Minutes
Planning Commission Hearing for Public Comments

Regarding Proposed Bylaw Amendments to the Shoreland Protection District
and Other Miscellaneous Changes

June 2, 2021, via Zoom 6 p.m.


Absent Members: None.

Meeting called to order at 6:04 p.m.

Carol outlined the hearing format, with a time limit of 1-3 minutes per speaker. Except for links, the chat was disabled. She noted the Greensboro zoning bylaw had been reviewed after the revised Town Plan had been updated by town vote. The process is approximately one-third of the way through the process. Public input will be incorporated into a revision, and then the bylaw will proceed to the Selectboard.

Christine Armstrong noted the Stewards of the Greensboro Watershed recently received three major grants. Christine read a statement that included the following overview:

- An overarching goal of the proposed changes is to offset the stress and degradation that near-shore human disturbance has on lake habitat, aquatic life and water quality and view shed.

- Article 8 in the current bylaw is now integrated into Article 2.

- The bylaw complies with the State’s Shoreland Protection Act which regulates land use within 250 feet of the lake.

- Impervious surfaces are restricted on each lot (no more than 15% instead of 20%) and the buffer zone increased to 150’ which matches the building setback.
A permit to cut vegetation along the shoreline is proposed as a requirement; the rules and point system were designed by the State.

Mitigation practices are strengthened with Best Practice requirements.

Buildings: View shed is now considered in the development process in order to protect against shoreland degradation caused by human disturbance and to reduce the intensity of development in a rural setting.

Specific details regarding proposed changes are condensed in the attached files.

Christine also noted The Stewards of the Greensboro Watershed were awarded three significant grants: to do a Greensboro Watershed Action Plan; to implement the Lakewise program at Caspian and Eligio; to design and deliver educational opportunities around water quality protection to community members.

Carol asked for public comment. Patricia Wasserman asked to have links added to the chat. Rick Ely spoke regarding his written comments and noted the definition of development as any human-made change is a broad definition. Four Hewes asked where he could find public comments. Brett answered that public comments will be posted on the website in a timely manner. Marian Wright how the Commission defines overdevelopment. Christine repeated the overarching goal is to offset the stress and degradation that near-shore human disturbance has on lake habitat, aquatic life, water quality, and view shed. Marian Wright noted that’s subjective. Nancy Riege hoped everyone wants to keep Caspian Lake beautiful, and bigger is not better. JoAnn Hanowski, the Chairperson of the Caspian Watershed, said the Stewards’ mission is to protect all water in the area, including streams. She said we need to protect what we have to preserve it; we don’t know what the tipping point is.

Palma Bickford asked if the enforcement will be consistent, as enforcement is not currently consistent. Brett noted cutting vegetation along the shoreline is not required to be reported to the town. Enforcement is outlined in Article 5 of the current bylaw. In the proposed amendments, Christine noted, anyone who cuts vegetation along the shoreline will be obligated to report this. Rick Ely clarified aspects of 2.7P. Brett confirmed that an application and $40 fee would be required in the proposed amendments. Further discussion revolved around cutting. Carol said these questions will be taken under consideration by the Planning Commission.

Liz Steel said she was interested in the micromanagement of gardening and landscaping within 150’ of the lake. Will she need to document removal of all diseased branches? Christine referred her to the state’s Best Management Practices. Robin Hardy asked about rules regarding gardening by the lake. Christine reiterated that gardening is not discouraged by the lake. The intent of the state’s guidelines is to make sure that the vegetation around the lake is robust. Mary Parker asked for more clarification about why someone should pay the town a fee to remove a diseased tree. Carol reiterated that this section will be reconsidered by the Planning Commission. Four Hewes noted fruit trees require pruning, so he might be charged for every pruning. He also asked about the purpose of the town approving tree care instead of recognized tree experts.
Bill Hardy asked if there is science to increase the buffer area by 50%? Is that decision arbitrary? Christine answered that the less human disturbance closer to the water is better for water quality. The Commission chose the distance because it is the setback for buildings. Existing structures are grandfathered. Nancy Riege reiterated that she hopes everyone just wants to keep the lake clean. Carol noted everyone has the health of the lake at heart, and the lake health ties into property values.

