Dated at Greensboro, Vermont this 21 day of April, 2021
Greensboro Planning Commission

This report is in accordance with 24 V.S.A § 4441 (c) which states:

*When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report shall provide:*

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*Brief explanation of the proposed bylaw, amendment, or repeal, and include a statement of purpose as required for notice under § 4441 of this title.*

The Greensboro Planning Commission will hold a public hearing on Wednesday, June 2, 2021, at 6 p.m. via Zoom to solicit public comment on the proposed changes to the Shoreland Protection District bylaws, along with additional miscellaneous administrative updates to the general bylaw.

The proposed Shoreland Protection District bylaws were written to:

1. Preserve vegetation and natural cover of the shores adjacent to Caspian Lake and western shore of Eligo Lake (as defined by Zoning Maps) in order to protect surface water resources and prevent pollution;
2. Recognize the extreme vulnerability of lakeshore properties to erosion;
3. Preserve or improve the natural stability of shoreline;
4. Prevent degradation of water quality;
5. Preserve the undeveloped wooded vegetation views both to and from the lakes and to avoid problems resulting from continued development of the lakeshores which would cause natural and scenic resource degradation; and
6. Retain the mix of residential/summer homes as well as the recreation uses traditional to these lakes while it protects wildlife habitats and conserves both the natural scenic beauty that currently exists along the shorelands as well as the open fields and undeveloped forest viewsheds within the Town of Greensboro.
Findings on how the proposal:

1. **Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on safe and affordable housing:**

   The proposed Shoreland Protection District bylaw furthers the goals and policies contained in the town plan, and serves the primary functions of protecting Greensboro’s precious natural and scenic resources, wildlife habitats, and the rural character of Greensboro’s lakes. To support Greensboro’s efforts to encourage growth to appropriate scale, economic and affordable housing development activity is focused in other districts, and is therefore not affected by the changes proposed herein. References to the town plan are included in Appendix 2.

2. **Is compatible with the proposed future land uses and densities of the municipal plan:**

   The proposed Shoreland Protection District bylaw is consistent with future land uses as outlined in the town plan, which seeks to limit growth in the most vulnerable areas along Greensboro’s two lakes. References to the town plan are included in Appendix 2.

3. **Carries out, as applicable any specific proposals for any planned community facilities.**

   Greensboro does not have any community facilities in the Shoreland Protection District, and none are proposed in the town plan. To support Greensboro’s goal to protect the Shoreland Protection District from overdevelopment and degradation, efforts are being made to concentrate development in and around the two designated Village Districts. References to the town plan are included in Appendix 2.
APPENDIX 1

PROPOSED CHANGES TO BYLAW

2.7 B

Purpose. The Shoreland Protection District is established to:

1. Preserve vegetation and natural cover of the shores adjacent to Caspian Lake and the western side of Lake in order to protect surface water resources and prevent pollution;
2. Recognize the extreme vulnerability of lakeshore properties to erosion;
3. Preserve or improve the natural stability of shoreline;
4. Prevent degradation of water quality;
5. Preserve the undeveloped wooded vegetation views both to and from the lakes and to avoid problems resulting from continued development of the lakeshores which would cause natural and scenic resource degradation; and
6. Retain the mix of residential/summer homes as well as the recreation uses traditional to these lakes while it protects wildlife habitats and conserves both the natural scenic beauty that currently exists along the shorelands as well as the open fields and undeveloped forest viewsheds within the Town of Greensboro.

CHANGES

1. More fully described specific purpose. Adds language about conserving water quality, vegetation, and protects against natural and scenic viewshed resource degradation.

Purpose: Strengthen and clarify stated goals.

Reference to Bylaw: 2.7 B p. 17

2.7 C

CHANGES

1. Removed residential care, group homes and residential child care from permitted use.

Purpose: Removed for redundancy, and struck unnecessary language. Residential child care is addressed under Home Occupation, #7 in permitted uses.

Reference to Bylaw: 2.7 C Permitted Uses p. 17
2.7 I General District Standards

3. Impervious Surface. The amount of impervious surface must not exceed 15% of the total area within 250 feet of the lake or the applicant must submit plans prepared by a professional engineer demonstrating that stormwater runoff will be managed with minimal potential for erosion and impacts to water quality.

CHANGES

Adds standards around impermeable surface areas and cleared areas on properties: maximum of 15% impermeable surface on all parcels, reduced from 20%.

Purpose: Reinforces enhanced shoreland protection strategy.

2.7 L District Standards for Accessory Structures.

An applicant proposing to build, reconstruct, expand or modify an accessory structure in this district must demonstrate that:

1. The construction of a New Accessory Structure. A new accessory structure will not exceed 900 square feet, including porches and decks, and must meet all setbacks.
2. Modification or Reconstruction of an Existing Accessory Structure. A modified or reconstructed accessory structure:
   a. There is no net increase in the footprint within 150’ of the shoreline;
   b. The structure’s degree of nonconformity is not increased.

2.7 M District Standards for an Accessory Dwelling Unit. There is a limit of one accessory dwelling unit on a lot. An applicant proposing to build, reconstruct, expand or modify an accessory dwelling unit in this district must demonstrate that:

1. The construction of a new ADU: A new ADU will not exceed 900 square feet of total habitable floor area or 30% of the size of the principal structure, whichever is greater.
2. Modification or Reconstruction of an Existing ADU:
   a. The structure will not exceed 900 square feet of total habitable floor area or 30% of the size of the principal structure, whichever is greater, provided that:
      i. There is no net increase in the footprint within 150 feet of the shoreline;
      ii. The structure’s degree of nonconformity is not increased; and
3. All new and reconstructed ADU’s must have one designated parking place.
CHANGES

1. Addresses Accessory Structures and Accessory Dwelling Units separately. 2.7 E Dimensional Standards p. 17, 4.2 Accessory Dwelling Units - Specific Use Provisions p. 25
   Purpose: Provides clarification in the application process, and improves Development Review Board review process.

