

TOWN OF WESTMINSTER
PLANNING COMMISSION MEETING (PC) VIA ZOOM
May 23, 2022

Members Present: Bari Shamas (Chair), Michelle Chmelar, Richard Crocker, Seroya Crouch, Kathy Kingston

Others Present: John Bennett (WRC), Sarah Buckingham (Recording Secretary)

1. **CALL TO ORDER:** Bari Shamas (Chair) called the meeting to order at 6:34.
2. **COMMUNICATIONS AND PUBLIC COMMENT:** None.
3. **Welcome to and Introduction :**

A. John Bennett Windham Regional Commission (WRC)

Bennett introduced himself and shared that he started with WRC in 1996. His experience includes municipal planning assistance, town plans, Act 250 compliance, Section 248 stuff, natural resource planning, transportation project management, and was Project Manager for the Rt. 121 reconstruction from Saxtons River to Cambridgeport. Committee members introduced themselves to Bennett. Chair Shamas said she and Bennett had been in talks for more than a year and she hopes to get his input about how to spend the grant that has been awarded. Bennet congratulated the committee for receiving the grant.

B. Welcome Allison Bigwood Zoning Administrator

No discussion. Bigwood was not present.

4. **ADJUSTMENTS TO AGENDA:** None.
5. **ACCEPTANCE OF MINUTES:**

Kingston made a motion to accept the minutes from the April 11, 2021 meeting as written; Crocker seconded. The motion passed 4-0. Crocker made a motion to accept the minutes from the April 18, 2021 meeting as written; Kingston seconded. Discussion: Kingston advised to fix a typo - "trigeing" should read "training." The motion passed 3-0 with Chmelar abstaining.

6. UNFINISHED BUSINESS:

A. Town Plan

i. John Bennett to discuss Town Planning - 20 min

Bennett said the real function of this meeting is municipal consultation. The Regional Planning Commission is supposed to consult with the towns twice in every 8 years, per statute. Bennett said the Department of Housing & Community Development (DHCD) developed an agenda for these consultations that all regional planning commissions around the state are supposed to follow. That agenda was submitted to Shamas. Bennett stated the agenda as follows:

- 1 - local planning needs, plan recommendations from last review, new elements
- 2- touch base on potential training needs for the town, plan implementation, is local permitting working?
- 3- how can we help? overview of WRC, then board representation, confirmation benefits and requirements of Title 24

Bennett said the Town Plan is good until Oct 14, 2023. The committee has roughly a year and a half to do any updating to it. The municipal planning grant runs through Oct 2023, so that timing is exquisite. He asked the committee to review the comments on the plan which were sent in advance.

Bennett said the plan is well organized throughout and thoughtful. Strengths: two new commendable and useful additions. Weaknesses: could be a better document if it more clearly explored the inter-relationship of state, local, and regional transportation. Bennett noted an outdated reference to ancient roads, which expired before the plan was adopted. Future updates could follow-up on a locally-designated growth center and could address the renewal of the four village center designations - the most of any town in the region, maybe the state. DHCD has very specific requirements for the renewal of village center designations. You have to have both a map in your plan and language in your plan that explains how the village center designation furthers the goals of the town plan. Richard Amore at DHCD can help if the committee wants to renew any village center designations.

Kingston said after completing the last plan, the committee did some work on following state guidelines in order to maintain those four designations. But, she was unsure if that got incorporated into the Town Plan. She asked if Bennett was saying the committee needed to look into that. Chmelar asked if the Town Manager would do that. Shamas said this question came up a few months ago and Russ Hodgkins found an amendment to the Town Plan. Kingston thought that sounded familiar.

Shamas said the language is there, all we have to do is put it back in again. Bennett said that Westminster, Westminster Station and West West are not due for renewals until 2025. The fourth one, listed as North Westminster, is also due April 2025. He said the language justifying renewal has to be in the plan, but the renewal is good for 8 years. Kingston clarified, so we need to name in the Town Plan that we have four village center designations? Bennett advised to name it and say something about how these designations further the goals of the Town Plan; and to include a map. Crouch asked whether that meant four separate maps of each village? Bennett said the boundaries of the designated village centers have to be shown on the Town Plan map. Crocker said there's already a map for each one.

