

Conditional Use Permit for a
Shoreland Restoration
Project at 76-78
**Huckleberry Lane by
Daudon Family Trust**

May 22, 2025

To consider a request for a conditional use permit to restore the lakefront portion of 76-78 Huckleberry Lane, which is in the Shoreland Buffer Resource Zone.

The application requires a review under the following sections of the Greensboro Zoning Bylaws: 2.7 Shoreland Protection District; and 5.4 Conditional Uses, 8.2 purposes in the Shoreland Protection District and 8.7 New Uses and Encroachments Within the Shoreland Buffer Resource Zone. **Warnings** were posted on Thursday, April 3, 2025 at the Greensboro Post Office, the Willey's Store and the Greensboro Free Library. The warning was sent to the applicants and the following abutters and neighboring property owners: The Bennetts, the Mitchell/Schunemans, the Howells and the Lovetts. The warning was published in the Hardwick Gazette on Wednesday May 7, 2025.

Development Review Board members present: Nat Smith, Wayne Young, Lise Armstrong, Tim Brennan, Galen Fisher and Jane Woodruff (ex officio).

Development Review Board members absent: Rob Brigham, BJ Gray and Mike Metcalf

Others present: Paul Brierre, Holly Greenleaf and
Christine Armstrong

Correspondence from interested persons: None

The hearing was conducted in person and by electronic communication (ZOOM).

Summary of Discussion:

Mr. Smith, chair, began the hearing at 7:04 p.m. Mr. Smith explained the hearing's procedure and asked that anyone who wished to speak at the hearing be sworn in. Mr. Smith then asked Mr. Brierre to describe what he wanted to do.

Mr. Brierre indicated that his family has wanted to address the area of the berm at their property for the last couple of years. Given the destruction that occurred to the berm with the successive floods in July 2023 and July 2024, the family was motivated to act to preserve the berm at the front of their property. They engaged the services of Holly Greenleaf of Greenleaf Design, LLC., an Ecological Landscape Design firm to assist them with the design and to undertake the project.

Mr. Brierre explained that the goal of the project is to provide long term protection of the berm and to stabilize the shoreline from further erosion with native vegetation, thereby protecting lake water quality. Bioengineered erosion control materials and native vegetation on the shoreline will be used to reduce erosion and sedimentation to the lake, protect the habitat of shallow water and shoreland fish and wildlife, and protect the land and property from high water levels. He stated that over the course of years, but especially with the catastrophic floods of 2023 and 2024, the natural berm has been significantly eroded.

Mr. Brierre described the area of the berm as follows: The existing lakeshore is about 120 feet long, consisting of a sandy beach and a sandy berm created from winter ice push that creates the edge of the vegetated shoreland. The berm extends the length of the lakeshore of the property and is vegetated on either end of the property, primarily with cedar trees. The middle section of the berm, about half of the lakeshore, is covered with early successional grasses and other herbaceous species, as well as a mature Cedar, a young Balsam Fir, and several Yellow Birch saplings. There are two large tree stumps and approximately five medium tree stumps within the berm, helping to stabilize the soils with their roots. All of these tree stumps would be retained and utilized in the restoration project. It is contemplated that Ms. Greenleaf's project, if approved, would address 80 to 100 feet of the 120-foot shoreline.

Ms. Greenleaf explained the details of her proposed project: The shoreland toe will be re-established with a stone toe and the berm will be reinforced and stabilized with encapsulated soil lifts (hereinafter ESLs) and erosion control blankets on the lake side and planted with native woody shrubs between each layer and on top of the berm. Coconut coir rolls and erosion control blankets on the inland side will stabilize the toe of the berm and make the slope more gradual for better plant establishment. Existing trees growing on the berm will be preserved to the greatest extent possible. This will prevent further erosion and shoreland loss in the short term with erosion control materials and in the long term with deep and extensively rooted woody shrubs and trees.

