September 24th, 2025

Members Present: Richard Heilemann (Chair), Nick Parks, Anthony MacLaurin, Eric Dorsch, Donna Cauley

Others Present: Curan VanDerWielen (Village Manager), Terry Findeisen (Zoning Administrator)

Call to Order: 10:14 AM by Heilemann.

Approval of the Regular Meeting Agenda

Motion: To approve of the regular meeting agenda.

Motion made by Parks. Motion seconded by MacLaurin.

Motion approved unanimously.

Approval of the Meeting Minutes

Motion: To approve of the draft regular meeting minutes.

Heilemann confirmed the Land Use and Development Regulations were put into action September 29th, 20205.

Motion made by Parks. Motion seconded by MacLaurin.

Motion approved unanimously.

Review of Downs Rachlin and Martin AT&T Proposal

Heilemann opened the floor for discussion

Parks stated that his view of the summary is that AT&T wants to add multiple nodes in Manchester Center and in the Village, smaller nodes wireless communications, They want to add smaller nodes around the Town to increase 5G connectivity for people living, working and traveling people, provided showing where they think additional nodes might be needed in the Village to fill out the map. The location is just to the north of the Silver Fork's parking lot. The proposed new pole is 6-8 'taller with a light and modern cell phone equipment on the top with the utility cabinet in the middle of the pole that has assorted equipment for wireless communications, replaces the existing Village light pole.

Considering the content of the AT&T General Health Studies, radio frequency and FCC guidelines were developed before wireless technology, I question the validity. The proposed new pole is close to two schools, the Village School of Manchester and Burr and Burton. There are radio frequency waves emitted by the towers that are believed to be detrimental to health.

The proposal does not align with the Village Plan nor the Land Use Regulations, consider whether the benefits proposed are in furtherance of our Village Plan of Development or not. The two benefits cited by AT&T one is that it increases broadband access for people working and living here in the Village and two for telecommuters of which we want to promote In the Village. We already have excellent broadband coverage, although it is landline broadband.

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Zoning is more explicit in the Land Use Regulations regarding utility cabinets, they are not permitted anywhere in the Mixed Use1 in the Village Core Overlay and in the Historic District along the Main Street, Route 7a thoroughfare adjacent to the National Historic site of the Skinner Library as identified in the Village Plan.

AT&T's reasons that this would enhance the FirstNet network, an emergency communications network for 1st responders. The Manchester Fire Department uses radios. The state has contracted AT&T to build the out the FirstNet network across the state. The FirstNet website shows their coverage in the state including Manchester.

Heilemann commented that this is solely about the pole. In the materials AT&T sent, they referred to the Village Plan. Presuming the Planning Commission refers to the Village Plan as well in our response, we ought to be able to say that the proposed telecommunications pole is in a zone that does not allow utility cabinets and therefore it is not a good location. It is the only location they've given us the option for. There must be other places that are going to be in a more appropriate Zone.

Parks responded by saying that it is not appropriate for the Planning Commission to find another location for them. The Town of Manchester took the additional step to commission a consultant to research other viable locations. Because the Town turned down both AT&T and Verizon recently, they had made the Town feel like the public needed better coverage in certain parts of the town. The question before us is, is the proposal for this specific location appropriate; I say no.

Heilemann furthered that the Planning Commission must develop a case against the PUC that says it does not fit within the Village Plan and regardless of what we anticipate as the outcome, the PUC has the final decision. Recent history provides that no matter how well we pursue the rebuttal the results are based on who is on the PUC. For example, in Manchester Center the solar array proposed on Richville Road, even though the Town approved it, there were enough complaints from the people in the local vicinity that it was rejected.

Dorsch questioned the certainty of the rule. Supposing that there are things the PUC might not care about or might be happy with but would clearly violate some of our Zoning Regulations; for example, the water and sewer district.

Parks responded by saying a clause in the new Village Regulations states that because it's a state requirement, it provides an exception to anything approve by the PUC.

VanDerWielen stated that it is up to the Planning Commission to present the case to the PUC specifically why the Planning Commission is objecting to the proposal. It is entirely at the PUC's discretion to determine whether it's objectionable or acceptable based on the Village's Plan. The only recourse the Planning Commission would have is to take AT&T to the Environmental Court after our decision has been read by the PUC.

Parks suggested the Planning Commission send a letter outlining our objections with supporting documentation and references. An example of how to respond might be how the Town responded to the Verizon tower that was proposed for the Riley Rink site, the Town followed with a letter outlining why and referenced the public input that they received from Town Meetings with petitions signed by hundreds of people in opposition.

The next step would be to draft a letter to discuss at our next meeting. Then give the public an opportunity for input on the proposal. Following that meeting we can revise as needed and send the letter within the 60-day window on or before November 17th.

Heilemann commented that another item to consider is the bike pedestrian study along main street. In discussions with the Town and Engineers, the utility poles play a significant role. There seems to be support for burying the utilizes that are on the poles. Then the telecommunications won't have the opportunity to use the utility poles. We have the right to decide what goes on the poles.

Parks added on a related but separate topic, replacing the utility light pole with something more attractive and in line with the beautification plan.

Cauley spoke in favor of the idea.

Motion: To pursue communication in opposition to the current proposal.