2. Limits Accessory Structures and Accessory Dwelling Units to one within 150’ of the lake. 2.7 NEW
   Purpose: To offset the stress that near-shore human disturbance has on lake habitat, aquatic life, and water quality. Protects water quality, natural resources, rural character, open spaces, viewshed, protects against overdevelopment.

3. Creates height restriction of 20’ (formerly 30’) specific to all accessory buildings within 150’ of the shoreline, except boat houses. 2.7 E Dimensional Standards p. 17
   Purpose: Protects natural scenic resources, rural character, open spaces, viewshed, protects against overdevelopment.

4. Creates dimensional standards for Accessory Structures where they did not previously exist. 2.7 NEW
   Purpose: Protects natural scenic resources, rural character, open spaces, viewshed, protects against overdevelopment.

5. Prohibits any portion of a structure within 50 feet of the lake from being increased in height. 2.7 E Dimensional Standards p. 17
   Purpose: Protects natural scenic resources, rural character, open spaces, viewshed, protects against overdevelopment.

6. Limits maximum size of Accessory Structure to 900 sf which includes decks and porches. 2.7 E Dimensional Standards p. 17
   Purpose: To offset the stress that near-shore human disturbance has on lake habitat, aquatic life, and water quality. Protects water quality, natural resources, rural character, open spaces, viewshed, protects against overdevelopment.

7. Clarifies the definition of height of any structure. 9.2 Definitions p. 75
   Purpose: Administrative clarity.
8. Removes limitation on exception to height for chimneys and other appurtenances. 3.12 Height Exceptions p. 24

Purpose: Administrative clarity.

9. Adds new recommendation: If accessory dwelling units or accessory structures or primary structures are razed and rebuilt, and there is room on the lot, it is recommended that they be sited to better meet current setbacks to become less non-conforming. Boathouses are encouraged to be constructed or reconstructed behind the natural berm. 3.8 Nonconformities p. 20

Purpose: To bring nonconforming structures into conformity, or closer thereto.

10. Added one required parking space for an accessory dwelling unit. Each new single family dwelling must include two parking spaces per dwelling. 2.7 N NEW

Purpose: Public safety.

2.7 P District Standards for Vegetative Cover. An applicant proposing to cut trees within 150 feet from the mean water level must obtain an intent to cut permit from the ZA. As part of that permit application, an applicant must demonstrate compliance with all regulations described below. Additionally, adequate photographs and a sketch must be provided of the area of the property affected, identifying the location of the trees and saplings that will be removed.

CHANGES

1. All tree cutting or significant pruning will require an Intent to Cut Permit.
2. Extended the regulated area to 150 feet of shoreline, formerly 100 feet.

Purpose: Establishes water quality best practices with regard to tree maintenance, duff maintenance, and landscaping at water’s edge.
APPENDIX 2

REFERENCES TO GREENSBORO TOWN PLAN

1. The preservation of a healthy, natural lake as an important economic resource is a key objective of this Plan.

Chapter 1 Community Profile pg.2

2. Looking forward, the Town will be increasingly challenged to make decisions that honor the stewardship of the rich history of the healthy, natural world that has shaped this community. In light of development pressures, it may be a difficult balance to preserve what is precious about Greensboro. Stewardship of the health of the lake and maintenance of the rural character of the community are integral to Greensboro's sense of identity.

Community Profile pg.2

3. An example of the community culture, focus and priorities is the work of the Greensboro Land Trust—a partnership of both summer residents and year-round community members. Together they strive to protect and preserve irreplaceable productive agricultural land, healthy forests and shoreline so as not to be squandered to development forever.

History pg. 4

4. The survey asked, “What are the top priorities for the Planning Commission?” The key answers were as follows:

- Protect the rural character of the community
- Preserve the character of Greensboro Village
- Protect natural resources
- Maintain the Lakeview School
- Attract new families with children
- Develop a recreational trail network
- Attract new small businesses

Then the survey asked, “What I never want to change in Greensboro”. The top four responses were:

- Lake Water Quality
- Willey's and Other Establishments
5. A VISION FOR GREENSBORO

Greensboro residents aspire to see a future for the community where:

- The Town’s rural character is viewed as a significant benefit that should be preserved.
- As a community, there is a strong sense that conservation of our natural resources, including Caspian Lake, should be a high priority.

A Vision for Greensboro pg. 7

Future development in Greensboro is limited by both natural resources and zoning regulations.

Land Use, pg. 4

6. Future development in Greensboro is limited by both natural resources and zoning regulations.

Chapter 2 Land Use pg. 13

7. Greensboro is home to a community of people who care about the natural landscape and whose vision for the future is a profound and strengthened human commitment to the natural world, while striving to protect and conserve Greensboro’s natural heritage. Nearly 40 sq miles in size, Greensboro is rich with outstanding natural features. The local community recognizes the value in stewardship of wildlife, plants, ecological systems, fish, and the immeasurable benefits therein.

Natural Resources pg. 21

8. Given the community commitment to conservation (The 2016 Greensboro Community Survey results showed overwhelmingly that protection of our natural resources and protection of the rural character of Greensboro were the top priorities of our residents), it is natural to take the steps to actualize that commitment. If we foster the stewardship of undeveloped lands in large landscapes, we will protect the quality of wildlife and native plants. Furthermore, we will nurture the natural environment so prized by our community
members who actively participate in restorative outdoor activities of skiing, hiking, fishing, boating and wildlife watching.

