



Village of Manchester, Vermont

Minutes of the Regular Meeting of the Planning Commission Held September 21st, 2022 at 11:00am

Members Present: Chair Rich Heilemann, Vice-Chair Audrey Kolloff, Anthony MacLaurin, Christie Bronstein, Renee Waller, Tom Scarnecchia, Eric Dorsch, Renee Waller

Member(s) Absent:

Others Present: Zoning Administrative Officer Curan VanDerWielen, Deborah Connolly, Kim Weiss-Lewit, Cat Bryars

The meeting was held both in person at the Village Office and via zoom.

Anthony MacLaurin called the meeting to order at 11:05am.

Minutes:

Approve the draft minutes of both the regular and special meetings of August 17th, 2022.

MacLaurin began by asking for a motion to approve the draft meeting minutes dated August 17th, 2022. Christie Bronstein motioned to approve both meeting minutes, and Renee Waller seconded the motion. Both minutes were then approved by the Commission, unanimously.

Planned Business:

Presentation from Cat Bryars of BCRC

MacLaurin invited Cat Bryars to begin her presentation. Bryars started by indicating that she wanted to discuss next steps regarding the ongoing Bylaw Modernization process and to discuss recommendations on affecting the availability of affordable housing within the Manchester area, adding that the Bennington County Regional Commission (BCRC) was working with nine other municipalities simultaneously on similar efforts. Bryars then referred to sections of the housing survey report given by BCRC to Commissioners, which included recommendations specific to the Village. Bryars indicated that there were many factors contributing to the state-wide housing crisis, among which were several critical market failures and some items which could be fixed through amended zoning. Specifically, as it pertained to zoning, Bryars indicated that altering certain regulations could encourage the development of new affordable housing. Bryars added that she wanted to go through some basic approaches with the Commission which would not require a comprehensive overhaul of the existing Zoning Bylaws.

The first recommendation Bryars stated was to encourage mixed-use development, especially among zones which could reasonably be converted or maintained as existing mixed-use zones. Bryars referred to the Business and Equinox Historic District zones specifically as mixed-use zones which

should be retained as such. Bryars also stated that an update in statutory language should be integrated into the Zoning Bylaws, specifically regarding accessory dwelling units. Other recommendations included allowing small or undersized lots connected to water/sewer to be developed, to loosen the parking regulations to allow different forms of housing development to work—especially in mixed-use parcels—, loosening dimensional standards on a per-zoning district basis, allow or encourage multi-unit housing (especially in thickly settled areas), and loosening the requirements for Planned Unit Developments (PUDs). Bryars then reiterated that these were general recommendations and not requirements.

Bryars having finished, MacLaurin asked the Commission if there were any questions before asking himself where the Village was in terms of Bylaw Modernization progress and funding. Bryars stated the BCRC had applied last fall for a battery of Bylaw Modernization Grants (BMGs) and one-time Municipal Planning Grants (MPGs) with the State on behalf of its constituent municipalities. Bryars continued, stating that the BMGs were two-year grants onto which 9 municipalities has signed on, and a few updated town plans had been pushed into the Fall of this year in terms of reaching completion. Each process of updating a municipal plan of development lasted between 6-9 months, meaning the BCRC had decided to stagger its helping municipalities over the course of the two years. At this point, Vice-Chair Audrey Kolloff entered the meeting and MacLaurin stated he would hand over control of the meeting to Kolloff. As Kolloff was attending on Zoom and could not see the entire room, Bronstein commented that Curan VanDerWielen, Kim Weiss-Lewit, and Deborah Connolly were also present. Kolloff supposed that Rich Heilemann was having difficulty connecting over Zoom before asking where on the agenda the meeting was. MacLaurin summarized the events of the meeting up to this point for Kolloff. Bryars then summarized her presentation thusfar for Kolloff. VanDerWielen then stated which agenda item the meeting was currently focused on. MacLaurin thanked Bryars.

