

Town of Lincoln Development Review Board

#22-057 (Wood) Setback Waiver Request

Findings of Fact/Conclusion of Law

1. Introduction

The application #22-057 submitted by Donna Wood is a request to grant a waiver to the rear yard setback requirement of the Village District, as outlined in the Zoning Regulations, to construct a Solar Canopy, or an open timber frame structure with solar atop. The intent is for the proposed canopy to provide green energy for the Woods as well as a shade structure. All rear yard setbacks in the Village District are 20 feet. The completed application was submitted to the Zoning Board of Adjustment (ZBA) on July 18, 2022. A public hearing was scheduled as soon as possible with consideration to the Town's transition from a ZBA to a Development Review Board (DRB), which occurred on July 19, 2022. Public notice of a hearing was given as required by Section 720(1) (b) of the regulations and distributed in by the regulations pursuant to these criteria.

2. Description of Property

The Wood property is located on 233 East River Road. Parcel ID 01070179.000 and Span ID 354-109-10056 which is a 0.76-acre parcel of land with associated structure(s). The building is a multi-roomed structure with meeting areas and bedrooms with an expansive front porch utilized as a bed and breakfast hotel, known as "The Old Hotel"

3. Proposed Construction

David and Donna Wood are requesting the waiver to construct a solar canopy as shown in the application. Dimensional requirements of the solar canopy and a site plan of the proposed location are included. The structure is proposed to be at 11' from the rear yard property line, which encroaches upon the 20' rear yard setback in the Village District as described in Section 311, thus requiring a waiver based on Section 314 of the Zoning Regulations. The support structure will have no lights. A crushed stone base will be used under the entire structure to enhance the amount of sun absorbed by the solar array.

All application materials required by the Applicant(s) pursuant to Section 761 were submitted on July 18, 2022, by the applicant Donna Wood with accompanying materials from SunCommon (a Vermont-based installer of residential solar power systems), headquartered at 442 US Route 2, Waterbury, Vermont 05676. Included in the application: Exhibit 1 Documentation as described in the meeting notes

4. Public Notice and Review (Section 762)

Public notice of a hearing was given as required by Section 720(1) (b) of these regulations.

A normally scheduled public hearing was held on October 5, 2022, in the Lincoln Town Hall which started at 6:30 PM.

The transcript of the meeting and the associated notes can be found in the submitted meetings minutes.

5. Review Criteria

In accordance with the Lincoln Zoning Regulations (adopted at Town Meeting March 1, 2011), the review criteria sections are as follows:

763.1- The waiver requested is for a permitted use within the Village District.

763.2 - The waiver requested is in conformance with the Town Plan.

763.3 - The waiver requested provides for no lights. This structure would conform with the character of the area and will have limited to no impact on neighbors.

763.4 - The design is minimal in impact on the adjacent neighbors.

763.5 - The waiver requested does not alter the primary structure, has no accessibility issues regarding, fire safety or other requirements of land, or energy conservation, or renewable energy.

6. Conclusion

Based on the description of the property, proposed construction, and responses to the criteria, The Lincoln Development Review Board grants the request for a waiver based on the documentation and testimony.

Signatures collected electronically

Brian Frazier Board Chair

Board members present:

Nicole E. Lee Board Vice Chair

Emmet Moseley Board Clerk

Steven Halnon Board Member

James Needham Board Member

Alison Zimmer (Alternate)

Signature: Brian Frazier
Brian Frazier (Oct 18, 2022 12:58 EDT)
Email: bfrazier@gmavt.net

Signature: Nicole E. Lee
Nicole Lee (Oct 18, 2022 13:51 EDT)
Email: nicole.elizabeth.lee@gmail.com

Signature: TA Emmet Moseley IV
TA Emmet Moseley IV (Oct 18, 2022 14:00 EDT)
Email: emmet.moseley@gmail.com

Signature:
Email: steveh55@gmavt.net

Signature:
Email: jim76n@yahoo.com

Signature:
Email: quickbeam@gmavt.net

The following Board Members were not able to electronically sign the document due to computer incompatibility. Below are the received emails to the Board Chair with their approval of the Waiver.

Wood decision 22-057

 Steve Halnon <steveh55@gmavt.net>
To bfrazier@gmavt.net  5:36 AM

Brian ,
This addressed to you as pard chair to electronically sign for stephen Halnon Wood decision waiver number 22-057 to move this forward for the Woods. Stephen Halnon

Thank you
Brian

Sent from my iPhone

Re: E-Signing of Decision (UPDATE)

 James Needham <jim76n@yahoo.com>
To Brian Frazier  6:11 AM

Hi Brian,
I don't have a copy to e-sign. Hopefully the following suffices-

Brian Frazier, DRB Chair

Re:22-057, Woods solar canopy
I approve the above mentioned zoning permit waiver.

James Needham

Thanks
James

Sent from my iPhone

Re: E-Signing of Decision (UPDATE)

 Alison Zimmer <quickbeam@gmavt.net>
To Brian Frazier  Wed 7:48 PM

DRB Board Chair Brian Frazier
In regards to the Town of Lincoln Vermont Waiver Application # 22-057

I am in full approval of this waiver application for a solar array to be built due to professional and diligent appraisal and sight planning of the applicant and hired solar team, as well as unanimous acceptance from neighbors/ abutters with minimal (if any) impact to the town and local community.

Sincerely,
Alison Zimmer