Natural Resources pg. 21

9. **Caspian Lake**: Caspian Lake is regarded as the town's natural resource jewel and, together with Long Pond and Horse Pond, is considered to be in the overall top 20% of Vermont's Best Lakes. (Vermont Lakes and Ponds Program, 2012). The lake is 789 acres and has a maximum depth of 142 feet, (mean depth is 57 feet), a maximum length of 1.66 miles and a maximum width of 1.3 miles. It is classified as oligotrophic (a deep clear water lake with a very low nutrient level). It is in the Upper Lamoille Basin whose waters ultimately flow into Lake Champlain.

In 2016 the status of the lake was downgraded to Stressed due to the flow alteration with resultant water level fluctuation, causing pollution and jeopardizing fish habitat. Caspian had one of the finest lake trout fisheries in northern Vermont, but current water level fluctuation has the potential to impair fishery. Ice damage due to the lack of drawdowns invites evaluation of the best water level to be maintained in order to have the least amount of impact.

Natural Resources, pg.24

10. Sedimentation and road and developed land runoff are negatively affecting water quality. Action by the town to address the sedimentation and the feeder stream contribution to the problem is imperative. Furthermore, the groundwater table is unusually high, and old, outdated and expired, overburdened septic systems increase the danger of septic overflow, especially in wet years.

The Greensboro Association is very active in keeping the lake free from Eurasian Milfoil and Zebra Mussels. The Association also sponsors swimming lessons, and monitors water quality on a weekly basis. These activities are testament to the concern and care the residents, both full and part time, have for Caspian Lake.

Natural Resources pg. 25

11. The Vermont Department of Environmental Conservation (DEC) has conducted a lake water quality monitoring program for over twenty years. These data have been reported as the Lake Scorecard. Overall, the DEC rates Caspian Lake as follows:

**Nutrient Trend**: Fair Condition
**Shoreland Habitat**: Fair Condition
**Invasive Species**: Good Condition
Natural Resources, pg. 25

12. However, the mean total phosphate (TP) concentrations in the DEC data show the Caspian Lake trend is "significantly increasing," as shown in Figure 2. The summer TP concentrations have increased from the 5-7 ug/l to about 11 ug/l since the late 1990’s. These levels are in the "mesotrophic" category, which indicates a moderate level of nutrients (oligotrophic being low in nutrients). At 15 ug/l or higher, Caspian would be classified as a eutrophic lake, indicative of higher nutrient levels and a higher probability of algal blooms in summer, which in turn, can impair recreational uses, aesthetic enjoyment, water supplies, the biological community and produce toxins that harm animals and people.

Summer Total Phosphorus in Caspian Lake

Phosphorus in lakes comes primarily from nonpoint sources. Nonpoint sources of phosphorus are carried by precipitation running over the land and sometimes through the soil into our waterways. Nonpoint sources of phosphorus include agriculture runoff, stream bank erosion, developed land (from roads, parking lots, lawns, athletic fields, and buildings), wastewater treatment facilities and failing septic systems, forest harvesting, and historically deposited phosphorus that has collected in bottom sediments in portions of the lake. Point source discharges of phosphorus include regulated storm water discharges and sewage treatment plants.

Natural Resources pg. 26-27

13. Figure 4 shows again that agricultural phosphorus sources are the largest contributors to lakes in Vermont, such as Caspian. Note that streams are a significant source as well. This figure also indicates that developed areas contribute to phosphorus loading. Septic, though, was only 2.5% of the TP.

The sources of total phosphorus must be investigated and mitigated to the fullest extent possible to maintain and improve Caspian’s water quality.

Because excess nutrient loading results from activities both in the watershed and along the lakeshore, protective action is required at both the lake and along the waterways in the watershed.

Natural Resources pg. 28

14. Preserve open space and support recreational opportunities: Maintaining Greensboro's rural character is important to attract working families to Greensboro.
15. Maintain and enhance the town’s rural and agricultural character, by encouraging future residential and commercial growth in and adjacent to the Village Districts and discouraging sprawl.

Policies

- Preserve undeveloped land through conservation tools such as the Greensboro Land Trust, the Vermont Land Trust, the Vermont Housing and Conservation Board and other similar tools and programs.
- Evaluate zoning or development standards that allow lot sizes that enable development of housing and small businesses in or immediately adjacent to Village Centers (see Housing Policies and Actions for more on this topic).
- Support an attractive environment in Greensboro for the general well-being of the residents and visitors.

Land Use Goal, Policies and Actions, pg. 89

16. Goal: Stewardship with integrity over all of Greensboro’s natural resources, including open fields, forests, animal and plant habitats, streams, lakes, and scenic landscape in a manner that protects and enhances the town’s ecological health and biological diversity for the benefit of current and future residents.

Natural Resources Goals, Policies and Actions, Chapter 4, pg. 94

Policies

- Establish conservation priorities that will preserve agricultural land, evergreen and deciduous forests, important wildlife habitat, water resources, river corridors, wetlands, stream and lake shorelines and scenic view sheds.
- Protect the water quality of the Town’s lakes, streams, and watersheds against degradation by pollution, runoff and erosion.
- Preserve Caspian Lake shoreline and ridgeline view sheds from any further development.

Actions

- Preserve lake water quality.
  - Request that the Conservation Commission evaluate further actions needed and Bylaws amendments required to protect lake water quality from all potentially harmful actions on Caspian Lake.
  - Amend the Town Bylaws to create a 100 foot buffer along streams.
- Work with the Greensboro Road Department and others, including farmers, landowners and Greensboro Association members, to identify further actions that will control stormwater runoff (utilize the 2017 Greensboro Stormwater Study) into Caspian Lake. These actions may require change to the Town Bylaws.
- Amend the Town Bylaws to minimize runoff impacts from development on steep slopes. Require extraordinary stormwater controls for development of slopes of 15-25% and prohibit development on slopes greater than 25%.

- Conduct public outreach to a) educate shore land property owners in order the reverse the negative trend in shore land vegetation and aquatic habitat; b) to implement best management practices consistent with the Vermont LakeWise program; c) to control milfoil and other aquatic nuisances, and d) educate property owners adjacent to the lake to keep their septic systems properly maintained.
  
