

Greensboro Selectboard

February 1, 2012 – Minutes of Public Hearing on David Kelly's Petition to Change the Zoning Bylaw

PRESENT: Marsha Gadoury, Peggy Lipscomb, Anne Stevens, Valdine Hall, Josh Karp, Mike Lammert, Nat Smith, Cilla Bonney Smith, Willie Smith, Nancy Hill, Clive Gray, Andy Dales, Bud Harvey, Wayne Young,

CALLED TO ORDER: 7:05 PM

Peggy Lipscomb called the meeting to order, and Planning Commission Chair Josh Karp explained the hearing procedure and presented the proposed Bylaw change. He noted that the changes will be voted on by residents at town meeting, by Australian Ballot.

He explained that the Planning Commission is not in favor of the petition because of its scope – it would allow large additions very close to the lake – and because it goes against a number of goals and policies in the Town Plan. An example of this is that the proposed change could lead to a significant amount of growth in the Lakeshore District, which is not called for in the Town Plan. Expansion of houses close to the lake could negatively affect water quality, and lead to overdevelopment of the shoreline.

Mike Lammert spoke in favor of the petition, saying that he doesn't feel the proposal would lead to overdevelopment. Things can't stay the same forever, he said, and added that there could be a scenario where someone buys two lots next to each other and may want to build one larger house instead of two smaller houses.

Josh noted that the Planning Commission would have preferred the Selectboard's hearing to be held in the summer so seasonal residents could have been involved in the process; however, statute required the amendment process move forward 'promptly'. The Planning Commission decided the least it could do was solicit the opinion of the Greensboro Association; the Association's executive committee is not in favor of the proposed changes.

Zoning Board member Nat Smith noted that there is interest on the part of the Z.B.A. and some residents in being able to expand small camps around the lake that will be turned in to year-round homes.

Discussion of adding a "waiver" process to the Zoning Bylaw. One problem with the existing Bylaw is that if you don't meet setbacks, you aren't allowed to add a ramp to make your house wheelchair accessible. This is an obvious problem that could be fixed by a waiver process. A waiver could also be given to allow a small addition – i.e. to add a handicapped-accessible bathroom – that wouldn't otherwise be allowed. But, a waiver would have to be subjective, making the process challenging: couldn't you argue that a large house could simply be reconfigured on the existing footprint to incorporate such a bathroom?

Josh noted that many other towns have a waiver process, and that there are a number of ways to structure this type of provision. It was agreed by those present that a waiver process would need to be very specific.

Josh added that land use planning goals and zoning regulations are tricky to write because there is always tension between property rights (of private individuals) and land use planning (which has some perceived public good).

Discussion of whether the Selectboard should take a public position on the proposed Bylaw changes. Anne made the following motion:

The Selectboard will join the Planning Commission and the Zoning Board in recommending a vote in opposition to the petition.

The motion did not carry (A.S., M.G. in favor; P.L. opposed). Peggy felt this vote should be taken by the full Selectboard.

Opposition to David Kelly's petition was overwhelming, with eight out of nine speaking in opposition to the proposed changes.

ADJOURNED: 7:55 PM

Respectfully submitted, Anne Stevens and Josh Karp