

# Wilmington Planning Commission Minutes

Monday August 28<sup>th</sup>, 2023

## Opening of Meeting

The meeting was called to order at 4:02pm by John Lebron, Chair of the Commission.

In attendance: John Lebron, Chair; Erik King; Matthew Moore (acting Clerk for this meeting); and, via Zoom, Brian Holt, Vice Chair.

Others Present: Matt Bachler (WRC); Gretchen Havereluk (Town Economic Development); Emilio Mignanelli; Jessica Roberts (Zoning Administrator) and Kevin Seaman.

Via Zoom: Amanda Armsby; Gery Armsby; Tom Elkind; Will Galway; Hugo Gomes; Fred Marra; Kristofor Rahmas; Adam Rinne; Morgan Rothblat and others who did not identify themselves.

## Additions to the Agenda

The Chair mentioned an email he received regarding a multi-town grant available to the town. Matt Bachler briefed the Commission on that grant, stating it would be a joint application from multiple towns, which could result in up to \$45k for each town in the application. The money would be earmarked for an arts and cultural plan in the downtown areas of each town receiving grant funding. Bachler noted that Bennington and Manchester participated in this grant program ~5 years ago.

## Public Comment

None

## Approval of Minutes

The Chair asked the Commission for any comments or changes to the draft minutes for the August 14<sup>th</sup> meeting. There being none, the Chair called for a motion to approve the minutes, which Matthew Moore made. The Chair seconded the motion and all members present at the August 14<sup>th</sup> meeting – Moore, Lebron and Holt – affirmed.

## Presentation from Matt Bachler of the WRC

Matt Bachler from the Windham Regional Commission joined the meeting to present a summary of redline changes the WRC created in an effort to harmonize the town's bylaws with recent legislation from the state.

During his presentation, Jessica Roberts asked many clarifying questions and discussion ensued. Amongst those questions, each about the proposed redlines to the town bylaws presented by the WRC, she addressed:

1. That there is a difference in pages 44 and 70 of the proposed redlines regarding town sewer and town water. She asked whether both pages should read both town water and town sewer or just one or the other. Bachler stated that page 44 should be changed to be “municipal sewer and water,” to match page 70 and which also matches the new Vermont Home Act language.
2. That the proposed document removes the “owner occupied” requirement from ADU and Roberts asked why the change is being proposed. She then stated that the change, as proposed, could result in lots being used for 4 units instead of 2 units. Finally, she noted that historically, the “owner occupied” language was used throughout the bylaws. The Chair and Bachler agreed that the “owner occupied” language should be reinserted into the definition and applicable sections.
3. That the proposed document removes the building height restriction for certain units. Roberts wanted to understand the change better. Bachler pointed out that a new law allowed for the addition of a 4<sup>th</sup> floor in certain buildings. Lebron asked if the addition of a 4<sup>th</sup> floor had a height restriction on that new floor, which it seems to not exist in the law. Bachler recommended to the Planning Commission that it adds the change related to building height restrictions in new law in page 47 of the proposed changes. Bachler further stated that he felt the Planning Commission did not have to add changes now to reflect the new law S100 and that those changes could be made later so as not to slow down the changes needed for the bi-town grant application to be completed by the deadline in this calendar year.
4. That the proposed document removes the term “Mixed Use” throughout. Bachler explained the rationale behind that – that to leave it in would create an ambiguity – and Jessica agreed.
5. That S100 has removed the term “Group Home” and its definition and points out that it is not in use by the state any longer. She pointed out that the term exists in our bylaws and questioned whether it should be removed. The Chair stated that the term will remain in our bylaws for now as its existing use in the bylaws renders it unenforceable, which would allow the commission time to get other important changes made. A discussion ensued about whether all changes related to new state laws should be made now or at a later time.
6. Finally, there was a discussion regarding the conservation district and whether new changes allow for duplexes to be built in that district. This is something to be looked into.

## **Final vote of recommended changes to Zoning made by WRC**

The Chair asked for a motion to approve the proposed changes presented by Bachler to the Planning Commission. Erik King made the motion, Lebron seconded, and Holt, Lebron, King and Moore voted to confirm.

## **Scheduling Hearing on Proposed Changes**

The Chair raised the matter of scheduling a public hearing on the proposed changes to the bylaws that the commission has been working through. The members of the commission had an initial discussion of availability and will continue to work on possible dates that meet the public notice requirements and the schedules of necessary parties.

Bachler stated that the big thing to remember for purposes of the grant application, is that for the town to avoid paying 10% of the grant funds it receives, the bylaw changes need to be in place by a specific date this calendar year.

## **Next Meeting of the Planning Commission**

The next meeting of the Planning Commission is scheduled for Monday, September 11<sup>th</sup> 2023. The Commission discussed availability, as the Chair will not be able to attend. There was no final decision to hold or cancel the next meeting and the Chair will communicate with the other members via email to determine if the meeting will be held.

## **Adjournment**

There being no further business before the Commission, Matthew Moore made a motion to adjourn at 5:32pm. Erik King seconded the motion and John Lebron joined in support. Brian Holt was dropped from Zoom moments before the vote to adjourn.

Respectfully submitted,

Matthew Moore