§ 2.7 Shoreland Protection District

(A) Description. The Shoreland Protection District is comprised of lands contiguous to and in the immediate vicinity of Caspian and Eligo Lakes.

(B) Purpose. The Shoreland Protection District is established to protect surface water resources on Caspian and Eligo Lakes, and to retain the mix of residential/summer homes as well as the recreation uses traditional to these lakes. See Article 8 for all regulations governing this District.

- Preserve vegetation and natural cover of the shores adjacent to Caspian Lake and the western shore of Eligo Lake (as defined by Zoning Maps) in order to protect surface water resources and prevent pollution;
- Recognize the extreme vulnerability of lakeshore properties to erosion;
- Preserve or improve the natural stability of shoreline;
- Prevent degradation of water quality;
- 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.
- 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.

(C) Permitted Uses:
1. Accessory Dwelling Unit [see §4.2]
2. Accessory Use or Structure
3. Agriculture [see §3.6]
4. Dwelling, Single Family
5. Forestry [see §3.6]
6. Home Child Care

(D) Conditional Uses:
1. Boat House [see §8.8]
2. Cemetery
3. Essential Service
4. Public Building
5. Recreational Facility

1 Up to six children
### Dimensional Standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>one acre</td>
</tr>
<tr>
<td>Minimum Lot Width and Minimum Shoreline Frontage</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>200 feet</td>
</tr>
<tr>
<td>Minimum Setback from Centerline of a Public or Private Road Right-of-Way</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Setback from any other lot line</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Setback from Lakes (Eligo and Caspian)</td>
<td>150 feet</td>
</tr>
<tr>
<td><strong>Maximum Height of Structures</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Height of Single Family Dwelling</td>
<td>30 feet</td>
</tr>
<tr>
<td>Maximum Height of Accessory Dwelling Units and Accessory Structures within 150’ of the lake</td>
<td>20 feet</td>
</tr>
<tr>
<td>Maximum Height All Other Structures beyond 150’ of the lake</td>
<td>30 feet</td>
</tr>
<tr>
<td>Maximum Height of Boathouse</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

Height is measured from average finished grade at the outer building wall to the ridgeline.

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

### Maximum Size of Houses:

- **(A) A newly constructed** house shall not exceed 2500 sq. feet of total habitable floor area.\(^4\)
- **(B) An addition** to an existing house shall not increase the house size beyond 2500 sq. feet of total habitable floor area.\(^3\)
- **(C) A rebuilt** house shall not exceed 2500 sq. feet of total habitable floor area, or the preexisting square footage, whichever is greater.

---

\(^2\) Up to eight residents  
\(^3\) Boat Houses are not required to meet this setback.  
\(^4\) Excluding garage and/or accessory apartment
§ 4.2  Accessory Dwelling Unit

(A) An accessory dwelling unit shall be a permitted use in all districts.

(B) An accessory dwelling unit can be either located within, attached to, or detached from an existing owner-occupied single-family dwelling.

(C) The following criteria shall be met for all accessory dwelling units:

1. The unit shall be clearly subordinate to an existing owner-occupied single-family dwelling;
2. The unit shall be an efficiency or one-bedroom apartment, and shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation;
3. The property shall have received a state Wastewater and Potable Water Supply permit for the addition of the unit;
4. Applicable setback, coverage, and parking requirements specified in this Bylaw are met;
5. The unit does not exceed 1200 square feet of total habitable floor area or 30% of the total habitable floor area of the principal dwelling, whichever is greater in every district except the Shoreland Protection District. In the Shoreland Protection District, the unit does not exceed 800 (900, which includes porches and decks) square feet of total habitable floor area or 30% of the total habitable floor area of the principal dwelling.\(^5\) Limited to one accessory structure and one accessory dwelling unit per lot within 150’ of the lake. Height reduced to 20 feet within 150’ of the lake.

Separated Accessory Structures from Accessory Dwelling Units. 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.