Kolloff then stated she wished to discuss the suggestions made in the BCRC housing report, specifically about altering the Village Residential zone and Mixed Residential zone into more mixed-use areas, and about changes to acreage requirements. At this point, Eric Dorsch and Heilemann both entered the meeting via Zoom. Kolloff stated she believed the Commission should consider the suggestions of the BCRC before summarizing the events of the meeting up to this point for Heilemann and Dorsch. Kolloff then added she believed that looking to alter the bylaws in order to support the community with affordable housing was a good idea. MacLaurin then asked whether the suggestions were mandatory for the Village to take or optional. Bryars responded that in terms of the BMG, each municipality had to pay a 10% match unless if the municipality updated and integrated some amount of the suggestions made through the process. If a municipality opted to not change its Zoning Bylaws, the match would stick. Bryars then indicated that the base amount of change required here would likely be to update Bylaw language which conflicted with recent updates to Vermont statutory language, such as in the case with Accessory Dwelling Units. Bryars also indicated that some language had changed regarding small lots, which may need to change as well. Aside from these two items, however, and so long as they were changed by May of 2024, the Village should be set, stated Bryars.

Bronstein stated that she believed that the Commission should consider the other suggestions, even if not required. Kolloff stated that she believed it would be a good first step before welcoming Heilemann into the meeting. Heilemann commented that it was a beautiful day where he was before asking where the meeting was in terms of the agenda. MacLaurin commented that the Commission had already approved the minutes and was now discussing Bryars' presentation.

Bronstein then asked Bryars how the Zoning Bylaws in Manchester Village were impacting various projects in the community. VanDerWielen responded that he might be better equipped to handle questions specific to permitted development within the Village, and stated that he had not experienced any specific impacts of the Zoning Bylaws on the feasibility of any proposed projects over the last year. VanDerWielen did comment that parking regulations had come up in two different projects this year, however, and had become something of a headache with regards to mixed use development and development on smaller lots. Bronstein asked what the tradeoffs were for changing the parking regulations. Bryars responded that a parking study had been done fairly recently for the Village and had found an over-abundance of available public or publically-available-private parking, much more than most municipalities in the county. Bryars then referenced how Bennington recently decided to handle parking, by leaving it to the market to fulfill as parking minimums were strangling various forms of development unnecessarily. Maintaining parking spaces incurs a high long-term cost, Bryars added, and the opportunity cost on new development for homes or businesses was severe. Bryars ultimately described tight parking minimums as a liability in terms of municipal development. Bryars continued, stating that in looking at the MPGs for how parking minimums were handled in several cases, where it was found that generally parking issues were a result of wayfinding problems and not an availability of open parking spaces. Bryars then stated that while she had flagged today as the starting point for continuing the Bylaw modernization process, the Commission did not need to do a deep dive on all the points today as she more wished to reestablish the suggestions made in the housing report. Bryars added that Village or permit-specific questions on development should be directed to VanDerWielen. Bryars then offered to provide any draft language, facilitate any necessary discussions, and overall provide help for the process as the Commission moved along.

Waller commented that she believed if the Village handled parking differently that it was likely that cars might overflow and park on the streets. Kolloff stated that without a public transportation system, single households often owned and used multiple cars in the Village, which might explain why there was an overabundance of public parking. Heilemann then apologized for not being present during the first part of Bryars' presentation before asking if he had missed anything not in the housing report. Bryars responded that she did summarize the housing report and offered the biggest takeaways of those suggestions. Heilemann asked if any areas in particular were identified as part of these suggestions. Bryars indicated that the Commission would likely go district by district as predetermined on the zoning map to identify changes or conditions. Heilemann then asked a question which was interrupted by poor connection to Zoom. Bryars asked Heilemann to clarify if he was asking if part of the suggestions was to change a particular zoning district. Heilemann answered yes. Bryars stated that no particular zoning district changes had been suggested, however, she had offered examples of districts which might be more suitable for certain changes, such as encouraging multi-unit housing in the Village Residential district.

