



## Minutes

**Planning Commission January 13, 2021, via Zoom 3:30 p.m.**

**Present:** David Miltenberger, Christine Armstrong, Ellen Celnik, Kent Hansen, Jerilyn Virden, Linda Romans, Brett Stanciu, Carol Fairbank, Daphne Allen, Karl Dornseifer, Jennifer Ranz, Mary Parker, Jess and Amy Nichols, Lynn Stegner, Christopher King, Patricia Wasserman, Judy Dales, Day Patterson, Cathy Irwin, Katherine Needleman, Susan Bickford, Liz Steel, Barb Patterson, John Stone, Richard Allman, Karin Newhouse, Jeff Bennett, Palma Bickford, Janine Marks, Peggy Lipscomb, Jed Feffer, Jennifer Nicasio, Stuart O’Sullivan, Robin Hardy, Eli Wells, Ann Goering, Michael Porazzo, Frank Baker, Mimi Haley, Sara Slater, Tim Howes, Marty McDonald, Betsy Hunt, Naomi Ranz-Schleifer, Janine Marks, Linda Ely, Bill Hardy, Brad Irwin, Lise Armstrong, Lisa Sartorius, Maureen Mitchell, Charlie Ayers, David Marks, Liz Hatch, Louellen Stedman, John Schweizer, Allison Stegner, Lenny Schiavone, Aaron Green, Nancy Sullivan, Jennifer Lucas, Bob Durand, Bobbie Nesbit, Eric Lapoint, Dan Marotti. Six unidentified members of the public were present.

**Absent Members:** None.

**Meeting called to order at 3:31 p.m.**

1. Carol moved to enter into executive session to discuss personnel/membership policies, with the ZA present. Seconded by Ellen. All in favor. The Board returned to open session at 4:01 p.m.
2. **Bylaw discussion and working session.** Carol noted that this meeting is intended as a working session for subcommittee members to present their work and offer the Planning Commission members an option to comment and ask questions.
  - **Lake Eligo Resource Zone.** Linda presented and referred to John Cannon’s letter which demonstrated the area’s natural fragility. A 25 acre lot minimum would keep property in Land Use. Ellen noted a number of letters sent in from residents in that area supported this proposal, although not all comments support this proposal. David noted this would protect the natural beauty of the area. He said that the Commission should focus on forest connectivity and a wildlife corridor.



- **Extended Village District:** Kent and Ellen presented. Kent noted the subcommittee has received a number of comments, including: why go from 10 acres to 2 acres? Why not 2 acre zoning everywhere? There are questions about roads chosen. Some people think this will lead to a change in the Town's character. Carol requested that Accessory Agriculture be considered in this proposal. Kent and Ellen asked to take this proposal back to the subcommittee.
- **Short Term Rental Bylaw:** Christine read a statement about the challenges of the subcommittee, attached to these minutes. She said the question is whether STRs should be a Permitted Use or a Conditional Use. Linda clarified the ZA may approve a Permitted Use. A Conditional Use requires a Development Review Board (DRB) hearing. Linda suggested that a Permitted Use would ensure that abutting landowners knew about the STR application. They could appeal to the DRB. Some applications would require a DRB hearing, but not all. The DRB could put conditions on a permit. David noted that the State of Vermont requires renters to complete and post a Short Term Rental Health, Safety and Financial Obligation form. No local inspections would be required.

Jerilyn had emailed Commission members and ZA her comments. She summed up that, a few years ago, this proposal had started with lake water quality and concerns about monitoring phosphorus levels in the lake. She is not in support of the current proposal which is more of neighborhood management. She supports enforcing occupancy limits for septic and a 1% Rooms and Meals Tax. Ellen does not think people should not be able to rent out a room. She's in favor of neighbors working out issues and wants to avoid overreach. Linda noted the 1% tax is not in the bylaw; a tax is the Selectboard's decision. She said renters should already be abiding by what the bylaw proposes. Applicants should just demonstrate this to the ZA. Kent noted this bylaw has made progress to focus on safety and limit occupancy. He said sections A and B are duplicative. He doesn't understand the restrictions on large events, as that wouldn't be applicable to homeowners. He doesn't approve of that section. David said this is an essential part of this bylaw. A discussion ensued about the merits and drawbacks of this prohibition. Carol originally opposed this bylaw. She is now in favor of a Permitted Use, the 1% tax, simplicity, and education. A discussion ensued about what else the 1% tax might encompass in town. Carol opposed the



three-day minimum, as that might restrict who could stay in Greensboro. This is a controversial issue. If renting a room would help elderly people who are aging in place, she's in favor of this. She noted that the language of preserving the character of the community can be seen as elitist.

