

Exhibit # 1

rec'd 12/12/23

Martha Taylor Varney

From: James Preston <prestoliag@me.com>
Sent: Tuesday, December 12, 2023 11:43 AM
To: Martha Taylor Varney
Subject: 41 Sunset Beach rebuild hearing
Attachments: Seller Disclosure 41SB.pdf

December 12, 2023

To: Zoning Administrator Martha Taylor-Varney

Hello Martha,

I am writing on behalf of the Johnson Family Trust which holds the property at 35 Sunset Beach Rd, and in which James and Susan Preston and family are the residents, and with authorization of the trustee, H.K. Johnson. The 35 Sunset Beach Rd property abuts 41 Sunset Beach Rd., and was rebuilt in 2014 after many revised plans were submitted to the town. We have no objection to a reasonable rebuild on the 41 Sunset Beach road property, but certainly not as proposed. One concern is that at least some of the same standards that were applied by the town when we applied for a rebuild in 2013 are applied here. That is, that any waiver is granted based on a demonstrable practical need, as opposed to a desire for change. As a reminder, we were denied our request (to build closer to the lake – but no closer than the existing buildings) because we did not show that a health and safety concern mandated a variance. When we bought the property both pre-existing buildings on the property were not in conformance with the lake and side setbacks. Our conversation with the town made it clear that we could rebuild (or repair) essentially *exactly the same* structures in their original positions, or we could meet the applicable setbacks which would allow for different buildings. In the end, we opted to meet the applicable setbacks. We also limited our design and build to incorporate volumes and heights that were at least close to the existing buildings. At all times we presented proposals (I believe we went through 4 in total) which were in the nature and character of the neighborhood. The buildings sit at grade, without even a front step. Finally, although we had a “grandfathered” septic system, we knew it would not be in the interest of our neighbors, or the lake, to attempt to keep it. We installed a state of the art, State approved system, at considerable expense. In sum, given that we had the space, and wanted something different than what was on the lot(s), we met the applicable standards when we did our rebuild.

It appears that the proposed re-build by Mr. Benoit has the potential to significantly increase the size of the 41 Sunset Beach building, which has been on that lot since 1942, and the second floor is as a matter of record non-permitted (see Sellers' Disclosure p.3, attached). By rough approximation, the house size will increase at least one third in volume, and the height

will also increase by about a third. If a height waiver is granted, it should be incremental and based on a demonstrable need as opposed to a desire to significantly increase the size of the building. And the non-permitted second floor weighs heavily against any significant height increase. The proposal turns a two story house into a three story house. There are no buildings on Sunset Beach road that approach this height (especially the lake side which appears to be about 40 feet tall), or have three stories. Despite Mr. Benoit's assertions to the contrary, the proposed build is not consistent with the nature of the neighborhood.

Also, we believe that the building should maintain its natural grade, as is the case with all the other houses in the neighborhood. In this regard, we note that the proposed house incorporates a below grade walk out basement. Not only is this inconsistent with all the "at grade" houses in the neighborhood, but it also seems to have the effect of increasing the actual height of the building on the lake side to more like 40 feet (or so it seems to us). Without exception, all other houses on the road are at, or near, grade (and this includes all of those houses that have undergone renovation or rebuilds). We lack details on how the excavation would be conducted, but such an excavation project so close to the lake is concerning.

Finally, if the town is going to allow a significant deviation from the structure that is on the lot, then the applicable setbacks need to be met. Especially if any of the grading as proposed is allowed – as we would have real concerns about what runoff so close to our property (not to mention the lake) could do to us.

We do not intend to be obstructionist with respect to our new neighbors. But, a wonderful house can be built: (1) either in a reasonable interpretation of the confines/volumes of space that were purchased; or (2) with a more reasonable re-design that meets the setbacks and has less impact on the nature and character of the Sunset Beach neighborhood.

I can be contacted at 435-901-1806. And, can you please confirm the receipt of this email?

Sincerely,

James Preston

Exhibit ~~#2~~ #2

Rec'd 12/12/23

Martha Taylor Varney

From: Charlie Tipper <chaztipp@gmail.com>
Sent: Tuesday, December 12, 2023 2:52 PM
To: Martha Taylor Varney
Cc: Mima Tipper
Subject: 41 Sunset Beach Road

Dear Martha,

Thanks for the good conversation last Thursday about the proposed house-building project at 41 Sunset Beach Road. I'm writing today on my wife Mima's and my behalf. As you know, we have had the privilege of owning property on Sunset Beach Road since the 1990s, and now 21 Sunset Beach Road is our primary residence. Our fondness for our home and our neighborhood could not be stronger. And with that comes the desire to protect what we value most- our extraordinary quality of life. Included in that quality of life is our and other neighbor's desire to be welcoming, and that extends to the applicants, J. Henry Scott and Lisa Pasch. That said, we have very real and serious concerns about their project and setback waiver request, as proposed by Norman Benoit of NLB Construction in Grand Isle, Vermont.