Bennett said the Town Plan available on the town's website doesn't appear to have any amendment about the village center designations. It also doesn't appear to have the enhanced energy plan which Bennett believes is a part of the Town Plan. As a final note, the plan on the town's website does not have the most updated set of maps - many of them say "draft" and have a date of May, 2013. Bennett said he knew of updated maps as recently as 2015.

Chair Shamas screen-shared a supplement regarding the village center designations, and asked if anything more would be needed. Bennett said no and speculated that the supplement/ amendment was adopted and that it's a clerical error. It should be in the plan, but isn't.

Bennett said a new requirement is inclusion of Act 171 Forrest Blocks & Habitat Connectors. He said he could share some information and a template for language. The template was adopted wholesale by Newfane. Kingston said she is already using that template. Bennett said Newfane's Town Plan was cited by the Dept. of Fish & Wildlife for having an excellent Act 171 competent.

Bennett noted Act 174 Enhanced Municipal Energy Planning, a determination of energy compliance, was issued Oct. 9, 2018, but the plan does not include it. Also, the most updated map suite is not included.

Bennett asked how well the plan works. The committee asked how to measure that? Bennett asked, does town have what was planned for? Crouch said there hasn't been an evaluation of the recommendations in the last plan, to her knowledge. Bennett said that is a high bar for a planning commission with so many relatively new members. It's something to keep in mind going forward. Kingston said the commission reviewed the zoning bylaws and those are in sync with the Town Plan. She said that's the order; Town Plan, then follow up with bylaws. That aspect is working pretty well but may have been impacted by the pressures exerted by Covid. She said Russ Hodgkins said many building permits are going through. The committee wouldn't know if something is not being followed, unless someone told us. Chmelar said the tenor of the plan is about forests, recreation, quality of life, farming, historic sites, and those are all being honored and taken care of. She wants to continue to move the plan forward with those common goals in mind and make sure the land is taken care of but that people can still enjoy their land, too, and there's wildlife.

Regarding training needs, Bennett asked the committee if there were topics about which they would like more information and training. Shamas said all members recognized that the challenge with housing is that it's expensive and there aren't opportunities for people who are older to retire comfortably here with the assistance that's typically needed for older people. The affordability issue makes it harder for young people. There's a nut to be cracked around housing and maybe there's training that can help us understand the best ways. Bennett said that's something that WRC may be able to help you find or search out but we don't have any readily available training on housing per say. He said there are grant opportunities for bylaw modernization grants which are funded in the same way to the same amount as the municipal planning grants, but focused exclusively on facilitating the creation of the housing type the town is in need of. Shamas said another topic the committee has not had any clarity on is economic development. Those seem like the two biggest challenges in how to actually plan.

Chmelar reminded the committee she had attended affordable housing seminars and sent out the links to everybody. The gist of it was that for a lot of those grants you really need to have a certain infrastructure, like transportation and sewers, and we don't have that. And we're not gonna get it. We also looked in those seminars at some of the cost per unit for affordable housing and there's nothing affordable about it. We're not Brattleboro or White River Junction or Manchester. It's a different feel, and their answer was looking at alternative type housing, renting out a carriage house

apartment or mother-in-law suite, as opposed to having a unit in the middle of a historic village that's gonna be an eye sore.

Crocker said he has a background in affordable housing and worked on the land trust with Rockingham. Crouch wondered if anything was happening on the regional level, maybe limiting Airbnb to some degree. She said a ton of second homes are just sitting empty. If people who live here can't find housing, maybe we need to prioritize that. But, a town can't do that by themselves. Bennett said a lot of towns are interested in trying to do that. Crocker said he has been researching and he has information he planned to discuss in the housing part of the agenda.

