

PLANNING COMMISSION

PRELIMINARY MINUTES

August 17, 2020

6:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/87289722859?pwd=Q3kyKytadkNOdnVzUXpOU1hKL2R0Zz09>

Meeting ID: 872 8972 2859

Passcode: 572569

By phone - +1 929 436 2866 US

Meeting ID: 872 8972 2859

Passcode: 5-7-2-5-6-9 (that's L-U-D-L-O-W on a phone keypad!)

MEMBERS PRESENT:

Alan Couch, Chairman

Ryan Silvestri

Terry Carter

Ted Stryhas

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Jason Rasmussen

Lisha Klaiber, Recorder

Recorded on tape

Fred Marin -Okemo Valley TV

Recorded for TV

1. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Alan Couch called the meeting to order at 6:02 p.m. He advised that the Electronic Meeting Guidelines explained at the Planning Commission meeting on May 19, 2020 are still in effect.
Members of public bodies are allowed and encouraged to participate remotely.

2. ROLL CALL

- A. Alan Couch asked members, when I call your name, please respond in the affirmative.
Ryan Silvestri – aye
Ted Stryhas – aye
Terry Carter - aye
Alan Couch – aye

3. CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA

- A. No changes were needed.

4. APPROVE MINUTES

- A. Alan Couch advised that the minutes to be approved are from the meeting of July 20, 2020.
B. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes July 20, 2020 as presented. Motion passed unanimously.**

5. COMMENTS FROM CITIZENS

- A. There were none.

6. RULES OF PROCEDURE REVIEW/POSSIBLE CHANGES

- A. Alan Couch advised the current Rules of Procedure allow for one out of town member on the Planning Commission. The State rules are less restrictive, allowing a minority of members to be from out of town. In the past, the Planning Commission consisted of 7 members and was reduced to 5 (at the Select Board meeting of January 2013.) He added that we can amend our Rules of Procedure. He added that he is reluctant to change the rules and said that the people of Ludlow need to step up. He said that while he appreciates Mr. Alden's input, he is still reluctant to change the rules.
- B. Terry Carter said that she completely agrees.
- C. Alan Couch said that he understands that not changing the rules may cause us to lose some input, but he wants to get people from town involved. He wants other opinions, whether good or bad.
- D. Ryan Silvestri asked how so we get local interest back.
- E. Terry Carter said she will ask some people who she knows. She said it would be nice to get some young people involved.
- F. Ethan Alden said he has expressed interest in joining the board. He loves the town and splits his time about 50/50 between Ludlow and Boston. He is interested in helping the town in many areas. He doesn't think that there is a town charter, but works off state statutes. He added that the term "resident" has never been legally defined. He added that the Planning Commission does have rules, but where can they be located.
- G. Alan Couch said that Rose Goings can send Mr. Alden a copy.
- H. Rose Goings said that the boards (Planning Commission and DRB) may adopt Rules of Procedure and did so in 1995. They are readopted annually. Last year, the Planning Commission amended their Rules of Procedure to include one non-resident member.
- I. Alan Couch said that he finds it interesting that the state does not define "resident.)
- J. Ethan Alden added that nowhere does it say you have to own property in town.
- K. Alan Couch said the board may raise its number. At this time, no disrespect to Mr. Alden, he would prefer one more local member.
- L. Ryan Silvestri suggested tabling this until next month and try to find a local member.
- M. Rose Goings suggested that with ZOOM meetings, the board may want to consider changing the meetings back to Tuesdays.
- N. Terry Carter said she will be here on Wednesdays and Fridays.
- O. Ryan Silvestri said he is flexible.
- P. Alan Couch said he has no problem continuing with ZOOM meetings and the board may want to consider considering keeping it that way through December.
- Q. Ted Stryhas said he is flexible.
- R. **MOTION by Alan Couch and seconded by Ryan Silvestri to continue meeting via ZOOM through the end of 2020 and to change the meetings to the third Tuesday of the month. Motion passed unanimously.**

