

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday, July 19th, 2023

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Andrew Schulz (Secretary), Brigid Sullivan

Also present: Stephen Michel

1. Chair called the meeting to order at 7:04 pm
2. Changes to agenda: None
3. Approval of minutes
 - a. The minutes of the special meeting held on 5th July, 2023 and the regular meeting held on June 21st were approved unanimously.
4. Reports & Announcements
 - a. Administrative Officer (submitted electronically)
 - i. BCRs have been received from:
 - Gowing and Lobikin 788 Dawley Road N: Enclosure of carport and conversion of carport to livable space.
 - Covoto 1284 Healdville Road: Replacing old house (doublewide).
 - ii. Copies of wastewater permits issued by ANR have been received for:
 - Patch 1443 Summit Road: new wastewater system for a new single-family residence
 - Schaeffer 4163 Route 155: amended permit for replacement of existing failed system with increased flow.

Commissioner Schulz asked if the State is now forwarding wastewater permits to the Planning Commission (they were not previously). Chair explained that the Town Clerk receives the permits from the State for recording in the land records. Although the State's transmittal letter shows the PC as a cc, the State has not actually been sending them directly to the PC, and the State is not required to. The Chair confirmed that the AO worked with the Town Clerk to ensure that copies are given to her when they are received for recording.

- b. Planning Commission Chair
 - i. Chair noted that he, Commissioner Schulz and Faith Tempest attended the VLCT training on duties of planning commissions, on short term rental issues and regulation, and on the responsibilities of Development Review

Boards and Boards of Adjustment. On short-term rentals there were speakers from Woodstock, Dover and Killington. The Woodstock representative noted that any potential ordinance should have a clear purpose, should have a housing study as a basis to support it, and should define harms to be addressed. Features of Woodstock's requirements were noted including having a contact person available within 30 minutes or host/ property manager on site, alleviating concerns about ghost towns and who to call in cases of disturbance. Applicants (hosts/ property owners) must provide contact information; pay meals and room taxes; conform to occupancy limits and to caps on the number of days rental per year; and must provide a fire safety permit. Chair noted that since this training the State has put out guidance that short term rentals must have a State Construction Permit issued by the Department of Fire Safety. Commissioner Sullivan asked for clarification since often there is no construction involved. Commissioner Schulz clarified that these rentals convert a private residence to a commercial building and as such it must be inspected and conform to State requirements for public buildings. In the training, the representative from Dover also noted that fire permits should be recorded in the land records; they do not have a certificate of occupancy requirement; do not let the Zoning Administrator enter the property without permission; do require the local emergency contacts' details to be posted within the rental and that the contact be available within 30 minutes 24/7; they also require bear proof trash cans. The Killington representative noted that they have a very large number of short-term rentals - 3600. Along with similar measures to those in Woodstock and Dover, Killington also records any violations and unpaid fines in the land records, effectively placing a lien on the property until resolved. This avoids court cases and is a cost-effective way of enforcement. Killington also does not allow hotels (more than 16 units) in residential areas; and is enforcing occupancy limits. Revenues gained by the town from short-term rentals funds additional costs for the Fire Department. Management of the ordinance (identifying the rentals, ensuring payment of relevant fees and taxes etc) is contracted out, which also incurs a cost. Commissioner Schulz asked how many short-term rentals there are in Mount Holly and their effects. The Chair noted anecdotal evidence that short term rentals in town are driving up the cost of housing and making it difficult to find long term rentals. However, since this is anecdotal Chair suggested it would be helpful to conduct a housing study and that the Commission should look into what's involved in such a study. Chair noted that the last part of the training session focused on the Board of Adjustment, which would be useful for Mount Holly's BoA. Chair will share the video of the session with BoA members when it is available.