Kingston asked if Bennett could get the committee information on towns implementing regulations around Airbnb. Bennett said Winhall is concerned. He said everyone is concerned about it but nobody is moving on it. Crouch asked if it was better to pursue that at the state level. Bennett said yes, everyone is waiting for the state to take a leadership position on this. South Burlington and Killington are trying. He said the committee was not alone in the concern, and he would let them know if he learns anything.

Crouch said she would like training in how to effectively write policies and recommendations. Also how to prioritize policies. Twenty for each chapter is unmanageable. We're responsible to implement the plan and push things forward and coordinate with the relevant people and take on the things approved in the plan, and if there's too many things it's unmanageable. We have to prioritize. She thinks the committee needs some help in that area, and with how to language things in a good way. Bennett said to have your policies with teeth use mandatory language, such as "shall," and not "should." To prioritize, you can number things, use high/medium/low-priority categories, or short-term, medium long, etc.

Shamas said, in the interest of time, we don't need the answers to these questions, just what are the areas we need more training. Kingston said she would prefer to spend more time with Bennett rather than stick to a timeframe and then have to call him later. Shamas said she appreciated that but the committee had already gone twice as long as Bennett said he wanted to spend. She said it was her job as facilitator to keep things moving. Shamas recognized it is a great resource to have Bennett present. Bennett said he could come back for another meeting and that committee members were free to send him follow-up thoughts or questions.

Kingston said that public access to roads and trails is something she would like to follow up with. What roads are actually public is very confusing. Bennett said town roads, Class 2, 3, 4, and legal trails are all public rights of way. That's the short answer. He said there aren't any ancient roads anymore, they've been reclassified. Kingston said there's confusion around that.

Bennett said the next thing on his agenda is specific issues regarding the local permitting process. Clearly you need to have a Zoning Administrator (ZA). Shamas asked whether the planning commission nominated the ZA and then sent that to the Selectboard. Bennett said he believed so. Kingston said that's what Kevin told her. He was quite clear that that's what the lawyer told him. We nominate and then send it to the Selectboard. Bennett read the statute: "...shall be nominated by the planning commission and approved by legislative body..." (Title 24 Sec 4448, Subsection A.)

Bennett asked if the committee had any priorities that weren't covered. Kingston asked what's our real timeline? We have to have the Town Plan written a year ahead to complete the hearing process? Bennett said according to statutory requirements, it is a minimum of two months for the hearing process. Thirty days before the hearing, distribute plan and allow for comment from adjoining towns, regional commission, and state. Then the draft plan goes to the Selectboard, and 30-120 days after the plan is submitted to them they hold a public hearing. They can make changes 15 days before the hearing or hold another hearing. It's two months of process. Crouch said we have

all those steps in our calendar, and practically speaking it's probably four to six months, realistically, because of how the Selectboard meetings fall. We have, probably, a year to come up with a final draft. Bennett said the committee has a pretty good plan, you're not starting from scratch. There are a few areas to address, such as act 171, but by and large you have a good plan.

Shamas said she wanted to discuss how to make arrangements to manage the municipal grant, but at this point we need to move on. She said she would call Bennett. Bennett gave an overview of WRC programs. Crouch asked for a list of appropriate contacts. Bennett said he would send something. Bennett asked the committee where has WRC been most valuable to you?

Crouch said the town plan training WRC provided was good, and helping with the community values project. Kingston said while working on the last plan she went in a few times and had conversation and got specific help. Crouch agreed Bennett & WRC have been available when needed.

Bennett said each town is encouraged to appoint up to two board reps to the Windham Regional Commission. Westminster has had people in the past, but right now there are two vacancies. He said it's good for you to have a voice in what we do. There are six meetings per year of the full commission and lots of committees that meet as needed, once a month at most.

Lastly, Bennett described the benefits of confirmation. The state provides significant benefits for towns that have a confirmed planning process: Not subject to review by WRC, state agency plans shall be compatible with approved town plan, able to levy fees on development, eligible to receive additional funds from municipal and regional planning funds.

