



Village of Manchester, Vermont

Minutes of the Regular Meeting of the Planning Commission Held July 20th, 2022 at 11:00am

Members Present: Chair Audrey Kolloff, Vice-Chair Rich Heilemann, Anthony MacLaurin, Christie Bronstein, Renee Waller, Eric Dorsch, Tom Scarnecchia

Member(s) Absent:

Others Present: Zoning Administrative Officer Curan VanDerWielen, President of the Board of Trustees Tom Deck Kim Weiss-Lewit

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

Chair Audrey Kolloff called the meeting to order at 11:01am.

Minutes:

Approve the draft minutes of the June 15th, 2022, meeting.

Kolloff began by commenting that the June 15th draft meeting minutes were comprehensive. At this point, Kim Weiss-Lewit arrived at the meeting, to which Kolloff clarified that the current meeting was simply a regular meeting and not next month's public hearing, which was to occur on August 17th. Anthony MacLaurin motioned to approve the draft minutes of June 15th. Renee Waller seconded the motion. The Commission then unanimously approved the draft minutes of June 15th.

Planned Business:

Reappointment of Commissioners

Kolloff began by stating that both herself and Waller planned on returning to the Commission as appointment suggestions. Rich Heilemann stated that his understanding was that the Commission could suggest appointments but not confirm them, as the Board of Trustees would have to confirm such appointments. Kolloff agreed with Heilemann, and stated she would submit their names soon.

Election of Officers

Kolloff then indicated that as new appointments or reappointments had not been made yet, that the Commission would hold off on electing officers until their August meeting.

Short-Term Rentals Report

Kolloff then introduced Curan VanDerWielen as author of the Short-Term Rentals (STRs) Report and opened the floor to any comments or questions. Eric Dorsch began by asking VanDerWielen whether the number of properties in the Village were 150 total or more. VanDerWielen responded that more than 500 properties made up the Village of Manchester, of which about 1 in 5 were likely used as STRs at some point, annually. At this point Tom Scarnecchia entered the meeting, and Kolloff briefly summarized the events up to this point for him. VanDerWielen then asked if it would be helpful for everyone present to give a brief overview of the report. After several attendees answered that it would be helpful, VanDerWielen then gave a summary of the report, including an overview of STRs impact on the nationwide and state housing markets, exploratory research on the STR market in the Village, existing state and other municipal regulations, and possible avenues for possible future Village regulations.

Christie Bronstein asked about the status of the Manchester Town STR survey, and how the Village might participate in it. VanDerWielen responded that the Board of Trustees had asked for a number of clarifications in their July regular meeting and would be voting on participating in tandem with the Town during their August regular meeting. Weiss-Lewit then asked whether existing or proposed Town regulations would apply in the Village, to which VanDerWielen responded that no, the Village was a separate municipality with separate zoning laws. VanDerWielen added that any changes made to the Village's Zoning Bylaws would have to be discussed by Village government bodies first. MacLaurin commented that he had heard of some state-level action being taken in Montpelier. Heilemann commented that he had heard something as well, adding that he believed it had to do with the Housing Commission. MacLaurin then stated that he believed the state was working on a number of housing issues, but that the legislature was out of session. VanDerWielen commented that they were likely referencing House Bill 200 (H.200), which he believed had been stalled in committee for some time due to its controversial primary residency requirement for STRs. Heilemann commented that he thought that the situation made sense. MacLaurin stated that STR regulations would probably affect the recently passed Noise Ordinance. VanDerWielen then stated that he wanted to make it clear that exploring regulation on STRs was not intended to suggest unduly restricting property owners, or worse, sterilizing the local STR market, but operate as one of many ways which the Village could impact noise, affordable housing, and neighborhood character issues as brought to its attention recently. Heilemann agreed with VanDerWielen.

