



Village of Manchester, Vermont

**Minutes of a Regular Meeting of the
Planning Commission
Held on the 16th day of February 2022.**

Members Present: Chair Audrey Kolloff, Vice-Chair Rich Heilemann, Anthony MacLaurin, Renee Waller

Member(s) Absent:

Others Present: Chair of the Board of Trustees Orland Campbell, Zoning Administrative Officer Curan VanDerWielen, Christie Bornstein, Eric Dorsch, Cat Bryars, Mark Anders

Chair Audrey Kolloff called the meeting to order at 10:59 A.M.

Minutes:

Approve the draft minutes of the January 19th, 2022 meeting

MacLaurin motioned with a second by Heilemann, and the Planning Commission voted to approve the draft minutes of the meeting of January 19th, 2022. The motion passed with three in favor and Waller abstaining.

Planned Business:

Introduce new Zoning Administrative Officer, Curan VanDerWielen

Kolloff introduced VanDerWielen to the Commission and those present.

Recruitment of new members. Discuss any new potential candidates for the Planning Commission's vacant chairs and community outreach.

Kolloff spoke briefly about the Commission's need to fill present vacancies. Kolloff moved to introduce Bornstein, a homeowner in the Village of Manchester. Bornstein recalled her conversation with Donald Brodie, who recommended her to the post, and expressed her excitement to become more involved with the community. Kolloff emphasized too Bornstein's financial and real-estate background as merits.

Introduce potential candidate, Eric Dorsch. Discuss community outreach opportunities.

Kolloff then moved to introduce Dorsch, a tax attorney living in New York who owns a summer residence in the Village of Manchester. Kolloff invited Dorsch to introduce himself, to which he spoke briefly on his law experience and enjoyment he had for the community. Kolloff asked if there were any questions for either potential; there were none raised.

Review and discuss feedback from Board of Trustee meeting on February 10th regarding Energy Plan and Noise Ordinance drafts.

Kolloff moved forward with a discussion on the current Energy Plan and Noise Ordinance drafts. The Commission began with the Noise Ordinance draft, for which a redraft provided by Campbell was used for review and discussion. Campbell stated this draft reflected the changes made in the prior Trustee's meeting to the current draft. Kolloff first emphasized the need for a Noise Ordinance due to a recent uptick in noise complaints, citing further that the Village needed to show action.

The Commission briefly discussed whether a time frame was appropriate in a legal definition of 'unreasonable noise' before engaging in a more involved discussion on the appropriate distance for which noise heard could be deemed unreasonable. The present draft reflected an unresolved question

over whether unreasonable noise should be heard at fifty (50) feet or one hundred (100) feet. Kolloff asked Campbell for specifics on the Trustee's thoughts, to which Campbell responded there was concern of over-enforcement throughout the whole draft. Campbell expressed his belief that this needed more discussion to ascertain an appropriate distance, clarifying that he supported a longer rather than a shorter distance. Kolloff expressed her agreeance, as did MacLaurin and Heilemann. MacLaurin then expressed his concern for over-enforcement, citing how outdoor music played by teenagers during the summer or noise heard between buildings in close proximity ought to be considered reasonable. Heilemann agreed with MacLaurin, and Campbell commented that these points merited further discussion among the Trustees.

The Commission moved forward to discuss pet-related noise, which Campbell clarified was aimed at barking or howling dogs for the most part; meowing had been removed from a previous draft. MacLaurin questioned how enforcement would function regarding this provision, to which Campbell clarified that the notification of a noise complaint under this provision would serve as a tool to pursue other legal means of investigation for the Village. Kolloff then cited a Barre law which could serve as an important reference, although she made the distinction that this had been written for a clause in their bylaws on dangerous animals.

