

Wilmington Planning Commission Minutes  
Monday June 12, 2023

**1. Meeting Opening**

a. Attendance

1. For the Planning Commission: John Lebron, Chair; Erik King (via Zoom); and Matthew Moore, Acting Clerk (via Zoom).
2. Others present in person: Jessica Roberts, Zoning Administrator; Todd Gareiss; Gretchen Havreluk; Ted Schmidt.
3. Others present via Zoom: Tom Elkind; Connor Donovan; Lori Higgins; John Latkiewicz; Helen Cox; and Matt Iselin.

b. The Chair convened the meeting at 4:10 pm.

**2. Additions to the Agenda**

a. VT Bill S-100 / Act 47. Jessica Roberts provided a brief, high-level synopsis of VT Bill S-100, which has been adopted by the state as Act 47. She noted that the new Act stands to: a) loosen density restrictions for all lots that are served by municipal sewer & water; b) reduce parking place requirements to 1 space per unit; c) make certain changes to Act 250; and d) make changes affecting town planning. Jessica reported that Act 47 goes into effect in part on July 1<sup>st</sup> of this year, while other parts of the Act go into effect in December of this year. The Chair noted that the town of Wilmington is engaged in joint study on density with Dover , and that that study seems to mirror the components of Act 47 that Jessica summarized.

b. There being no further additions to the agenda, the Chair opened the meeting to public comment.

**3. Public Comment**

a. Ted Schmidt, as President of his HOA, addressed the meeting. He informed the Commission that his HOA has established rules and regulations for Short Term Rentals (“STRs”) at its annual meeting. Ted stated that he and his HOA see many issues with the STR leaflet that the Zoning Office issued. His HOA is struggling with the number of guests and the number of cars the STRs in the HOA are receiving. He concluded by stating that his HOA is in favor of any and all town regulations being enforced.

b. There being no further public commentators, the Chair turned to the Commission for approval of the minutes.

**4. Approval of Minutes**

a. The Chair sought any comments, questions or corrections on the minutes of the May 22, 2023 meeting. Hearing none, the Chair requested a motion to approve the minutes. Planning Commission minutes can be found online at: <https://wilmington-vermont.us/committees-minutes/planning-commission>

- b. Matthew Moore made a motion to approve the minutes; John Lebron seconded the motion; and all members in attendance affirmed.

#### **5. Home For All Program**

- a. The Chair informed the meeting that the application deadline for Wilmington to join the Home For All Program as a pilot community is June 23. The Program is, in part, an effort by Vermont to review and analyze the housing situation in the state, similar to what Wilmington is doing with the Windham Regional Planning Commission. The Chair has contacted the Select Board regarding the submission of an application for the Program and received no response. He has requested a second set of eyes to read over the Program literature and has committed to preparing and submitting the application for Wilmington prior to the June 23<sup>rd</sup> deadline.

#### **6. Short Term Rental Regulations (continued from previous meetings)**

- a. The Chair opened the continuation of discussion on the regulations for permitting STRs, reminding attendees of the discussion from several past meetings and of the process for any proposed regulations by the Planning Commission to be adopted by the town.
- b. The Chair and Jessica Roberts acknowledged that the town is currently paused on enforcement of the current regulations. Jessica, in response to a question from a meeting attendee, stated that enforcement actions may take months and therefore don't make sense at this moment if the regulations are likely to change during that time period. If the town needs to inspect any lot for another reason and finds a violation related to one or more STRs, however, it may begin an enforcement action.
- c. Gretchen Havreluk responded to a question from an attendee regarding the non-public nature of the Dover and Wilmington joint housing sub-committee, confirming that those meetings are not public. The Chair assured that any recommendations coming out of the sub-committee will then come to the Planning Commission as a public meeting so that residents can hear and be heard on the matter.
- d. Matthew Moore presented his thought starters for changes to the bylaws for STRs, as well as Michele Carson's ideas in her absence. Michele and Matthew each suggested that, amongst other things: i) all STRs should be a permitted use, with some being a conditional use based on certain criteria; ii) that the on-site operator requirement be removed; and iii) that the town consider certain measures to curtail party houses, permit violations and public safety violations (which is not something the Planning Commission can affect).
- e. Moore addressed the need for a definition of bedroom or guestroom and both Moore and Carson noted that guest count can be limited based on existing fire, sewer and/or water regulations. The Chair presented the definition for bedroom used in Killington, a town which has faced many of the same STR issues as Wilmington, which is tied to wastewater restrictions and allows 2 people per bedroom +2 additional guests per unit for STRs (*i.e.*, a 3-bedroom would be 8 people [3x2+2]). Moore also raised the current

parking space requirement and questioned whether that should be removed or changed. Discussion ensued, including considerations from attendees for: i) multi-unit houses; ii) infants counting as guests; iii) how parking can be addressed in the regulations and by the police; and iv) the potential economic impact on Wilmington for over-regulating.

**7. Adjournment**

- a. There being no further business before the Planning Commission, the Chair adjourned the meeting at 5:26 pm.

**8. Next Meeting**

- a. The next meeting of the Planning Commission is scheduled for June 26, 2023.