

# Greensboro Selectboard

## May 28, 2024 Special Meeting – Minutes

[This was a hybrid meeting held at the Greensboro Free Library, with some participants joining remotely]

**SELECTBOARD MEMBERS PRESENT:** Ellen Celnik, MacNeil, David Kelley, Eric Hanson

**SELECTBOARD MEMBERS ABSENT:** None

**OTHERS PRESENT in person:** Dan Predall, Kent Hansen, Brett Stanciu, Kim Greaves, Josh Karp, Christine Armstrong

**OTHERS PRESENT remote:** Linda Ely, Janet Long, Joseph Gresser, Peter Romans, Betsy Hunt, Beth Meachem, Davis Barnett, Day Patterson, Lise Armstrong, Paul Brierre, Rick Lovett, Rob Brigham, Ricky Albores

**CALLED TO ORDER: 6:30 PM**

### **SPECIAL MEETING WITH THE GREENSBORO PLANNING COMMISSION TO REVIEW PROPOSED CHANGES TO THE ZONING BYLAW**

Eric noted the purpose of the meeting was for the Selectboard and Planning Commission (PC) to discuss proposed changes to the zoning bylaw, which the PC completed this past February. He added there would be time for public comment later on in the meeting.

David said he wanted to acknowledge the enormous amount of work that the PC has put into these proposals.

#### **Miscellaneous Changes.**

Kent gave a summary of the ‘Miscellaneous Amendments’. He said the PC met with the Development Review Board (DRB) last week to discuss the proposal. He explained that some changes in the proposal are required by the state, while other changes were made to clean up language and clarify certain elements in the bylaw.

Eric asked for clarification about the bylaw article that was voted down at town meeting a few years ago. Kent said the article would have had future zoning bylaws approved by the Selectboard, rather than going to a town vote.

In the meantime, a new state law has been passed allowing Selectboards to approve zoning bylaws by default. However, the SB can elect to send a bylaw proposal to a town vote if it so chooses.

#### **Shoreland Protection District (SPD).**

Kent summarized some of the major changes proposed for the SPD, including stricter regulations for boat houses, shoreland buffer zones and setbacks. The PC hopes that changing from ‘footprint’ to ‘area of encroachment’ for non-conforming structures in the buffer zone will make it easier for the zoning administrator (ZA) and DRB to administer the bylaw.

Discussion about lake access footpaths. Kent said there are cases where the property owner has a footpath, and there’s also a ROW held by another party on that property. The PC’s proposed bylaw would not restrict any lake access footpath already in place. Additional footpaths can be added by the property owner with ZA approval and a permit.

David said if there's a deeded footpath ROW, the town can't just void that or we'll be inviting a lawsuit. He suggested a legal opinion on this issue should be sought, Kent agreed.

Brett Stanciu observed that if someone owns a ROW yet is not allowed to create an access path, they can't access the lake. Why would anyone want to own a ROW they can't use?

Ellen said often zoning changes are proposed to solve a problem, and asked what the need is for this footpath regulation. Kent said the town bylaw is supposed to be functionally equivalent with the State Shoreland Protection Act, which limits footpaths to one per parcel.

Brett said she's not aware that there would be negative consequences for the town if multiple footpaths are allowed.

Eric said the PC made changes to the bylaw in 2022, and asked why there are so many changes proposed just a few years later. Kent said in 2021, the GPC approved an SPD bylaw amendment and held a public hearing. The Selectboard then held another public hearing and ended up making some changes to the proposal. Kent said the PC didn't find out about these changes until after the bylaws were approved by the voters.

MacNeil agreed that some changes were made, but said these were sent back to the PC. Both Kent and Christine disagreed on this point.

Kent said after the bylaw was approved and the PC became aware of discrepancies between versions, the PC met with Selectboard chair Peter Romans and all agreed that corrections needed to be made. While the PC was making those corrections, they ended up revisiting other areas of the bylaw and decided that additional changes should be made to improve the bylaw. Ellen said 18 months went by and a number of other changes were made, and now become difficult to track multiple versions of the bylaw.

Kent suggested continuing discussion on the current proposal, rather than revisiting the history of the last two years.

MacNeil said he's served on the DRB and is very familiar with the bylaw, and the current proposal is much more complicated than the earlier version, and difficult to follow.

David said while there appears to be a lot in the bylaw that adds protection to our lakes, if we look at the biggest threats to water quality our focus might be on something different, such as runoff from roads.

Brett said the PC made significant changes to the SPD proposal after its public hearing last year, yet further public comment was not solicited. She agreed with MacNeil that the proposals are not simpler for the ZA or DRB, and will be more expensive for the town to administer.

Kent asked Brett why these changes might be costly to town. Brett said more complex regulations lead to more back and forth with applicants, and thus much more administrative time.

As zoning administrator, Brett said she's not had the opportunity to have an open discussion with the PC about the challenges she sees around the lake. She questioned whether the proposed regulations would actually protect the lake, and added that parts of the proposal have unfortunately caused a rift in town. Kent said while protecting the lake means different things to different people, the PC is using the state's approach on many aspects of the bylaw such as impervious surfaces, slopes, size of structures, and setbacks from the lake. Kent said that Brett did indeed make her points of view known to the PC, but that a majority of PC members didn't agree with her perspective.

David said he wants to hear from Brett about the real-world impact the SPD proposals would have.

MacNeil said due to last summer's flooding, the state is working on new regulations for construction in flood hazard areas, which will likely affect the SPD. It seems the town should wait to see what changes the state may require before approving the current SPD proposal. Kent has heard from NVDA that flood updates aren't likely

to be ready to incorporate into bylaws until 2025. He said, since these are just a minor part of the bylaw, does it really make sense to sit on the PC's current SPD proposal for one or two more years?

MacNeil said we don't know whether the new flood regulations will be minor or more significant. We just revised the bylaws a few years ago, there's no reason to hurry an approval of the current proposal and then have to redo the bylaw again in 2026.

Kent said while the SB can choose to reject the proposed changes and wait for the new flood regulations, why not address your questions about the current SPD proposal now?

Ellen said the Selectboard needs input from the ZA and DRB on the SPD proposal, as well as the legal advice noted earlier. Kent agreed, saying that DRB chair Jane Woodruff wanted to wait to review the SPD proposal until after the Selectboard looked it over and invited the DRB's input. David will approach Jane about a meeting. Brett will attend the meeting along with one or two Selectboard members.

Eric opened the floor to public comment but there was none.

The Board agreed to move ahead with a public hearing this summer on the Miscellaneous Amendment proposal.

### **ADJOURNMENT**

The meeting was unanimously adjourned at 7:30 PM.

*Respectfully Submitted, Josh Karp, Selectboard Clerk*

*AMENDED 6/12/24 J.K.*