George Gowen said he knows of half a dozen beautiful improvement projects around the lake. He said mandating septic improvements would be most beneficial. Carol replied that the state regulates septic permitting, but the town has multiple projects in process addressing wastewater.

Linda Ely asked if existing structures will be grandfathered. Brett answered yes. Jerilyn clarified that the proposed application fee would be per application and not per tree. Ellen said a homeowner could have a professional evaluate the trees on the property and then complete the work within two years.

Clive Gray asked to have his comments considered. Carol said that would happen at the next Planning Commission meeting. Marian Wright clarified that no structure, even a house, could increase its height within 50’ of the lake. Carol said yes. Nancy Riege appreciated the public warnings. Naomi Ranz-Schleiffer asked if there was a red line copy. Brett answered that’s not practicable, as Article 8 was merged into Article 2.

Carol repeated that written comments will be taken in writing for the next seven days at zoning@greensborovt.org. She thanked the public for attending and noted public input enables the Planning Commission to make better decisions.

Carol ended the Zoom meeting. The Planning Commission reconvened and had no business to transact in executive session. At 7:18 pm., Linda made a motion to adjourn. MacNeil seconded. Adjourned by consensus.

The next Planning Commission meeting is Wednesday, June 16, 2021, at 5 p.m., via Zoom.

Respectfully submitted,

Brett Stanciu, Zoning Administrator

Appendix 1:

Proposed Changes to the Greensboro Lakeshore District Zoning Bylaws

1. More fully described specific purpose.

2. Removed residential care, group homes and residential child care from permitted use.
3. New accessory structures will not exceed 900SF, including porches and decks, within 150’ of the shoreline. A modified or reconstructed accessory structure may not increase in the footprint within 150’ of the shoreline; the structure’s degree of nonconformity may not increase.

4. House size is now measured from interior walls to interior walls instead of from/to exterior walls.

5. The height of any structure is the average height measured from the ground to the roof line.

6. No portion of a structure within 50 feet of the lake can increase in height.

7. More robust mitigation will be required by DRB if nonconforming structure is allowed to become more nonconforming.

8. Separated accessory structure and accessory dwelling unit. Limited to one of each per lot within 150’ of the lake. Height reduced to 20 feet. Maximum size is 900 sf which includes decks and porches.

9. ADU has a height restriction of 20 feet; has a maximum sf of 900 sf, which excludes the measurement of porches or decks, or 30% of the size of the primary structure, whichever is greater.

10. 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.

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

12. Additional standards given for conditional uses, now including exterior lighting and viewshed.

13. Water quality protection asks for Best Practices with tree maintenance, duff maintenance and landscaping at water’s edge.

14. All tree cutting or significant pruning will require an Intent to Cut Permit. The State of Vermont’s clear point system will be applied.

15. Adds standards around impermeable surface areas and cleared areas on properties: maximum of 20% impermeable surface on all parcels; 60% or more will not be cleared.

16. Adds more detailed requirements for the DRB applications.

Appendix 2:
1. In 3.9 Protection of Water Resources, the setback distance from all rivers and streams changes from 50’ to 100’. The vegetative buffer distance from all rivers and streams changes from 50’ to 100’.
2. Under 5.4 Conditional Uses, the specific standard of considering landscaping or fencing for commercial and industrial uses be removed. This standard is considered in site plan. Also to C. Specific Standards. Include exterior lighting and viewshed.
3. Signs require a minimum setback of 25’ from the center of any public or private road or ROW. Change from 50’ setback currently.
4. Footprint is now measured from interior wall to interior wall. Currently measured from/to exterior walls.
5. The height of any structure is the average height measured from the ground to the roof ridge line.
6. Added “drawings to scale” required for DRB application.
7. Add specific tasks to ZA to monitor construction, including a Certificate of Compliance.
8. 8.9 Nonconforming Uses and Structures Within the Shoreland and 3.8 Nonconformities. Change to: Subject to Conditional Use approval by the DRB only when proposed changes increase the degree of nonconformity. Currently all changes to nonconforming structures require DRB approval.