

122 Station Road  
South Hero, VT 05486  
c: 802-233-0064  
e-mail: bob.fireovid@gmail.com  
January 11, 2023

David Carter, Chairman, South Hero Selectboard  
Sandy Gregg, Chair, South Hero Planning Commission

cc: Ross Brown, Vice-Chairman, South Hero Selectboard  
Graham Brown, Board Secretary, South Hero Selectboard  
Anne Zolotas, Member, South Hero Selectboard  
Charles Hulse, Member, South Hero Selectboard  
Michele Gammal, Member, South Hero Planning Commission  
David Roy, Member, South Hero Planning Commission  
George Harwood, Member, South Hero Planning Commission  
Fred Bartle, Member, South Hero Planning Commission  
Tim Maxham, Chair, South Hero Development Review Board  
Martha Taylor-Varney, Zoning Administrator, Town of South Hero  
Naomi King, Town Clerk, Town of South Hero

Dear Chairs Carter and Gregg:

A citizen petition for adding two articles to the Town Meeting ballot was submitted to the Town Clerk on Wednesday, December 14, 2022. This petition is based on the vision communicated in the current 2015 Town Plan. A copy of this petition, which was signed by 113 verified South Hero voters, is attached. On the same day, I emailed Sandy Gregg about the submitted petition, attached a copy of the petition, and asked that the Planning Commission discuss the petition at its next meeting on December 21, 2022. Sandy promptly acknowledged receipt of my email.

At the December 21<sup>st</sup> meeting, a Town official said that the Selectboard has the petition and is handling it. I said that according to Vermont statute, the zoning changes requested in the petition must first be acted on by the Planning Commission, but the Town official disagreed. The pertinent instructions in Vermont statute are in 24 V.S.A. § 4441, which is hereby attached. Specifically, paragraph (b) of §4441 states, “However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than five percent of the voters of the municipality, the commission shall correct any technical deficiency and shall, without otherwise changing the amendment or repeal, promptly proceed in accordance with subsections (c) through (g) of this section, as if it had been prepared by the commission.”

Also, according to the same §4441 section of Vermont statute, this petition is binding. That is, the Selectboard “shall” place the two articles to a vote at Town Meeting. Specifically, paragraph (g) states, “...if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the planning commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the legislative body of the municipality, together with any recommendation or opinion it considers appropriate.”

Consistent with §4441, I expect that the South Hero Planning Commission, at its next meeting on January 18, will promptly act on the petition and schedule a public hearing on the zoning changes specified in the petition.

Also consistent with §4441, I expect the South Hero Selectboard, at its next meeting on January 23, will vote on adding the two articles specified in the petition to the ballot for the March 7, 2023 Town Meeting.

I'm also attaching maps indicating the current Village Zoning Districts with overlays approximating the Designated Village Centers. Please note that prior to March 2020, all the land currently within these Village Zoning Districts was zoned either Rural/Residential or Shoreland.

Sincerely,

Robert Fireovid

## **Petition of Legal Voters of the Town of South Hero to the Legislative Body**

We the undersigned legal voters of the Town of South Hero hereby petition the South Hero Selectboard to add the following articles to the warning for either the Town Annual Meeting to be held on March 7, 2023, or the next Town Meeting thereafter:

1. Pursuant to 24 V.S.A. § 4441, 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?
2. Pursuant to 24 V.S.A. § 4441, 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?

## *Title 24 : Municipal And County Government*

### **Chapter 117 : Municipal And Regional Planning And Development**

#### **Subchapter 009 : Adoption, Administration, And Enforcement**

(Cite as: 24 V.S.A. § 4441)

- **§ 4441. Preparation of bylaws and regulatory tools; amendment or repeal**

(a) A municipality may have one or more bylaws. Any bylaw for a municipality shall be prepared by or at the direction of the planning commission of the municipality and shall have the purpose of implementing the plan. An amendment or repeal of a bylaw may be prepared by the planning commission or by any other person or body.

(b) A proposed amendment or repeal prepared by a person or body other than the planning commission shall be submitted in writing along with any supporting documents to the planning commission. The planning commission may then proceed under this subchapter as if the amendment or repeal had been prepared by the commission. However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than five percent of the voters of the municipality, the commission shall correct any technical deficiency and shall, without otherwise changing the amendment or repeal, promptly proceed in accordance with subsections (c) through (g) of this section, as if it had been prepared by the commission.

(c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The Department of Housing and Community Development shall provide all municipalities with a form for this report. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

(1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

(2) Is compatible with the proposed future land uses and densities of the municipal plan.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

(d) The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment, or repeal.

(e) At least 15 days prior to the first hearing, a copy of the proposed bylaw, amendment, or repeal and the written report shall be delivered physically or electronically with proof of receipt or mailed by certified mail, return receipt requested, to each of the following:

(1) The chair of the planning commission of each abutting municipality, or in the absence of any planning commission in a municipality, the clerk of that abutting municipality.

(2) The executive director of the regional planning commission of the area in which the municipality is located.

(3) The Department of Housing and Community Development within the Agency of Commerce and Community Development.

(f) Any of the bodies identified in subsection (e) of this section, or their representatives, may submit comments on the proposed bylaw, amendment, or repeal to the planning commission, or may appear and be heard in any proceeding with respect to the adoption of the proposed bylaw, amendment, or repeal.

(g) The planning commission may make revisions to a proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment, or repeal and the written report to the legislative body of the municipality. However, if requested by the legislative body or if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the planning commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the legislative body of the municipality, together with any recommendation or opinion it considers appropriate. Simultaneously with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review. (Added 2003, No. 115 (Adj. Sess.), § 100; amended 2017, No. 197 (Adj. Sess.), § 17.)