Heilemann asked if there was a goal in mind for affordable housing in the Village. Bryars responded that there was no real metric they were looking for in this case, as the present conversation was mostly about understanding changes to the Zoning Bylaw which might affect the situation at-large. Heilemann then commented that he believed Short Term Rentals (STRs) were having a major impact on the area's available affordable housing, asking whether Bryars saw the issue as a large one and what she would suggest there. Bryars stated that she was aware of the joint Village-Town STR survey and had read VanDerWielen's report on STRs from earlier this year, and understood the conversation. Bryars emphasized that she was not an expert on the subject, but understood that those in her office who were studying it increasingly believed that the types of homes used as STRs generally were not homes which would qualify as affordable housing, meaning the effect was relatively small in her understanding. In other words, the homes were not rentable, generally, in the first place but were typically sold as luxury or second homes. Bryars also stated that her understanding was that most experts believed most STRs were not interchangeable with affordable housing and that new development—especially with Accessory Dwelling Units—was the best avenue towards having more affordable housing. Bryars also indicated that Dorset was the first town in the region to begin drafting STR regulations.

Heilemann commented that he believed that seasonal and investment STRs should be looked at as different entities and that he believed the joint study with the Town would shed some more light on the subject. Bryars agreed with Heilemann that the study would definitely be helpful. Dorsch asked if the Village was part of the study. VanDerWielen responded that yes, the Village was, and was paying for a portion of it. Weiss-Lewit asked if she could ask a question. VanDerWielen responded yes. Weiss-Lewit then asked if the State would provide incentives to construct public housing or affordable private housing. Bryars stated that the short answer was that traditional Soviet-style housing blocks were generally viewed as non-effective and that no proposals were being made for that style of affordable housing. Bryars continued, stating that what most people in Vermont considered affordable housing was, at present, being left to regional non-profits to develop such as Shires Housing, which received both Federal and State funding. Bryars then stated that the State was increasingly experimenting with trying to make subsidies available to private developers in addition to those existing non-profits. One Bennington-based private developer, for example, had developed a pilot building in downtown Bennington in such a manner and appeared to be proving the logic of such a model. Bryars then emphasized that it was important that everyone operate outside of the stigma most Americans have developed for affordable housing projects in order to work towards making Vermont more accessible to all Vermonters. Bryars continued, stating that housing needed to be available for new homebuyers, especially young professionals of which the State was facing a severe shortage of. Bryars encouraged the Commission to not just think of affordable housing in terms of monolithic blocks but as market-rate housing, which might be stymied by overregulation or mistargeted restrictions at the municipal level. Bronstein commented that she was friends with a school principal in Bennington who had indicated the severe shortage of teachers in the Vermont marketplace, adding that she was aware of this being a larger problem across most business sectors in the State.

Kolloff commented that housing throughout New England was becoming a major issue, and that the big question was what to do next. MacLaurin stated that he believed the next step was for

Bryars to bring draft proposals to the next meeting for the Commission to review. Heilemann asked whether the Commission should meet before that to digest and converse more about the suggestions in the housing report. VanDerWielen indicated that this was possible to arrange. Waller and Bryars both asked if the next regular meeting was on October 19th. VanDerWielen confirmed that it was. Bryars stated that she might actually be away that day and providing draft proposals might take time before indicating that she thought it might be more appropriate to discuss again in November. Heilemann asked how many meetings Bryars believed she would need to attend to work through the process. Bryars stated that that depended on how many and how deep the changes to the Zoning Bylaw would be, stating that she could either work with the Commission on it piecemeal or in one batch several months from now. Heilemann asked Bryars if it would be better to do it all at once, and Bryars stated they could. Heilemann asked if the timeline was definitely for Spring of 2024. Bryars stated it was, although she was unsure of which month. Heilemann asked if the BCRC could handle doing all the municipalities at the same time. Bryars indicated that BCRC was tiering their working with municipalities on the matter. Heilemann asked if the meeting would need to be a public hearing. VanDerWielen responded that discussing the matter would not but adopting changes to the Bylaw would.