Ms. Greenleaf continued to explain that one to four layers of ESLs will be built up on the face of the berm to establish a maximum 1:1 slope that provides the stable soil media for plants to root into. Bare root and tube stock native Dogwood and Willow shrubs will be planted between each layer of ESLs. The ESLs will extend up to 4 feet out from the existing toe of the slope and will be entirely above the Mean High-Water Level. A roughly 6-inch-deep stone base of 12-inch-minus angular rock will be laid underneath the ESLs and wrapped in nonwoven geotextile fabric to provide a solid base to build upon and to minimize the risk of soil loss during high water events in the first few years of plant establishment. The stone base and nonwoven geotextile fabric will be hidden from view underneath the ESLs. A stone toe will be built at the

base of the bottom ESL with 1 to 3-foot rock and 12-inch-minus angular rock and stone up to 1-foot high and extending 1-foot out with a maximum slope of 45 degrees to help deflect ice push and dissipate wave action. ESLs will be filled with a screened topsoil, tamped down, and seeded with an erosion control mix of native herbaceous species, including quick-establishing fescues and sedges. Topsoil will also be tamped in around the roots of the stumps in the berm and used to make the backside slope of the berm more gradual. Erosion control blankets on the top and backslope of the berm and coconut coir rolls set at the bottom of the backslope of the berm will stabilize the soils and allow for plant material to establish. Containers of native woody shrubs will be planted along the top and backside of the berm to get extensive woody roots established.

If the project is approved, work will not begin until there is five to seven feet of beach available so that Ms. Greenleaf's work will not affect the lake waters at all. All of the materials for the project will be stored in the driveway area and transported to the lakeshore by wheelbarrow or hand cart. No heavy equipment will be used.

Mr. Smith opened up the hearing to questions from the Board. Initially, the applicants were congratulated and thanked for their very thorough and easy to read application with its narrative and depictions. Members queried if the materials used in the ESLs would be biodegradable to which Ms. Greenleaf responded yes. One member pointed out that any walkway from the cottage(s) to the beach could only be five feet wide, not the proposed six feet wide. Mr. Brierre stated they would change that part of the plan to be five feet wide. One other concern that a member expressed was whether there were rain gutters on the buildings and if the runoff was caught by rain barrels. Mr. Brierre said there were gutters, but no rain barrels. He indicated rain barrels were a very good idea. The Board enthusiastically agreed.

Mr. Smith then opened to questions to the public member present who expressed support for the project and was "thrilled" that the applicants were doing it. She did express concern with the proposed 1:1 slope of the ESLs. To that concern Ms. Greenleaf responded that to do any other slope would put the project out into the waters of Caspian and that was contrary to State regulations.

FINDINGS OF FACT:

Based upon the application, which included an addendum of narrative and pictorials, as well as the testimony adduced at the hearing, the Development Review Board makes the following findings of fact:

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.
- 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.

With respect to the purposes enunciated for the Shoreland Protection District, the Board finds that the project outlined in this application very nicely addresses many, if not all of the purposes of Section 2.7(B). The project is designed to protect the water surface of Caspian Lake, preserve vegetation and natural cover of the shore by rebuilding it, and prevent pollution, and it recognizes the vulnerability of the three dwellings on the property, close to the lake to erosion. Further, this project is specifically designed to not only preserve, but to improve the stability of the shoreline. The use of the existing berm with all of the stumps, then adding ESLs, a stone foot, some boulders, woody shrubs and other native plantings will all work to stabilize and enhance the berm at this property.

Article 8 – Lake Shoreland Protection District Regulations

§ 8.2 Purpose

The purpose of this Article is:

- A. To protect the natural features and functions of the Town's shorelands and conserve undeveloped wooded vegetation adjacent to the Town's lakes and ponds.
- B. To promote the protection of naturally vegetated areas and the re-vegetation of native plants and trees along water bodies within the Town to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat and maintain water quality.
- C. To encourage low impact development stormwater management site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater where it falls.

D. To limit and properly manage Development in areas that are generally unsuitable for Development or use due to erosion, limiting soil conditions, Steep Slopes, Bluffs, or other major physical constraints.

E. To allow for compatible forms of shoreland Development that will preserve shoreland vegetation, encourage re-vegetation, protect wetlands and terrestrial and aquatic wildlife habitats, and conserve the scenic beauty and recreational potential that currently exists along shorelands within the Town of Greensboro.

With respect to the purposes stated in Section 8.2 above, the Board finds that again, this project dovetails seamlessly with the purposes outlined in Section 8.2 (A), (B), (C), (D), and (E).

