

Town of Londonderry, Vermont

Planning Commission Special Meeting Minutes

Monday, Feb. 12, 2024

Twitchell Building

Attending: Commission Members: Sharon Crossman, Dick Dale, Mimi Lines, Larry Gubb, Heather Stephenson, Elsie Smith. Maryann Morris (3:49 arrived) Guests: Will Goodwin, Patty Eisenhaur, Melissa Brown, Ben Sargent, Attorney Nick Low, Jenny Ogden

1. Meeting was called to order at 3:36 PM
2. Additions to the Agenda: Sharon added two items to the agenda. She officially resigned as Chairperson of the Planning Commission, but continues to serve. The resignation was accepted. She nominated Heather Stephenson (seconded by Mimi) as the new Chairperson. As there were no other nominations, the vote was unanimous. Heather assumed the direction of the PC meeting.
3. Minutes of the Planning Commission meeting Jan. 22, 2024 was unanimously approved. (Mimi moved, Elsie seconded.)
4. **Visitors and Concerned Citizens:** There was no public comment, but the agenda packet contained a letter from N. Low with several observations about the STR Language for the Proposed Bylaws written by the Housing Committee also contained in the warning packet.
5. **Proposed Zoning Regulation Update:** Turning to the language of the Short-Term Rental provisions, Heather pointed out that the language of the Ordinance had definitions which were based on the current Zoning Bylaws and old State definitions. Since the Selectboard had mandated that the Planning Commission add appropriate Zoning language defining the parameters of land usage and limitations with respect to short-term rentals; there was considerable discussion concerning which definitions --Ordinance or current State language should be used for the Bylaws and to what degree there should be overlap between the Ordinance and Bylaws. Patty, Melissa, and Will sought to clarify Mr. Fisher's (Town Attorney) advise to the Selectboard, the language developed by the Housing Committee, and the intent of the Selectboard. Heather and Dick both mentioned their research with the Vermont Short-Term Rental Alliance, and their reading of several towns who produced both an Ordinance and language for Zoning Bylaws, which were divided as to how much language needed to be contained in both. Will mentioned that there were several court cases being adjudicated and ongoing effort by the State Legislature to clarify definitions. Nick Low was asked to elaborate on his correspondence. He pointed out that the language of both Ordinance and Bylaw should be consistent. If there is language in both that implies enforcement, there is a problem created by two different appointed officers, the zoning administrator and STR Administrator with two very different perspectives and judicial courts used to enforce the regulations. He recommended a less comprehensive set of limitations than proposed by the Housing Commission. The PC decided to include language on STR's using the State Act 10 definitions and ask Mr. Fisher to review the minimum language needed to address the potential jurisdictional conflict between the STR Administrator and Town Zoning Administrator. Further, he will be asked to weigh in on limitations to STR's going forward that need to be in the Bylaws rather than the Ordinance and to address the Bylaw language for pre-existing STR's and the need to be included in the Bylaws. The suggestion that instead of using owner occupied and secondary owner, Homestead and Non-Homestead qualified owners should be used. The PC agreed that speed of decision making is important and Mr. Fisher will be asked to use Mr. Low's letter, State definitions, the current Language of the Proposed Short-Term Rental by the Housing Committee, and the intent of his recommendations to the Selectboard. He will be asked to provide his opinion by Feb. 19th and at the latest Feb. 26th, so that the Planning Commission can make a final decision and move toward warning the required Proposed Bylaw hearing.

6. **Village Wastewater Project:** Larry announced that the 90% engineering report was available on the Town Website under the Planning Commission section. The bond issue associated with the project is currently in the warning for Town meeting day to be voted on by Australian Ballot. Considerable work needs to be done to inform the public and garner support for the project and the passage of the Bond issue.
7. **South Village Master Plan:** Sharon reported on the success of the meeting with the South Village Consultants and Town Officials. A kick off of the study is currently in the process of being scheduled, likely in March. There was much discussion about the need to involve citizens in the planning process and the need to recheck and revise the time-line to complete the work before the grant terminate.
8. The meeting was adjourned at 5:36.
9. The next meeting of the PC will be Feb. 19, 2024 or Feb. 26 at 3:30 in the Twitchell Building depending on the response by Mr. Fisher

Respectfully Submitted:
Dick Dale

Approved Feb. 26, 2024