

**TOWN OF SOUTH HERO, VERMONT  
DEVELOPMENT REVIEW BOARD  
DECISION DATED May 10, 2023**

**APPLICANT**

**Name:** Michael Wickenden  
**Address:** 14 Melcher Place, South Hero, VT 05486

**LANDOWNER**

**Name:** Same

**APPLICATION**

**Type:** Request for Waiver from Lake Setback

**Number:** 23-56-MP016

**PROPERTY**

**Location:** 16 Melcher Place

**Hearing Date:** May 10, 2023

Mike Wickenden submitted an application on April 5, 2023 requesting a setback waiver per Sec. 305 to replace a seasonal home within the lake and side setbacks at 16 Melcher Place. Per Section 305 of the South Hero Development Regulations, a warning for the public hearing appeared in the April 19, 2023 issue of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A hearing was held on May 10, 2023. A list of those present and participating in the hearings is included in the minutes.

**During the course of the hearing, the following exhibits were submitted:**

- Town of South Hero Development Regulations, effective March 30, 2020
- Setback Waiver Application, dated and rec'd April 5, 2023.
- Project description, by Applicant. Rec'd April 5, 2023.
- Elevation drawings of proposed replacement dwelling, by Cushman Design Group, date Dec.6, 2022; rec'd April 5, 2023.
- Existing footprint and dimensions, proposed footprint and dimensions, and table of comparisons; rec'd April 5, 2023.
- Five photographs of the existing structure.

- Site Plan showing color-coded existing and proposed footprint, by Applicant; rec'd April 5, 2023.
- Wastewater System and Potable Water Supply Permit #WW-6-4022; dated March 21, 2022.
- Warning ad, Abutters' Notice, and Hearing Letter for the May 10, 2023 DRB Setback Waiver Review.
- Staff report for the May 10, 2023 DRB hearing.

Based on the applications, supporting documents, and testimony of Mike Wickenden, **the Development Review Board makes the following Findings and enters the following decision:**

**Findings:**

1. 16 Melcher Place is a .4-acre lot in the Shoreland Zoning District with 60 feet of frontage on Lake Champlain. The lot abuts the Applicant's home and property at 14 Melcher Place.
2. Ten feet of conforming space runs the length of the approx. 320-ft. long lot.
3. There is an existing 2BR seasonal cottage, a 1BR bunkhouse, and a small shed on the lot. The Applicant proposes to replace the 858sf seasonal cottage with a 1,175sf, 3BR seasonal cottage in roughly the same area.
4. Approximately 234sf of the existing camp is within the lake setback. The north corner of the structure meets the north side boundary. The south corner is approximately 17 feet from the south side boundary. It is compliant to the edge of the Melcher Place right-of-way (150+ feet).
5. The proposed structure will increase the non-conforming space within the lake setback to approximately 344sf. It will be moved 8 feet further from the lake and 3 and 7 feet from the north boundary. The distance from the south boundary will be reduced to 13 feet.
6. Tanks for a new shared septic system has been installed between the proposed camp and the south boundary. The wastewater permit is for a 3BR seasonal cottage (MP016) and an existing 3BR year-round home (MP014).
7. The proposal includes the removal of a 275sf non-conforming bunkhouse (to the north boundary), portions of the gravel paths on the north and south side of the existing camp, and an oak tree. Several other existing trees will remain.
8. The Applicant stated that he has received draft approval from Shoreland Protection.

DRB Chair Tim Maxham closed the hearing on May 10, 2023.

**Conclusions of Law:**

- A. Per Section 305. (Setback Waiver), structures in the Village and Shoreland Zoning Districts are eligible for setback waivers.

- B. Per Section 305.D, there is little conforming space on the 60-ft. wide lot. No undue adverse effect on the character of the neighborhood will result, nor on public health or safety.

**On May 10, 2023, N. Hayward moved to approve the setback waiver application, with the findings of fact listed and with the following Conditions; D. Patterson second. Whereas, Final Approval was granted, with Conditions,** with the following people voting in the affirmative: T. Maxham; D. Patterson; M. Welch; J. Brightwell, and N. Hayward.

**Conditions:**

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. The replacement structure shall be no closer than the distances referenced in Finding 5.
3. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

**Dated: May 10, 2023**

  
For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court [over] Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a). A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.