

Development Review Board and Planning Commission
Proposed Shoreland Protection District Bylaw Amendment Review Meeting
Greensboro Free Library
July 8, 2024

Warnings were posted on June 12, 2024, 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, June 12, 2024.

Development Review Board members present: Jane Woodruff; Nat Smith; Lise Armstrong; Wayne Young; Tim Brennan; Mike Metcalf; Brett Stanciu (ex officio).

Development Review Board members absent: BJ Gray; Rob Brigham (alternate); Galen Fisher (alternate).

Others present: Eric Hanson; David Kelley; Kent Hansen; Janet Showers; Christine Armstrong.

Others present via Zoom: David Day; Matt Day; Peter Romans.

Correspondence from interested persons: None.

Summary of Discussion:

Mr. Hansen, Planning Commission chair, began the hearing at 6:36 p.m. He said the goals for rewriting the bylaw are to improve clarity, and provide measurable standards regarding impervious surfaces and cleared area to align with the State's Shoreland Protection Act. Ms. Woodruff, Development Review Board chair, noted that she, Mr. Smith, and Mr. Hansen met earlier and discussed the need for the bylaw to come into compliance with state regulations, per the Town's 2014 Shoreland Delegation Agreement. The Development Review Board is present as a body, but in actuality as individual members who have worked with the bylaw. As a body, the Board will not endorse or render an opinion on the proposed amendments. However, if these amendments become the bylaw, it is important for the Board to understand the legislative history. Ms. Woodruff noted that a public commentary hearing will happen if the Selectboard schedules a public hearing. Mr. Smith added that, in the past, the Board had made specific requests to the planning commission to amend the bylaw. The Board has no current requests.

Ms. Showers agreed to lead the discussion. She noted text in gray indicated rearranged material. Some footnotes were moved into the bylaw body. Section 3.9 addresses lakes and streams which are not part of the Shoreland Protection District. The Shoreland Protection Act regulates state lakes greater than 10 acres. Ms. Showers noted the Shoreland Protection Act regulates up to 250' from the lake. Discussion revolved around expansion of nonconforming dwellings. Ms. Showers noted that her rough study concluded a high percentage of lots in the Shoreland Protection District are nonconforming. 68% had a main structure within 150' of the lake; 58% within 100' of the lake. Mr. Smith said he doesn't see evidence of misuse. Ms. Showers noted this version will catch someone who might. Discussion included challenges to compliance and enforcement. Mr. Smith noted policing bylaws is expensive. Ms. Showers said the first line of defense is bylaw rules and education. Discussion determined that the boathouse bylaw section is less stringent than state regulations. Ms. Showers noted clarity is important, such as the prohibition on building on a slope greater than 15%. State staff provides expertise, not the Development Review Board or the zoning administrator.

8.3 Definitions. Discussion revolved around the definition of Area of Encroachment. Planning commission members said the current bylaw has no limits on expansion in the buffer zone. Development Review Board members referred to the constraints of 2,500SF of habitable living space and height restrictions. The Board asked questions about Enlargement, specifically volume. Discussion revolved around volume and habitable living space and footprint. The Board questioned how height and volume fit into impermeable surfaces. Discussion included **8.8 Nonconforming Structures Within the Shoreland Buffer Zone.** Ms. Showers identified (F) as a particularly relevant section. The Board questioned how the one-time 10% increase in Area of Encroachment, only for dwellings, was determined. Ms. Showers indicated this was modeled on another town's bylaw. Discussion revolved about what would and would not be allowed in this proposed version.

Ms. Woodruff questioned why some applications would require both a conditional use review and a variance approval. Ms. Showers noted conditional use review examines the impacts on the community and agreed variances are difficult to obtain.

Discussion revolved around **8.4 General Standards (G).** Proposed additional mitigation measures the DRB may impose include removal of nonconforming accessory structures, improved lake access paths, and bank stabilization projects. Additional discussion included a clarification in this version about the prohibition of development on steep slopes. Applicants may be required to hire a qualified professional to certify compliance. Ms. Showers noted **8.4 General Standards** clarifies how much cleared area and vegetative cover is required. Section E places the burden on the applicant to demonstrate application requirements/percentages are met. **8.5 Management of Vegetative Cover** clarifies what's allowable to maintain views. The state does not allow upper branch cutting. This version allows for a qualified professional to make that determination.

8.7 Specific Uses Within the Shoreland Buffer Zone (A) Lake access paths allows for an additional footpath, if permitted. Footpaths remove vegetation, makes shoreland less stable, creates stormwater runoff, and is negative for fish habitat. Ms. Woodruff noted the dimensions are not included in the definition. Discussion revolved about this proposal, including the availability of publications from the Department of Environmental Conservation about how to construct a path, the need for education, if a bylaw might create neighbor feuds, and how this would affect rights-of-way taxpayers. Dave Kelley questioned if the requirement for a permit might violate legal rights. He and Ms. Woodruff agreed a legal consultation would be required.

8.7 Specific Uses Within the Shoreland Buffer Zone (B) Conditional Uses. Ms. Showers noted this section requires a site plan for boathouses. It was clarified that this version limits new boathouses to 200SF, with a lake setback of 25'.

Mr. Smith asked the commission to comment on the most important aspects of these proposed amendments. Ms. Showers noted that the Town is already subject to the State's Shoreland Protection Act. This version emphasizes restoration, with some flexibility in the bylaw for little tweaks to fit a modern lifestyle into a 100-year-old building. Something is allowed, but not too much. Some discussion revolved around the Delegation Agreement and the state's supportive role.

Mr. Young noted that many plants are classed as non-native that are suitable for the lake. He noted gardens are not impervious areas if done right.

At 8:25 p.m., the Board adjourned.

Signed:

_____, chair
Jane Woodruff

date _____

_____, clerk
Brett Ann Stanciu

date _____