  Natural Resources Goals, Policies and Actions, Chapter 4, pg. 92-95

17. Protect ridgelines from development impacts.
Housing Policy pg. 97

18. A sustainable Greensboro, where prosperity contributes to and drives quality of life must support existing local businesses and attract new small businesses that are compatible with and preserves Greensboro's rural character.
Economic Goal pg. 99
APPENDIX 4

Greensboro Zoning Bylaw Amendments, 2021

§ 5.1 Zoning Permits
(D) Subdivisions
Current requirements:
1. A map of the proposed subdivision (either a copy of a survey, or a sketch based on the
town tax map) shall be included with the zoning permit application.
2. No subdivision of a lot may occur which creates a new lot that does not meet the
requirements of the District in which it is located.
Proposed requirements include: the requirement that all lots created by or resulting from
subdivision shall conform to all regulations governing the zoning district in which the property is
located.

In addition, the amendment specifies:

A. Minor Subdivision: A division of land resulting in no more than two (2) lots within a three year
period, requires an administrative permit.
B. Major Subdivision: A division of land resulting in more than two (2) lots within a three year
period or where a portion of the land falls in a different district, a Conditional Use and Site Plan
Review are required.

A contiguous parcel of land in the town of Greensboro may be subdivided into no more than four
(4) lots in any given 12 month period unless in conjunction with a PUD approved by the
Development Review Board in accordance with Article 4.9 Planned Unit Development.

Application requirements:
 a. All relevant State permits must be obtained.
 b. A survey map prepared by a licensed surveyor which includes existing and proposed
 property lines, lot lines, boundary dimensions, location of roads, driveways, ROWs,
 easements, culverts, waterways, wetlands, floodplains, existing structures, wells, septic
 systems.
 c. Recording fee and other local fees.

The Town Clerk of Greensboro shall not record any deed which evidences a subdivision of land
unless the ZA certifies that such subdivision is in compliance with town zoning and subdivision
regulations and after the appeal period and all appeals are considered. The ZA may refer any
subdivision to the Development Review Board, if deemed necessary.

These changes were added for clarity between adjacent landowners and to provide thoughtful
division of property.

§ 2.3 Greensboro Village District, § 2.5 Rural Lands District, and § 2.6 Resource District,
sign setback changes from 50’ to 25’.
This change makes visibility of signs from roads more reasonable. It also conforms to current setbacks in the Greensboro Bend District.

§ 3.8 Nonconformities
(A) Subject to Conditional Use approval by the Development Review Board (DRB), a Nonconforming Structure may be restored or reconstructed provided that the Nonconforming Structure is not located in the Special Flood Hazard Area; such reconstruction shall not increase the degree of non-conformance of the original structure.

Proposed change: Subject to Conditional Use approval by the Development Review Board (DRB) only when proposed changes increase the degree of nonconformity...
This change allows the ZA to issue permits for Nonconforming structures that do not increase their degree of nonconformity.

§ 3.9 Protection of Water Resources
(B) Waters Regulated By This Bylaw.

Setback Distance From All Rivers And Streams, proposed change from 50’ to 100’.
Buffer Distance From All Rivers And Streams, proposed change from 50’ to 100’.

This change in distance provides increased protection to fragile areas.

§ 5.1 Zoning Permits
Proposed change adds: (H) The ZA will issue a Certificate of Compliance.

§ 5.13 Zoning Enforcement Policy
D. If a notice of violation is issued, it must also be recorded in the Greensboro land records.

Proposed change includes: Any written notice of a zoning violation in the Shoreland Protection District will be sent to the Agency of Natural Resources.
This change protects fragile shoreland areas.

§ 5.4 Conditional Uses
(C) Specific standards shall include:
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.

Proposed change will remove #3, as 5.4 applies to residential applications, too.

This specific standard is covered for industrial and commercial uses in the site plan required for these uses.
§ 5.4 Conditional Uses
(C) Specific standards shall include:

7. Noise, air pollution and effects on the character of the neighborhood shall be considered.

Proposed change reads: Noise, air pollution, exterior light, viewshed and effects on the character of the neighborhood shall be considered.

*This change was requested by the DRB to aid in their decision-making.*

§ 9.2 Definitions
**Building Footprint:** The gross floor area encompassed by a building’s outer walls. Footprint is measured from exterior face to exterior face.

Proposed change: The gross floor area encompassed by a building’s *interior* walls. Building footprint will be measured from *interior* wall to *interior* wall.

*This change does not penalize green energy homeowners who construct dwellings with extra thick exterior walls.*

§ 9.2 Definitions
**Height (of Structures):** The vertical distance measured from the average finished ground elevation around the foundation to the top of a structure or to the highest point of the roof surface of a building.

Proposed change: The height of any structure will be defined as the average height measured from the ground to the roof ridge line.

*This change excludes chimneys from height restrictions.*
The Town of Greensboro is a self-delegated municipality in regard to regulating the construction, creation, or expansion of impervious surfaces in the Shoreland Protection District. Article 8 in the Lake Shoreland Protection District has been merged into §2.7 Shoreland Protection District.

§ 2.7 Shoreland Protection District

§ 2.7 A Description. The Shoreland Protection District is comprised of lands contiguous to and in the immediate vicinity of Caspian Lake and the western shore of Eligo Lake, as defined by the zoning maps.

§ 2.7 B Purpose. The Shoreland Protection District is established to:

1. Preserve vegetation and natural cover of the shores adjacent to Lake Caspian and the western shore of Eligo Lake in order to protect surface water resources and prevent pollution;
2. Recognize the extreme vulnerability of lakeshore properties to erosion;
3. Preserve or improve the natural stability of shoreline;
4. Prevent degradation of water quality;
5. Preserve the undeveloped wooded vegetation views both to and from the lakes and to avoid problems resulting from continued development of the lakeshores which would cause natural and scenic resource degradation; and
6. Retain the mix of residential/summer homes as well as the recreation uses traditional to these lakes while it protects wildlife habitats and conserves both the natural scenic beauty that currently exists along the shorelands as well as the open fields and undeveloped forest viewsheds within the Town of Greensboro.