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

§ 5.1  Zoning Permits

(A) No land or building development may commence, nor shall any land or structure be used, extended in any way or be occupied, unless a Zoning Permit has been duly issued by the Administrative Officer (AO), as provided for in 24 V.S.A. §4449. The fee for such a zoning permit shall be as established by the Selectboard.

(B) The building permit for any building requiring the installation of an on-site potable water supply and/or wastewater disposal system shall not be issued until such time that a potable

\(^5\) If the accessory unit’s square footage exceeds 30% of the total habitable floor area of the principal dwelling, the unit is considered to be a ‘rental’ and additional state permits are required.
water supply and/or wastewater system permit has been issued by the State of Vermont under 10 V.S.A. chapter 64.

(C) Handicap Accessibility Ramps which comply with The Americans with Disabilities Act (ADA) guidelines and provide access to a building do not require a zoning permit, nor do fences and stairs.

(D) Subdivisions and Boundary Line Adjustments

1. A zoning permit is required for the subdivision of land or for a Boundary Line Adjustment (BLA). A map of the proposed subdivision (either a copy of a survey, or a sketch based on the town tax map) or Boundary Line Adjustment 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.

3. The total number of parcels resulting from a Boundary Line Adjustment (BLA) will not be greater than the number of parcels that existed prior to the proposed BLA. The BLA will not make complying lots nonconforming and it will not increase the nonconformance of any existing lot.

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:

- All relevant State permits must be obtained.
- 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.
- Recording fee and other local fees.

(E) The AO shall not issue a Zoning Permit unless an application, fee, plot plan and any other approvals required by the regulation have been properly submitted. The AO shall, within 30 days of submission of application, data, and approvals, either issue, deny, or refer a zoning permit to the Development Review Board (DRB). If denied, the AO shall so notify the applicant in writing, stating the reasons therefore. If the Zoning Permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities
shall be required. The AO may renew such an application before the expiration period provided that the proposed development still meets the criteria of the permit issued.

(F) Whenever an application goes before the DRB all adjoining landowners shall be notified by mail, by the DRB’s clerk, at least fifteen days in advance of the hearing, of the date and time of the hearing and shall be provided with a copy of the permit. However, failure to make this notification shall not constitute grounds for nullifying the results of such a hearing. In addition all notices required by Vermont law shall be given.

(G) **Permit Posting Requirements.** Within three days following the issuance of a zoning permit, the AO shall post a copy of the permit in the Town Clerk’s office until the expiration of the appeal period. The applicant must also post a permit notice, in a form prescribed by the Town, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period and information as to where a full description of the project and approval can be found.

(H) All applications require drawings to scale.

### § 5.4 Conditional Uses

(A) No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in this Bylaw until the DRB grants such approval. In considering its action, the DRB shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A. §4414(3).

(B) Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on:

1. The capacity of existing or planned community facilities;
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan;
3. Traffic on roads and highways in the vicinity;
4. Bylaw and ordinances then in effect;
5. Utilization of renewable energy resources.

(C) Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question.
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.

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 was removed, as this criteria is included in a site plan review.)

4. Exterior signs shall conform to the following in all districts:
   (a) No internally lit signs shall be permitted
   (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.

5. Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.

6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.

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

§ 5.13 Zoning Enforcement Policy

(A) Generally, there are four ways in which the Administrative Officer (AO) will become aware of a zoning violation:

1. Direct observation.
2. Site visit
3. Landowner
4. Complaint – all allegations of zoning violations must be made in writing.

(B) The AO shall investigate the alleged violation. AO will phone, write or visit the landowner; explain the reason for the suspicion; and ask the landowner to respond. If the landowner fails to respond satisfactorily, the AO will contact the landowner again and ask for permission to visit the site. Occasionally, a landowner might refuse to discuss the allegation and/or refuse to allow the AO to investigate. If there is a failure to investigate because the landowner refuses to discuss the allegation and/or refuses to allow the AO to investigate and the AO has reason to believe that a violation exists, then the AO can proceed as though a violation does exist.

