



# Village of Manchester, Vermont

## Minutes of the Regular Meeting of the Planning Commission Held April 20<sup>th</sup>, 2022 at 11:00am

**Members Present:** Vice-Chair Rich Heilemann, Renee Waller, Tom Scarnecchia, Christie Bronstein, Eric Dorsch

**Member(s) Absent:** Chair Audrey Kolloff, Anthony MacLaurin

**Others Present:** Zoning Administrative Officer Curan VanDerWielen, Treasurer Donald Brodie

The meeting was held both in person at the Village Office and via zoom.

Vice-Chair Heilemann called the meeting to order at 11:05am.

### **Minutes:**

*Approve the draft minutes of the March 16<sup>th</sup>, 2022, meeting.*

Heilemann asked whether the Commission had any questions or comments concerning the minutes of the meeting previous, held 16 March 2022. Heilemann commented he had not been in attendance and had no comment himself. There being no further comment made by any member of the Commission, Waller moved to approved the minutes as drafted. The motion was seconded by Heilemann, which was thereafter unanimously approved by the Commission.

### **Planned Business:**

*Swearing in of new Commissioners by Treasurer Brodie: Christie Bronstein, Eric Dorsch, Tom Scarnecchia*

Prior to the official start of the meeting, Brodie swore in Scarnecchia. Brodie then departed; the other two members were attending virtually and could not be sworn in unless attending in person.

*Review of updates regarding and upcoming adoption process of the Energy Plan and Solar Screening Ordinance.*

After the approval of the draft minutes, Heilemann moved to review any updates on the Energy Plan and Solar Screening Ordinance as recently approved by the Board of Trustees. Heilemann asked whether Dorsch or Bronstein had any questions concerning either, adding that the two had been drafted over the course of more than a year and had a long way to go before being adopted by the Village formally. Dorsch stated he had reviewed the documents and did not believe they required further input from him. Heilemann thanked Dorsch and went on to state that a public meeting would need to be held on the subject as it amended the Village Plan of Development. Heilemann then stated that he and Audrey Kolloff had recently met with Cat Bryars of the

Bennington County Regional Commission (BCRC), who agreed to review the Plan of Development to assist making the Energy Plan and it more consistent with one another in language. Heilemann continued, stating that the goal was to hold a public meeting by July 20<sup>th</sup>, then to issue a public report per state law. Heilemann asked VanDerWielen if this was the correct process, to which VanDerWielen responded he was unsure concerning amendments to the Plan of Development. Heilemann stated that Vermont required a public report for the amendment. He went on to state that further meetings would need to be held with the Town and BCRC between now and then, and that it must be warned publicly fifteen (15) days prior. Heilemann then stated that the Commission would need to check for compliancy with Act 171, and then asked whether the Commission were familiar with the Act. VanDerWielen responded that he had a cursory understanding of the law but would need to review it. Heilemann then stated that during the next meeting on 18 May, he would look into having Cat Bryars attend. Scarnecchia then asked Heilemann if Act 171 was the correct reference, stating that he had looked up Act 171 on his computer and it regarded data brokering. Heilemann stated that he was reviewing the incorrect law. VanDerWielen stated he would obtain a copy and send it to the Commissioners. After waiting a moment for additional questions, Heilemann reiterated that Cat Bryars would be in attendance during the 18 May meeting in order to advise the Commission on this process.

*Ongoing review of Bylaw Edits – Sections 2, 3, 4, and 10*

Heilemann then moved to review the ongoing edits to the Village Zoning Bylaws, stating that most of the input made since the last meeting of the Commission had been made between Kolloff and VanDerWielen, who had consolidated the many versions of the draft edits to Sections 2, 3, and 4 between the March and April meetings. Heilemann asked VanDerWielen to expand on the current state of the sectional edits. VanDerWielen introduced the sectional edits by stating that the bulk of the content remained unchanged from that reviewed by the Commission during its March meeting. VanDerWielen stated that he and Kolloff had met shortly after the March meeting to consolidate over a dozen versions of the sectional edits, successfully reconciling language differences, correcting errors, and resolving formatting issues so as to create two reconciled documents, covering the most current draft edits to Sections 2, 3, and 4. VanDerWielen went on to state that he had prepared an edited version of Section 10 at the request of members of the Development Review Board (DRB), to provide options on language for its modernization. VanDerWielen emphasized that the edits to Section 10 only cleaned up language or formatting errors and formalized existing processed which have been practiced informally through the Zoning Office for decades. VanDerWielen then reiterated that the Section 2, 3, and 4 edits carried no substantive differences from those already reviewed and approved by the Commission during their March meeting. Heilemann commented that under Section 3.6, he had noted a language error which should change the phrase “shall” to “shall not”.

Heilemann then asked Dorsch whether he had any comments on any of the sectional edits, adding that Dorsch was a lawyer and might lend some expertise. Dorsch emphasized that he was a tax lawyer, but joked that he did think like a lawyer. Dorsch stated that he believed the change in Section 10 to replace instances of “He” referring to the Zoning Administrative Office (ZOA) with

“They” were inappropriate, as “They” was a plural pronoun. Dorsch stated he believed the language should either be “He or She” or remain as written.

Dorsch then stated that the other question he had regarded the fee structure associated with violations, and that he believed \$100.00 to be too low an amount to charge for zoning violations. Bronstein commented that she believed it was \$100.00 charged every day the violation persisted. Heilemann asked where the section in question was located, and VanDerWielen indicated the page number. VanDerWielen clarified that it was charged as Bronstein stated: \$100.00 every day the violation persisted, with the municipality having the power to double the fine if the violation persisted continuously.