§ 2.7 C Precedence. The provisions of this section will take precedence where they impose a greater restriction than another provision of this bylaw. Where there is a conflict between the provisions of this section, the most restrictive provision will apply.

§ 2.7 D Applicability. A zoning permit, and any required development approval, is required for all land development within this district and for any activity that would clear land, remove vegetation or create impervious surface within 150 feet of the mean water level of Caspian and Eligo lakes, unless specifically exempted.

§ 2.7 E Exempt Development. The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

1. Agricultural and silvicultural practices exempted under Section 3.6;
2. Repair, maintenance and replacement of public or private roads;
3. Normal maintenance and repair that will not result in a change in the footprint or use of any structure;
4. Management of vegetative cover in accordance with Subsection P;
5. Maintenance of lawn, garden, and landscaping that were in existence as of July 1, 2014;
6. Creation of one footpath that does not exceed 5 feet in width (including stairs, landings and platforms) on a parcel to provide water access;
7. Demolition of a structure or portion of a structure;
8. Septic systems and wells permitted under a state Wastewater System and Potable Water Supply Permit from the Vermont Agency of Natural Resources;
9. Planting projects to restore natural and beneficial shoreline functions that do not involve grading, shoreline hardening or construction of structures, and that implement Vermont Shoreland Best Management Practices;
10. Development over or in the lake permitted under a Lake Encroachment Permit from the Vermont Agency of Natural Resources;
11. Development permitted under a Certificate of Public Good from the Vermont Public Utilities Commission; and
12. State-owned and operated facilities and institutions.

§ 2.7 F Permitted Uses, which require a zoning permit. The Administrative Officer may issue a zoning permit for the uses listed below:

1. Single-family dwelling
2. Accessory structure
3. Accessory dwelling unit
4. Home occupation
5. Canopies or roofs on stairways, lifts, and landings require a permit
6. 

Permitted Uses, which do not require a zoning permit. Removal of vegetation necessary to accommodate the placement of a stairway and associated landing, a lift for Americans With Disabilities Act (ADA) accessibility, or access path. Trees, shrubs, and Natural Ground Cover shall be maintained within these areas. The construction shall not involve earth-moving equipment. Stairways and lifts shall meet the following design requirements:

1. Stairways and lifts shall be four feet or less in width.
2. Landings for stairways and lifts shall be 32 square feet or less in area.

§ 2.7 G Conditional Uses. A landowner must obtain conditional use approval from the Development Review Board before the Administrative Officer may issue a zoning permit for the uses listed below. The DRB may authorize these uses, subject to conditional use review procedures under Section 5.4, including Shoreland Buffer re-establishment and bank stabilization projects, and the following provisions where the DRB finds that the purposes of this section will be protected through erosion controls, supplemental planting, protection of existing vegetation, and/or other measures. A Lake Encroachment Permit from the Vermont Agency of Natural Resources may be required.
1. Nonconforming structure
2. Boathouses
3. Public recreational facilities
4. Cemeteries

§ 2.7 H **Dimensional Standards.** Lots and structures must meet the dimensional standards below:

| (1) | Minimum lot size | 1 acre |
| (2) | Minimum lot width | 100 feet |
| (3) | Minimum lot depth | 200 feet |
| (4) | Minimum shoreline frontage | 100 feet |
| (5) | Minimum front (road) setback | 50 feet | Measured from the right-of-way centerline |
| (6) | Minimum side and rear setback | 20 feet | Measured from the property line |
| (7) | Minimum shoreline setback | 150 feet | Measured horizontally from the mean water level |
| (8) | Maximum height, single family dwelling | 30 feet | Measured from average finished grade at the outer building wall to the ridgeline |
| (9) | Maximum height, boathouse | 15 feet |
| (10) | Maximum height, all other structures within 150' of the lake | 20 feet |
| (11) | Maximum height, all other structures, outside of 150' of the lake | 30 feet |

§ 2.7 I **General District Standards.** The standards below are specific to proposed development within the Shoreland Protection District:

1. **Shoreline Setback.** Any areas proposed to be cleared or covered with impervious surface must be located at least 150 feet from the mean water level except for boathouses and shoreline stabilization measures permitted under a Lake Encroachment Permit from the Vermont Agency of Natural Resources and that implement Vermont Shoreland Best Management Practices.

2. **Steep Slopes.** Any areas proposed to be cleared or covered with impervious surface must have a slope of less than 15% (as determined based on the most currently available lidar data from the state or by a current topographic survey of the project site prepared and stamped by a licensed Vermont surveyor) or the applicant must submit plans prepared by a professional engineer demonstrating that the slope will be stabilized with minimal potential for erosion and impacts to water quality.

3. **Impervious Surface.** The amount of impervious surface must not exceed 15% of the total area within 250 feet of the lake or the applicant must submit plans prepared by a professional engineer demonstrating that stormwater runoff will be managed with minimal potential for erosion and impacts to water quality.

4. **Vegetative Cover.** Vegetative cover must be maintained on at least 60% of the total area within 250 feet of the lake and the applicant must implement Vermont Shoreland
Best Management Practices to provide erosion control, bank stability and wildlife habitat functionally equivalent to that which would be provided by clearing less than 40% of the land. Vegetative cover must be managed in accordance with Subsection P.

