

PLANNING COMMISSION

PRELIMINARY MINUTES

REGULAR MEETING

January 21, 2020

MEMBERS PRESENT:

Alan Couch, Chairman	Aaron Galley
Terry Carter (by phone)	Alan Isaacson

MEMBERS ABSENT:

George Tucker, Jr.

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Lisha Klaiber, Recorder	Eric Chattergee -Okemo Valley TV
Recorded on tape	Recorded for TV

1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:00 p.m.

2. ROLL CALL BY RECORDING SECRETARY

- A. All Planning Commission members present, except George Tucker, Jr.

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

- A. Aaron Galley requested two changes.
- i. He requested that agenda item #7 be changed to read “Main Street Pedestrian Improvements”
 - ii. He requested that agenda item#8 be changed to read “Short Term Rental Regulations”
- B. **MOTION by Alan Isaacson and seconded by Terry Carter to accept the changes. Motion passed unanimously.**

4. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of November 19, 2019.
- B. **MOTION by Alan Isaacson and seconded by Aaron Galley to approve the minutes November19, 2019 as presented. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **VILLAGE ZONING**

- A. Alan Isaacson said that he requested this be put on the agenda to discuss parking and suggestions made by Zoning for Great Neighborhoods. Also, to discuss ways to increase residency and housing. He said that the current minimum lot size in the village is 1/8 acre. He said that is pretty low and many lots are only 1/8 acre. We could remove that minimum lot size. We could also reduce the parking requirement in the Village from 2 to 1 space per unit, but in the winter, there is no overnight street parking in the village. He said they could look at accessory dwellings.
- B. Rose Goings said that the square footage requirements are set by the state and they may only have one bedroom.
- C. Alan Isaacson said they could look at the percentage (in size) of the entire dwelling and possibly raise that.
- D. Alan Couch said assuming that they still meet setbacks.
- E. Rose Goings said there is a definition in the state statutes for it.
- F. Alan Isaacson said that some people change their basements into apartments and rent them out.
- G. Aaron Galley said he thought accessory dwellings were attached.
- H. Alan Isaacson said they are an allowed use by state law.
- I. Alan Couch said that a way to help alleviate the housing crunch is to allow 1 or 2 bedroom apartments over detached garages. In Cape Cod, there was a study done to relax restrictions to allow detached buildings to year round rentals.
- J. Rose Goings said the state statute says the accessory dwelling must not be more than 30% of the primary dwelling. She does not know if we may exceed that percentage and will check with VLCT.
- K. Alan Isaacson asked how they would deal with the parking if we increase capacity. We also need to consider how it would relate to water and sewer allocations.
- L. Rose Goings said if someone adds rooms they would have to apply with the village for water/sewer increase in allocations and also to the state.
- M. Alan Couch said this is also relevant to Item #8 on the agenda.
- N. Alan Isaacson said that he does not want to send changes in the Village zoning to the Trustees in pieces. He would rather send all of the changes at one time. He suggested they decrease the parking requirement from 2 to 1 space per dwelling unit (in the village) and look into increasing the percentage of the size of the accessory dwelling to 40%.
- O. Rose Goings said she will contact the VLCT.
- P. Alan Isaacson said the purpose of the state portion was to create more housing by increasing the dwelling unit.
- Q. Aaron Galley said if the purpose is to increase housing, make it 49%. He asked, at what point it would be considered a duplex.
- R. Alan Isaacson said the statute specifically says "efficiency or one bedroom."
- S. Alan Couch asked if you can add an accessory dwelling to a 2 family unit.
- T. Rose Goings said it would then become a multi-unit dwelling.
- U. Alan Isaacson said if they do make it one parking space per unit, what about Pleasant Street in the winter, when there is no on street, overnight parking.
- V. Rose Goings said that the zoning regulations say that a parking space must be at least 9' x 22'. She suggested that they may be able to make the minimum 9' x 18'. She said that Phil Carter brought some ambiguities to this board regarding Section 530.1 of the zoning regulations. She