Bronstein then asked whether Airbnb or ZRBO rentals were covered under zoning permits. VanDerWielen responded that short-term rentals of that nature were not covered under Village Bylaw, as that type of property use was often fuzzy to define. VanDerWielen also noted that he understood the issue of regulating short-term rentals to have been a somewhat controversial notion in previous years, reiterating that it was not covered at all by Village Zoning Permits. Heilemann stated he believed the municipality to not have much legal control over short-term rentals. Waller commented that she understood most residents to be against regulating short-term rentals. Heilemann then stated that he was unsure what the Village’s power to regulate short-term rentals would be, but that it should be reviewed further as it may be impacting the local affordable housing stock, the expansion of which being an important goal under the Village Plan of Development. Scarnecchia then suggested that it might be valuable for the Commission to draft a document stating why it would be important to possibly regulate short-term rentals. Scarnecchia went on to state that he believed it important the Commission review relevant case law and implementations of short-term rental regulations in order to create a more informed review of the possibility. VanDerWielen stated he would be happy to perform some basic legislative research on the subject and provide a memorandum to Commissioners on the subject. Heilemann and Scarnecchia both stated that they believed that would be a helpful next step. Dorsch then stated he believed there had to be alternative ways of regulating short-term rentals too, given the common issue of these properties being used as ‘party houses’. Heilemann agreed with Dorsch but reemphasized his belief that the larger issue regarded the phenomenon’s impact on affordable housing. VanDerWielen reiterated that he could prepare a memo to cover all these points for the Commission.

Heilemann then asked VanDerWielen about the alternative text found under Section 10.5.2 of the draft edits to Section 10. VanDerWielen explained that he had provided two options for regulating Certificates of Occupancy but was unsure if it would be more effective to have the ZOA notify permit holders of the requirement on a case-by-case basis or if the permit holders should be required to file applications for Certificates of Occupancy. Scarnecchia asked first how the Town handles their Certificates, and then whether it should be left to the Assessor’s Office. VanDerWielen responded first by stating that the Town had a different certification process than the Village and that the Town handled all assessment for the Village. VanDerWielen stressed that while certification impacted assessment, it was his understanding that certification was largely handled by zoning staff in the Town too. Scarnecchia then asked whether it were already clear on

the zoning permit application that permit holders should file an application for a Certificate of Occupancy. VanDerWielen responded no, but he believed the process could be more accessible for applicants if permit applications were changed to include an attached information sheet and/or the application for a certificate of occupancy as well. Both Heilemann and Scarnecchia both stated they believed the first option, to have permit holders file for a Certificate, to be more appropriate, and further agreed that more information should be added to the permit application. Heilemann asked what the next step was on the Bylaw edits as a whole and whether they would be sent to the DRB next. VanDerWielen stated that yes, the edits would be sent to the DRB and then Board of Trustees. Heilemann asked VanDerWielen whether the edits submitted would include the edits to Sections 2, 3, and 4. VanDerWielen confirmed this. VanDerWielen then added that he would likely be submitting to the Commission before then next meeting additional edits to Section 10 on the retention of Zoning records, as no formal recordkeeping guidelines existed for zoning permits, violations, or Certificates.

#### *Community Outreach Project – Confirming Layout, Printing, and Mailing Plans*

Heilemann then moved to discuss the final draft of the first community outreach postcard. VanDerWielen notified Heilemann that he did not have a copy of the most recent draft, and Heilemann forwarded VanDerWielen a final copy. Upon displaying the final draft of the text and image, Heilemann opened the floor to comment from other Commissioners. Scarnecchia expressed his belief that the use of a Gmail account as the point of contact on the postcard might appear suspicious to those especially sensitive to data privacy. Scarnecchia pointed out that many scam emails were sent using Gmail accounts, and that it may be better to use an official email account. Heilemann responded that the original intent of using a separate Gmail account was to separate the responsibility of answering the email from existing Village staff and to more quickly respond to messages. Scarnecchia suggested that instead a link to a form or the creation of a form on the Village website might be more effective. Heilemann disagreed, stating that he believed such a measure to be overcomplicated. Scarnecchia reiterated that it may appear safer and even more attractive to use the website as a platform for communication with the public. Scarnecchia stated that he believed some people may see a Gmail account as non-official. VanDerWielen offered to look into opening a separate email account under the existing Office server to provide a channel which appeared more official. Both Heilemann and Scarnecchia agreed that this could be useful. Waller then commented she believed the text and image to be used appeared very nice. Heilemann asked if there were further comment, to which both Bronstein and Dorsch replied, in turn, that they thought the draft was good.

Scheduled business having been completed, Heilemann asked whether any other business was before the Commission. Scarnecchia asked about the status of the Noise Ordinance, which VanDerWielen responded appeared to be in a late drafting stage. VanDerWielen stated he had spoken with President of the Board of Trustees Orland Campbell and Trustee Brian Maggiotto, who were still discussing possible changes to clauses of enforcement, particularly how enforcement could be tied to special events permitting. Heilemann stated he believed it would be sent to the Commission soon.

There being no further business before the Commission, Vice-Chair Heilemann closed the meeting at 11:45am.

The next regular meeting of the Planning Commission will be held on May 18<sup>th</sup>, 2022, at 11:00am.

Respectfully Submitted,  
Curan VanDerWielen, Zoning Administrative Officer