7. SHORT TERM RENTALS

- A. Alan Couch said that he did some research on the Boston registry. The initial fee is \$50.00 with \$15.00 per year thereafter. He also for the Boston check list. He said that Fairfield CT has a CO for rentals and there must be a local contact for each rental in town or in an abutting town. He asked if the board wanted to set up a registry by unit or by owner. The biggest hurdle is who enforces this and how is it enforced. Will we work with the Fire Marshal? He said that he asked Ryan Silvestri about setting up a database. He has heard that the Select Board is also brainstorming about this and has a folder with information. He would like to see what they have before this board presents to them. He added that this is for Public Safety and to make owners accountable for their properties.
- B. Rose Goings said that she had sent Scott Murphy some information and she will talk to him about what is in the folder that the Select Board has. It may just be the information that Jason Rasmussen and I gathered and forwarded to Scott Murphy.
- C. Alan Couch said that most of Ludlow uses Home Away and VRBO (Vacation Rentals by Owner.) Air B&B has an agreement with Boston that people may not list their rentals unless they have a Boston Registry number. Seattle and San Francisco have rules that the owner must be on premises or at an adjoining lot. We should look at the state definitions of Long Term and Short-Term Rentals.
- D. Rose Goings suggested having all rentals register and get a CO. She asked how they would define short term rental –seasonally or yearly.
- E. Terry Carter said that when they register, their properties must pass a fire inspection.

- F. Alan Couch said when houses are sold, they must be inspected and the inspectors can advise if they need hardwired or photoelectric smoke detectors. It is our duty to require having units inspected and if all rentals are required to be inspected, it will drive how we do our registry.
- G. Ryan Silvestri said that if we contract with the Fire Marshal, we can get their checklist. He suggested that if we require inspections every three years; the town could be divided into 3 sections and each section scheduled one section per year.
- H. Alan Couch said that Boston Division of Fire Safety checks not only life safety items like smoke detection and egress but also life comfort items like working light bulbs and sufficient water pressure.
- I. Ryan Silvestri said that would be more of an issue with long term rentals.
- J. Terry Carter said property owners should not have a choice whether or not to have their property inspected.
- K. Rose Goings said she will talk to Landon Wheeler at the Division of Fire Safety and possibly he would be able to join our September ZOOM meeting.
- L. Ethan Alden said that the US Constitution prohibits search of property. In Boston, we have to get permission from the tenants to inspect the properties.
- M. Alan Couch asked what about the property owners. We have the right to inspect if the residents give their OK.
- N. Ryan Silvestri said that Vermont Statutes say that the owners must give 48-hour notice to the tenants.
- O. Ethan Alden said that in Boston, we give 3 notices to the tenants, and if they don't respond, the City will fine them \$500 per day if they don't allow the assessors in.
- P. Ryan Silvestri said that in Vermont, it is up to the owner, not the tenant.
- Q. Jason Rasmussen said that Killington requires applications for their registry. Properties with 8 or more units are required to have state inspections. For properties with less than 8 units, the owner is required to self-certify.
- R. Terry Carter noted that the owner doesn't have to provide evidence. Does that remove the town from liability?
- S. Jason Rasmussen said that since it is state building code, it makes sense to have the Fire Marshal do the inspections and provide copies to the town.
- T. Alan Couch said the board needs to have its information in order before presenting it to the Select Board. This process will require people and time to implement. He would like to work with what we have and see what the Select Board does have. He asked Rose Goings if the Planning Commission will have to provide packets to the Select Board.
- U. Rose Goings said yes, that is how the Planning Commission will get on the Select Board agenda.
- V. Lisha Klaiber advised that the next Select Board is September 21, 2020.
- W. Terry Carter said she would like to get on their September agenda. She asked Rose Goings about getting information from Landon Wheeler.
- X. Rose Goings said that she thinks she will be able to get it quickly.
- Y. Ethan Alden said that he does not think the Select Board has an appetite for discussing Short Term Rentals. He said this board needs to start with what you are trying to accomplish.
- Z. Terry Carter said to provide a safe place for people to live.
- AA. Rose Goings said that at their last meeting, the Select Board discussed this. She said that Justin Hyjek is interested. The Select Board is interested in Public Safety, Health and Welfare. The Select Board does not want short term rentals. What we present must be simple and to the point. This can go forward if we don't inundate them with information.
- BB. Ryan Silvestri said that he agrees that we can do this. It just leaves the costs. We should cover what our costs are. He thinks that outsourcing the inspections is the way to go.
- CC. Alan Couch said we need to make sure that the properties are safe and take the liability off the town. We need rules and a registry. Who will do the inspections and how?
- DD. Terry Carter said that for the next meeting, Rose Goings will try to get information from the Fire Marshal and Alan Couch will draft an application.
- EE. Alan Couch said agreed. We will need to establish our goals for a short-term rental registry with definitions, requirements and who and how will this be enforced. He added that the Fire Marshal may not be interested.
- FF. Ted Stryhas said keeping this simple may be hard to put together with the state. There is a big gap between them. The state may take this on and be responsible, but they may not.
- GG. Ryan Silvestri asked isn't the State Fire Marshal really responsible for this.
- HH. Ethan Alden said that he has spoken with the State Fire Marshal and they said they can't do it because they don't have the staffing.
- II. Terry Carter suggested the Ludlow Fire Department might possibly do it.
- JJ. Ryan Silvestri said he will check with them.