5. No portion of any structure within 50’ of the lake may increase in height.

6. No new structures except boathouses are allowed within 150’ of the lake.

7. New roads and driveways shall not be constructed in the Shoreland Buffer Resource Zone.

8. New lawn areas within the Shoreland Buffer Resource Zone shall not be permitted. Property owners with lawn areas in the Shoreland Buffer Resource Zone are encouraged to return lawn areas to their naturally vegetated state. Supplemental planting with appropriate vegetation to restore and enhance the effective filtering and bank stabilization functions of a Shoreland Buffer is encouraged.

9. Any areas within the Shoreland Buffer Resource Zone that are disturbed as the result of a permitted or conditional use, as provided in Sections 2.7 F and 2.7 G, or the expansion of a nonconformity shall be restored through natural regeneration and/or planting of native shrubs and trees appropriate to the site and designated as “no mow zones.”

10. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes that disturb natural vegetation are not permitted within the Shoreland Buffer Resource Zone.

11. On the shorelines of Caspian and Eligio Lakes, there shall be no cutting into, disturbance of, or removal of any Natural Berm separating the lakeshore property from the lake itself.

12. New Development shall comply with the erosion prevention and sediment control standards in Section 2.7 Q of this bylaw.


14. Runoff from cleared or impervious areas within the Shoreland Protection District shall not enter the Shoreland Buffer Resource Zone in channelized form.

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1 Turf grass is not an appropriate choice for shoreland buffer re-vegetation.
15. New Development must also comply with the applicable Flood Hazard Area regulations (Article 6) if it is located in the Special Flood Hazard Area.

16. Roads and Driveways.
   
a. Roads and driveways shall be properly crowned to allow stormwater to flow immediately off the surface into surrounding vegetation or a stabilized ditch. Water bars can also be utilized to intercept water flowing lengthwise down the surface and transfer it off to the side into vegetation or ditched areas.

b. Banks shall have a slope of 1:2 (vertical : horizontal) or less.

c. Grades shall be no steeper than 10%. New roads or driveways crossing Steep Slopes shall be avoided.

d. Drainage ditches with slopes less than 5% shall be lined with grass and run-off ditches; slopes greater than 5% shall be lined with riprap.

e. Drainage ditches shall empty, in a diffused manner, into vegetated buffer strips set back at least 150 feet from the water's edge.

f. Adequate and correctly installed cross drains, culverts, and water turnouts shall be provided to avoid ditch erosion.

g. Existing driveways shall not be paved but shall use road materials such as a mix of crushed gravel and fines (not bank run gravel) so the particles ‘lock’ together. See https://dec.vermont.gov/sites/dec/files/wsm/lakes/Lakewise/docs/LP_BMPCrownedDriveways.pdf

§ 2.7 J District Standards for Single-family Dwellings. An applicant proposing to build, reconstruct, expand or modify a single-family dwelling in this district must demonstrate that:

   The structure will not exceed 2,500 square feet of total interior habitable floor area, excluding garages, porches, decks, accessory structures, and/accessory dwelling units, except:

   a. A pre-existing nonconforming structure may be reconstructed or modified within its original footprint, provided that the structure’s degree of nonconformity is not increased.

   b. All new and reconstructed single family dwellings must have two parking places.
§ 2.7 K District Standards for Boathouses. There is a limit of one boathouse per lot. Applicants must build, reconstruct, expand, modify, or relocate a boathouse in this district as follows:

1. Construction of a New Boathouse. A new boathouse must:
   a. Boathouses must be used solely for storage of boats and related goods.
   b. Be constructed behind the natural berm, if one exists, or if one does not exist, the boathouse must be built behind the mean water level;
   c. Not exceed 400 square feet in total floor area and a height of 15 feet;
   d. Not include any decks (including roof decks), porches or similar appurtenances;
   e. Not have any plumbing;
   f. Mitigate clearing and creation of impervious surface within the shoreline setback by leaving the stumps of any trees cut for the construction of the boathouse in the ground, chipping the branches of any trees cut, and distributing the chips on areas disturbed during construction.

2. Modification or Reconstruction of an Existing Boathouse. A modified or reconstructed boathouse must:
   a. Be relocated, if practicable, to behind the natural berm, or the mean water level if no berm exists;
   b. Not exceed 400 square feet in total floor area and a height of 15 feet if the original structure did not exceed those dimensions;
   c. Not be expanded in floor area (all interior floor area plus porches and decks) or volume (inclusive of all space within the roof and fixed exterior walls) if the original structure exceeded 400 square feet in total floor area and a height of 15 feet;
   d. Not include any new or expanded decks (including roof decks), porches or similar appurtenances;
   e. Not include any expanded plumbing.

3. Mitigate clearing and creation of impervious surface within the shoreline setback by leaving the stumps of any trees cut for the construction of the boathouse in the ground, chipping the branches of any trees cut, and distributing the chips on areas disturbed during construction.

§ 2.7 L District Standards for Accessory Structures. An applicant proposing to build, reconstruct, expand or modify an accessory structure in this district must demonstrate that:
1. The construction of a New Accessory Structure. A new accessory structure will not exceed 900 square feet, including porches and decks, and must meet all setbacks.

2. Modification or Reconstruction of an Existing Accessory Structure. A modified or reconstructed accessory structure:
   a. There is no net increase in the footprint within 150' of the shoreline;
   b. The structure's degree of nonconformity is not increased.

§ 2.7 M District Standards for an Accessory Dwelling Unit. There is a limit of one accessory dwelling unit on a lot. An applicant proposing to build, reconstruct, expand or modify an accessory dwelling unit in this district must demonstrate that:

   1. The construction of a new ADU: A new ADU will not exceed 900 square feet of total habitable floor area or 30% of the size of the principal structure, whichever is greater.

