



## **AMENDED SPECIAL MEETING MINUTES - OCTOBER 19, 2022**

### **TOWN OF GREENSBORO PLANNING COMMISSION**

#### **ZOOM**

**MEMBERS PRESENT:** Kent Hansen, Christine Armstrong, Kelli Story, Alexis Vabre, MacNeil  
Brett Stanciu (ZA and non-voting member)

**ABSENT MEMBERS:** Ellen Celnick

**OTHERS PRESENT:** Day and Janet Patterson

#### **1. CALL TO ORDER: 7:03 PM**

#### **2. DISCUSS PROPOSED LETTER TO ATTORNEY AT VERMONT LEAGUE OF CITIES AND TOWNS IN AN EFFORT TO OBTAIN CLARITY RE ANOMALIES IN RECENT SPD BYLAW PROCESS**

Kent re-introduced the rationale for the letter: Questions have been raised about the validity of 2022 proposed SPD bylaw amendments and the PC wants to confirm their legal validity so the PC can move on to other tasks. Kent also wants to determine if the Town may risk legal vulnerability due to process errors. (Proposed draft letter attached below.)

Members had an extended discussion of the 2022 amendment process.

Day Patterson offered: We all seem to recognize there were problems in the adoption process and that there are errors in the redline. Let's move forward with a way to correct the problems. He is skeptical that the VLCT lawyer will opine. But it's a first step.

Kent restated his goal for a bylaw that is clear and correct. After we hear back from the VLCT lawyer the PC will determine whether we are going to start with the 2022 ballot version, if it's valid, the GPC approved version, or the 2015 bylaw. Kent offered that it should happen one way or the other.

The GPC discussed what is the accurate and legally required process. Kent maintained that the redline was not sent back to the GPC for review and approval which is the process that should have been followed if there were SB changes. MacNeil disagreed and contended that the process was carried out properly. Kent will research the State guidelines on this topic and report back to the PC before its next meeting.

General consensus was to send the letter to attain more certainty but Brett stated there were factual errors in the proposed letter to the attorney.

Kent invited others to report to him on what may be factually inaccurate in an updated draft letter and to get comments/corrections to him by Oct 28 , 2022. Did the town strictly follow the



process or not? He proposed to drop bullets 4 and 5 because MacNeil and Brett strongly objected to including them. He will bring an updated draft to the November 1, 2022 meeting.

**3. OTHER BUSINESS:** None

**4. NEXT REGULAR GPC MEETING WILL BE NOVEMBER 1, 2022 AT THE GREENSBORO FREE LIBRARY.**

**5. ADJOURN @ 7:42 PM**

GPC Clerk,

C. Armstrong

DRAFT OF THE OCTOBER 19, 2022 PROPOSED LETTER OF INQUIRY TO THE VLCT

The Planning Commission of the Town of Greensboro, Vermont is seeking your guidance with respect to a recent zoning bylaw change in Greensboro.

Back in July Kent Hansen called you to discuss this bylaw issue regarding its current Shoreland Protection District (SPD) Bylaw. As mentioned at that time, there were some procedural errors in this Bylaw's approval process leading to having two different versions of the proposed Bylaw come into play. During that call with Kent, you indicated that procedural issues aside, the Bylaw approved by Town vote was valid and if changes were needed or wanted the current Bylaw could be amended.

In this letter, the Greensboro Planning Commission is providing more information on this Bylaw situation including the key steps that led to the creation of two different versions of the proposed SPD Bylaw, as well as our concerns with regard to the Town's possible legal vulnerabilities that may have been created by the enactment of the "Redline" version.

Once you have reviewed this information we seek your written answers to the following questions:

- Is the version of the SPD bylaw that the Town passed valid?
- Should we be concerned about legal vulnerabilities for the Town resulting from our enactment process?
- Whether errors in that enactment process could, if challenged, be ruled to invalidate those amendments?



- In that the PC approved Proposal has already been PC approved and presented at Public Hearings by both the PC and SB, could the SB remedy this situation by submitting this proposal for a vote at Town Meeting?
- What would you recommend as the best approach to correct the SPD Bylaw to read as the PC currently intends?

### Chain of Events:

Following a Public Hearing on 6/2/21 the Greensboro Planning Commission approved the SPD Bylaw [Attachment #1] on September 21, 2021 (PC-Approved Proposal) and forwarded it to the Select Board. Meanwhile at the request of the public and a Select Board member a modified “Redline” version of the Bylaw was drafted by a PC member and the Zoning Administrator to help everyone better focus on the changes between the existing Bylaw (passed in 2015) and the new proposed Bylaw. The Redline was intended to be a supporting document related to the PC – Approved Proposal. This document became informally known as the “redlined version” (Redline) notwithstanding that it was in fact neither a complete nor accurate redlined copy of all changes, additions, and deletions as the term “redlined” is customarily used in the legal profession. [Attachment #2] [ Note: The Redline was not referenced in any meeting minutes of either the PC or the Select Board, nor was it mentioned in the notice for the Selectboard’s public hearing held on December 6, 2021].

It turns out that the Select Board had received both the PC – Approved Proposal and the Redline. The Town published the required notice on November 17, 2021 (Attachment #3). In that public notice, and pursuant to Vermont Statute §4444, the Town listed each of the section headings of the PC-Approved Proposal (not the section headings of the Redline, which were different from those of the PC-Approved Proposal).

Both the PC - Approved Proposal and the Redline were posted on the PC’s page of the Town’s website.

The Select Board’s Public Hearing was held on 12/6/21. PC voting-member Christine Armstrong presented the PC-Approved Proposal on behalf of the PC and did not address the Redline. The Select Board on 12/29/21 did approve the Bylaw for a Town Vote. The Minutes of the 12/29/21 Select Board Meeting do not specify in any way which version of the Bylaw was approved.

As it worked out, the Selectboard’s December 6, 2021 public hearing was the last formal opportunity for Greensboro residents ( many of whom are seasonal residents ) to provide input on the proposed SPD amendments provisions that could possibly affect them and their properties. As such, the Town’s residents were not provided the opportunity to be heard with respect to the Redline.

At Town Meeting this year, the Town did approve the Redline Version of the SPD Bylaw.



Following the Town vote a PC member, as well as members of the public noticed the difference between the two versions of the SPD Bylaw. They believe these differences to be substantial. The Greensboro PC is now trying to determine the best way to proceed in order to have the SPD Bylaw be clear and correct.

Thank you for taking the time to consider our situation. If additional information is needed, please contact Kent at [kent.hansen@greensborovt.org](mailto:kent.hansen@greensborovt.org) . We look forward to hearing from you.