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Introduced by Representatives Stuart of Brattleboro, Burke of Brattleboro, and  
Toleno of Brattleboro

Referred to Committee on

Date:

Subject: Conservation and development; land use; municipal and regional  
planning and development; local bylaws; notice

Statement of purpose of bill as introduced: This bill proposes to amend the  
notice procedures for local development review to include notice to the owners  
and tenants of dwelling units within structures on adjoining properties.

An act relating to notice for local development review

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4464 is amended to read:

§ 4464. HEARING AND NOTICE REQUIREMENTS; DECISIONS AND  
CONDITIONS; ADMINISTRATIVE REVIEW; ROLE OF  
ADVISORY COMMISSIONS IN DEVELOPMENT REVIEW

(a) Notice procedures. All development review applications before an  
appropriate municipal panel under procedures set forth in this chapter shall  
require notice as follows.

1           (1) A warned public hearing shall be required for conditional use  
2 review, variances, administrative officer appeals, and final plat review for  
3 subdivisions. Any public notice for a warned public hearing shall be given not  
4 less than 15 days prior to the date of the public hearing by all the following:

5           (A) Publication of the date, place, and purpose of the hearing in a  
6 newspaper of general circulation in the municipality affected.

7           (B) Posting of the same information in three or more public places  
8 within the municipality in conformance with location requirements of 1 V.S.A.  
9 § 312(c)(2), including posting within view from the public right-of-way most  
10 nearly adjacent to the property for which an application is made.

11           (C) Written notification to the applicant and to owners and tenants of  
12 all properties adjoining the property subject to development, including the  
13 owners and tenants of properties which would be contiguous to the property  
14 subject to development but for the interposition of a highway or other public  
15 right-of-way and, in any situation in which a variance is sought regarding  
16 setbacks from a State highway, also including written notification to the  
17 Secretary of Transportation. The notification shall include a description of the  
18 proposed project and shall be accompanied by information that clearly informs  
19 the recipient where additional information may be obtained, and that  
20 participation in the local proceeding is a prerequisite to the right to take any  
21 subsequent appeal.

1           (2) Public notice for hearings on all other types of development review,  
2 including site plan review, shall be given not less than seven days prior to the  
3 date of the public hearing, and shall include at a minimum all the following:

4           (A) Posting of the date, place, and purpose of the hearing in three or  
5 more public places within the municipality in conformance with the time and  
6 location requirements of 1 V.S.A. § 312(c)(2).

7           (B) Written notification to the applicant and to the owners and  
8 tenants of all properties adjoining the property subject to development,  
9 including the owners and tenants of properties which would be contiguous to  
10 the property subject to development but for the interposition of a highway or  
11 other public right-of-way and, in any situation in which a variance is sought  
12 regarding setbacks from a State highway, also including written notification to  
13 the Secretary of Transportation. The notification shall include a description of  
14 the proposed project and shall be accompanied by information that clearly  
15 informs the recipient where additional information may be obtained, and that  
16 participation in the local proceeding is a prerequisite to the right to take any  
17 subsequent appeal.

18           (3) As used in this section:

19           (A) “Dwelling unit” has the same meaning as under 9 V.S.A. § 4451.

20           (B) “Property” includes land, each habitable structure on the land,  
21 and each dwelling unit within such a structure.

1           (i) If a habitable structure on property adjoining the property of a  
2           proposed development is under separate ownership from the land on which the  
3           structure is located, the owner of the structure is an adjoining property owner.

4           (ii) If a habitable structure on property adjoining the property of a  
5           proposed development contains one or more dwelling units under separate  
6           ownership from the structure itself, the owner of each such dwelling unit is an  
7           adjoining property owner.

8           (C) "Tenant" has the same meaning as under 9 V.S.A. § 4451.

9           (4) The applicant may be required to bear the cost of the public warning  
10          and the cost and responsibility of notification of adjoining ~~landowners~~ property  
11          owners and tenants. The applicant may be required to demonstrate proof of  
12          delivery to adjoining ~~landowners~~ property owners and tenants either by  
13          certified mail, return receipt requested, or by written notice hand delivered or  
14          mailed to the last known address, supported by a sworn certificate of service.

15          (5) When land adjoining the property proposed for development  
16          contains a structure that includes one or more dwelling units, a municipality  
17          shall direct the owner of the adjoining land, or of the structure if under separate  
18          ownership, to supply the municipality with the name and mailing address of  
19          the tenant of each unit and, for each unit that is owned separately from the  
20          structure, the owner of the unit.

21          (A) An owner receiving such a request shall comply with it.

