

Wilmington Planning Commission  
Meeting 4/27/2020  
Via Zoom conference call

Present: Cheryl LaFlamme, Tom Consolino, Meg Staloff, John LeBron (4:07), Angela Yakovleff (4:18)

Guests: Town Manager Scott Tucker, Zoning Administrator Mike Tuller, Justin Will, Eric Silverstein, John Bennet (Windham Regional Commission), Gretchen Havreluk (4:26)

Meeting called to order 4:02

Tom moved to approve minutes of 4/13; Meg seconded. All in favor.

Update from John Bennet on changes to WRC's regional plan update. A larger update was planned, but due to several factors (staff turnover and projects that are more time sensitive and high priority due to COVID-19) WRC will do a minor update and a major update at the next iteration.

Question to John B about Wilmington's Hazard Mitigation Plan progress; John will contact Alyssa Sabetto and she'll be in touch.

Glitch in warning for hearing on Zoning Changes (Article 8) means we must re-schedule and re-warn.

June 8 at 5 pm (following our regular meeting at 4) was favored.

Tom moved we reschedule for June 8 @ 5 pm; Meg seconded. All in favor.

Discussion of vacant building ordinance:

Cheryl raises the question of whether what we want to consider is a Vacant Building Ordinance vs. a blight ordinance. Blight is defined as decay or deterioration of an area to the detriment of adjoining property values.

John LeBron raises the question of area of possible jurisdiction for blight ordinance; while blight may exist in other places throughout town, it is not as bothersome as in the Village District.

Tom is opposed to the idea of blight in an ordinance because it is hard to define.

Meg expresses the issue with a vacant building ordinance that we don't have a building inspector and would be relying on a part-time Health and Safety Officer to fill that role.

Discussion of changes from our draft of July 2018 vs the red-line copy from Attorney Edward Adrian; Mr. Adrian had significantly expanded our document and inserted a section laying out a permitting process.

Cheryl asked John Bennet if any other towns in WRC's district have a blight or vacant building ordinance; he believes no (Bennington is the closest one we had considered).

Review: our original conversation starting in March 2018 considered ordinances from Bennington, Plainfield, Montpelier, St. Albans, and Middlebury.

At that time, we settled on a revised and shorter ordinance that only covered vacant buildings and did not require a permit process. The assumption is that Ed Adrian added long sections to give the ordinance teeth and make it more enforceable.

The problematic issue for the commission is to ask the health officer to act as a building inspector, who would not have expertise in the area.

Mike Tuller expresses that these inspections would normally be undertaken by a third-party code inspector.

Discussion of cost of that inspection — would it be covered by the \$500 permit fee?

Mr. Silverstein points out that there is no reference to the current ordinances governing permitting for building demolition. What if the DRB were to deny a request for a demolition that had been recommended to preserve public safety

Question if our zoning ordinance would then be on a 'collision course' with the Vacant Building Ordinance in a case where demolition was recommended.

Meg says that we need to add a section referencing the permit process required so the ordinances can work together. Also, that it is unlikely that the DRB would decide to not approve a demolition if it had been recommended as a matter of public safety.

Consensus is that we'd like to investigate whether we could make an ordinance less stringent than the Adrian red-line version, but which is enforceable, and which ties to the current zoning requirements.

Can we pare it down but still make it defensible?

Agreement to review further and continue the discussion at our next meeting. Documents to be emailed to all (including John Bennet): Original draft ordinance from April 2018; Draft June 2018; Adrian edits (in red-line form).

For next meeting (May 11) review sections of Town Plan (Sections 12, 14, 16) that are under the Planning Commission's purview: Flood, Energy, Natural Resources, and Land Use. Determine potential areas for near future activity of Planning Commission.

Motion to adjourn was requested. Meg moved; John second; all in favor.

Meeting adjourned 5:32 pm.