

Wilmington Planning Commission

Meeting Minutes

Monday May 11, 2020 at 4 pm by Zoom

Open Meeting

Cheryl LaFlamme opened the meeting at 4:04 PM.

In attendance: Tom Consolino (at 4:15), Cheryl LaFlamme, chair, John Lebron, Meg Staloff, Angela Yakovleff

Mike Tuller, Zoning Administrator

Visitors: John Bennett (WRC), Eric Silverstein

Possible Additions to the Agenda

Outdoor dining in the village

Public Comment

none

Approve Minutes from April 27, 2020

John made a motion to approve the minutes from April 27, 2020. Meg seconded.

In favor: John, Meg, Cheryl, Angela

Opposed: none

Abstain: none

Discussion: Outdoor dining in the Village District

John sent an article about NH discussing this. Meg noted that there is a request for guidance to the legislature.

Zoning ordinance articles 530E and 531 address changing zoning within the Historic/Village Downtown. What would have to go before the DRB?

Town property or personal property? This makes a difference in permitting.

Mike has not gotten any requests from any restaurant owners within the downtown. He was forwarded a request from the Roadhouse to put tables in their parking lot. This is outside the downtown and is a private parking lot.

Cheryl and Meg noted that when the question of setting outdoor seating in public parking area was asked of the Select Board they were not receptive to the idea.

Cheryl wonders if NH adopts such a plan if perhaps that will push the State to take up the discussion.

Meg reminded that liquor laws have to be taken into consideration. She has been corresponding with John Gannon.

If this is a temporary situation (90 or 120 days) does it have to go through DRB?

Cheryl said if the State comes up with anything we'll be OK.

Meg will contact Laura Sibilila and John Gannon to ask if there is any movement in this direction.

Cheryl noted we will immediately need a hearing warned. We could have a special meeting on June 1. The Select Board will also have to have a hearing. Cheryl said the liquor license is approved through the Town.

It seems like this could be a two step process.

Step 1: Restaurants can open outdoor dining areas on their own property.

Step 2. Public Areas open for outdoor dining are under the purview of the Select Board.

Tom thinks opening in this way at this time is an invitation for spreading disease.

Meg said the restaurants will need to set things up in compliance with State guidelines. Does putting up fencing have to go before the DRB?

Cheryl thinks we have to do what we can to help restaurant owners to move quickly.

Meg talked about the VT Digger article that addressed VT Chambers are requesting outdoor opening of restaurants.

She is in favor of getting approval for this in Wilmington. An administrative permit from Mike's office could be issued.

It was unanimously agreed to draft language for an approval of an addition to the zoning ordinance (531B #7) that will allow for temporary outdoor dining for 120 days.

Ordinance to read:

Businesses may erect temporary fencing or other means of delineating outdoor areas for the sole purpose of extending dining for a period of no more than 120 days from the date of approval by the Zoning Administrator.

Tom made a motion to accept this ordinance language. Meg seconded

Aye: Cheryl, Angela, Meg, John, Tom

Opposed: none

Abstain: none

Discuss vacant building/blight and possible ordinance

Page 24 #1 of the Town Plan "Topics to be addressed moving forward include assessing:...A Blight Ordinance preventing run-down buildings in the Village and on Commercial properties in all Districts."

Tom thinks we need some sort of statutory authority.

Cheryl feels the copy returned from the Town attorney is honerous. Tom agrees.

John Lebron notes some language and procedure from the Town attorney is an overreach, however, he doesn't think it should be completely ignored. One point he wants to make clear is that not using a building is not an issue if the building is kept up. This is not blight.

Perhaps we need to compare the July 23 draft to the attorney's draft to the Bennington ordinance that we used as a model?

There is no point of adopting an ordinance if it is unenforceable.

We do not have a building maintenance safety officer.

Mike said a third party with specific credentials is usually brought in to assess. There is cost sharing. There would need to be a qualified building inspector.

Zoning ordinance 723 states a building can't just be demolished. It needs to go to the DRB and must first look at rehabbing it.

Cheryl asked if at this point in time we need to add an ordinance? Is a blight ordinance the way to go?

It was decided to table until we reach a more timely point within the next 6-12 months.

Continue discussion of Town Plan focus on natural resources, energy and land use

What can we do to help the town be more successful at this time?

Should we work on a sub-division plan that avoids Act 250? We have a rural residential designation but sub-division is not addressed.

Tom thinks it may be time to go back through the Town Plan.

Our action plans deal with Natural Resources, Energy, and Land Use. Working on a sub-division plan may help the Town Plan.

Wind is unpopular and our solar development has some issues.

John Bennett told us the Act 250 jurisdiction threshold is greatly expanded. Both zoning and subdivision would not trigger Act 250 until ten acres is reached. Sub-division would be a way to go.

Cheryl clarified that we would not be looking at big developments. She would like to craft a sub-division regulation to try to enhance affordable housing.

John Bennett referred us to a list of 1 acre and 10 acre towns.

John Lebron thinks we should look into this, but not rush. Meg thinks we should study the issue. How does it dovetail with rural residential? Are we preserving our landscape with development? We need to look at housing density.

John Lebron asked about focused (spot) zoning.

John Bennett said it is frowned upon.

Mike wondered if we are looking at the Town as rezoning property. We should check with the Select Board. We don't want to introduce anything that is contentious.

Cheryl thinks that we should look into sub-division. If you don't need to rezone it might be OK.

John Bennett alerted us to the Municipal Planning grants. The next one opens August, 2020. Towns are eligible to apply. Wilmington has applied before but was not awarded a grant. John said that grant application had "too many moving parts."

Application deadline is the end of September. Awards are made at the end of October or early November. They are for roughly \$20,000. A resolution in favor of the grant application is needed by the Select Board.

Mike asked about the local match. It is 10% of the grant.

Old Business

none

Next Meeting –

June 8, 2020 4:00 pm meeting,

Public hearing about zoning changes 5:00 pm

Adjournment

Meg made a motion to adjourn at 5:40. Tom seconded.

In favor: Cheryl, John, Meg, Tom, Angela

Opposed: none

Abstain: none

Respectfully submitted,

Angela Yakovleff, Scribe