

# MEMO

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**To:** Barb Christensen; TPC Chair

**From:** Jen; ZA

**Date:** 2-14-07

**Re:** Zoning Ordinance Section 8.4.2(G) Conditional Use Permit/MIYC CUP

8.4.2(G) Within 30 days of the public hearing, the TPC shall make its decision and within five days of the decision shall mail notice of its decision to the applicant and all objectors of record. The notice shall be posted at the official Town posting places. If the decision is to recommend approval, the notice shall include an accurate description of the use permitted, on the property which it is permitted, and of all property on which it is permitted, and all of the conditions made applicable. The notice shall also include a description of the appeal rights available to all persons.

The approved public hearing minutes of 1-2-08 list (22) objectors of record.

On 2-6-08 the TPC passed the following motions in decision of the MIYC CUP Application: 1) M. Starck motions to recommend approval of the original project plan whose exterior matches the January 29, 2008 proposal except that the size remain at 10,000 sq'. 2) M. Starck motions to notify MIYC that if they want to increase the building by 2,500 sq' TPC requires another public hearing.

On 2-8-08 I left a message at your home notifying you of the need to notify objectors of record within 5 days.

On 2-11-08 you called me back and we discussed the necessary next step in the CUP process. You stated you would get back to me,

On 2-13-08, the 5<sup>th</sup> day and the day the letters were to be mailed per Ordinance, I called you at your work (since you requested I contact you M,W,F at the Inn) and asked again if you planned on notifying the objectors of record. You said you'd have to look at the Ordinance, that you had talked to some people and did not think it was required, but you would be in later that day. You came to the TH at 4:20 when I was going to pick up my sons. I had Xeroxed and highlighted the section of the Ordinance above for your convenience.

2-14-08 I came to work to find no letters copied to my mailbox and no posting on the TH door as required by Ordinance.

According to Ordinance, the objectors of record have not received due process in order to appeal the TPC decision.

In effort to maintain the integrity of the Ordinance and the Zoning Dept, I will proceed with fulfilling the requirements of the Ordinance and write the letters to the applicant, objectors of record and fulfill posting requirements. I will try to get letters in the mail today which will date them one day past Ordinance requirements.