

# Greensboro Selectboard

## December 6, 2021 Special Meeting – Minutes

[Meeting was held in person and on video conference]

**SELECTBOARD MEMBERS PRESENT:** Peter Romans, Gary Circosta, David Kelley, Tracy Collier, Matt McAllister

**SELECTBOARD MEMBERS ABSENT:** None

**OTHERS PRESENT:** Ellen Celnik, Day Patterson, Kim Greaves, Josh Karp, Brett Stanciu, Julie Brochu, Bobbie Nisbet, Dana Bascom, Mary White, Charlie Ayers, Christine Armstrong, Gordon Stoner, Blake Auchincloss, Lisa Yokana, Nat Smith, Susan Lukens, Jess Nichols, MacNeil, Rick Ely, Eric Hanson, Dan Marotti, Nancy Riege, Dede Stabler, Fred Carter, Jennifer Nicasio, Jennifer Lucas, Stephanie Herrick, Mila Lonetto, Anne Cassidy, Mike Cassidy, Mary Parker, Linda Ely, Lyn Norris-Baker, Frank Baker, Kent Hansen, Lise Armstrong, Jim Sutton, Bill Hardy, Pat Hewes, John Clarke, Mary Hewes, Kelli Story, Rusty Newhouse, Nancy Hill, Karen Gowen, Maureen Mitchell, Clay Simpson, Liz Steel, Fan Watkinson, Chris Steel

**CALLED TO ORDER: 6:33 PM**

### **PUBLIC HEARING ON PROPOSED CHANGES TO GREENSBORO'S ZONING BYLAW**

Zoning Administrator Brett Stanciu explained that the Selectboard is hosting this public hearing, as required by statute, to hear public comment about proposed changes to the zoning bylaw put forth by the Planning Commission (PC). She added that written comments are welcome and can be sent to the town offices.

#### **Expanded Resource District**

PC member Linda Romans said that during a review of the current zoning bylaw, the PC visited the east side of Eligo Lake and decided that additional water quality protections were needed due to the steep terrain, making the landscape vulnerable to erosion and runoff. The PC has proposed to change this area from Rural Lands District (10-acre minimum lot size) to Resource District (25-acre minimum lot size).

There were no public comments on this proposal.

#### **Expanded Village District**

PC member Ellen Celnik said that the PC is looking to expand affordable housing, and at this time believes this should be concentrated in the village areas. The PC is proposing to expand the village districts in narrow strips along Cemetery Ridge Rd., the Bend Rd., and north on Rt. 16 by reducing the minimum lot size from 10 acres to two acres. Ellen said it's likely that only a small number of homes would be built due to this change, adding that even three new affordable homes would be a positive thing for a small town such as ours.

Ellen said the PC reviewed recommendations from a housing consultant prior to making this proposal.

Dan Marotti questioned whether this change would actually result in more affordable housing. He felt that smaller lot sizes wouldn't significantly change the cost of the land, plus you'd have building costs to afford. Dan said he bought his land believing he'd be surrounded by larger parcels, and expressed concern about potential subdivisions and more houses.

Jim Sutton agreed that expanding the village districts wouldn't make affordable housing happen automatically, since you'd still have to afford the two acres of land, build a house, and pay the taxes.

He asked if any Greensboro taxpayer can vote on the bylaw proposals. Town clerk Kim Greaves replied that in order to vote you must be a registered voter, not just a taxpayer.

PC member Kent Hansen said the two-acre lot size was chosen because two acres is equivalent to the state's property tax homestead exemption. The PC believes that the two-acre lot size will reduce infrastructure and property tax costs.

Former land use planning professional Patrick Hewes reminded the PC that any bylaw proposal must have a foundation built from specific language in the town plan.

### **Shoreland Protection District**

PC member Christine Armstrong said that the PC is proposing to merge two sections of the current bylaw into one 'Shoreland Protection District'. Linda said that some changes were made to minimize confusion, while other language was changed or added to bring the town into compliance with state regulations for self-delegated lakes. Some additional elements, while not required, were included at the recommendation of the state to improve water quality protections.

David Kelley asked whether the proposed standards for vegetative cover are the minimum state requirements. Christine said that the current bylaw is not fully in compliance with some state regulations, so changes had to be made to meet minimum state requirements. The new tree cutting regulations in the proposal are the minimum state requirements.

Christine said the PC proposed to be stricter than the state in two areas: 1) steep slopes that will be cleared or covered with an impervious surface must have a slope less than 15%, while the state's minimum is 20%; 2) the building setback/buffer zone is proposed to be 150', while the state's minimum is 100'. She added that since most of the lake is already developed, these changes won't affect many properties.

