



December 20th, 2023

Members Present: Richard Heilemann (Chair), Anthony MacLaurin, Eric Dorsch [via Zoom], Christie Bronstein, Tom Scarnecchia [via Zoom]

Members Absent: None.

Others Present: Curan VanDerWielen (Interim Zoning Administrator), Tom Deck

Call to Order: 11:00 AM by Heilemann.

Changes to Agenda: None.

Motion: To approve the minutes for the Public Hearing of the Planning Commission of December 4th, 2023.

Motion made by Bronstein. Motion seconded by Dorsch.

Motion unanimously approved.

Heilemann commented that he was missing the draft minutes of the regular November 2023 meeting.

Bronstein commented that she believed the draft Heilemann was looking for were the October 2023 minutes. Dorsch stated that he believed it was never distributed after the meeting and did not recall them being approved by the Commission.

Motion: To approve the minutes for the Regular Meeting of the Planning Commission of October 18th, 2023.

Motion made by MacLaurin. Motion seconded by Dorsch.

Motion unanimously approved.

Introduction of the new Village Interim Zoning Administrative Officer.

Heilemann introduced Curan VanDerWielen as the new Interim Zoning Administrative Officer (ZAO) for the Village. VanDerWielen expressed his enthusiasm for working again with the Village.

Discussion of future actions and priorities of the Planning Commission.

Short-Term Rental Ordinance

Heilemann introduced two significant developments made by the Commission over the last year, including the passage of the Village Short-Term Rental (STR) Ordinance and continued work on Zoning Bylaw modernization in coordination with the Bennington County Regional Commission (BCRC). MacLaurin asked about next steps with regard to the STR Ordinance. Bronstein asked too if any appeals had been filed. VanDerWielen stated that no appeals had been filed, and that a STR Officer (STRO) would need to be appointed once the Ordinance came into effect. Heilemann stated that the Board of Trustees (Board) would need to appoint the STRO.

MacLaurin stated that the Village should send copies of the Ordinance to notify the state and neighboring municipalities of its adoption, noting that VanDerWielen should take this responsibility. Bronstein then commented that additional notice should go out to all property owners within the Village, including any known STR operators, by mail. Deck commented that he believed that should be the responsibility of Village staff, most likely the STRO or ZAO.

Heilemann stated that with the passage of the STR Ordinance on December 4th, the Commission should revisit next steps six months from that date, or around June, 2024.

Solar Screening Ordinance and Energy Plan

Heilemann stated that some confusion had arisen in recent months with regard to the status of the Solar Screening Ordinance and Energy Plan, originally drafted and forwarded to the Board in 2022. Heilemann clarified that while the Board did approve of both items at a public hearing, doubt had been cast on whether the meeting had been warned properly, and thus, whether the vote was legitimate. As such, Heilemann recommended re-forwarding both items to the Board for approval at a new public hearing, to ensure the legitimacy of the process. VanDerWielen commented that it was his memory that the meeting had been appropriately



warned, and both items had been put into effect after the expiration of the appeal period in late 2022. VanDerWielen stated he would follow up with the Commission after having assembled documentation verifying this.

Motion: To reapprove the Solar Screening Ordinance and Energy Plan, and to send it to the Board of Trustees for approval.

Motion made by MacLaurin. Motion seconded by Scarnecchia.

Motion unanimously approved.

Open Position on the Commission

Heilemann stated that with the recent resignation of Audrey Kolloff, the Commission was looking to fill the vacancy with either a new member or to convince Kolloff to return. Bronstein commented that she had been absent at the regular November meeting where Kolloff had announced her resignation and asked for context. Bronstein also recommended Nick Parks, a Village resident. MacLaurin, Scarnecchia, and Heilemann all offered to meet with Parks about the vacancy, ahead of a review by the Board.

Bronstein expressed her frustration with the resignation of Kolloff, noting the extraordinary commitment and value which Kolloff brought to the Commission during her service. Bronstein also stated she felt blindsided by the simultaneous departure of Deborah Towslee and requested more information on the motivation for both departures in November. Heilemann stated that while he appreciated the frustration of Bronstein, he did not believe it appropriate for this meeting given the nature of the agenda. Heilemann offered to meet with Bronstein and Deck following the meeting to catch up on recent events. Heilemann then stated that the Commission should recognize the dedication and accomplishments of Kolloff and suggested sending a token of appreciation in the future.

Monitoring Solar Installations

Heilemann stated that Kolloff had taken on a number of projects which would now need to be better delegated within the Commission, one of which was the monitoring of solar installation projects as permitted through the Vermont Public Utility Commission (PUC). MacLaurin commented that he believed this should be done weekly before asking whose responsibility it should be. VanDerWielen offered to monitor these, as the ZAO had done so in previous years.

Bylaw Modernization

Heilemann stated that this year's Bylaw Modernization Grant had recently come through and had been signed by the Village, adding that Janet Hurley of BCRC had indicated to him that work could begin as soon as next month. Dorsch asked whether a subcommittee should be formed to focus on drafting ahead of any Commission review. Heilemann supported the idea of forming a subcommittee for this purpose.

MacLaurin asked why more progress had not been made in the previous year on bylaw modernization. Bronstein stated that with the significant statutory changes made last Summer and additional items on the Commission's plate, additional work would need to be done to update the Bylaws in full. MacLaurin commented that his memory was that BCRC had recommended consolidating multiple zones last year, although the Commission had rejected the idea. Heilemann stated that the Commission's role was to make decisions on and tailor BCRC recommendations and expressed that he believed the Commission was in a good position to finish work on the overall project this year.

Heilemann also commented that it appeared Manchester Center was undergoing some stalling in their own process due to the recent departure of their Planning Commission chair and some trouble with inter-committee communication. Heilemann added that he wanted to avoid any such problem with the Village's process. Deck affirmed that he would keep attending Commission meetings to keep communication between it and the Board clear.

MacLaurin asked whether the Commission should create a working subcommittee for bylaw modernization in the present meeting, to meet on a monthly basis. Bronstein suggested tabling the subject until a new member could fill the vacancy. VanDerWielen stated that he believed any such committee would have to conform to Vermont open meeting laws, and that creating a subcommittee should probably be a formal process in a future meeting. MacLaurin opined that design professionals, such as architects and civil engineers, should be encouraged to serve on the subcommittee. Heilemann indicated that the Commission would revisit the subject until after a plan of action had been decided on for the bylaw modernization process, this year.



New Business

No new business was brought before the Planning Commission.

Other Business

No other business was brought before the Planning Commission.

Motion: To adjourn.

Motion made by MacLaurin. Motion second by Scarnecchia.

Motion unanimously approved at 12:10pm.

The next regular meeting of the Planning Commission will be held at 11:00am on January 17th, 2024.

Respectfully submitted,

Curan VanDerWielen,
Interim Zoning Administrative Officer

DRAFT