Tom Deck then commented that he believed it was likely the H.200 would fail due to its primary residency requirement. VanDerWielen then explained what the primary residency requirement would be and why it was controversial among many state-level stakeholders. MacLaurin then commented that some commercial entities might have an interest in making sure such a bill failed. VanDerWielen commented that he believed that could be true, and that distinguishing between investment and commercial properties being used as STRs and seasonal residents renting out a basement or carriage house for a season should be distinguished in any future possible regulation. Weiss-Lewit then commented that she believed most STRs were not operated by commercial entities, and that companies which did would still be fine even with regulation. VanDerWielen

commented that a key learning point from other successful and/or failed municipal regulations would be to define and distinguish between different intentions and operations of STRs, as not all STRs have parity with one another nor appear to be able to absorb the same regulatory costs. VanDerWielen also stated that when rolling out regulations, many municipalities made a mistake of releasing them all at the same time and ‘shocking’ the market, often creating additional pushback and even panicked decision-making on the part of property owners.

Deck commented that he knew of many once dilapidated homes which were repaired only because the property owners could now afford to by operating an STR, but that he understood there was a tipping point where an over-proliferation of STRs in a community could have negative effects. Heilemann asked about the pending Board approval to participate in the Town STR survey. VanDerWielen explained that the Village was likely to participate, however, the Board required follow up information on the methodology of the survey and the flexibility of the agreement before proceeding. VanDerWielen added that the Town was likely to move forward with the survey, with or without the Village, in mid-August. Deck commented that the survey was on the agenda for the upcoming Board meeting. Dorsch commented that he believed that possible regulations should not be overextending. VanDerWielen commented that in that regard, the report should be considered only as exploratory and not definitive. Heilemann stated that he believed aspects of regulation may be good and that a slow roll out would be preferable. Dorsch then stated he had no issue with exploring regulation, moving forward, however he was uncertain about the extent or intensity of a possible issue. Kolloff then asked whether the Commission could view the proposed Town study. VanDerWielen confirmed that he could send a version of the proposal to Commissioners after the meeting. Heilemann then stated that to address Dorsch’s concerns, he considered the issue to be well documented and clear. Dorsch commented that he still wished to research it forward before making any conclusions. VanDerWielen suggested several avenues for further research, including a report made to the Vermont Senate by Dartmouth College and a report available from the National League of Cities.

Kolloff stated that it appeared the Town survey would be addressed in their next regular meeting before suggesting that perhaps the attendance of one or more Commissioners may be helpful for both bodies. Kolloff then commented that she appreciated the report’s anecdotes on other municipalities’ measures. She then asked if there were a way to obtain updates so the Commission could learn more. VanDerWielen confirmed that he intended to expand on his research in future months, and that reaching out to other municipalities to connect was a logical extension of that research. VanDerWielen then stated that he believed learning from other municipalities’ successes or mistakes would be very beneficial for the Village’s process, and that he could provide updates perhaps during the August or September regular meetings. Kolloff indicated that if the Commission believed it was a good next step, then perhaps it should be discussed further in another meeting.

Preparation for Upcoming Public Hearing on Energy Plan Chapter of Plan of Development

There being no further questions or comments on STRs, Kolloff transitioned into discussion on the upcoming public hearing set for August 17th, first asking VanDerWielen if warning had been

posted on the matter. VanDerWielen confirmed it had, adding that he was just awaiting confirmation from the Bennington Banner of the warning's placement in the newspaper. Kolloff then asked if the Commission was set on its physical postings, to which VanDerWielen responded that with the exception of a posting at the Northshire Bookstore, all were set. Kolloff then stated that if the warning requirements had been met, then the Commission was set to meet on August 17th. Kolloff continued, stating that she believed that using the recently compiled email list to warn the annual meeting had stirred additional public interest and that utilizing it for this meeting would help too, asking that an email be sent by August 10th on the matter. Kolloff then indicated that a draft email should be sent to the Board of Trustees for approval before being sent out, as they would be taking the lead on future public communications. Kolloff then stated that questions could be directed to VanDerWielen should the public need more on the content of the Energy Plan.