   2. Modification or Reconstruction of an Existing ADU:
      a. The structure will not exceed 900 square feet of total habitable floor area or 30% of the size of the principal structure, whichever is greater, provided that:
      b. There is no net increase in the footprint within 150 feet of the shoreline;
      c. The structure's degree of nonconformity is not increased; and

   3. All new and reconstructed ADU's must have one designated parking place.

§ 2.7 N District Standards for Nonconformities. An applicant with a parcel of land that was created and developed prior to July 1, 2014 who cannot meet the standards of Subsection 2.7 H due to physical characteristics of the land or of pre-existing development on the parcel must demonstrate that the proposed development conforms to the following:

   1. The standards of Section 3.8 must be met.

   2. No portion of a structure within 50' of the lake may increase in height.

   3. If the structure does not meet setback requirements and it is practicable to relocate the structure to a portion of the lot where it would conform to the setback requirements, it is recommended to do so.

   4. The proposed cleared area or impervious surface will be located as far as possible from the mean water level except for shoreline stabilization measures permitted under a Lake Encroachment Permit from the Vermont Agency of Natural Resources or that implement Vermont Shoreland Best Management Practices.
5. On a parcel that is developed with a habitable structure, any expansion of impervious surface within 150 feet of the mean water level will not encroach any closer to the shoreline than the pre-existing development on the parcel.

6. The proposed cleared area or impervious surface will be mitigated in accordance with Vermont Shoreland Best Management Practices as most recently publicized by the Vermont Department of Environmental Conservation (for more information, see https://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/bmp).

2.7 O Nonconforming Uses and Structures Within the Shoreland Buffer Resource Zone.

1. Any structure or use of land legally in existence or legally permitted as of the effective date of these regulations that does not meet the requirements of these regulations shall be considered nonconforming. Nonconforming uses and structures within the Shoreland Buffer Resource Zone are subject to the following conditions:

   a. A Nonconforming Structure may undergo normal maintenance and repair provided that such action does not increase the degree of nonconformity. Alterations within the existing footprint shall be allowed; such alterations require a conditional use permit. New and altered windows and doors are a permitted use and require only a building permit, not a conditional use permit. Normal repair does not include reconstruction. See subsection C of this section regarding reconstruction.

   b. Any expansion of a Nonconforming Structure, including the addition of decks or patios, shall not extend towards the water beyond the existing nonconformity [see figure below].

   c. A Nonconforming Structure may be enlarged, extended, reconstructed, expanded, modified or relocated only with the approval of the DRB, subject to conditional use review under Section 5.4. The DRB must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through Mitigation measures (See 3 C below) and meets all other applicable requirements of these regulations.

   d. Where the expansion of a Nonconforming Structure is permitted, the DRB shall require the applicant, as a Mitigation measure, to return a significant portion of any mowed or cleared areas in the Shoreland Buffer Resource Zone to a naturally vegetated state with supplemental planting of appropriate non-invasive vegetation. At a minimum, slopes of 15% or greater shall be returned to natural vegetation cover. Other areas not essential to intended use of the development shall be returned to natural vegetation cover as well in order to bring the development closer to compliance with the development standards of the Shoreland Buffer Resource Zone.
c. Expansion of Nonconforming Structures shall comply with the erosion prevention and sediment control standards in Section 2.7Q of these regulations.

f. New roads and driveways are not allowed as part of an expansion of a Nonconforming Structure. However, the DRB may authorize improvements to existing nonconforming roads and driveways if such improvements will result in a reduction of existing shoreland erosion and unbuffered stormwater runoff.

g. Cleared openings and lawns within the Shoreland Buffer Resource Zone legally in existence on the effective date of these regulations may be maintained. However, areas that were once fields, lawns or cleared openings but have reverted to primarily shrubs, trees, or other woody vegetation are regulated as a buffer under these regulations.

2. In accordance with 24 V.S.A. § 4469(a) and Section 5.5 of this bylaw, a variance from the DRB is required for any Development on pre-existing, nonconforming lots that currently does not comply with the Shoreland Buffer Resource Zone setback, lot shoreline frontage, and/or minimum depth standards.

3. Reconstruction and Relocation in the Shoreland Buffer Resource Zone

   a. A Nonconforming Structure may be rebuilt in its existing Building Footprint provided that the Nonconforming Structure is not located in the Special Flood Hazard Area. The building and its accessory appendages may be replaced but not enlarged. Accessory appendages such as porches and decks are not part of the Building Footprint but may be replaced in place with structures of the same size and functionality. A Nonconforming deck or porch may not be enclosed. A Conditional Use permit shall be required for reconstruction. A reconstructed building must comply with the erosion prevention and sediment control standards in Section 2.7Q of this bylaw.

   b. A Nonconforming Structure can be relocated so that it is less nonconforming but still within the Shoreland Buffer Resource Zone provided that disturbed areas are restored to a naturally vegetated state with supplemental planting of appropriate native vegetation. Relocation shall require a Conditional Use permit. A relocated building shall comply with erosion prevention and sediment control standards in Section 2.7Q of this bylaw.

   c. Where the reconstruction or relocation of a Nonconforming Structure is permitted, the Development Review Board shall require the applicant to compensate through Mitigation measures, determined per site that may include but are not limited to planting appropriate non-invasive, native vegetation according to Shoreland Best Management Practices.
2.7 P District Standards for Vegetative Cover. An applicant proposing to cut trees within 150 feet from the mean water level must obtain an intent to cut permit from the ZA. As part of that permit application, an applicant must demonstrate compliance with all regulations described below. Additionally, adequate photographs and a sketch must be provided of the area of the property affected, identifying the location of the trees and saplings that will be removed.

1. A well-distributed stand of trees will be maintained as follows:
   
a. The area within 150 feet from the mean water level must be divided into a series of 25-foot x 25-foot areas that are adjacent and that do not overlap.

   b. Each 25-foot x 25-foot area must obtain a rating score of 12 or more points based on the number and diameter of trees within that area. Diameter will be measured at 4½ feet above ground level.