(C) The AO will review all information, communicate with the landowner, and determine whether the initial response will be informal or formal.

1. Informal response (typically the initial approach). AO conducts verbal discussion with landowner. A remedy is proposed by the AO and agreed to by the landowner. (For example, an application will be filed by the landowner). A time period for resolving the violation is agreed upon by both parties. A written time line is created to serve as a
2. Formal response. Notice of violation is issued to the landowner by the AO. Notice will give the landowner the opportunity to come into compliance. Legally required components include:

   a. Landowner must be notified by certified mail (return receipt requested) that she/he is in violation of the zoning ordinance.
   b. The notice must state that a violation exists and reference the portions of the bylaws that are being violated.
   c. The notice must state that the alleged violator has seven (7) days to cure the violation before an action will be brought to enforce the violation.
   d. The notice must state that each day the violation continues will constitute a separate offense.
   e. The notice must state the per day fine amount for the violation.
   f. The notice must state that the AO may bring enforcement action without the seven-day notice period if the alleged offender repeats the violation after the seven-day period and within the succeeding 12 months.
   g. The notice of violation must state that the alleged violator has 15 days to appeal the notice of violation to the Development Review Board (DRB).
   h. The notice must indicate that, to appeal, a written notice of appeal must be filed with the secretary of the DRB.

If acceptance of the certified letter is refused, the AO will file a sworn statement (affidavit) with the municipal clerk describing the attempts made to obtain personal delivery. Upon refusal of the letter, a copy of the notice will also be sent to the violator by first class mail.

D. If a notice of violation is issued, it must also be recorded in the Greensboro land records. Within 30 days of the date of issuance, the AO is required to deliver a legible copy of the notice to the municipal clerk for recording and file a copy of the notice in Greensboro's permit files.

E. If the violation is not corrected, the AO will seek authorization from the Selectboard prior to bringing action in Environmental Court or utilizing the Judicial Bureau alternative.

All written violations in the Shoreland Protection District will be reported by the ZA to the Agency of Natural Resources in writing.

**Article 8 - Lake Shoreland Protection District Regulations**

Article 8 is rewritten and merged into General District Standards in 2.7 I, Article 5, and in Definitions.
§ 8.5 —— Removal of Unsafe Trees and Limbs in the Shoreland Buffer Resource Zone

A. A property owner may remove, or may cause to have removed from the Shoreland Buffer Resource Zone, trees, saplings, and limbs that threaten personal safety or structures or where removal is reasonably necessary for the maintenance or preservation of surrounding larger trees and shrubs. The cutting and removal shall be conducted so as to:

   1. prevent damage to surrounding healthy trees, limbs, saplings, and shrubs;
   2. minimize damage to Natural Ground Cover;
   3. prevent soil erosion and sedimentation to the Lake; and
   4. leave all stumps intact.

B. In any enforcement action for removal of trees or limbs in violation of this section, the burden of proving that the trees and limbs removed were unsafe shall be on the property owner.

C. Proof that removed trees and limbs were unsafe shall include, but are not limited to, the following:

   1. photographs of the property that clearly show the unsafe trees and limbs; and
   2. written certification signed by an individual with knowledge and experience in assessing tree health—such as a professional forester, certified arborist, or professional landscape architect—that the trees and limbs that were removed were unsafe.

§ 8.6 —— Clearing Limitations in the Shoreland Buffer Resource Zone

A. Within the Shoreland Buffer Resource Zone, existing healthy trees, saplings, shrubs, and ground cover may be maintained and enhanced by selective cutting, pruning, removal of excess brush and leaf fall, and appropriate planting. A zoning permit is not required to perform this work.

B. Dead or dangerous trees may be removed without a permit (See Section 8.5). Stumps of trees cut within the Shoreland Buffer Resource Zone shall be left in the ground.

C. All cutting and removal permitted under this section shall be conducted so as to:

   1. prevent damage to surrounding trees and saplings;
   2. minimize damage to Natural Ground Cover;
   3. prevent soil erosion and sedimentation to the waterbody; and
   4. leave all stumps intact.
D. In any enforcement action for removal of trees or saplings in violation of this section, the burden of proving that the removal of trees or saplings met the requirements of this section shall be on the property owner.