The committee thanked Bennett and he thanked the committee. He said, "you're doing important work." Shamas said committee members are volunteers and don't have knowledge of state regulations. We count on the institutional knowledge of WRC and we're so grateful.

ii. Housing

Crocker said he has been talking to people and looking into capital gains with land and property and that he thought we're really lucky we don't get people flipping land and real estate. That's bad in a lot of places. Crouch asked, you don't think people are coming here and driving the prices up? Crocker said they aren't flipping it, they'd pay a lot in capital gains. The state is discouraging that kind of development. Another problem around the country is groups of investors buying housing up for short-term rentals because those prices are higher than a long-term rental. Kingston said there are investors coming in and buying up places in Vermont. Crouch said West Brattleboro is seeing 25% of sales going to investors. She said there are models from different places that have regulated Airbnb. Crocker said when he was in Chester and Ludlow it was important that the people who came on weekends had a place to stay. This is something we need to discuss and get public input on. Crouch said Airbnbs also undercut local hotels. It's unregulated hotel services. Crocker said he couldn't agree more, that's the kind of thing we need to talk about.

Shamas summarized: Airbnb is a big topic, whether there are investment firms coming in and buying up property and renting at higher rates; are there other specific questions? Crocker said he just wanted to report on where he's at with the housing section - information gathering. He said he hasn't written anything yet but he shared a draft in Google Drive and people have commented.

Crocker said back when he started doing affordable housing people were freaking out because prices were \$100k/unit and now they're up around \$300k/unit because of how they are funded. For people paying rent if you subsidize it hard enough it will support itself on the rents that

are available, but it's a lot of money. Chmelar said we wouldn't be able to get it anyway because we don't have that infrastructure. Transportation is also an issue. Crocker said we have public transportation. Chmelar said there could be some at-risk people that you're insinuating into your little village.

Crouch asked about buying up existing multi-family units and having those as affordable housing? Crocker said you can use things in our zoning which already exist, you could probably work with Windham & Windsor Housing Trust, things like that. It doesn't have to be those huge units. Chmelar said, like with elder housing, you want to try to get private people to jump on some of the things too - elevators are a fortune to try to deal with. Crocker described a building he had visited in Turners Falls. Chmelar suggested reforming old motels.

Regarding Airbnb, Kingston suggested Crocker contact legislators to see if there's any movement in the legislature. She said her understanding is that there is some model legislation out there saying people have to be living on the property. Crocker said he would look into that. Crouch said Mike Murkowski is on the housing committee for the state and she's been in touch with him. Toronto is a case study with restrictions like those Kingston described.

ii. Other updates

There was discussion of hiring someone, possibly the Recording Secretary, to proofread and format the Town Plan. No decision.

B. Westminster Commerce and Economic Development

No report.

7. NEW BUSINESS (Discussion / Action):

A. Setting up meetings around town plan

Shamas moved to table the conversation. Chmelar said having multiple summer meetings is really difficult with travel and everything else, especially around August. Trying to have two meetings a month is gonna be a lot. Shamas asked if Chmelar was suggesting we set up meetings around the town plan in the fall. Kingston agreed with Chmelar, no more meetings. But, Kingston wondered if the committee members would pay attention to their emails and if one of us sends an email and wants feedback if we can respond in our own time, and that would move things along.

8. OTHER BUSINESS: None.

9. DATE OF NEXT MEETING: Monday, June 13 2022 @ 7:00 via Zoom

The committee decided to keep the date of June 13th. Kingston said 6:30 is hard in the summer. She wants to be able to work outside as late as possible, and switch the meeting to 7:00 during the summer, like in the old days. Chmelar said that was OK if we still end at 8:30. Time was changed to 7:00 PM.

10. ADJOURNMENT: Crocker made a motion to adjourn the meeting @ 8:45 PM. Chmelar seconded. The motion passed unanimously.

Signature of Clerk

Date

Prepared by: Sarah Buckingham, Recording Secretary