the camp owners. These lots are in the Shoreland Seasonal Home Management District (SHM) established by the Charlotte Land Use Regulations adopted November 2, 2010.
- b. At approximately 80 feet by 140 feet, lot #37 is approximately 11, 200 square feet in area, or approximately .26 acres. (Note: 1 acre is 43,560) Lot #36 is approximately 80 feet by 140 feet or approximately 11, 200 square feet in area.
- c. The existing building footprint is 2450 square feet at 11% of lot coverage. The project as proposed will not increase the number of square feet of building footprint.
- d. The eastern portion of the 1980's addition encroaches into the setback at 46 ft. from the property line, the proposed addition will be 66 ft. from the property line.
- e. The setback from the Mean High Water (MHW) does not change with the project as proposed.

### III. Decision

The Board concludes that this request (subject to the Conditions of Approval, *infra*) conforms to the General and Specific Standards of the Land Use Regulations for Conditional Use. This request is APPROVED with the following conditions and limitations.

Conditions of approval. The Board attaches the following conditions and safeguards that it deems necessary to implement the purposes of the land use regulations.

1. Construction on this project shall be completed in accordance with the plans described in Section A.1.d. of this decision.
2. Any tree removal to be done in accordance with recommendations of the Tree Warden. (See Exhibit A)
3. Construction equipment should be limited in size and weight of a bobcat (no big excavator) and small trucks that do not damage tree branches in coming in or going out with loads, and which do not put too much weight on soil.
4. Care shall be taken to avoid damage and stress on other trees, including both branches and roots in accordance with best practices submitted by the Tree Warden.
5. Exterior colors to be selected from the traditional color palette of the Point: gray, yellow, white, dark red, dark green, dark blue; with the objective of fitting in, as with the design, to the local vernacular of the Thompson's Point community.
6. Immediately following demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established to prevent erosion.
7. No construction activity shall occur between July 1 and Labor Day.

VOTE: 3-in favor, 2-absent (Tenney, Webster)

DATED AT CHARLOTTE, VERMONT, THIS 17 DAY OF OCTOBER, 2013.

  
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Benjamin Pualwan  
Chairman

**THIS DECISION MAY BE APPEALED TO THE VERMONT ENVIRONMENTAL COURT BY THE APPLICANT OR AN INTERESTED PERSON WHO PARTICIPATED IN THE PROCEEDING. SUCH APPEAL MUST BE TAKEN WITHIN 30 DAYS OF THE DATE OF THIS DECISION, PURSUANT TO 24 VSA § 4471 AND THE VERMONT RULES FOR ENVIRONMENTAL COURT PROCEEDINGS.**