

Crescent Beach.

Crescent Bay is a natural horseshoe-shaped harbor on the Eastern shores of Lake Champlain, carved between the shale outcroppings of Rock Point to the South, and Appletree Point to the North. Between the two geological landmarks lies a beautiful stretch of beach appropriately named "Crescent Beach."

Prior to WWII, Crescent Beach was a pristine and mostly uninhabited shoreline, featuring long, white beaches with soft sand and shallow waters located just north in the sparsely inhabited northern reaches of the city of Burlington. There was limited public access to the beach at the time because, as with so much of the lake's shoreline back then, the fertile soils of the Champlain basin were ideal for Vermont's dominant business – agriculture.

Access northward from Burlington consisted of a dirt road from what is now Burlington High School to the mouth of the Winooski River, with only the occasional farm house nestled along the way. The end of the war marked the beginning of a dramatic change that would take place along the soon-to-be-paved road known today as North Avenue.

With a post-war economic and baby boom came an expansion of residential neighborhoods northward from the city, fueled by the proliferation of the automobile, and the G.I. Bill – a loan program that would make home ownership a reality for returning veterans and their families. Crescent Beach would soon become a battleground for control of the beaches -- not by invasion forces from without, but from legal battles fought within the hallowed halls of the courtroom.

As the post-war residential development along North Avenue escalated, spurs of side streets sprang eastward towards the Intervale, and westward toward the lake. One plot of land on the westward side, consisted of 39 home sites bordered by the Consolidated Rendering Company to the south, the Eastman Farm to the north, and Rutland Railroad running north and south on the westerly shoreline of the lake. CORENCO was a rendering company that transformed spent animal carcasses and expired meat products into usable fats like lard and tallow. The offending odors from the plant may have inhibited early home buyers to the area, despite the allure of the beautiful beaches. Nevertheless, in the 50's and 60's homes began to spring up in the neighborhood, with some homes enjoying direct beach access, and the 39 home sites (without direct beach frontage) being deeded a small sliver of the beach for their access and use. Thus, the Crescent Beach West Corporation (CBW) was formed, and the beach became a center for the neighborhood's summer recreational activities.

Beginning in 1955, however, CORENCO made an informal deal with a group of home owners with residences spanning from the west side of North Avenue to the railroad tracks to use their beach frontage (now Leddy beach) for recreational purposes. This local group of beach-goers, with five times the numbers of the CBW group, took advantage of this opportunity, and over the years formed bonds of friendship. When two building lots on Crescent Beach became available in 1963, they organized themselves into a homeowner's group for the purpose of buying the lots for a community beach, knowing that CORENCO's tenure on the lake was coming an end, and most likely their use of the beachfront as well. They successfully pooled their financial resources to buy the two lots, and the Crescent Beach Association, or CBA was founded.

News of the purchase of two lakefront lots to create a community beach for the CBA reached the members of the CBW. The CBA beach would border the deeded CBW beach, and CBW members worried that their private beach would be overrun by the large number of member families in the CBA. They decided to go to court to prevent the creation of a community beach by the Crescent Beach Association.

The battle of the beaches played out in public, lasted five years, and went to the Vermont Supreme Court three times. Longtime friendships soured, and legal costs mounted.

### **The Battle for the Beaches**

Today, in the Champlain Valley, it's hard to imagine a time when residential property with beach access wasn't some of the most desirable real estate in the area. However, after WWII, most of the shoreline of Lake Champlain was used for agriculture, industry, and seasonal recreation like boy's and girl's camps and summer cottages. Even the Burlington City harbor was an eyesore of rusting oil tanks and barges.

By the early '60's this was changing, and Crescent Beach would be a battlefield fought in court to determine who could access this beautiful stretch of shoreline, with sandy beaches, shallow waters and magnificent views of the Adirondacks.

In June of 1964, an overflowing crowd attended a Burlington zoning board meeting where the CBA group, represented by lawyers Bernard Leddy and Robert Eastman, asked for approval to create a community beach on the two beachfront building lots the association had purchased. Leddy argued that zoning board approval had heretofore not been necessary in cases like this. He pointed out that if this were the case now, the city's other eleven private beaches should be shut down.

CBW lawyer, Francis Peisch, argued that zoning board member John Buchan recuse himself because he was employed by Saint Michaels College which was represented by Leddy, therefore creating a conflict-of-interest. Leddy countered that this: "was more ridiculous than anything I have ever heard." Things were heating up and tensions between the two beach associations were escalating.

The zoning board agreed with the CBW group, voting 5-0 against the proposed beach. The CBW group had won the first battle, but the war was far from over. Two months later the CBA group was back before the zoning board, this time with a plan. Given the animus displayed in the first meeting, lawyer Eastman asked that the meeting be for "lawyers only." He was refused.

The CBA plan was to build a beach house with toilet facilities, a parking lot, hedge row and green space for a buffer. They agreed to an occupancy limit for parking, and a firm 9:00 PM closing time. This time the zoning board unanimously agreed with the CBA, allowing them to go forward with their proposed plan. The board did stipulate that the beach be only used seasonally, up until "the cold weather."

Undaunted, the CBW group appealed to county court, but the zoning board's decision was upheld. In June of 1965 the beach, now owned by CBA, was ready for use, complete with a beach house (called "the shack" by CBW members), a parking lot and hedge rows. However, the CBW group managed to have a restraining order issued preventing it's use. At one point, city engineer, Edward J. Crowley ruled that the sewer system was only adequate for residential use.

This decision was overruled by Mayor Francis Cain for lack of impartiality – Crowley was a CBW member. The county court’s decision was finally appealed to the Supreme Court, who upheld the lower court’s decision.

The CBW group remained tenacious, and went back to county court insisting that the zoning board had no jurisdiction in the matter. Once again, the county court disagreed, and the Supreme Court upheld their decision. In the Fall of 1967, the Supreme Court ordered that the beach be opened. By the summer of 1968 the Crescent Beach Association was finally able to use the beach they had owned for over four years.

Down, but not completely out, The CBW group sued the CBA and the Burlington zoning board for legal costs incurred during the process. Surprisingly, the county court agreed, and for the third time the Supreme Court took up the matter of the battle of the beaches. The Supreme Court ruled against CBW, with Justice F. Ray Keyser writing the opinion that concurring with the county court decision would set a precedent that could intimidate residents from challenging zoning boards for fear of being held responsible for legal costs. The war for Crescent Beach was over.

Fifty years have passed and few remember the bitter battle for control of Crescent beach. Today the beach is home to community volleyball games, yearly joint beach cleanups and lobster bakes. Considered by many to be the most beautiful of Burlington beaches, families now play up and down the beach and the sounds of children’s laughter is a melody of happiness and harmony that belies the bitter dissonance of the past.