The Commission discussed the need to make STRs legal, affordable, and return to the goal of protecting natural resources. David said water quality is not the main issue. Agriculture and runoff are the main contributors to the degrading lake water quality. The goal is preserving the neighborhood character. He doesn't see income inequality as an issue. He urged the Commission to regulate STRs; this bylaw is a bare minimum. Christine voiced that she believes 90% of renters don't meet criteria and are over-advertising occupancy. The bylaw is supposed to be educational. Linda noted that the prohibition to renting a single room is proposed only in the Shoreland Protection District and noted that renting is currently a Permitted Use, but not enforced as a STR. Kent asked how the Commission could make the transition to permitting easier for people who have been renting on a short-term basis for years. Linda, Christine, and David voiced that they couldn't make it easier. A discussion ensued about the three-day minimum and character of the area.

Carol voiced that the Commission appeared to agree that STRs should be a Permitted Use and not a Conditional Use; occupancy and wastewater management should be monitored; the state regulations should be included.

- **Shoreland Protection District:** Linda noted the height of Accessory Dwelling Units and Accessory Structures has been limited to 20' within 150' of the lake. The bylaw contains a limit of one dock per lot, or per 150' of lakeshore. ADUs and Accessory Structures have their own standards. She clarified that docks are not currently regulated.
- **After a three minute break, the regular meeting was called to order by Carol at 6:04 p.m.**

**1. Approve December's Meeting Minutes:** Motion to approve by Jerilyn. Seconded by Kent, carried.

**2. Statement from the GPC Chair on Bylaw Amendment Process:** The Commission will abide by Vermont's legal process. The amendments must be approved by



the Planning Commission before they can legally move into public discussion. The Selectboard will also need to approve these amendments. There will be a minimum of two public hearings and a Town Australian ballot. The Commission must vote before these proposed amendments can move forward for public comment. Public hearings will be warned at least 15 days in advance; the intent is to offer a 30 day warning.

**3. Public comment:** Patricia Wasserman said the comments she had submitted to the Commission hadn't been answered. She asked how she could receive answers before consulting an attorney and asked if comments would be available for public review. Carol answered that public hearings will provide that opportunity. Discussion ensued about making comments available for public review. It was agreed to seek consultation. Eric Lapoint noted these proposals are against landowners' rights. Jeff Bennett urged the Commission to consider public comments now, scrutinize the language of the proposed bylaws, and take time to get the bylaws right. Bob Durand generally supports the proposals and noted Caspian Lake is getting more use.

#### **4. Bylaw & Zoning Rationale and Voting**

**a. Eligo Resource District Bylaw Discussion & Vote:** Linda made a motion that the Commission approve the plan before them to put the Eligo section in the Resource District. Christine seconded. All in favor.

**b. Extended Village District:** Kent made a motion to return this bylaw to the subcommittee. Seconded by Ellen. All in favor.

**c. Short Term Rental:** Discussion ensued about whether to return this proposed bylaw back to the subcommittee. Kent made a motion to return to the subcommittee. Carol seconded. The vote carried; David voted nay. No abstentions. Christine requested concrete ideas of what to rewrite. Carol suggested considering the minimum rental period, the requirement to rent the entire dwelling, and the prohibition on large groups.

**d. Lakeshore Protection District:** Linda made a motion to approve. Kent seconded. All in favor.

**5. Public Comment:** Patricia Wasserman requested that maps be added to the website. Peggy Lipscomb asked for a list of people affected by the Extended Village District. She was concerned that this group might be difficult to mobilize. The ZA agreed to provide this information. Amy Nichols voiced concern about this bylaw and requested this list, too.



**6. New Business: Town Garage Relocation:** The Town Garage will be relocated. The Selectboard is seeking input. One proposal is on Route 16 north of the Bend. The other is the site at the Four Corners at the Fire Department. Peggy Lipscomb suggested considering a piece of land Warren Hill owns on the Bend Road.

**7. Next Regular Planning Commission Meeting:** February 10, 2021, at 5 p.m. Comments regarding the proposed bylaws may be submitted to the Commission through [zoning@gmail.org](mailto:zoning@gmail.org). The chat for this meeting will be included in the minutes.

Christine made a motion to adjourn. Jerilyn seconded. Adjourned by consensus at 7:15 p.m.

Respectfully submitted,

Brett Stanciu, Zoning Administrator