   (i) A tree with a diameter of at least 2 but less than 4 inches = 1 point
   
   (ii) A tree with a diameter of at least 4 but less than 8 inches = 2 points
   
   (iii) A tree with a diameter of at least 8 but less than 12 inches = 4 points
   
   (iv) A tree with a diameter of 12 or more inches = 8 points

   c. Trees may be removed from any 25-foot x 25-foot area that obtains more than 12 points provided that the area continues to obtain a rating score of at least 12 points.

   d. Trees must not be removed from any 25-foot x 25-foot area that obtains 12 points
or less.
e. Dead, diseased or unsafe trees may be removed regardless of points.
f. Pruning of tree branches within the bottom one-third of a tree's height will be allowed regardless of points.
g. If an area falls below 25 points, a replacement tree must be planted.

2. Other natural vegetation will be maintained as follows:

   a. Existing vegetative cover under three feet in height and other ground cover, including leaf litter and the forest duff layer, must not be cut, covered or removed.

   b. At least five saplings less than two inches in diameter (measured at 4½ feet above ground level) will be retained within each 25-foot by 25-foot area. If five saplings do not exist, no woody stems less than two inches in diameter will be removed until five saplings have been planted or rooted in the area.

2.7 Q Shoreland Protection District Erosion Prevention and Sediment Control Standards for New Construction, Reconstruction, and Relocation.

1. The extent of earthwork, erosion potential, and protection of critical features shall be considered in site selection and design. Site selection shall consider existing topography, existing drainage courses, vegetation and soil conditions. Erosion prevention and sediment control measures shall be well thought-out early in the selection process.

   a. Development of a lot or site shall require the least possible amount of vegetation clearing, soil disturbance, exposure time, soil compaction and topography change.

   b. Lot coverage and building footprints shall minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas shall be a priority for preservation.

   c. Runoff from above the construction site shall be intercepted and directed around the disturbed area into an undisturbed vegetated area.

   d. Vegetated strips and swales, sediment traps, and silt fences shall be used to prevent soil from leaving the site.

   e. There shall be no soil compaction outside the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance
area, there shall be no storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.

f. Immediate seeding and mulching or the application of an erosion control mat shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased. Use only matting with non-fixed net joints so animals will not get trapped in the matting.

g. Development, grading or clearing of vegetation on land where the slope is greater than 15% is prohibited.

2. Pre-Development Submission Requirements for Single Family Dwellings and Accessory Dwelling Units. (Accessory Structures are exempted from these requirements).

   a. An existing condition site assessment providing slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.

   b. A map drawn to scale showing the location, extent and type of proposed Development and land disturbance and its proximity to the Shoreland Buffer Resource Zone and Lake. The plan shall include consideration of low impact development concepts as recommended in the Vermont Low Impact Development Guide for Residential and Small Sites.

   c. An erosion and sediment control plan that incorporates accepted management practices as recommended by the state in The Low Risk Site Handbook for Erosion Prevention and Sediment Control.²

² Any construction activity that disturbs one or more acres of land, or is part of a larger development plan that will disturb an acre or more requires a Vermont state permit for stormwater discharges from construction sites.
§ 5.1 Zoning Permits
(D) Subdivisions

All lots created by or resulting from subdivision shall conform to all regulations governing the zoning district in which the property is located.

A. Minor Subdivision: A division of land resulting in no more than two (2) lots within a three year period, requires an administrative permit.
B. Major Subdivision: A division of land resulting in more than two (2) lots within a three year period or where a portion of the land falls in a different district, a Conditional Use and Site Plan Review are required.

A contiguous parcel of land in the town of Greensboro may be subdivided into no more than four (4) lots in any given 12 month period unless in conjunction with a PUD approved by the Development Review Board in accordance with Article 4.9 Planned Unit Development.

Application requirements:
  a. All relevant State permits must be obtained.
  b. A survey map prepared by a licensed surveyor which includes existing and proposed property lines, lot lines, boundary dimensions, location of roads, driveways, ROWs, easements, culverts, waterways, wetlands, floodplains, existing structures, wells, septic systems.
  c. Recording fee and other local fees.

The Town Clerk of Greensboro shall not record any deed which evidences a subdivision of land unless the ZA certifies that such subdivision is in compliance with town zoning and subdivision regulations and after the appeal period and all appeals are considered. The ZA may refer any subdivision to the Development Review Board, if deemed necessary.

§ 2.3 Greensboro Village District, § 2.5 Rural Lands District, and § 2.6 Resource District, sign setback changes from 50’ to 25’.

§ 3.8 Nonconformities
(A) 2. Subject to Conditional Use approval by the Development Review Board (DRB) only when proposed changes increase the degree of nonconformity, a Nonconforming Structure may be restored or reconstructed provided that the Nonconforming Structure is not located in the Special Flood Hazard Area; such reconstruction shall not increase the degree of non-conformance of the original structure.

§ 3.9 Protection of Water Resources
(B) Waters Regulated By This Bylaw.

Setback Distance From All Rivers And Streams, proposed change from 50’ to 100’. Buffer Distance From All Rivers And Streams, proposed change from 50’ to 100’.
§ 5.13 Zoning Enforcement Policy
F. Any written notice of a zoning violation in the Shoreland Protection District will be sent to the Agency of Natural Resources.

§ 5.4 Conditional Uses
(C) Specific standards shall include:
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected. *This standard will be removed, as it is not applicable for residential applications.* This standard is included in the site plan review for commercial and industrial uses.

§ 5.4 Conditional Uses
(C) Specific standards shall include:
7. Noise, air pollution, exterior light, viewshed and effects on the character of the neighborhood shall be considered.

§ 9.2 Definitions
**Building Footprint:** The gross floor area encompassed by a building’s interior walls. Building footprint will be measured from interior wall to interior wall.

§ 9.2 Definitions
**Height (of Structures):** The vertical distance measured from the average finished ground elevation around the foundation to the top of a structure or to the highest point of the roof surface of a building.