



Village of Manchester, Vermont

Minutes of a Regular Meeting of the Planning Commission Held on the 13th day of March, 2019

Members Present: Chair Donald Brodie, Consie West, Anthony MacLaurin, Marian Haines, Audrey Kolloff, Nina Mooney

Member(s) Absent: Renee Waller

Others Present: Eric Scott, Administrative Officer and PC Clerk

Chair Brodie called the meeting to order at 10:00 A.M.

Minutes:

The draft minutes of the meeting of November 14, 2018, were reviewed. Member West moved that the minutes of the meeting of November 14, 2018, be approved with corrections and the December 12, 2018, meeting. Member MacLaurin seconded. The vote by was unanimous in favor.

Business:

Discussion regarding HOA private streets and effects on the Village Plan of Development.

Scott updated the Commissioners on his research regarding Village Glen Road. Scott found the subdivision zoning application (Toby Hay subdivision) in the 1985 minutes next to the River Bend Road (Snowfall, Inc.) subdivision. Both applications were before the Board of Trustees and Planning Commission sometimes at the same meeting. The Toby Hay subdivision project continued past the completion of River Bend Road. Scott found that both developer's initial zoning applications proposed that the Village would not own or be responsible for building or maintaining the road. After the commencement of court action by the developers, the Village revised the Bylaws and both applications were approved on the condition that; the Village would "accept" the roads as Class IV and would not own or be responsible for building or maintaining the roads. The Village Board of Trustees re-affirmed this at the March 03, 2019, meeting.

Scott stated he did not find, nor was he looking for details of other private roads such as Longview Drive or Equinox on the Battenkill. By chance, Scott discovered that West Fields Road homeowners association asked the Board of Trustees to revoke the past acceptance as a Class IV road and the Board did so. The reasoning was that the association could control who used the road without the Class IV designation.

Discussion of Sign Regulations in lieu of Supreme Court Ruling.

Chair Brodie stated that as the Planning Commission reviewed and updated the Village Sign Regulations the Commission should be aware of a Supreme Court ruling in Reed v. Town of Gilbert. Reed v. Town of Gilbert makes sign regulations content neutral.

Review and update the Village Sign Regulations

10.1 Purpose

10.2 Permit Requirements and Procedures

Changes to Bylaws Sections 7.3 were approved and are attached. Deleted passages have a ~~striketrough~~ effect and insertions are underlined.

There being no further business to come before the Commission, the meeting was adjourned at 11:05 A.M.

10.1 Purpose

The Village finds that to protect the health, safety, property, and welfare of the public; to preserve the orderly, attractive, and historic appearance of the community; to prevent proliferation of signs and sign clutter; to provide for save construction, location, erection, and maintenance of signs; it is necessary to regulate the number, design, construction, location illumination, and maintenance of signs.

Legal Basis

This sign regulation is a part of a special regulation of the Zoning Bylaw under the authority of 24 VSAA, Chapter 117, Municipal and Regional Planning and Development Act. Additionally, this bylaw relies upon the authority of the Charter of the Village, as amended, and 24 VSA Section 2291(7) for the adoption, administration, and enforcement of ordinances and bylaws.

10.2 Permit Requirements and Procedures

1) Permit Requirements

Unless specifically exempted by this regulation, no sign shall be erected, altered, or relocated with the Village of Manchester without first obtaining a sign permit from the Zoning Administrator.

2) Review Process

Unless specifically exempted under Section 10.6.1, before erecting a new sign or expanding or otherwise changing an existing sign, an applicant shall:

- 1) Obtain an application and a copy of the Sign ~~regulations~~Regulations.
- 2) Design the sign in accordance with the Sign ~~regulations~~Regulations, including ~~eh~~ the Design Guidelines (10.3), taking into account where it will be located and how it will be constructed and mounted.
- 3) Submit the completed application form, along with appropriate photographs, drawings, color chips, etc., to the appropriate municipal panel(s)~~Manchester Village Zoning Administrator~~.
- 4) The complete application and supporting materials shall be processed as provided in ~~4.6-8~~ of the ~~zoning-Zoning bylaw~~Bylaw.
- 5) A permit to temporarily display a sign until a final decision on the application has been made may be issued ~~if in the sole opinion of the Zoning Administrator the proposed sign complies with the regulations herein, and the approval interval would be detrimental to the applicant~~ ~~the Administrator may, at his discretion, issue a permit to temporarily display the sign until a final decision on the application has been made by the Planning Commission~~. A temporary sign permit shall not vest a right for a subsequent permanent permit.
- 6) Once a permit is issued, the sign must be built and displayed according to the specifications in the approved application. Any changes will require a new application.

3) Fees

Reasonable fees may be established to help defray the costs of administration.