

Development Review Board Reorganizational & Proposed Bylaw Amendment Review Meeting
October 5, 2023, continued October 9, 2023

Warnings were posted on September 20, 2023, at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was published in the Hardwick Gazette on Wednesday, September 20, 2023.

Development Review Board members present: Jane Woodruff, Wayne Young, Nat Smith, Mike Metcalf, MacNeil, Tim Brennan, BJ Gray, Lise Armstrong (alternate) and Joann LaCasse (alternate), Brett Stanciu (ex officio).

Development Review Board members absent: MacNeil did not attend the October 9 hearing.

Others present: Janet Patterson; Christine Armstrong attended the October 9 hearing.

Correspondence from interested persons: None.

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:02 p.m.

1. Election of Officers.

Mr. Smith nominated Ms. Woodruff as Chair. MacNeil seconded. All in favor. Ms. Woodruff abstained. Mr. Metcalf nominated Mr. Smith as Vice Chair. Ms. Woodruff seconded. All in favor. Mr. Smith abstained. Ms. Woodruff nominated Mr. Young as Bursar. MacNeil seconded. All in favor. Mr. Young abstained.

2. Site Visits.

Ms. Woodruff noted that site visits are generally scheduled on the Saturday morning before the hearing at 11 a.m. The Board agreed to change this time to 11:30 a.m. to accommodate Mr. Metcalf who assists with Saturday morning recycling. The Board determined to keep the Saturday before the hearing as the site visit. The Board agreed that members should make every effort to attend the official site visit time. If a member is unable to attend that time and wishes to make a site visit, the landowner should be consulted.

3. Social Media.

Ms. Woodruff noted Board members should not respond to social media posts regarding any items related to Board business. Ms. Woodruff reiterated the importance of correct information. Public questions should be directed to Ms. Stanciu.

4. Other.

Ms. Woodruff will discuss the criteria of deliberation in a deliberative session.

5. Discussion of the Greensboro Planning Commission's proposed bylaw amendments: Miscellaneous Changes and the Shoreland Protection District, drafts approved by the planning commission on September 5, 2023.

Ms. Woodruff noted the planning commission is the Town's policy-making body. The goal of Board's review is to identify language that may not be clear. The Board applies the bylaw; if the Board does not understand proposed changes, it might be helpful to the planning commission to suggest changes.

2.7 (D) Conditional Uses

The Board suggested the following line should belong in 5.4 Conditional Uses as it pertains to process, not what is permitted. *The DRB must find that the district's purposes will be protected through erosion controls, supplemental planting, protection of existing vegetation, and/or other measures.*

2.7 (E) Dimensional Standards

Mr. Metcalf stated his opinion is that 2,500sf is an unreasonable limit for a single family dwelling, particularly for larger families.

3.9 Protection of Water Resources

Ms. Woodruff noted some important items are relegated to footnotes and as an example drew attention to the footnote on page 30 regarding the Shoreland Buffer Zone and slope. The Board questioned what the intent is regarding "shall exceed the listed buffer." The Board noted that increased buffer and setback distances have been introduced in this version.

3.9 (C) 6 Access Paths Through the Vegetarian Buffer

The Board discussed the proposed change to limit each parcel to one footpath with a maximum width of 5'. The Board questioned how an applicant could request a second path if the parcel is particularly wide, has a long stretch of shoreline, or if more than one dwelling is on the parcel. The Board questioned how this would apply to a right-of-way. The section was flagged with these questions.

3.9 (C) 7 Wetlands

The Board clarified with Ms. Patterson that Article 8 Shoreland Protection District Regulations applies only to lakes greater than 10 acres: Caspian Lake and Eligo Lake. Ms. Patterson noted language from 8.4 General Standards in the Shoreland Protection District was copied into 3.9 to apply to lakes less than 10 acres.

Article 8: Shoreland Protection District Regulations

8.1 Applicability

The Board questioned the need for the last sentence: *In the Shoreland Protection District, no Development or Land Development shall commence nor shall any structure be erected or altered, except in conformance with Article 8 and Section §2.7 and all other requirements of this Bylaw.*

8.3 Definitions

Ms. Woodruff noted the appropriateness of the footnote regarding definitions. She noted it might be considered to add *for the purposes of Article 8 or the purposes of the Shoreland Protection District* so it's clear that these definitions are specific to the Shoreland Protection District. The Board asked Ms. Patterson for clarification for *Floor Area (for Boat Houses)* that this pertains solely to boathouses. Ms. Patterson confirmed this.

Cleared Area

The Board questioned the meaning of the last sentence: *Cleared Area shall not mean management of Vegetative Cover according to the requirements of 10 V.S.A. §1447, Lake Shoreland Vegetation Protection Standards.*

Impervious Surface:

The Board questioned this proposed language change. Ms. Patterson said this proposed change agrees with the state's definition.