Here are some of those concerns:

1. Mr. Benoit claims that the proposed height of 31.5 feet is "like other buildings on the road". There are no other buildings on Sunset Beach Road this tall. None. Most are 1.5 stories and well under 30 feet, many closer to 20', and several well under that.
2. The proposed building is drawn as 31.5 feet above the grade at the east end. It includes a walkout basement on the west end, which serves as a full third level. The floor to ceiling heights are very high: 10' in the basement, 11' on the main level, and 10' on the bedroom level. Plus the attic volume of space. Therefore, on the lake side of the house, the height exceeds 40 feet. Even calculating building height from median grade, the proposed house will be well over 35'. See below #3*.
3. The proposed walk-out basement requires major excavation over a large area, perhaps blasting, or at least major shale removal, all within the setback to the lake's edge. It will also mean removal of the mature Eastern White Cedars at the edge of the bluff. (Is there even a chance the state Shoreland Protection regulations will allow this? Is the applicant aware of the criteria for this state permit?) There is only a 4' change in elevation of the natural grade from the east end of the house to the very western edge of the property, at the top of the steep bluff on the lake's edge (see Mr. Benoit's site plan). With 10' high ceilings in a walk-out basement, the excavation on the lake side of the house will go down a minimum of 6' below natural grade. It is simple math. This will either mean the grade will radically pitch back towards the basement level from the top of the natural bluff, a really bad idea, or it will remove at least 4' of the top of the bluff to the west, and the Cedars, an even worse idea and almost assuredly un-permissible with the state. The other possibility is that the grade will have to be raised, enough to make up the 6 foot discrepancy, as you go east on the property. If the grade around the house is raised, it may cause runoff from the property onto abutting neighbors, and into Lake Champlain. And equally important, it will be a stark departure from all the other homes on the road, all of which are low-slung and settled into the natural grade. In short, this will read as an enormous house, set way up above the natural surrounding grade; it will stick out jarringly.
*And this all begs the question of 'from what grade is Mr. Benoit measuring his 31.5'? If it is from median natural grade, the calculation will be much higher, by that additional at least 6', equaling at least 37.5' above the natural grade!
4. Increasing the size of the existing house to this degree will inevitably mean more intensive use in terms of number of occupants and associated impacts on the abutting neighbors, the neighborhood at large,

the lot's septic capacity, and Lake Champlain. Is updating the septic system as shown on Mr. Benoit's site plan, from a steel tank, probably 500 gallon, and the small leach field, included in the applicant's plans? I sure hope so.

5. Mr. Benoit's drawings show a footprint, not including overhangs, of 1369 square feet. He represents this as identical to existing. According to the Sellers' Information Report provided to the applicants when they bought the property, the existing house has a footprint of 1040 square feet, substantially less than what Mr. Benoit has depicted on his site plan. (The second floor of the existing house is 728 square feet, for a total existing of 1768 square ft.)
6. Multiply Mr. Benoit's 1369, which should only be 1040, by three very tall stories, and you get over 4100 square feet. That's much more than twice the size of the existing house! But what's even more startling is the extraordinary volume of space given the ceiling heights, just the sheer size and mass of this huge house: something entirely out of keeping with the neighborhood. Please note that most if not all of the houses that have been rebuilt on Sunset Beach Road to date have intentionally kept their heights to the one and one half stories that typify the neighborhood. Even the larger, newer, year-round homes have a grounded, well-situated feel to them.
7. As the previous owners of 41 Sunset Beach Road also shared with the current owners, in their "Sellers' Property Information Report" dated 7/21/2023, as part of the purchase and sale: a second floor was added to the house without necessary permits and approvals. This, at best, only adds to the mandate for the applicants to be very modest in their plans for rebuilding the house.

In summary, the proposed house fails to meet the regulatory height requirement of less than 35'. It also fails to meet at least three of the criteria for setback waivers for replacement of existing non-compliant dwellings: 1) "the least deviation possible from the South Hero Development Regulations"; 2) no undue effect on the "character of the neighborhood"; and 3) no undue effect on "Public Health and Safety."

And perhaps most disturbing, as demonstrated above, the entire application is riddled with misinformation.

In closing, I know from speaking with other neighbors that we believe it is our duty, as residents who deeply value our extraordinary quality of life on Sunset Beach Road, to bring our very legitimate and very serious concerns to the attention of not just the town, but the applicants and their consultants. It is our hope that the applicants will eventually end up with a far more successful home building outcome than we believe they would achieve with the proposed house, and one that, at a minimum, respects the neighborhood.

Sincerely,

Charlie and Mima Tipper

Charlie Tipper
802.343.4577
chaztipp@gmail.com

#3

Rec'd 2/13/23

Martha Taylor Varney

From: Ginny Randlett <ginnyrandlett7@gmail.com>
Sent: Tuesday, December 12, 2023 5:52 PM
To: Martha Taylor Varney
Subject: 41 Sunset Beach

To: Martha Taylor-Varney
Zoning Administrator

Regarding our conversation today regarding the proposed re-build of 41 Sunset Beach Rd.

My concerns:

1. Blasting Ledge: if you were to move the house North of the existing footprint and add a walkout basement (as requested) you would need to blast the ledge to do so. What possible damage could this do to foundations, etc. to neighboring homes
2. Height of 31.6' is 9' more than the current dwelling and not in keeping with the flow of the rest of Sunset Beach, which are mostly 1 to 1 1/2 stories. It would tower over all the other summer homes and residences on Sunset Beach Rd.
3. This proposal does not conform in design to the rest of the neighborhood .

I have no objection to the ^{SCHELS} ~~Benoit's~~ rebuilding, just please, keep it in a design that will compliment the other summer homes and residences on Sunset Beach Rd.

Sincerely,

Virginia Randlett.
29 Sunset Beach Rd

#4

Rec'd 12/13/23

Martha Taylor Varney

From: mhop802@gmail <mhop802@gmail.com>
Sent: Wednesday, December 13, 2023 5:22 PM
To: Martha Taylor Varney
Subject: Re: is there info on a proposed remodel on Sunset Beach rd?

the elevations give it a very large presence on the lot - the old home had a small impact from the road side since the the roof sloped away - this design is not only taller but much more vertical so hulks over the road - in a way that no other homes really do on the road. The tall ones are set back further from the road. Definitely I don't feel it meets the "character of the neighborhood" criteria.

michael

Pardon my iPad's auto-mis-spell feature
Michael Hopwood
802-355-9926