

Kathleen Ramsay

From: Jennifer Murray
Sent: Friday, August 12, 2022 3:32 PM
To: Kathleen Ramsay
Subject: Re: Important Message Regarding Zoning Bylaw Amendments - Reconsideration Required

Hi Kathleen,

The relevant sections (referenced in the 6/15 and 7/12 SB packets) are: 24 VSA Chapter 117, Sections 4442 and 4444.

Specifically 4442(b).

This is a guidance document used in communities across the state, summarizing these rules. I see it was included in the June 14th packet (thank you!)

https://cms5.revize.com/revize/middlebury/document_center/Selectboard%20Meeting%20Packets/2022/18%20-%20June%2014%20SB%20Packet/09%20-%20Plan%20Bylaw%20Adoption%20Tools.pdf

There is no definition in Statute for what constitutes a substantial change, it is subject to interpretation.

substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal

Notably, a close reading of the statute will indicate that the bylaw amendment has to be approved at a meeting held after the final public hearing. As you know, we have a legal opinion that holding that vote as a separate warned agenda item following the hearing would meet that requirement.

From my perspective the SB just needs to consider the consequences to potentially every owner of a building (single-family unit or greater) that leases to underclass college students.

I'm also happy to have Dave do a memo or ask him to attend to explain the negative consequences from a permit administration perspective of the change the majority (I think) of the SB members were considering. I don't think contacting specific property owners is treating people equally, because we didn't identify and invite every other property owner influenced by other sections of the bylaw amendment- we noticed it. Individual notices are something you do for a DRB hearing application. The process referenced above is the one we follow for bylaw amendments.

Thanks,
Jen

From: Kathleen Ramsay <KRamsay@townofmiddlebury.org>
Sent: Friday, August 12, 2022 10:01 AM
To: Jennifer Murray <JMurray@townofmiddlebury.org>
Subject: FW: Important Message Regarding Zoning Bylaw Amendments - Reconsideration Required

Hi Jen,

Please see below.

Thanks,
Kathleen

From: ahooper.vt@gmail.com <ahooper.vt@gmail.com>
Sent: Friday, August 12, 2022 10:00 AM
To: Kathleen Ramsay <KRamsay@townofmiddlebury.org>
Subject: RE: Important Message Regarding Zoning Bylaw Amendments - Reconsideration Required

Kathleen:

Can you ask Jen or Benj to provide the statutes that have invalidated the SB vote this past Tuesday? And I'd like to see the definition of "minor amendment", or whatever the threshold for not requiring re-warning is, as well.

If possible, I'd like to have communication sent out to impacted property owners [is this anyone with a current Boarding House designation? Is there any decent way to identify them other than a public notice?] well in advance of our next meeting.

Thanks,
Andy

From: Kathleen Ramsay <KRamsay@townofmiddlebury.org>
Sent: Friday, August 12, 2022 9:30 AM
To: brian@champlainvalleyequipment.com; Lindsey Fuentes George <lindseyfuentes@gmail.com>; Heather Seeley (seeleyhj@gmail.com) <seeleyhj@gmail.com>; farhadkhan1961@gmail.com; Dan Brown <dbrown9926@gmail.com>; Esther Charlestin (bethechangeestherthomas@gmail.com) <bethechangeestherthomas@gmail.com>; Andy Hooper <ahooper.vt@gmail.com>
Cc: Chris English <CEnglish@townofmiddlebury.org>
Subject: Important Message Regarding Zoning Bylaw Amendments - Reconsideration Required

Good morning – As a follow-up to her conversation with Town Attorney Benj Putnam regarding the adoption of the Zoning Bylaw Amendments, I am passing along a message from Director of Planning & Zoning Jen Murray:

We should plan to ask the Selectboard to revote the motion on the Zoning Bylaw Amendments at its next meeting on August 23. Since the student housing definition change was proposed in discussion by members of the Selectboard less than 14 days before the final public hearing, a motion to include that change would not have been valid.

- If the Selectboard chooses to proceed with requesting a change to the definition of student housing, the change will need to be sent to the PC, a new hearing will have to be warned for 9/27 and the regulations would be effective 21 days after that (10/17).

- If the Board chooses *not* to make a change to the definition of student housing, the bylaw as warned for the 8/9 hearing (the version currently on the website, modified 7/15) would be approved 8/23, with an effective date of 9/7.

Accordingly, reconsideration of the Zoning Bylaw Amendments will be on the Selectboard agenda for your meeting on August 23, 2022.

Thank you and please do not reply all.

Kathleen