

**NOTICE OF PUBLIC HEARING  
TOWN OF SPRINGFIELD, VERMONT  
SELECTBOARD  
MONDAY, DECEMBER 12, 2016 @ 5:00 PM**

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**Meeting Minutes**

Chair, Kristi Morris, called the Public Hearing to order at 5:00 PM.

Chair Morris reminded everyone of rules for the Public Hearing; he expected everyone to be respectful and courteous to each other, to speak to the Selectboard, and identify yourself when speaking. He also went on to explain why the meeting was being held again; because there was a problem with the way the meeting was warranted. We are hearing again, the proposed amendments the Zoning Bylaws of the Town of Springfield in accordance with 24 VSA §§ 4442 and 4444. The proposed amendments would amend the Springfield Zoning Regulations as follows:

The proposed amendments would amend the Springfield Zoning Regulations as follows:

1. Replace the current definition of Rooming House and Family Unit with the following Definition in Section 7.2:

Rooming House: Any dwelling unit with two (2) or more individuals sleeping rooms for rent, non-transient, that is, for more than 7 days at a time, and not including uses defined as Bed and Breakfast or Motel/Inn. Owner occupied (where the owner is a natural person) single family residences renting out no more than two bedrooms with adequate off-street parking are not to be considered rooming houses under this regulation.

Family Unit – One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, not including a housekeeping unit being operated as a Rooming House.

2. Amend Article 3 by the addition of the following new Section 3.29:

Section 3.29 Rooming House:

(A) Rooming houses are a conditional use in the HDR, MDR, RC, GB, and CB Zoning Districts. Rooming houses are not permitted in any other Zoning District.

(B) Rooming houses are subject to Site Plan Review approval and Conditional Use Review approval by the Development Review Board. The number of individuals housed in each bedroom of a rooming house will also be determined by the Development Review Board through the Site Plan Review and Conditional Use process. Except for when one or more rooming houses are in the same two – family or multi-family dwelling, rooming houses shall not be located within 1,000 feet of another rooming house. In determining distance between rooming houses the nearest boundary line of each relevant parcel shall be used in the measurement.

(C) A rooming house that exists on the date this Section 3.29 of the Springfield Zoning Regulation is adopted by the Springfield Selectboard may continue to exist as a nonconforming use for a period not to exceed 2 years, at which time the use shall cease, unless in the interim the DRB has granted owner of a parcel Site Plan Review approval and Conditional Use approval of the use of the parcel for a rooming house, subject to the same standards as set forth in the previous paragraph. This grandfathering for a period of 2 years is subject to the owner registering a rooming house that existed prior to the passage of this Section of the Springfield Zoning Regulations within 60 days of the date this section is adopted by the Selectboard. A rooming house that exists at the time of the passage of this Section of the Springfield Zoning Regulations, which use is discontinued for a period of 60 days shall be a nonconforming use and rooming house use shall not be reestablished unless the owner of the parcel has obtained conditional use approval and site plan review approval of the rooming house use from the DRB.

3. Amend the Article 2 Tables for HDR, MDR, RC, GB and CB to show “Rooming House” as a conditional use.

It should be noted that the Public Hearing was noticed in reference to the above proposed amendments. The first amendment will be referred to as Option One.

Town Attorney, Steve Ankuda, introduced a different amendment regarding Rooming Houses. This proposed amendment will be referred to as Option Two. A copy of Option Two is attached.

Attorney Ankuda explained his proposed zoning regulations regarding Room Housing would treat them as Multi-Family Dwellings and require the buildings to be on the Rental Registry with the Town. By doing so, the Rooming Houses would be subject to site plan review and conditional use permits. The Development Review Board, DRB, would be responsible for review of the site plans and conditional use permits. Attorney Ankuda felt his amendment was more conservative, would not discriminate against disabled people, or create a problem with the Federal Fair Housing Act. The Town would regulate these building by using the Nuisance and the Blight Ordinances. He was very concerned that the proposed Option One could trigger violations of the Federal Fair Housing Act. Attorney Ankuda's proposed amendment, Option Two, did not include the 1,000 ft. restriction between rooming houses.

Selectboard Member, George McNaughton, did not agree with Option Two. He preferred Option One; he also was concerned about dropping the 1,000 ft. restriction rule. Mr. McNaughton did not want to see neighborhoods turned into areas of room houses or multi-family dwellings.

Attorney Ankuda suggested looking at the real problems; trash, parking, etc. These problems could be addressed through the DRB by reviewing site plans and conditional use permits.

Administrative Officer, Bill Kearns, shared that some multi-family dwelling units were "Grandfathered In" because they were rental units before 1974 when there were not any review required for site plans and/or conditional use permits issued.