Rick Ely submitted numerous comments on the proposal, saying that while there are simple drafting flaws to correct, there are also some unreasonable changes proposed. Rick agreed that parts of the current bylaw might need to be rewritten for clarity's sake, but disagreed that the bylaw is out of state compliance, pointing to the fact that the state signed off on them when they were last amended.

Bill Hardy said he's ready Rick's comments and agrees with all of them. John Clarke also agreed with Rick's comments. He questioned why the PC is superseding state requirements, and felt this could be considered an overreach, an unfair taking of property rights.

Nat Smith said he has a hard time believing that the town is actually required to include the new tree cutting point system in the bylaws, and asked that the Selectboard clarify. Chris Steel agreed.

Mary White observed that we are undeniably at a turning point in our lifestyles and with the climate. We need to anticipate that unfamiliar changes may become necessary for the safety of our communities, and for the future of the environment. While some recommendations may conflict with people's desires for their property, this is a time when we need to take steps to ensure this lake, and our natural resources, are protected for future generations. Mary added that it's certainly possible that some of the state's requirements are not perfectly drafted.

Christine said that Caspian's water quality has been slowly declining. Patrick Hewes said that this fact should be clearly stated in the town plan so we can hang our hat on this when proposing changes to the bylaw.

Christine said the suggestion of declining water quality does exist in the plan.

Mary Parker said that Caspian's decline in water quality is caused by more than just lakeshore homeowners – farm and road runoff is also a big problem. Dede Stabler agreed, saying that the real bad guys are not the lakeshore residents. Linda said that the PC has discussed this, but that local zoning doesn't regulate farming. Farmers must follow the 'Accepted Agricultural Practices' published by the VT Dept. of Ag.

Mary White asked how the town deals with the fact that older septic systems may be polluting the lake. Christine said that while the PC has been told that 4 - 5% of phosphorus entering Caspian Lake likely comes from septic systems, the state regulates wastewater systems, not individual towns.

### **Short Term Rentals**

Christine said the town has struggled for years with how to handle short term rentals (STRs) on Caspian Lake. The lake is not zoned for businesses, yet the state considers renting a home to be a business venture.

Even though almost all problems related to STRs are happening around Caspian Lake, the PC is proposing to regulate STRs town-wide.

Christine said over half of the Airbnb's around Caspian have been advertising for occupancies that exceed the wastewater capacity of the residence. The PC is proposing a self-certification process whereby the proprietor would file two forms with the town: 1) the existing state form "*Short Term Rental Safety, Health and Financial Obligations*" which is currently required by the state for any rental property and addresses fire safety, health department, and tax department concerns; and 2) a declaration of occupancy, indicating how many bedrooms the building's septic system is rated for.

Ellen said that this would be a registration process, not a permit. She added that while many folks have rented responsibly for decades, times have changed, with an increasing number of properties not being rented responsibly. Requiring town registration would document that the owner is meeting basic health and safety requirements, not overloading septic systems, and providing renters with important information.

PC member Kelli Story said she looked into what other area towns do about STRs, and found generally that towns without regulations tend to have more problems.

[Note: at this time, Selectboard member Gary Circosta said he reluctantly had to leave the meeting due to his power being out and a bad phone connection.]

David Kelley said there's clearly an enforcement element here, and asked who's going to enforce all this, and at what cost to the town. Linda said the PC is still looking into this, and that they'll make a recommendation to the Selectboard about administration and enforcement based in part on what other towns do.

Maureen Mitchell questioned the assertion that STRs must be considered as businesses. She also said that while it appears that the intention of the PC's proposal is to allow STRs to operate, this has not been made clear in the proposed language and should be clarified.

Ellen said that the PC may propose to add 'businesses' as a permitted use in the Shoreland Protection District, which would allow rental operations to be in compliance with town bylaws.

Maureen said that a number of property owners use property managers to manage their rentals, and that this needs to be taken into account during any discussion of STR regulation.

Jennifer Nicasio said that her family has to rent their house in order to pay the property taxes, and noted that sometimes when her family is at the house, it has a higher occupancy than when the property is rented.

### **Small miscellaneous changes throughout the bylaw**

Josh asked about Day Patterson's suggestion at the 11/10 Selectboard meeting that proposed §3.8 *Nonconformities (A)2* may not be in compliance with state statute and needs to be corrected. Brett said the PC decided to remove this section from the proposed changes.

No further public comment.

**ADJOURNMENT:** The Board voted unanimously to adjourn at 8:04 PM (Gary Circosta had left the meeting and was not present).

*Respectfully Submitted: Josh Karp, Selectboard Clerk*