The Commission then turned to discuss what constituted unreasonable noise on Sundays. Kolloff questioned whether a time frame was necessary for such a clause. Campbell commented that most individuals performed house maintenance and landscaping work on weekends, and that he did not want any provision to restrict such work unreasonably. Heilemann and Kolloff agreed with Campbell. Campbell then commented that the Village already printed a time frame on its permits. Campbell went on to discuss how during the summer, most individuals sought to work outdoors later, when the day was cooling, and believed a provision limiting that time would be unreasonable. MacLaurin suggested adding a new permit to allow permitted individuals to work outdoors into the existing time frame, which Campbell dismissed due to the limited available staff of the Village to process more permitting.

There was a brief discussion on noise limitations made to official holidays. Campbell expressed he was unsure if this was already cited in other local law. Kolloff expressed her concern for its impact on local business competitiveness, specifically the local hospitality sector's ability to hold weekday weddings. Kolloff suggested that moving forward, the competitiveness of local business should be taken more into account.

When arriving at provisions made for enforcement, MacLaurin again expressed concern about the subjectivity of unreasonable noise and its potential for over-enforcement. Campbell stated that any enforcement would need confirmation but admitted enforcement would be difficult due to the few staff the Village already retains. Effective enforcement would require evidence which could prove useful for litigation, but the Commission left the question of who would be responsible for collecting such evidence for further discussion. The Commission briefly reviewed the fee structure for violations, which Campbell commented he wished to research its conformity with state law. He further expanded on the inclusion of fee waivers as a tool to avoid unnecessary litigation. When moving into exemptions, some discussion was made by Campbell about the noise made by school sports games as a potential inclusion. Kolloff also clarified that normal noise associated with running a golf course was included at a provision to simplify compliance for Ekwanok Country Club.

Review new Village Transportation & Land Use Report from BCRC, presented by Mark Anders and Cat Bryars

At 11:30am, the Commission finished its review of the Noise Ordinance and Kolloff moved for Anders and Bryars from Bennington County Regional Commission to present the findings from their most recent report on Village transportation and land use. Bornstein left the meeting as this motion was

being made. Anders introduced himself and Bryars, indicating himself as responsible for the report's transportation analysis and Bryars responsible for the land use analysis. Anders asked the Commission if they would prefer to enter directly into questions or be given a review. Kolloff stated she believed the conclusions of the report were clear, however, a recap may be needed for a more engaged discussion. Anders then proceeded with a detailed review of the transportation section of the BCRC report, starting with a discussion on the potential creation of protected cycling facilities for the Village. 77% of survey respondents claimed they wanted a safer cycling route than what exists for Route 7A, and coordination with the Town would be required to accomplish any such project. Kolloff confirmed that cooperation with the Town was possible and preferred. Campbell asked for a copy of the report, which both Anders and Bryars confirmed was available on the BCRC website.

Kolloff asked Anders what the next steps towards such a project would be. Anders began by describing a need for a scoping study of the land in question. Anders then expanded on what Village-Town cooperation would be needed and possible sources of state and federal funding through grants, for such a project. Heilemann inquired if the entirety of the project could be funded through grants, to which Anders replied that most relevant grant programs require a ~20% local match, which for this project, could be split with the Town. Heilemann then commented that Bike Manchester was looking to sponsor new projects and could be a potential partner. Heilemann then asked Anders whether new trails should be extended to the roundabouts in the center of the Town. Anders responded that any new infrastructure should aim to be nice and inviting to increase cycling activity, and that extending it to the roundabouts would thus be likely. Bryars added that this would correspond well with existing trends for the Town's improvement of its roads. Campbell asked whether cycling was popular enough among local youth to warrant such a project. Heilemann and Kolloff both speculated that limited access to safe and inviting cycling routes likely hindered any such participation.

Anders continued, discussing a possible roundabout inclusion where Seminary Avenue and Main Street currently intersect. Anders then briefly touched upon speed tables before discussing the parking survey included in the report. Anders stated that the Village had good parking coverage before stating that, when additional cycling or roadway infrastructure was implemented, a traffic control officer might need to be hired to ensure safe crossings for students at Burr and Burton. Campbell commented that the Chief of Police stated that a traffic control officer would not be of benefit to the Village. Kolloff clarified that she believed the Chief of Police stated that a traffic control officer would not reduce traffic, and further stated that it may be a preferable idea to ensure public safety. Campbell expressed his disagreement.