- ii. Chair noted that the State is showing the ERAF (Emergency Relief and Assistance Fund) for the Town at the higher rate of 17%, due to the Town passing the Flood Hazard and River Corridor bylaw. The PC has received questions about what kind of funding is available for remediation. Chair will work with the AO and Jeff Chase to provide clear guidance. It is important that people document everything and register it on Vermont 211.
 - iii. Regarding the Wildlife Crossings Pilot Program grant opportunity, Chair noted that following discussions with the State, he discovered that the process was especially onerous and did not think he would be able to complete the application in time and so did not request the Select Board's endorsement. It could be considered next year if it is available. Commissioner Sullivan proposed that it would be easier to work with the State and apply through/with them. Chair agreed that it would be a good idea.
5. Correspondence
- a. Subdivision proposals: None.
 - b. Email / Other: Chair noted an email from a person on Freeman Brook Road about any bylaws or ordinances related to building and subdivision regulations. The AO responded to the inquiry.
6. New Business: None.
7. Unfinished Business
- a. **Town Plan Maps:**
 - i. Chair shared an updated transportation map intended to better show the distinction between different types of roads. The new version uses the VTrans legend. This shows more detail including whether highways are passable, also state and town culverts and bridges. It also shows hydrologically connected roads – those which are highly liable to erosion, of which there are many in Town. Commissioner Sullivan asked why roads which are not open are listed as hydrologically connected. Chair responded that the State issued Municipal Roads Permit obliges the Town to certain types of repair on hydrologically connected roads; even if the road is untraveled or impassable, if it is a Class IV the Town is still obliged to maintain it; it may make more sense to identify these as legal trails. Chair proposed that since the map already has a lot of detail, parking should be shown on the recreation map. Commissioner Sullivan agreed that the map is much clearer. Chair noted that there is only one legal trail in Mount Holly noted on the map, but also that there is some data missing, including one other legal trail which is currently shown as a private driveway.

- Commissioner Schulz asked about the status of other trails such as the Healdville trail up Okemo mountain, which is in Mount Holly. Chair noted that legal trails are Town rights of way. The Healdville trail is noted as a State Forest highway and thus not a Town right of way. Chair commented that the status of a portion of Sawyer Hill road is unclear (Class III or Class IV). Chair will research this to clarify. Chair noted that there is not a good source of information on new private roads which have been created from private drives. The State determines that a private road is any access which has more than three addresses on it. Chair also noted that some wetlands are not clearly marked, and will address this. Chair asked if the changes are clear enough. Commissioners Sullivan and Schulz agreed that they are, and noted that the legend does not include the streams shown on the map. Commissioner Jim Seward noted that it was not possible to add much more detail.
- ii. Chair has started all the additional maps and hopes to have them available at the next meeting.
 - iii. Chair had shared the draft of the Town Plan. Main updated areas are Historic Sites. This draws largely on information from the State Archeologist. The section also notes buildings/ areas which are on State or National historic lists. Commissioner Schulz asked if we could include information on why these have been accorded such status. Commissioner Sullivan asked that all buildings on the National historic register be included. There are several properties on the State Historic Register, including almost all of Belmont Village. Chair asked if there are other elements to include in this section of the Plan, noting that several historic sites in the previous plan are no longer there. Commissioner Sullivan suggested adding information about the Museum as a repository of information on the Town. Chair asked Stephen Michel to provide information. One other section which requires additional work is that on Flood Resilience. Chair noted that the Town Plan text now makes reference to the Town Hazard Mitigation Plan which has action items which could then become action items for the Town Plan. This section also now has more information on funding sources for mitigation efforts, in particular if homeowners want to avoid repetitive loss there may be options to work with them to identify such funding. There is also more information on culvert replacement including upgrading. Regarding Emergency Management and Preparedness, Chair noted that there had been discussions previously about putting together an inventory of properties at risk which could be used both as support for evacuation if needed, as well as for identifying need to follow up after a disaster.

- iv. Chair noted that by the time of completion of the Town Plan there will probably be a Belmont Municipal Plan, and it may be useful to make a link to it once there is more clarity on its contents.
 - v. Chair noted that the Education section will need more work. Commissioner Schulz suggested that School Board members may be able to add here.
 - vi. Chair noted that at the next meeting it will be clearer on the timing of the public hearings. The expectation is that the PC hearing will be in October.
8. Public Comments: None.
9. Upcoming meetings
- a. Special meeting: 2nd August 7pm
 - b. Regular meeting: 16th August 7pm
10. Meeting adjourned at 8:51pm.

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on 16th August, 2023