



# Village of Manchester, Vermont

## Minutes of a Regular Meeting of the Planning Commission Held on the 20th day of October 2021.

**Members Present:** Chair Audrey Kolloff, Vice-Chair Richard Heilemann, Renee Waller, Anthony MacLaurin, Lu French

**Member(s) Absent:**

**Others Present:** Cat Bryars, Callie Fishburn, Jim Hand, Jennifer Woolf Administrative Officer and PC Clerk

Chair Audrey Kolloff called the meeting to order at 11:32 A.M.

**Minutes:**

### **Approve the draft minutes of the September 15, 2021 meeting**

MacLaurin motioned with a second by Waller, and the Planning Commission voted to approve the draft minutes of the meeting of September 15, 2021. Motion passed unanimously.

**Planned Business:**

### **BCRC Cat Bryars Review of Grant Application for Bylaw Modernization. Discussion to follow on some of the points raised in her introductory summary**

Bryars reviewed the Regional Bylaw Housing Survey. Bryars stated that there are some towns with more urgent issue than ours that are to be worked on first, but the timeline can be adjusted and the village can be given an extra year before being worked on. Bryars stated that this will focus on infill housing development. MacLaurin asked Bryars to specify if this group is responsible for bylaw modernization, Bryars answered yes, it is the duty of the Planning Commission. Kolloff stated support for the project. After hearing no objection from the commission, Bryars stated that the village is now signed on to the resolution.

### **Final Discussion and vote on the draft energy plan**

Kolloff discussed and reviewed the Energy Plan section 10.7 (local constraints) and went over the clause she wrote that she wishes to add to that section

*“Within the Historic Core and Preservation Sub-Districts, structures which support solar panels would be classified as non-conforming structures due to the materials and aesthetics of their construction and thus would be prohibited within these two sub-districts. However, if structures which support solar panels are at undisturbed grade with a height of not more than 2 feet, they would be classified as landscape structures and thus would be allowed in these two sub-districts as long as they conform to the Solar Screening Ordinance.”*

Heilemann voiced his opposition to restricting ground mounted solar since the historic nature of the village already presents so many strict restrictions. Heilemann brought up a number of state statutes regarding what the village can/cannot legally restrict in terms of renewable energy systems. French stated her beliefs that there are numerous contradictions within the energy plan and agrees with Heilemann about the fact that the proposed clause prohibits solar development. Hand mentioned his attendance at a Dorset DRB meeting where the historic preservation society was present and many inquired about the town’s authority to prevent solar installations and nobody could answer definitively. Woolf mentioned the recent DRB meeting’s solar carport issue to which French responded that the Village is not the PUC and does not need to approve or reject solar installations as that is the responsibility of the PUC. Kolloff responded that the solar carport issue highlights the complexity of the

issue. Kolloff, speaking to French, stated that she tried many times to connect the energy plan to the bylaws and that she built the solar ordinance based on those of Woodstock and Shelburne, whose plans were approved in 2016 and specifically prohibit solar in certain areas. At the time of drafting the solar ordinance, C. Bryars told Kolloff in an email that those plans were too restrictive. Kolloff stated that she felt the village would be left without any protections against potentially obtrusive solar installations.

Kolloff stated that the purpose of the PC is to protect the historic character of the village and the commission needs to fulfill that role. French responded by stating that village bylaws state that solar collectors shall not be prohibited; the screening ordinance protects the village and specifically prohibiting ground mounted solar installations is overreach. While the village needs to be protected, so does the environment. Waller stated that at the DRB meeting it was brought up that screening can prevent the effectiveness of solar; and asked, what happens when solar developers don't comply with the screening ordinance? French responded that people are going to do what they want and can go to court if necessary.

Kolloff asked for a motion to approve the draft energy plan with the inclusion of the ground mounted solar installation clause as written, inserted into section 10.7 in the Local Constraints paragraph. On a motion duly made by Heilemann and seconded by MacLaurin. The vote was split with MacLaurin, Kolloff, and Waller voting yes and French and Heilemann voting no.

The motion passed.

#### **Final discussion and vote on draft of solar screening ordinance**

After a discussion to modify the solar screening ordinance with additional wording in section Aa, there was a motion by Waller to approve the solar screening ordinance, seconded by MacLaurin. The motion passed unanimously.

There being no further business to come before the Commission, the meeting was adjourned at 12:38 P.M.