Kolloff summated the transportation priorities of the Commission as: prioritizing cycling and secondarily prioritizing the reduction of speeding vehicles. Kolloff asked Anders for a timeline on speed tables. Campbell emphasized the role of the Board of Trustees as responsible for roads, adding that there needed to be better coordination between Village bodies. Heilemann expressed a need for reciprocity among Village bodies. Kolloff and Campbell both expressed agreement with Heilemann.

Bryars then proceeded with the remainder of the BCRC presentation, first discussing several key properties for consideration. These included the courthouse owned by the Town of Manchester, of which she emphasized the need to prioritize revenue from any reuse plan in order to cover the maintenance of the building. She then recommended the use of the Planned Unit Development (PUD) regarding the ongoing Music Hall development and discussed possible complications regarding parking. From here, Bryars segued into a discussion on the parking inventory performed on the Village, of which 1,300 exist and are, for the most part, publicly available. She encouraged the DRB and Village to use conditional agreements with greater vigor for the development of any more parking and/or the development of existing lots, in order to better regulate new construction and business expansion within the vicinity.

Kolloff asked Bryars about the timeline regarding the Village's effort to modernize its bylaws. Bryars confirmed that the process would start with the passing of an Energy Plan, an ongoing process for the Village. Kolloff then briefly discussed the Bylaw chapters currently under review and change, but that the drafting and adoption process would likely stretch into April or May. Bryars then recommended

that at least some of the Commission's membership attend the BCRC land use training in April. Kolloff thanked Bryars and Anders for their time, before both left the meeting. This occurred at 11:59am.

Bylaw edits – review and vote on edits to Sections 3 and 4 of the bylaws, edited by the DRB in 2018

Kolloff then moved to move forward with the review and voting on draft Sections 3 and 4 of the bylaws of the Village as edited by the DRB in 2018. The discussion began with a review of the existing parameters of Chapter 3, General Regulations. Kolloff suggested first that building plans should be referenced and defined in Section 3.5 and to remove exact quotes to State statute regarding municipal planning limitations in Section 3.6. MacLaurin questioned whether the existing bylaws covered regulations on the removal of mature trees, which Kolloff confirmed was covered. The Commission then moved to review Section 3.5. All changes made by the DRB were approved by the Commission with three in favor and Waller abstaining. The Commission then moved to review Section 3.6, which after a brief comparison to the existing bylaws, approved the changes with three in favor and Waller abstaining.

Section 3.7 received some attention concerning the inclusion of setbacks and whether site plans should include details on adjacent lots. After the Commission agreed with Kolloff to include setbacks in the updated text, Campbell raised concern that including adjacent lots in site plans may not be feasible due to the patchwork of available information to property owners and developers. Campbell went on to suggest that the wording of any draft including adjacent properties should reflect the availability of those plans instead of existing in absolute terms. The Commission agreed to the wording "where available" to be attached to the requirement for neighboring site plans. Kolloff clarified that the addition of setbacks might not need to be as broad as concerning adjacent properties. Some confusion arose as to whether the draft reviewed in the meeting was the most current, which included some unplanned omissions and unfinished edits. The Commission proceeded after Campbell clarified that the current draft was indeed a rough draft, and further DRB and Board discussions were warranted to finalize the drafting process.

The Commission arrived at Section 4.5, where Kolloff disagreed with the striking of "Core" in reference to the full name of the "Historic Core" district. Campbell commented that in practice, most documents referred to the district as "Historic" only. Kolloff expressed disagreement, referring to Section 4.2 and the Table of Contents for the bylaws where the district is listed as "Historic Core". The Commission expressed uniform agreement that "Historic Core" should remain in future drafts rather than striking "Core". The Commission resolved the matter by agreeing that if "Core" were struck in any line of the document, then it should be struck in every appearance. The Commission approved the made changes to Section 4.5 with these conditions, three for and Waller abstaining.