Weiss-Lewits then asked if the public hearing were available to the public, to which VanDerWielen responded that yes, it would be. Weiss-Lewit followed up, asking if it had been posted to the website. VanDerWielen responded that it had not, but that an email notice had been sent to the website content manager and that it should be uploaded soon.

Vermont Department of Public Service Energy Policy Comments

Kolloff then brought to the attention of the Commission the Vermont Department of Public Safety's notice indicating that it was looking for comments from municipalities and the public concerning changes to Energy Policy, adding that while she believed the plan to be ambitious that it needed more work to ensure that transmissions worked to avoid gridlock. Kolloff continued, stating that she believed that even if the Department's goals were met, infrastructure might still be an issue and that an expansion of funding may be necessary to handle that. Kolloff then asked if the Commission had any additional thought. Heilemann then indicated that he had perused the nine page document, but would need more time to fully digest it. Kolloff commented that the deadline for comments was the 5th of August, but that she understood Heilemann's point and thought she would bring it up as it interested her.

Bylaw Revisions Conclusion and Next Steps

Kolloff then moved on to discuss the recent Bylaw Modernization progress made by the Commission, first indicating that the recently edited Chapters 2, 3, 4, and 10 had been distributed to the Development Review Board (DRB) for review. Kolloff then opened the floor to comments and questions. Heilemann commented that he believed the Commission had done a good job and spend a lot of time editing and collecting input on the matter. VanDerWielen commented that the DRB was likely to review some of the edits during their next regular meeting. Kolloff asked if afterward, the next step was to send the documents to the Trustees. VanDerWielen confirmed that that was his understanding. Kolloff asked if the next regular DRB meeting was set for the last Wednesday of the month. VanDerWielen responded that it was scheduled for the first Wednesday of the month. Kolloff then commented that she would stay connected on the process, that everything sounded good, and that the Commission could look at working on Chapters 5-9 in the future, perhaps with more input from the Bennington County Regional Commission (BCRC).

Kolloff asked Heilemann if he thought this was a good next step. Heilemann confirmed that he thought it was.

Other Business

Kolloff began by bringing up the community outreach projects of the Commission, affirming that around one hundred email addresses had been registered for the new email list, via the first postcard sent out. Christie Bronstein commented that she believed the number to now be 114 email addresses. Kolloff then stated that Anthony had commented already how to increase its utility, and Missy Johnson, the Assistant Town Clerk, had given feedback on the matter. Kolloff continued, stating that the Board of Trustees had wished to migrate responsibility for communications from the Commission to themselves, and that future endeavors should be run by or perhaps through them going forward. MacLaurin stated that he believed the Trustees had already agreed to sending out additional mailings, adding that Deck had already confirmed this for another mailing. MacLaurin then stated that he was conducting a gap analysis of the responses to the postcard, as a follow up. Dorsch commented that he had not responded to the postcard. MacLaurin commented that perhaps everyone could work on personally reaching out to additional residents to increase interest in attending or participating. Weiss-Lewit then commented that she had not responded to the postcard either. Dorsch added that he had read and liked the postcard, but not responded. Heilemann then stated that, as MacLaurin did, perhaps Commissioners could approach neighbors and residents personally to ask for their civic participation. Bronstein offered to add Weiss-Lewit and Dorsch to the email list. Both affirmed that they would like Bronstein to do so. Scarnecchia asked to see the postcard, to which Heilemann responded that it had been a little wordy but good overall.

Weiss-Lewit then brought up the subject of expanding communications into social media. VanDerWielen commented that he had already proposed that measure to the Board of Trustees, and it appeared that Deck and others had been interested in pursuing it further, soon. Weiss-Lewit commented that she believed this was awesome. A number of attendees then spoke as to whether the QR code included on the postcard could link to social media platforms.

