



**TOWN OF CONCORD
PLANNING/ZONING BOARD**

APPLICATION FOR CONDITIONAL USE REVIEW FINDINGS AND DECISION

RE: Alfred McVetty
8 Heather Lane
Littleton, NH 03561

Permit Application No. - None

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of a conditional use application submitted by Alfred McVetty to build a primitive camp on 3038 Shadow Lake Road in Concord, VT.

A permit application was received by Alan Smith on July 7, 2016. A copy of this permit application is available at the Zoning Administrator's office in the Concord Municipal Building.

On July 28, 2016, notice of public hearing was published in The Caledonian-Record.

On July 25, 2016, notice of public hearing was posted at the following places:

- The Concord Municipal Building
- On a stake on the property, on Shadow Lake Road
- The Town Clerk's Office
- The Concord Post Office

The notice was also posted on The Concord web site at www.concordvt.us

On July 25, 2016 a copy of the notice of a public hearing was mailed to the applicant. On July 25, 2016, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to application.

- Rebecca Boolos
31 Mechanic Street
Holliston, MA 01746
- Carmen Houghton
3031 Shadow Lake Road
Concord, VT 05824

- Spencer Hudson
945 Shadow Lake Road
Concord, VT 05824
- Chris Oehmen
34 Oak Ridge Road
Reading, Ma 01867-3730

The application was considered by the Planning/Zoning board at a public hearing on August 11, 2016. Present at the hearing were the following members of the board: Cynthia Stuart, James Gochie, Stuart Gray, Linda Hartwell & Judy Kurtz.

The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaws, as amended March 1, 2012.

At the outset of the hearing, Chairperson Stuart read the warning and explained the process of the hearing. The Zoning Board of Adjustment also 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 statute could be met. A record of the name and address of persons wishing status as an interested person and a record of their participation at the hearing is attached hereto.

None of the board members indicated they had a conflict of interest. Cynthia Stuart swore in Alfred McVetty. He stated that he owned ten acres of land across from Concord Corners and his 1500-foot driveway leads to his lot that has approximately 370 feet of water frontage. Mr. McVetty said they wanted to build a primitive camp, 20 feet x 24 feet and they will not have any water or septic. He stated that he has applied to the State for a Shoreland Permit and has been approved. The camp will be on posts; 1 story; with a loft. They indicated they did want to have a sink. Cynthia asked about the waste since he didn't plan on having water or septic. He said they would like to use an outhouse or a port-a-potty. Alan Smith said if you were to use an outhouse, you could only use the camp for 21 consecutive days and 60 total days per calendar year. He also stated if there is a sink, a gray water system is needed. Mr. McVetty said they want to use the cabin occasionally on the week-ends, and not a lot of consecutive days. Judy Kurtz asked about a travel trailer that is on the property. Mr. McVetty said he is not planning on using it and it needs to be disassembled and removed. Cynthia asked about his timeline. He said he is looking to start building in June, 2017. He has hauled in about 30-40 ton of gravel this summer. He said his setbacks are more than enough for the site of the proposed camp. Judy submitted pictures of the property and entered them as exhibit A1. Cynthia told the McVettys that the board would have a decision within 45 days.

The hearing was adjourned at 4:50 p.m. on August 11, 2016 and the board went into deliberative session at 4:51 pm. The Zoning Board of Adjustment reviewed the application under the Town of Concord Zoning Bylaw, as amended March 1, 2012.

A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.

Enclosed is Exhibit A1, photographs of the property as it is now.

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a conditional use permit to build a primitive camp. The subject property is located at Shadow Lake Road in the Town of Concord (tax map parcel no. 00824). The property is on 3038 Shadow Lake Road in the Town of Concord tax map parcel i.d. no. 00797. The property is more fully described in a Warranty Deed from Spencer K. Hudson to Alfred J. McVetty dated September 15, 2000 and recorded in Book 62, page 639, of the Town of Concord Land Records.
2. The property is located in the Lake Shore District as described on the Town of Concord Zoning Map on record at the Town of Concord Municipal Office and section 205 of the Zoning Bylaws.
3. Conditional use approval is requested to build a new camp as defined in sections 606.2 of the Zoning Bylaws.

In considering its action, the Zoning Board of Adjustment shall determine if a proposed use has the potential to have an undue adverse effect on any of the following: The capacity of existing or planned community facilities; the character of the area affected, as determined by the objective of the zoning district within which the project is located, and specifically stated policies and standards of the Concord Municipal Plan; traffic on roads and highways in the vicinity; bylaws in effect with special reference to these zoning regulations; and utilization of renewable energy resources.

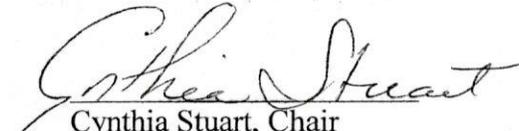
The board did not find any undue adverse effects in any of the areas listed above.

DECISION AND CONDITIONS

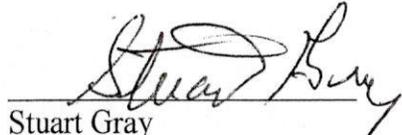
Based upon these findings, and subject to the condition set forth below, the Concord Zoning Board of Adjustment approves the permit with the following conditions:

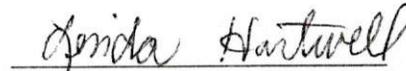
- Pending approval of a lakeshore permit from the State of Vermont.
- If a sink is installed in the camp, the owner must comply with any state regulations regarding gray water and waste water.

Dated at Concord, Vermont, this 15th day of September, 2016


Cynthia Stuart, Chair


James Gochie


Stuart Gray


Linda Hartwell


Judy Kurtz

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings(s) before the Concord Zoning Board of Adjustment. Such appeal must be taken 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.