

**Minutes - FINAL**  
**Special Meeting of the St Johnsbury Select board**  
**September 16, 2015 at 6:00PM-Pomerleau Building**

Present- SB: Kevin Oddy, Jeff Moore, Jamie Murphy, Tom Moore, Tim Angell

Staff- Chad Whitehead, Joe Kasprzak, Susan Cherry, Chief Clement Houde

Press- KATV

Meeting opened at 6:00PM

Public Hearing: A public hearing was held to discuss proposed changes to the Zoning By-law as follows:

*The purposes of the proposed Zoning By-law amendments are to:*

1. *Adjust the language and placement of Transitional Shelter for clarity and consistency throughout the zoning districts. \*\**
  - A. *Change the definition of Transitional Shelter to be titled "Transitional Residence". The definition stays the same:*
    - 1) *A residential facility operated by a government agency or private non-profit organization that provides living accommodations to people who previously resided in a prison, a psychiatric care facility or an addiction treatment facility.*
  - B. *Add a definition for Temporary Overnight Shelter:*
    - 1) *A place where people experiencing homelessness stay overnight for a limited period of time. Descriptions of Temporary Overnight Shelters include, but are not restricted to:*
      - a) *Shelters that operate on a first-come, first-served basis where people must leave in the morning and have no guarantee of a bed for the next night; or*
      - b) *Shelters where people know that they have a bed for a specified period of time as defined by the managing organization (even if they leave the building every day); or*
      - c) *Shelters that provide temporary shelter due to weather conditions.*
    - 2) *This category does not include shelters that operate only in the event of a natural disaster to accommodate large numbers of displaced residents.*
2. *Add definitions for Residential Care Home for clarity and parlance with the Department of Health:*
  - A. *Residential Care Home: A place, however named, excluding a licensed foster care home, which provides for profit or otherwise, room, board, and personal care to three or more residents unrelated to the licensee. These include level I, II, III, and IV facilities as licensed by the State of Vermont.*
    - 1) *Nursing Home: A level I or II Residential Care Home.*
    - 2) *Level III Community Care Home: A Residential Care Home licensed and required to provide room, board, personal care, general supervision, medication management, and nursing overview.*

3) *Level IV Community Care Home: A Residential Care Home licensed and required to provide room, board, personal care, general supervision, and medication management.*

3. *Residential Town to add Office as a conditional use permit.*

A. *The current conditional uses in Residential Town are consistent with adding “office” to the list. The Planning Commission agreed that it would not bring any more traffic to the area than the other current conditional use permits.*

4. *Mixed Housing;*

A. *Remove Section 421 which reads: “No multi-unit or multi-family dwelling or project containing five (5) or more units shall be approved for construction unless at least sixty (60) percent of the units are not affordable housing as such term is defined by 24 V.S.A. 4303 (1). No affordable housing units may be added on any lot on which any five or more units of housing are located except to the extent that at least sixty (60) percent of the resulting number of units on the lot are not affordable housing units.”*

B. *Remove Section 503.2 (Final Subdivision Approval) Sub-section g. The introduction reads: “A subdivision may be finally approved, with conditions, only if the DRB determines that the applicant is not in default of any obligations under this ordinance and that proposal complies with the following:*

Ann Hare of the St Johnsbury Chamber asked when the zones for the Transitional Residence and Temporary Overnight Shelter would be discussed. – The board responded that the warning for this meeting did not include discussion about zones, only revisions to the definitions.

Ray Cummings asked when the issues will be spoken about. The board indicated that residents could provide input to the board now, but they would not be able to act on that until it was warned.

Robin Little stated that she felt that communication between the businesses and the Town on these types of matters could use improvement.

Tony Higgs of the Development Review Board (DRB) indicated that there was currently an application for a shelter was tabled with the DRB currently and wondered how the definitions would affect that application. Susan Cherry indicated that that application was going to be withdrawn.

Currently Transitional Shelters are allowed upon approval of a conditional use permit in all rural and residential zones, and is not allowed in Health Services.

Jamie Murphy indicated that the definitions looked good, and suggested that they be approved once the other final criteria are presented.

#### Changes to the Zoning Bylaws

**On a motion** by Jamie Murphy and a second by Jeff Moore the board approved Remove Section 421 which reads: “No multi-unit or multi-family dwelling or project containing five (5) or more units

shall be approved for construction unless at least sixty (60) percent of the units are not affordable housing as such term is defined by 24 V.S.A. 4303 (1). No affordable housing units may be added on any lot on which any five or more units of housing are located except to the extent that at least sixty (60) percent of the resulting number of units on the lot are not affordable housing units.”

And

Remove Section 503.2 (Final Subdivision Approval) Sub-section g. The introduction reads: “A subdivision may be finally approved, with conditions, only if the DRB determines that the applicant is not in default of any obligations under this ordinance and that proposal complies with the following:

**On a motion** by Jeff Moore and a second from Jamie Murphy the board approved adding a definition of Residential Care Home for clarity and parlance with the Department of Health:

- A. Residential Care Home: A place, however named, excluding a licensed foster care home, which provides for profit or otherwise, room, board, and personal care to three or more residents unrelated to the licensee. These include level I, II, III, and IV facilities as licensed by the State of Vermont.
  - 1) Nursing Home: A level I or II Residential Care Home.
  - 2) Level III Community Care Home: A Residential Care Home licensed and required to provide room, board, personal care, general supervision, medication management, and nursing overview.
  - 3) Level IV Community Care Home: A Residential Care Home licensed and required to provide room, board, personal care, general supervision, and medication management.

**On a motion** by Jamie Murphy and second by Tim Angell the board approved adding “Office” as a condition use permit within Residential Town.

**On a motion** by Tim Angel and second by Jeff Moore the board tabled item No. 1 regarding definitions of transitional shelter and temporary overnight shelter until additional hearings regarding the zones were conducted.

The board set the next hearing date of October 7, 2015 at 6:00PM at the Welcome Center.

**On a motion** by Jamie Murphy and second by Tim Angell the board adjourned.