MacLaurin then asked whether Scarnecchia had drafted a letter to place in property packets for new property owners. Kolloff confirmed that he had and thanks Scarnecchia for his efforts. Kolloff added that Scarnecchia had suggested the item in the last regular meeting and opened the floor to further discussion on the matter. MacLaurin asked whether the message would fit on a postcard, adding that he thought it should be shortened to do so. Kolloff responded that the idea was to fit it in property packets on an 8x11 sheet of paper, not to use it on postcards. Scarnecchia then affirmed this, stating that it was meant to act as a letter, not a postcard, and as the first artifact encountered by property owners to encourage their civic engagement with local government. MacLaurin stated he believed all of this was good. Kolloff then reiterated that it would be a full letter and not a postcard before asking Scarnecchia if he had reached out to any real-estate offices yet. Scarnecchia responded that he had not, as he was waiting for feedback. Bronstein then stated that she believed perhaps piggybacking the QR code off of the postcard might be a good addition to Scarnecchia's letter, but added that the current system of transferring emails from Gmail to

Microsoft Outlook was not as easy as it could be, and that the system should probably be migrated entirely to Outlook and either Johnson or VanDerWielen could manage it. Bronstein asked VanDerWielen if this sounded appropriate, to which VanDerWielen responded that it did. Bronstein then commented that they needed to figure out the most effective way of managing the email list. Scarnecchia commented that they could use a third party service to manage the email list, which would provide professional assistance, privacy, and allow for an opt-out among members. Scarnecchia added that such a service would not be expensive, and that perhaps VanDerWielen could research possible avenues. Bronstein added that while she was happy to maintain the existing system for now, it appeared there were additional steps which could be removed from the process. MacLaurin and Dorsch agreed with Bronstein. Bronstein then stated that she believed simply transferring the entire process to Outlook would be the simplest solution, as opposed to the current Gmail system. MacLaurin asked if the Board of Trustees would approve of such a move. Both VanDerWielen and Deck signaled that it probably would. MacLaurin then stated that he would approach the Board with a proposal.

Deck then commented that that he believed this to be a good goal and that he intended to carry on previous President Orland Campbell's move to digitize and modernize the Village's records and communications. Bronstein commented that she believed Johnson could handle the email list going forward and that, in turn, the Board could manage communications as such moving forward. Deck then commented that he believed the letter to real estate offices may not be the most effective means of communication, especially as most property closing had recently transferred to digital meetings. Dorsch and Bronstein both indicated that property owners usually still received a physical packet. Deck then stated that he believed that MacLaurin's suggestion of simply reaching out to neighbors personally might be more effective than such a letter. Heilemann then asked how soon after a property purchase would they update property information, adding that it may be more effective to reach out to residents after a property transfer. MacLaurin stated that property owners used to get letters from local organizations. Deck then offered an additional solution, adding that mailings could be updated after the list was updated. MacLaurin commented that he believe the property listings were updated every quarter. Bronstein asked how these were notified or recorded. Dorsch stated that they could probably be viewed among tax bills. VanDerWielen added that the Town of Manchester sent property transfer documents regularly to him. Dorsch then commented that he had some formatting or grammar suggestions, notably, that the term 'citizens' may come across loaded and that he believed 'residents' would be a more approachable term. Kolloff commented that she thought the suggestion fair.

Kolloff then asked about next steps, indicating that during the next Board of Trustees meeting the Commission should ask about the migration of responsibilities on community outreach. Heilemann stated that he believed that would be the best thing to do, that the Commission probably should not get too involved in public communications as it was designed to handle more long-term projects and issues, and that the Commission should operate closer to that prerogative. Scarnecchia agreed with Heilemann. Kolloff agreed with Heilemann and then stated that at the end of the present meeting, a summary of current community outreach efforts and items should be compiled for the Board of Trustees to be added to their next regular meeting agenda. Kolloff then asked Scarnecchia if they should add his letter to this summary. Scarnecchia state that they certainly