Kolloff commented that she believed this was a great starting point and was looking forward to the next discussion. Bronstein asked VanDerWielen if the parking study was available to the public. VanDerWielen responded that it was, and that it could be forwarded to the PC or any member of the public. Bryars then stated that she had almost forgotten to share the work of a remote UVM intern at BCRC who had commissioned an interesting project on Bylaw Nonconformance in the Village. Bryars described the work, indicating that the interesting outcome was that if a natural disaster hit the Village this week and destroyed all the historic or landmark buildings in the area, then the Village Zoning Bylaws would prohibit 90% of them from being redeveloped as is. Bryars indicated that she thought it was an interesting notion to share with the Commission, and another way of looking at what the community might want or not want to encourage as part of a greater process of upholding what the community enjoyed. Bryars indicated that she would send along the statistics and maps regarding the project following the meeting. Kolloff stated she thought it was very interesting. Heilemann asked if the Commission had any further questions.

Discussion on Commission Objectives for Current Term

There being no further questions for Bryars, Heilemann introduced the next item of business before indicating that he believed a mechanism should be developed for an Energy Committee in the Village per what had recently been adopted in the new Plan of Development. Heilemann then opened the discussion to the others. Weiss-Lewit commented that she believed the largest concerns in the Village regarded housing and transportation. Heilemann commented on the Smart Streetscapes study which the Village was waiting for a follow-up from BCRC on. Heilemann also commented that he had agreed with Craig Powers, the Chair of the DRB, that future Bylaw changes should be reviewed jointly to avoid any confusion and stated that he wished Bryars to be there to offer insight. VanDerWielen stated that he could send the materials provided in this meeting to the Development Review Board (DRB) to contextualize the conversation. Bryars then commented that the DRB was not a decision-making body regarding Bylaw changes, but that the

Planning Commission was the primary tool there. While she believed it was a good idea to run them by the DRB, the Commission should be the central focus.

Heilemann thanked Bryars. Kolloff then commented that the Trustees had already approved the Energy Plan and Solar Screening Ordinance before asking Bryars if there were any next steps. Bryars indicated that last Thursday, the BCRC had voted to approve the changes made to the Village's Plan of Development, and that the process was complete. Kolloff asked when the Village would know how the new Plan was actionable. Bryars indicated that it was already complete. Kolloff then stated that the Village would now rely on the Public Utility Commission (PUC) process and would now be able to provide input on Certificates of Public Good. Kolloff added that someone should continue to check the PUC website to make sure there were no surprises. VanDerWielen asked Bryars if the PUC was supposed to send notifications to affected municipalities, as he had recently run into miscommunications with them over solar panel installations. Bryars stated she believed they were supposed to send a notice 45 days in advance of their review and that the BCRC received them too. Bryars added that that may not be the case for smaller projects. VanDerWielen commented that he would keep an eye out for any changes. Heilemann then asked about the MPG. Bryars stated that he would need to ask Mark Anders about the MPG.

Heilemann asked if there was any other business. Connolly began to describe an issue she was experiencing with her neighbor. VanDerWielen stated to Connolly that they could discuss the matter after the meeting as the Commission did not handle such issues. Waller commented that she would like to be able to see the room during the next meeting. VanDerWielen commented that he had forgotten, but it would be available next meeting. Waller then motioned to adjourn. Tom Scarnecchia seconded the motion. The Commission then unanimously voted to adjourn.

There being no further business before the Commission, the meeting was closed at 12:23pm.

The next regular meeting of the Planning Commission will be held on October 19th, 2022, at 11:00am.

Respectfully Submitted,
Curan VanDerWielen, Zoning Administrative Officer