G. Proof that the removal complied with clearing limitations provided in this section shall include, but not be limited to the following:

--- 1. photographs of the property which clearly show the trees or saplings; and

--- 2. a sketch of the property showing the location of the trees and saplings that will be removed from the property.

H. In addition to any fine or injunctive order levied against the property owner, removal of trees or saplings in violation of this section shall require implementation of a shoreland restoration plan designed by a qualified professional, and paid for by the property owner, that addresses the following:

--- 1. The number, size, and species of trees and saplings removed in violation of the regulation;

--- 2. A re-planting schedule including site conditions, planting time and a guarantee that at least 80% of the plants will survive the first year. If more than 20% of the new plants die within the first year, they shall be replaced.

--- 3. A site restoration map of the cleared area drawn to scale that includes structures, roads, and the location of existing trees, trees that were removed and proposed replacement trees.

2.7Q District Standards for Vegetative Cover.

1. All tree maintenance including cutting and pruning of trees within 250’ of the mean water level should be in compliance with Vermont Shoreland Protection Act regulations.


§ 8.7 General Standards Within the Shoreland Buffer Resource Zone

Lake shoreland will be protected from Development, including roads and driveways, by maintaining and/or establishing undisturbed naturally vegetated riparian buffers within the Shoreland Buffer Resource Zone as follows:

A. Except as provided in Sections 8.5, 8.6, 8.8 and 8.9 of this bylaw, no Development is allowed in the Shoreland Buffer Resource Zone.
B. New Development shall be set back, measured horizontally, at least 150 feet from all Lakes. This distance includes the minimum Shoreland Buffer Resource Zone of 100 feet, plus an additional 50 feet to prevent incursion into the Buffer Zone during construction. The Shoreland Buffer Resource Zone shall exceed 100 feet if it includes a Bluff and/or a Steep Slope as defined in Section 8.4, in which case, the Shoreland Buffer Resource Zone shall include the entire Bluff and/or Steep Slope and all land located at least 25 feet from the top of the Bluff and/or Steep Slope. [See Figure 4A.]

C. The minimum lot shoreline frontage shall be 100 feet and the minimum depth shall be 200 feet.

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

E. 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.

F. Any areas within the Shoreland Buffer Resource Zone that are disturbed as the result of a permitted or conditional use or the expansion of a nonconformity as provided in Sections 8.8 and 8.9 shall be restored through natural regeneration and/or planting of native shrubs and trees appropriate to the site and designated as “no mow zones.”

G. 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.

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

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.

6 Turf grass is not an appropriate choice for shoreland buffer re-vegetation.
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.

§ 8.9 Nonconforming Uses and Structures Within the Shoreland Buffer Resource Zone

A. 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:

1. 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.

2. 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 9A]

3. 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, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through Mitigation measures (See #4 below) and meets all other applicable requirements of these regulations.

1. 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 20% or greater shall be returned to natural vegetation cover. Other areas not essential to intended use of the development may 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. More robust mitigation will be required if nonconforming structure is allowed to become more nonconforming.
5. No part of the Shoreland Buffer Resource Zone shall be forfeited to replace lawn areas lost as a result of the expansion of a Nonconforming Structure.

6. Expansion of Nonconforming Structures shall comply with the erosion prevention and sediment control standards in Section 8.11 of these regulations.

7. 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.

8. 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.

*Figure 9A. Expansion of a Nonconforming Structure*

*Figure 9B. Nonconforming Structure Mitigation*
B. 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.

C. Reconstruction and Relocation in the Shoreland Buffer Resource Zone

1. 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 8.11 of this bylaw.

2. 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 8.11 of this bylaw.
2. Where the reconstruction or relocation of a Nonconforming Structure is permitted, the Development Review Board shall require the applicant to compensate through Mitigation measures.

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.

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.

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).

§ 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.

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