could to use it as an example, although he believed it would be fine if the Trustees took it or left it as is. Kolloff commented that this sounded good before reiterating that as part of this summary, Bronstein's suggestions on transferring the email list to Outlook should be taken. Bronstein commented that for the next few months, she believed they could continue with the existing system, but that yes, the Board should consider transferring it eventually as Johnson could use it or a separate email as part of her regular communications. Kolloff then stated that she could also include Scarnecchia's suggestion of using commercial software to manage the email list before adding that she was happy to hear that more than 100 responses from property owners had been received. Bronstein then commented that when the email about the annual meeting had gone out, residents were not Bcc'd and thus could view the email list and reply to all, adding that she believed this was not a good move. Dorsch asked if anyone had replied to all. Bronstein stated that no, no one had, but that it was inappropriate to give out other peoples' emails as part of that list. Kolloff commented that she had noticed that too. Dorsch then stated that Renee Waller was in the Zoom waiting room as she had disconnected, and VanDerWielen opened the meeting to Waller.

Kolloff then asked about the Solar Screening ordinance, stating that Campbell had asked her if any additional changes needed to be made by the Commission. Scarnecchia now left the meeting. Kolloff continued, stating that as far as she knew, the Ordinance had been finished and approved, stating that she believed it ought to go to public hearing next.

Kolloff then asked the Commission if there was any other business. Heilemann commented that he believed Weiss-Lewit had additional business. Weiss-Lewit then stated that she had been to many of the previous Board of Trustees meetings to bring up her chief concern, namely about pedestrian safety and thought that she would bring it to the attention of the Commission for long-term planning, as she thought that improvements to pedestrian traffic could make the Village more accessible and impact affordable housing. MacLaurin commented that he believed this had been covered in a recently commissioned BCRC study for the Village. Weiss-Lewit mentioned a funding issue on the matter. Heilemann then stated that he believed it was more than just a question of funding, as driveways and sidewalks might have to be moved, utility lines reevaluated, *etcetera*, and that the Village had last left it in the hands of the BCRC. Heilemann continued, stating that the Commission had communicated with them on changes to Route 7, but had been relatively out of contact since the COVID-19 pandemic began and despite having left several messages, the Commission had yet to receive a reply on the status of these items. Bronstein asked if Weiss-Lewit might provide more input on the matter going forward. Heilemann responded that he believed anyone wishing to get involved was a good idea, and that they needed support from everyone to keep the momentum up on these issues. Heilemann continued, stating that the timetable for any improvements might be extensive as they had seen lot of items on Route 7 in recent months but that the matter was complex. Heilemann then stated that the plan had been to have BCRC get involved in terms of developing a study first. MacLaurin then asked if Route 7 was a state road. Heilemann answered that it was. MacLaurin then stated he believed that it was not in the Village's hands, then. Heilemann answered that to an extent it did and that the process overall would still take some time.

Weiss-Lewit then stated that she had spoken with Mark Anders at the BCRC, who had sent over a rural road guidebook and that she could send it to the Commission as she believed it had some interesting items. Weiss-Lewit then mentioned that perhaps an advisory shoulder could be installed or some alternatives for a limited budget. MacLaurin and Heilemann both asked Weiss-Lewit to send the guidebook their way. Heilemann then thanked Weiss-Lewit for attending and MacLaurin suggested that perhaps she could run to be a member of the Commission. Kolloff stated that she believed there to be no upward limit on the number of members, and in the meantime she could volunteer to help with the Commission. Weiss-Lewit stated she would be happy to help.

Kolloff then asked if there was any other business.

There being no further business before the Commission, upon a motion by Heilemann, seconded by MacLaurin, and approved unanimously, Chair Kolloff closed the meeting at 12:07pm.

The next regular meeting of the Planning Commission will be held on August 17th, 2022, at 11:00am.

Respectfully Submitted,
Curan VanDerWielen, Zoning Administrative Officer