- KK. Alan Couch said they are volunteers with some compensation.
- LL. Terry Carter said if the Fire Marshal says no, it doesn't mean we can't do it.
- MM. Ryan Silvestri said if we create a registry, it would give the Fire Marshal targets. He said that it is his understanding that there are towns that never have the Fire Marshal come in. They can't collect fines.
- NN. Ethan Alden said that people will have to pay the Fire Marshal's fees and the town registry fee.
- OO. Rose Goings said she doesn't know what the Fire Marshal's fees are.
- PP. Terry Carter said she is willing to contact the Ludlow Fire Department.
- QQ. Jason Rasmussen said this all comes back to what are you doing this for. Putney and Hartland inspect to make sure properties meet state code. Killington likes Short Term rentals and want safe and healthy properties. What is your purpose?
- RR. Terry Carter said Public Safety, health and welfare.
- SS. Ethan Alden said some people are concerned about life safety, but others are concerned about the price of housing. Businesses can't hire locally because there is no place for people to afford to live. He said that others – people in the lodging business have other agendas.
- TT. Alan Couch said within the next week or so, he would like board members to come up with ideas and visions and email them to each other. He will work on the application. He suggested that costs be passed on to owners at a reasonable fee. Once this is together, we can present it to the Select Board.
- UU. Rose Goings said she will speak to Landon Wheeler.
- VV. Terry Carter said that the next Planning Commission meeting is September 15, 2020. This board can get our information together and present it to the Select Board at their September meeting. She said that Trustees meeting is on September 1st, so we can present to them at their October meeting.

8. MUNICIPAL PLANNING GRANT

- A. Rose Goings said some changes were made to the application. They removed the merger of the Town and Village.
- B. Jason Rasmussen said that he had mailed the latest draft. There is a one-page summary.
- C. Rose Goings said the Planning Commission will ask the Select Board for a \$2,000 match.
- D. Jason Rasmussen said the application is due by October 1, 2020 and they will try to hit the State funding priorities of the Village Center Master Plan and COVID-19 Economic Recovery. We were not sure how much to ask for the local match. He said that Scott Murphy is comfortable with local match not to exceed \$2,000. He said that the applications are due by October 1st. The State will make decisions in December and in January 2021 they may be able to start with a project completion in May 2022.
- E. Jason Rasmussen said the board will also need to make a resolution form and it is required that the resolution be signed by Alan Couch, the Select Board and the Trustees.
- F. **MOTION by Terry Carter and seconded by Ryan Silvestri to submit the initial Municipal Planning Grant to the state and to draft the resolution as required and to authorize Alan Couch to sign the resolution to be passed on to the Select Board and Village Trustees for approval and signatures. Motion passed unanimously**
- G. Jason Rasmussen said he will send copies to board members.

9. OTHER BUSINESS

- A. Appoint Planning Commission Clerk
- i. Alan Couch said that the board needs to appoint a clerk. He asked Ryan Silvestri if we would be interested.
- ii. Ryan Silvestri said yes.
- iii. **MOTION by Ted Stryhas and seconded by Terry Carter to appoint Ryan Silvestri as Clerk. Motion passed unanimously.**

10. ADJOURN

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:03 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ryan Silvestri

Terry Carter

Ted Stryhas
