

SOUTH HERO PLANNING COMMISSION MINUTES SPECIAL MEETING FEBRUARY 7,2023

Members Present: Sandy Gregg (Chair), Michele Gammal (Vice-Chair, via Zoom), George Harwood, David Roy

Others Present: Michael Frett (The Islander), Richard Monterosso, Joan Falcao, Bob Fireovid, Tim Maxham, Donald Bedard, Bridget Kerr (via Zoom), Mike Gammal (via Zoom)

Meeting began recording

Minute-taker assigned to S. Gregg

6:04 - S. Gregg called the meeting to order.

1. Changes to the Agenda - None
2. Public Comment on Anything Not on the Agenda - None
3. Letter from Robert Fireovid regarding alleged violation of Open Meeting Law
 - A. S. Gregg read aloud Robert Fireovid's February 1,2023 letter received by the Planning Commission on February 1,2023. (Copy attached)
 - S. Gregg informed the meeting that first thing Thursday morning, February 2,2023 she called Vermont League of Cities and Towns (VLCT) and spoke with Carl Andeer in the Municipal Resource Center. After a full description of what had transpired Carl emailed materials to use in order to address the Fireovid letter.
 - J.Falcao asked if the Board knew of any existing projects or plans that will be affected by the 2 Articles. The Board responded none at this time that they know about.
 - S. Gregg read aloud the following Official Warning Articles:
 - **Article 7:** Shall the Town of South Hero reduce the size of the approximately 354 acre South Hero Village Zoning District by changing its boundary (and the official zoning map accordingly) to match that of the approximately 52 acre, officially designated South Hero Village Center and reverting areas outside the Designated Village Center to the zoning districts of which they were a part prior to the creation of the Village Zoning Districts in 2020?
 - **Article 8:** Shall the Town of South Hero reduce the size of the approximately 280 acre Keeler Bay Village Zoning District by changing its boundary (and the official zoning map accordingly) to match that of the approximately 14 acre, officially designated Keeler Bay Village Center and reverting areas outside the Designated Village Center to the zoning districts of which they were a part prior to the creation of the Village Zoning Districts in 2020?
 - R. Fireovid stated he thought it was a stretch to conclude the petition was discriminatory based on the 2013 SHIZAC Survey and folks he has spoken with. Further, he stated it seems like a political effort to push high density housing.
 - D. Roy said that providing denser infill in the Villages is a State goal to help with the housing crisis for moderate-low income people.
 - J. Falcao stated that the Town Plan should adhere to what the residents want, not what the State wants, and residents want South Hero to be rural.
 - J. Falcao asked how reducing the Village Zoning Districts is discriminatory?
 - G. Harwood answered that there are different types of discrimination and that at a recent Planning Commission meeting we all witnessed a young teacher state she wants to live here but could not afford to live here and that is economic discrimination. No plans for responsible future growth does not serve the Town. The articles are premature. The new Town Plan will propose new Land Use Areas with new maps that address what the Planning Commission has heard about the size and zoning regulations in the current Village Zoning Areas.
 - J. Falcao asked about how is housing not affordable? Is it the land cost or the cost to build house?

- D. Roy responded the land usually accounts for 20-25% of the new house price. A house can be considered an investment.
 - R. Monteroso stated he feels the Planning Commission understands the current situation, has solicited public opinion, and is planning for future growth in a way that is structured. Giving property owners the right to use their property provides options. The petitions subvert this process. He stated he is open to future development in a responsible way.
 - J. Falcao said that Planned Unit Developments (PUDs) are a way to keep land open.
- B. & C. Discussion of the complaint and determination if there was an unintentional violation of the Open Meeting Law. S. Gregg read aloud the Planning Commission letter of January 23,2023 & discussion. (Copy attached)
- S. Gregg began the discussion describing how the Fireovid - Falcao petition articles were openly discussed in two previous Planning Commission meetings and all the same verbiage as appears in the Planning Commission letter of January 23,2023 was stated at those meetings. However, how the Planning Commission letter was created i.e. from compiled individual responses, and not discussed in an open public Planning Commission meeting, is where the unintended violation occurred. Gregg polled the Commission members and all agreed that was the case. Gregg then stated, “An unintended violation of the Open Meeting Law did happen”.
- D. Ratify or declare as void the PC letter dated January 23,2023.
- S. Gregg described how under Statute 314 the PC can either ratify (vote to approve) the letter or declare it as void.
 - The PC agreed to ratify the letter.
 - S. Gregg described how it is permissible to edit/amend/correct the January 23,2023 letter before ratifying it. The PC discussed the letter.
 - Public Comment time: R. Fireovid stated he took exception to the words; “discriminatory”, “elitist”, and “exclusionary”.
 - The PC discussed this comment and agreed to edit out the words “ and elitist” while keeping the remaining two words.
 - S. Gregg stated that the date on the edited letter now reads February 7,2023 and signature lines have been added. In addition, spelling corrections on two names were corrected.
 - *Motion* by D. Roy to ratify the later with the corrections made; spelling corrections and two words deleted. *Second* by G. Harwood. No further discussion. The vote was unanimous. (The letter will be signed electronically by D. Roy & M. Gammal. Both G. Harwood and S.Gregg will sign in person). The signed letter will be presented to the SB at its next regular meeting by S. Gregg.
- E. If an unintended violation of the Open Meeting Law has been determined to have occurred measures must be identified to cure the violation. Discussion.
- S. Gregg suggested each individual PC member investigate the Open Meeting Law and to start that process at the Vermont League of Cities & Towns website: www.VLCT.org and link to “Municipal Assistance Center”. There is a great deal of information here for municipal entities. This site also contains a link to the State statute for further investigation. Upon completion of each PPC member investigation they will report by Feb at a PC meeting of their completed work.
 - Additionally, S. Gregg distributed a draft set of “Planning Commission Rules of Procedure” to the PC members present and the public. This draft will be discussed and finalized by March 1,2023 if not sooner.
 - By general agreement the PC agreed to these measures.
 - There was no public comment when asked.
- F. Response to the complaint - Discuss Response Letter
- A draft response letter was handed out to Board members (emailed to M. Gammal) and the public. Everyone was told by S. Gregg that, “This is a rough draft so don’t freak out.”

Before adjournment S. Gregg asked for any final Public Comment: R. Fireovid thanked the PC for their follow-through on his letter. The same was stated by B. Kerr.

Motion to adjourn by G. Harwood and *seconded* by D. Roy. The vote was unanimous.

Meeting adjourned at 7:09 PM

Recording stopped.

Respectfully submitted by Sandy Gregg, Minute-Taker

_____ Date: _____
Sandy Gregg, Chair
Planning Commission