Lori Claffee identified herself as the Representative for the Union/Park Neighborhood Association and resident of Union Street. She stated the Union/Park Association supported the original language, Option One. There was never any intent to discriminate anyone.

Nola Watkins-Chase, resident, inquired if single-family dwellings could be used as rooming houses. A.O. Kearns replied that they could not.

Bill Cook, resident, wanted to know what the appeal process would be if the proposed amendments of Attorney Ankuda were used. A. O. Kearns explained the interested parties would and should be present at a DRB Meeting; individuals would and should provide evidence supporting their appeal. If the interested parties were not happy with the outcome of the DRB Meeting, they could make an appeal to the Environmental Courts.

Jason Curtis, resident, stated in his opinion the proposed language in Option One did not discriminate against anyone or any particular class of people. The proposed zoning regulations for rooming houses and sober houses did not tell Landlords what to charge for rental rates or who to rent to. Mr. Curtis also suggested that residents who live near or in neighborhoods with rooming houses should have their properties appraised and they would see how the rooming houses affect the property values of the neighborhood.

Vice-Chair, Stephanie Thompson, pointed out that rooming houses and sober houses were not the same. The difference is a sober house is a licensed program.

Peter MacGillivray stated there was no disagreement, that there was a problem with rooming houses and they needed to be regulated. However, if the Town Attorney felt the proposed zoning amendment language of Option One was a high risk maybe the Selectboard should reconsider the language.

Richard Andrews stated that he supported the original language; he didn't care for the cross reference with multi-family dwellings of Option Two.

Jacob Speidel, Vt. Legal Aid Representative and resident, agreed with Town Attorney Ankuda that the 1,000 ft. restriction rule could put the Town at risk under the Federal Housing Act. Mr. Speidel suggested removing the 1,000 ft. restriction rule and the reference to disabled or handicap individuals.

Lori Claffee, resident, pointed out there is so many classes of disabilities and a Landlord would never find anyone to release that type of information to him.

Mairead Riley introduced herself as an employee of Vermont Legal Aid and stated that she appreciated the opportunity for the discussion on fair housing. She stated there were safe ways to address all the issues. The Town could review the public health safety issues, such as how many individuals living at a residence versus the number of bathrooms in the residence. Maybe the Town could create something in the general regulations. If the Town was interested, Ms. Riley offered her assistance to help.

David Hinckley, resident, stated he was not happy with the two proposed zoning amendment language.

Chair, Kristi Morris, declared the Public Hearing closed at 6:32 PM.

Respectfully Submitted By,

A handwritten signature in cursive script that reads "Donna M. Hall".

Donna M. Hall,  
Recording Secretary

1. Replace the current definition of Rooming House and Family Unit with the following Definition in Section 7.2:

Rooming House: Any dwelling unit with two (2) or more individual sleeping rooms for rent, non-transient (meaning more than 7 days at a time and not including uses defined as Bed and Breakfast or Motel/Inn). Individual sleeping rooms rented to individuals defined as having a "handicap" or "disability" under the Federal Fair Housing Act codified in 42 U.S.C. §§3601 et seq shall not be counted for purposes of this definition, provided the property owner submits annually to the Administrative Officer a statement signed under penalties of perjury that such room is exclusively so offered for occupancy or occupied, and further provided there is sufficient off-street parking. Owner occupied (where the owner is a natural person) single family residences renting out no more than two bedrooms with adequate off-street parking are not to be considered rooming houses under this regulation. Rooming House shall be classified as a multi-family dwelling for purposes of these regulations.

Family Unit: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

2. Amend Article 3 by the addition of the following new Section 3.29: Section 3.29 Rooming House Transitional Rule. A rooming house that exists on the date this Section 3.29 of the Springfield Zoning Regulations is adopted by the Springfield Selectboard may continue to exist as a nonconforming use in Districts where it is not a permitted use for a period not to exceed 2 years, at which time the use shall cease, unless in the interim the DRB has granted the owner of the parcel Site Plan Review approval and Conditional Use approval of the use of the parcel for a multi-family dwelling. This grandfathering for a period of 2 years is subject to the owner registering a rooming house that existed prior to the passage of this Section of the Springfield zoning regulations within 60 days of the date this section is adopted by the Selectboard. A rooming house that exists at the time of the passage of this Section of the Springfield Zoning Regulations, which use is discontinued for a period of 60 days in districts where it is not a permitted use shall be a nonconforming use the and rooming house use shall not be reestablished unless the owner of the parcel has obtained conditional use approval and site plan review approval as a multi-family dwelling use from the DRB.