Motion made by Heilemann. So moved by Parks. Motion seconded by MacLaurin.

Motion approved unanimously.

Discussion regarding the rebuttal letter followed

MacLaurin showed images illustrating the height of the prosed facility with helium balloons.

Heilemann said that the visual mock-up clearly illustrates AT&T's proposal.

Parks believes that this project qualifies as a project of limited size and scope as described by the VT Statue 248AB3. The statute addresses proposals that don't disturb more than a certain amount of square footage. The AT&T documents did reference the old zoning bylaws.

VanDerWielen followed by saying AT&T may have cited the previous zoning regulations on a districting level to determine location and determine certain character and attributes associated with the Village Plan of Development; the PUC will only look at the Village Plan of Development.

Parks said that the vast majority of what was referenced was the Village Plan. There's one point explicitly in the Zoning Regulations about the utility cabinets; they are not permitted in the district in which it is proposed.

VanDerWielen offered that the strongest direction to take is that the Zoning Regulations are derived from the Plan of Development, therefore a policy extension of the Village Plan. Ordinances.

Heilemann asked if All agreed with the letter prior to voting.

Parks raised concern about providing ample time for the public to weigh in between now and then. Continuing that the next regularly scheduled PC meeting agenda would be the time to warn the public

about the draft rebuttal to the AT&T Proposal. Adding that a special meeting would be called when the letter was ready.

Motion: To approve the approach and letter.

Motion made by Heilemann. So moved by MacLaurin. Motion seconded by Parks.

Motion approved unanimously.

Review of the priority list and discussion about research and drafts

Heilemann started the discussion by referencing the list in the meeting minutes from the last meeting.

Findeisen followed the drafts of the list items in order starting the Helipad, 2nd telecommunications, 3rd Building Maintenance, dangerous and unsafe structures.

Heilemann asked what the source was for the Helipad.

Findeisen responded that it was combination of the State of Vermont Transportation and Walnut Creek, Colorado

Parks suggested referring to the Cavendish Ordinance as he saw it as comprehensive way to define aircraft, aircraft landings and what would be permitted and exceptions made. There might be a limited number of special permits issued; restricted, private landing locations and the construction thereof would require special permits; develop a code the eliminates the ability for anyone to build or operate a helipad in the Village.

Findeisen added that the exception would be for emergency medical and mechanical malfunction emergency landing.

Parks followed saying grey areas like Orvis who operate trips to the Village; need to develop guardrails/parameters. Orvis is the only business with enough space in the parking area and field to accommodate helicopter landings.

Findeisen remarked that the Operators must obtain permits from the State Aviation Department for special events such as Orvis.

VanDerWielen clarified that there are two different types of activity to regulate. First, take-off and landing, second type of aircraft. Land Use Regulations would address siting aircraft facilities. Whichever body of law we decide to codify with, the more restrictive will be the Land Use Regulations which are tightly bound by the state as opposed to an Ordinance. Landings would be regulated by an Ordinance. Therefore, commercial or recreational use. A helipad would be regulated by the Land Use Regulations. The simplest way to restrict any aeronautical activities through an Ordinance that prohibits take-offs and landings. If we are looking to provide exceptions to Orvis specifically, that's a different matter.

Heilemann addressed Parks by asking if the Cavendish Helipad Ordinance covered all the bases.

Parks responded, saying he believed the document to be thoughtful and comprehensive.

Heilemann stated that this ordinance was a priority at the last meeting, further that it is appropriate to bring this into the next regularly scheduled meeting focusing on a Helicopter Ordinance.

MacLaurin, on reviewing the open/close flag proposal from Jason and Kevin Walla, asked if Kevin's work had been acknowledged.

VanDerWielen said that he had spoken with Kevin and mentioned that the Planning Commission is appreciative, they had been busy with the bylaws and that when the PC was ready to revisit the open/close signage they would invite the Walla's in.

MacLaurin moved on to the Building Maintenance and Upkeep as the next priority.

Findeisen followed by saying the Short-Term Rental was at the bottom of the priority list. Further saying that while data had not been collected, she had reviewed the registrants from 2024, contacted four of the registrants, and one had sold the property the remaining three registered for 2025. Approximately 30% of known Village STR's listed on the various STR agencies are registered with the Village.

Heilemann stated that one of the many challenges STR's present are whole house rentals in destination areas such as the Village with large groups of people, changing the character of the Village.

In terms of priorities, we'll work with the discussions from today.

VanDerWielen addressed the Local Mitigation Plan. BCRC the Federal government has eliminated all the grants funding for the updates. Because our plan lapsed in 2022, if were to declare a national disaster, under the current administration, the Village would have to carry a larger portion of the financing with approximately 12% reimbursement by the State and FEMA. If the Village had an active local mitigation plan, the Village would receive closer to 30%.

New Business

No new business was brought before the Commission.

Heileman asked if there any other items; no other items were raised.

Motion: To adjourn.

Motion made by MacLaurin. Motion seconded by Parks.

Motion unanimously approved at 11:12 am.

The next regular meeting of the Planning Commission will be held at 11:00am on October 15th, 2025.

Respectfully submitted,

Terry Findeisen,
Zoning Administrative Officer

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