Regarding Section 4.6, Kolloff put forward the idea of reordering the text to appear in Chapter 3, where building plans are originally referenced in the bylaws. The Commission agreed with most written changes but disagreed with the striking of Section 4.6(f) and resolved to clarify a reference to Section 9 as instead reading Section 9.8. These were voted into agreement with three for and Waller abstaining. The Commission then reviewed Section 4.6.1. At 12:33pm, Dorsch left the meeting. The Commission voted on Section 4.6.1, with three for and Waller abstaining. With regards to Section 4.6.2, the Commission had little comment and agreed with the changes with three for and Waller abstaining.

Regarding Section 4.7, Kolloff commented that she believed the last sentence of the struck clause (b) should remain in the updated draft, which was voted in agreeance with three for and Waller abstaining. The Commission largely agreed with the changes made to Section 4.8, but discussed the need for a reference to state statute regarding Section 4.8 (b). Kolloff initially disagreed with the wording of the Section, expressing her belief that a 30 day period for the issuance of a zoning application was too tight, and furthermore, the automatic issuance of said permit, too punitive. Campbell informed the Commission that this was a regulation required under state statute, to which both he and Kolloff agreed needed direct reference in any future draft. Campbell went further to suggest inserting the exact quote from the statute. Neither Campbell nor Kolloff could recall exactly where this was to be found in existing

state laws, and asked VanDerWielen to research it for the next meeting. VanDerWielen confirmed he would check for relevant state laws regarding the subject.

Other Business

At this point, the Commission circled back into a discussion on community outreach, with Kolloff introducing a postcard made as a sample for part of a broader program to encourage civic participation among residents. Kolloff had attempted to hire a graphic designer for the job, but found the cost prohibitive, and instead found a neighbor to volunteer –Rachel Rosenbaum— the creation of these postcards. She confirmed that such a postcard would be sent to all members of existing Village bodies and residents through existing email or address lists. Campbell asked whether this would be through a voters' list or property owners, which Kolloff answered would be property owners. Heilemann expressed his agreement. MacLaurin then asked how the draft Energy Plan should be distributed, which Kolloff confirmed would use existing, prebuilt email lists. Heilemann asked whether a higher resolution image would be used on the final copy, which Kolloff confirmed would happen. Kolloff went on to reaffirm that the volunteer would be happy to create several other designs. MacLaurin opined that the photo used on the sample included too much of a statue which features in the photograph. Kolloff then asked VanDerWielen if he would check for existing stock photos which the Village might hold or use for other postcards. VanDerWielen confirmed that he would check before the next meeting. Campbell then expressed his belief that the message on the postcard should be broadened to reference all Village bodies, and not just the Planning Commission. MacLaurin and Kolloff confirmed this could be arranged for the next set of designs. The Commission then briefly discussed the low response-rate of emails sent to residents concerning this subject, and agreed a broadened message may be helpful for future outreach efforts. Kolloff asked briefly how they should broaden this message, which Campbell responded to by informing the Commission he would send suggestions at a later time, which could then be presented to the Board of Trustees.

MacLaurin then briefly discussed his work with the Manchester Business Association and their diversity program, designed to highlight the history, achievements, and participation of intersectional minority communities both within the Village and the Town of Manchester. MacLaurin expressed his pride in the Association's work online to highlight the achievements of African Americans throughout the history of the Village, citing a blog-profile recently performed on a Jamaican food truck operating within the Village. He then elaborated that in an effort to encourage greater community interactions with these minority communities, that the blog would be highlighting different distinct groups every few months and working towards the creation of community events to celebrate diversity. These included planned future months highlighting local LGBTQ+ and Asian American communities and coordinating with the Southern Vermont Arts Center. Heilemann asked MacLaurin how to access these profile, which MacLaurin clarified were available on their website. MacLaurin went on to discuss how the public can submit fun or informative photographs and videos regarding the community to assist with this project.

Kolloff confirmed that the next Commission meeting was to be held on March 16th 2022 at 11:00am. Heilemann notified Kolloff that he may need to attend remotely.

There being no further business to come before the Commission, the meeting was adjourned at 12:43pm.