



January 17th, 2024

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), Nick Parks

Call to Order: 11:02 AM by Heilemann.

Changes to Agenda: None.

Motion: To approve the minutes for the Regular Meeting of the Planning Commission of December 20th, 2023.

Motion made by MacLaurin. Motion seconded by Bronstein.

Motion unanimously approved.

Discussion of next steps for Bylaw Modernization.

Heilemann introduced the first topic of discussion and noted the inability of Janet Hurley of Bennington County Regional Commission (BCRC) to attend the day's meeting. This was notable, as BCRC was taking the lead on preparing draft options and materials for the Village's Bylaw Modernization project. Heilemann stated that the purpose of this agenda item would thus be to review next steps and identify priorities, rather than beginning work on proposed changes to the Zoning Bylaws.

MacLaurin asked whether the round of Bylaw Modernization work performed in 2022 was incorporated within this project or had been separately implemented in the last year. Bronstein stated she believed it had not been completed. Heilemann specified that that work pertained to a different grant, and that while the changes that had been worked on were agreed on by the Commission, it was later determined that a more fundamental restructuring would be necessary. The current project referred to the restructuring of the Bylaws themselves, including changes to zoning maps, some dimensional requirements, and the organization of the document, among others. MacLaurin asked what came of the original round of changes made in 2022. Heilemann responded that they were dropped in July 2023, given the scope of the revisions needed for the current round.

Heilemann noted that the grant period ended not in 2024, but in December of 2025, giving the Commission around two years to complete the current round of changes. Heilemann also noted that the process would differ substantively from that experienced in the past, as the Commission would be working with BCRC to improve community engagement with the drafting process itself.

Heilemann then walked the Commission through the steps outlined by BCRC for the current round of Bylaw Modernization, noting that the process would kick off in March. Parks asked whether the Board of Trustees would provide input throughout. Heilemann stated that it was the Commission's intention to coordinate closely with the Trustees, to preempt any potential lapses in communication during the process.

MacLaurin asked whether the 2022 Plan of Development would be affected by the Bylaw Modernization project. Heilemann noted that some information correlated to the Zoning Bylaws may need to be updated, but no substantive changes would be made. Parks noted the Plan of Development, along with several public reference documents, were not currently available on the website. VanDerWielen stated that they had been removed from the website in November, and he was currently working to reupload the documents and perform necessary updates given changes made to several over the past year.

Heilemann finished walking the Commission through the next steps associated with the project, emphasizing the need to maintain momentum and communicate effectively both internally and with the public throughout.

Review of the Short-Term Rental Ordinance and Discussion of Possible Amendments.

VanDerWielen introduced a possible deficiency identified in the current version of the Short Term Rental Ordinance. VanDerWielen explained that as currently written, the Ordinance required in the case of an appeal of a decision made by the Short Term Rental Officer (STRO), it must be brought to the Zoning Administrative Officer (ZAO). It had been indicated to him by multiple Trustees, however, that the Board intended to have the ZAO serve as the STRO. This would create a certain conflict in the duties of both roles should an appeal be filed. As such, VanDerWielen recommended that the Commission move quickly to amend the appeal process so that either the ZAO was ineligible to operate as the STRO or so that the appeal did not go to the ZAO, but to the Board of Trustees.



MacLaurin and Dorsch expressed their support for changing the appeal process to list the Board of Trustees, rather than the ZAO.

VanDerWielen then also noted that the civil penalty listed for violations appeared higher than several other municipalities with similar Short Term Rental Ordinances, and asked whether the Commission had intended for a fine structure of the current amount of up to \$800 per violation. Dorsch and Bronstein recalled that the fine had originally been set lower, but was increased later. MacLaurin commented that several members of the public had petitioned the Board for sharper penalty for violations, and it had later been amended before approval. Heilemann noted that it matched the Town of Peru's fine structure, on which the Ordinance has been largely based.

VanDerWielen noted that he was continuing to perform research on how the Village's ordinance compared to similar municipal ordinances in Vermont, and asked whether the Commission would like him to prepare an amended version to resolve the appeal process conflict for their next meeting. Heilemann, Bronstein, MacLaurin, and Dorsch requested VanDerWielen to prepare such a document and to attach it to the next agenda, in February.

Dorsch asked whether the maximum occupancy should be raised in the Ordinance. MacLaurin stated that it was discussed, but ultimately rejected by the Board of Trustees.

Scarnecchia asked how the Ordinance would apply in cases of a registered hotel or bed and breakfast operating Short Term Rentals, noting that it could be used as a loophole to avoid performing registration. VanDerWielen noted that he believed that the use was fundamentally different than that listed in the Vermont statute, which includes homes and dwelling units, but not approved commercial uses in appropriate zones. As such, VanDerWielen expressed that while he believed it to appear somewhat fuzzy at times, a distinction could likely be drawn between hotels marketing rooms or homes through a platform like AirBnB within a commercial zone and an LLC purchasing a constellation of homes in a neighborhood and operating STRs in a residential zone. Heilemann noted that this question was coming up in other communities across the state. VanDerWielen noted that the ordinance could be adjusted if the Commission felt a loophole existed, and he would be happy to prepare additional options explore a possible issue with how the Ordinance would be implemented in these cases.

Parks asked whether the STRO would be performing spot checks on AirBnB, VRBO, etc. to determine the existing and eligibility of STRs during the registration process. VanDerWielen responded that that would likely be one of the tools available to the STRO. VanDerWielen also noted that while unlikely to cooperate with the Village in such a manner, firms like AirBnB sometimes provided such information and relayed relevant regulations to users in some large cities.

New Business

Discussion on the Energy Committee

Heilemann noted that with the departure of Audrey Kolloff, there was a need for more attention to be given to how the Energy Plan was being implemented. Heilemann noted that \$4,000 in outreach funds also were available in reference to the work performed on the Energy Plan.

Scarnecchia asked whether any community member could serve on the Energy Committee. Heilemann affirmed that anyone could.

MacLaurin asked what the purpose of the Energy Committee was, given the ZAO's responsibility for checking for Public Utility Commission permits. Heilemann stated that the purpose of the Energy Committee was to track the implementation of the Energy Plan and to perform continued outreach both to the community and outside to search for ongoing opportunities to further implement the Plan.

Bronstein commented that she believed outreach needed to be done to obtain Energy Committee members who would be committed to its focus. VanDerWielen stated that he knew of several residents who had reached out in recent weeks with interest in serving with the Village. Heilemann stated he would check with Tom Deck for anyone he may know.

Scarnecchia proposed inviting someone from the student body at Burr and Burton Academy as an opportunity for an extracurricular civics opportunity. Heilemann commented that he believed that to be a novel idea, and that outreach could be performed with Burr and Burton's headmaster.

Discussion on the Appointment of Nick Parks to the Planning Commission

Bronstein asked the Commission whether there was interest in bringing Parks onto the Planning Commission, to fill a current vacancy. MacLaurin and Heilemann expressed support.



Motion: To Recommend to the Board of Trustees Nick Parks for an Appointment to the Planning Commission.

Motion made by Bronstein. Motion seconded by Scarnecchia.

Motion unanimously approved.

Other Business

No other business was brought before the Planning Commission.

Motion: To adjourn.

Motion made by Bronstein. Motion second by MacLaurin.

Motion unanimously approved at 12:07pm.

The next regular meeting of the Planning Commission will be held at 11:00am on February 21st, 2024.

Respectfully submitted,

Curan VanDerWielen,
Zoning Administrative Officer

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