Shoreland Best Management Practices

The Board noted *publicized* should be *published* or *issued*. The document referenced should be a footnote.

8.4 General Standards in the Shoreland Protection District

Ms. Patterson noted this is a proposed new section that will apply to the entire Protected Shoreland Area (250'), not just in the buffer zone.

8.4 (D) Cleared Area/Vegetative Area

The Board discussed the proposed percentages and questioned whether the homeowner or zoning administrator would make these calculations. Ms. Patterson said there is a state calculator. The Board noted that examples of this process might be helpful. Discussion revolved around measurement and enforcement. The Board questioned the philosophy behind cleared area versus mitigation, and noted the Board frequently requires landscaping and gardens as mitigation components of a permit. The Board noted a need for more discussion regarding mitigation, especially regarding gardens. Ms. Woodruff identified that there is a need to understand how cleared areas, developed areas, and mitigated areas work together to protect the lake.

The Board suspended deliberations at 8:27 p.m. The Board reconvened on October 9, 2023, at 7:10 p.m. and resumed deliberations.

8.5 Management of Vegetative Cover in the Protect Shoreland Area

Ms. Patterson noted Article 8 has a history of controversy. Mr. Smith said he believes 8.5 is a tremendous improvement upon previous versions. He appreciated the footnote content. Ms. Patterson noted that, prior to including Article 8 in the bylaw, most people thought of development only in terms of structures. In Article 8, cutting trees and how land is cleared is also considered development.

Some discussion revolved around including references to documents as links or website addresses. Mr. Brennan noted the reference to ADA compliance in 8.5(A)7 is misleading; ADA is applicable only to commercial or government properties and not private property, the subject of this section. On minor points, he noted 8.5(D) 2 should include *shall* rather than *may* and requested *etcetera* be removed as nonspecific.

Some discussion revolved around 8.5(A)7 regarding the restriction of one path to the lake. Ms. Patterson noted the implication is that a case would need to be made for a second path. The Board questioned if that would be a conditional use, a variance, or a waiver.

The Board clarified Figure 8D and suggested the dotted line beyond the 150' mark might be a solid line.

8.7 Specific Conditional Uses Within the Shoreland Buffer Zone

Ms. Patterson noted this 8.7(A) includes DRB approval for buffer re-establishment and bank stabilization projects. Planting appropriate vegetation does not require a permit.

8.7 (2) Boat Houses

Some discussion revolved around the proposal to change the maximum size of 400sf to 200sf. Ms. Patterson noted the state’s limitation is 100sf. Some Board members opined the smaller size may not be adequate.

The Board also questioned 8.52e regarding Floor Area and the restriction against decreasing volume. Discussion revolved around the intent of this line.

The Board also questioned the proposed lake setback of 25’ behind the Mean Water Level for boat houses. The Board wondered if this setback is unreasonable and if boat houses then become accessory structures.

Proposed Miscellaneous Amendments to the 2022 Greensboro Zoning Bylaw

4.2 Accessory Dwelling Unit

The Board noted that, in the Shoreland Protection District, an accessory dwelling unit shall not exceed 900sf, including porches and decks. The 2022 bylaw excludes porches and decks from this measurement. The Board noted the footnote regarding a rental as a “public building” and questioned the language. The Board noted the requirement for parking in 4.2 and in 4.16 but did not comment further.

9.2 Definitions

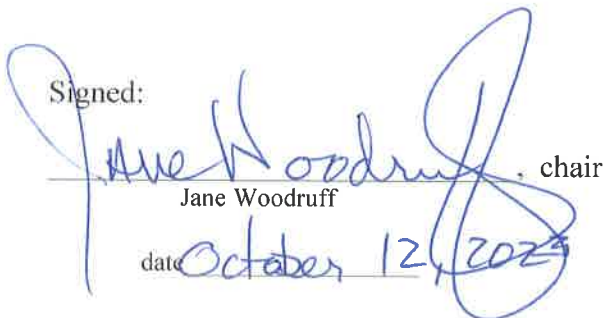
The Board requested the removal of “waiver” as the language of the definition has no relevance to the way the term is used in the bylaw.

The Board returned to the subject of the differences between conditional use, variance, and waiver. Ms. Woodruff noted that waivers present compelling reasons pursuant to the specifications in the waiver section. Variances have the strictest criteria.

3.7 Lots in Two Districts

Mr. Brennan noted that the single sentence in this section only pertains to lots created before the adoption of the bylaw and that it does not provide any guidance for new lots created through subdivision or other means. Ms. Stanciu noted a question from the public had recently arisen regarding a subdivision in the Extended Village District. How should a lot that transverses two districts be considered? No further discussion transpired.

At 8:51 p.m., Ms. Woodruff thanked Ms. Patterson and the Board for their time.

Signed:  , chair
Jane Woodruff
date October 12, 2024

_____, clerk
Brett Ann Stanciu
date _____