The project's goal is to protect the natural shoreland at 76-78 Huckleberry Lane. It will re-vegetate the area of the berm with native plants to prevent soil erosion and maintain water quality. Subsections (C) and (D) are not applicable at this project does not involve any structural development. And regarding (E), this project specifically preserves shoreland vegetation and encourages re-vegetation by reconstructing the berm with the existing stumps and vegetating and adding new native growth through the use of ESLs.

§ 8.7 New Uses and Encroachments Within the Shoreland Buffer Resource Zone

B. Conditional Uses.

The DRB may authorize the following activities within the Shoreland Buffer Resource Zone, subject to the following provisions and subject to conditional use review procedures under Section 5.4:

1. Shoreland Buffer re-establishment and bank stabilization projects 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. under Section 5.4:

The Board then went on to analyze this proposal pursuant to the standards in Section 5.4 to determine if the project would protect the purposes of Section 8.7 through the use of erosion controls, supplemental planting, protection of existing vegetation, and/or other measures.

5.4 Conditional Uses

(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;** *This standard is not affected*

by the application.

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;** *This project will enhance and protect the berm at 76-78 Huckleberry Lane. By using the existing stumps and vegetation of the berm and adding ESLs with native plantings, the project will prevent further soil erosion, and help to maintain the water quality of the lake.*
3. **Traffic on roads and highways in the vicinity;** *This standard does not apply in this instance.*
4. **Bylaw and ordinances then in effect;** *This standard does not apply in this instance.*
5. **Utilization of renewable energy resources.** *This standard is not applicable here.*

C) Specific Standards:

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.** *As this application does not involve building a structure, this standard is not applicable.*
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.** *As this application does not involve building a structure, this standard is not applicable.*
3. **Exterior signs shall conform to the following in all districts:** *Again, this specific standard is not applicable to this application.*
 - (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.**
4. **Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.** *Again, this specific standard is not applicable to this application.*
5. **In each district, uses are given specific criteria. In all cases these criteria will be adhered to.** *The application complies with this standard.*
6. **Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered.** *These factors were considered by the Board and this application complies with this specific standard. This project restores the berm to a condition that will prevent further erosion of the shoreline in this area of the lake and will make it consistent in appearance to the neighboring properties with their established berms.*
7. **In the Shoreland Protection District, the DRB must find that the district's purposes will be protected through erosion controls, supplemental planting of native species, protection of existing vegetation, and/or other measures.** *This standard is addressed by the application and its specific attention to the re-vegetation of the berm with supplemental*

8. In the Shoreland Protection District, the visual impact of man-made development shall be softened by existing vegetation or additional planting of natural vegetation to provide visual breaks to and filtered views of building facades when viewed from the lake or the shoreline during summer leaf-on conditions. *This standard is not applicable as it relates to structural development.*

(D) A multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected. *This paragraph is not applicable to this application.*

Decision:

The Development Review Board voted unanimously to grant the conditional use permit to the Daudon Family Trust for their proposed lakeshore restoration project within the lakeshore buffer zone.

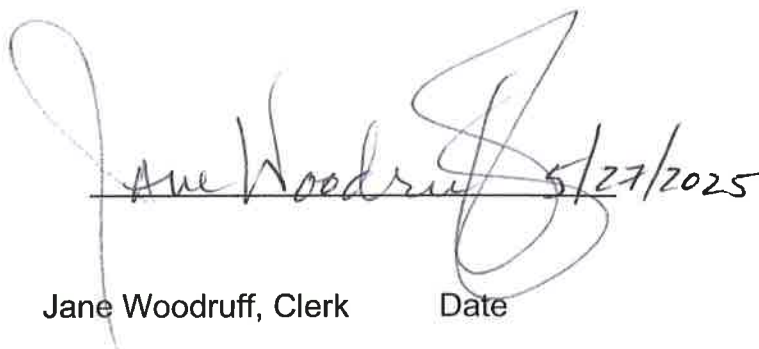
Conditions:

1. All state and federal permits shall be obtained.
2. Any path or walkway to the water's edge must be no wider than five feet.

Signed:

 5/27/25

Nat Smith, Chair Date

 5/27/2025

Jane Woodruff, Clerk Date

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development **Review** Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.