- said the regulations say that people have to provide off-street parking and in another section, it says off-street parking is not required. At this point, Rose Goings called Phil Carter. Phil Carter related that Mama's was an example. If there had been a change of use of the property, the new business could not have happened, because of the lack of off-street parking. But, if a new restaurant goes in, it has to provide off-street parking. She said the DRB has to consider off-street parking for all businesses. She said that in change of use, criteria have to be considered.
- W. Aaron Galley said that Section 530.4 does say that the DRB has discretion.
- X. Rose Goings said that the municipal lot may not always be available if the owner of that property decides not to lease it to the town in the future. She said that people do appeal DRB decisions.
- Y. Alan Couch said that references to parallel parking requirement wording should be changed.
- Z. Alan Isaacson said depending on where or what type of business, they can't leave vehicles on the street overnight.
- AA. Rose Goings added that municipal lot is similar to that, because of plowing.
- BB. Alan Isaacson said that there are places in town where people have been living in their cars.
- CC. Rose Goings said that's why cones are put up.
- DD. Alan Isaacson asked if the board really wants to say that businesses could reduce the number of parking spaces. He said new owners don't understand the issues and could build into their parking areas and that would reduce the number of parking spaces. Once they would do that, they can't go back. Using the Pot Belly as an example, he said if they wanted to expand the size of their building, they could build back into the lot, reducing their parking.
- EE. Rose Goings said the owner of the Pot Belly could also expand the apartments there.
- FF. Terry Carter suggested that they add language like:
If a business has the ability to provide off-street parking, they must do so and maintain that parking for their business.
- GG. Alan Isaacson said that he will clean it up and send it out to board members. He will also change parking space sizes from 9' x 22' to 9' x 18'.
- HH. Aaron Galley said that 18 foot does not work well for parallel parking; you would need 20 or 22.
- II. Alan Isaacson said that 9' x 22' is for off-street parking.
- JJ. Aaron Galley said width is more important, off-street spaces need to be wider than parallel parking spaces.
- KK. Alan Isaacson said that on Main Street, the widths vary from 9' to 12' and lengths also vary.
- LL. Rose Goings advised board members that the Trustees would like Planning Commission board members to attend their February 4, 2020 meeting.
- MM. Aaron Galley said to go with 9' x 20' for off-street parking spaces.
- NN. Alan Isaacson suggested that limiting the number of principle buildings per lot was also suggested at the Zoning for Great Neighborhoods meeting.
- OO. Rose Goings said that she has thought about that and that some lots could put up 2 buildings. She said, in the town, with 3 acre zoning, it would have to be 6 acres and subdivide. She will look up other towns' regulations. There would also have to be 2 wells and 2 septic. They may share a driveway. If someone had 15 acres, they could put 3 units on the property, with one owner – as long as they have proper wells and septic. This would be under the primary structure.
- PP. Aaron Galley asked if someone owned 80 acres, what would be the limit.
- QQ. Rose Goings said it would then have to be a PUD, with all residences owned by individual owners.
- RR. Terry Carter said it could get out of control.
- SS. Rose Goings said it would have to be limited to 2 or 3 units.
- TT. Alan Isaacson asked why.
- UU. Alan Couch asked what about when they want to sell a building.
- VV. Alan Isaacson said it says one primary residence and multiple accessory residences (attached or detached.) He noted that the zoning regulations do not have a definition for accessory residence.

- WW. Rose Goings said the law says the accessory building is limited to 30% of the primary. We could possibly add wording for primary and 2 accessory residences.
- XX. Alan Isaacson said they talked about changing that to 49%.
- YY. Rose Goings said pending VLCT approval – a primary residence and 2 accessory residences without need for a subdivision.
- ZZ. Alan Couch asked if that would be 49% for each accessory residence.
- AAA. Alan Isaacson said no, that refers to accessory dwelling and accessory residence is different.
- BBB. Rose Goings said she will look into it, but at present, it is one primary and one accessory dwelling.
- CCC. Aaron Galley said it will need to be very well worded.
- DDD. Alan Isaacson said the Zoning for Great Neighborhoods suggestions were for the village, and this discussion is really about the town. He agreed that the wording has to be careful and clear.
- EEE. Rose Goings said that she will research this and added that subdivisions are expensive.
- FFF. Alan Isaacson referred back to the Village regulations and asked about permits for renovations and upgrades and asked who enforces them.
- GGG. Rose Goings said if they are grandfathered, there is no sense doing it.

7. MAIN STREET PEDESTRIAN IMPROVEMENTS DOCUMENT

- A. Rose Goings said that she sent the document to all persons that Aaron Galley requested.
- B. Aaron Galley said it really doesn't have to be on the agenda. He said that Scott Murphy, Jeff Billings, Ron Tarbell, members of the Select Board and the Trustees made no comments other than to come to the Trustees' meeting on February 4th.
- C. Alan Couch noted that the speed limits, coming into town, go from 50 MPH to 40 MPH and then to 30 MPH. He asked if it can go directly from 40 to 25.
- D. Alan Isaacson said yes.
- E. Aaron Galley said he proposed 25 MPH from the Walker Bridge to West Hill Road and then to the fire station.
- F. Alan Isaacson said they tried to change it to 25 MPH before and it did not happen. He said that at the 3 radar signs coming into town, there are State Highway ends signs. If those portions are not state highways, the state should take the signs down and plow the road.
- G. Alan Couch said the 25 MPH should be extended past the green to the High School, adding that people start to increase their speed at Governor's.
- H. Alan Isaacson said that all 3 radar signs should be set at 25 MPH.
- I. Aaron Galley said that the village speed limit should be 25 MPH, but it all boils down to enforcement.
- J. Alan Couch said we need to reconfigure the cross walks and add one by Depot Street.
- K. Aaron Galley said they should move the one by the Shell/Big Eyes to Main and Mountain/Hostel.
- L. Alan Couch said that he likes the idea of signage, as you enter town, about crosswalks.
- M. Aaron Galley said that the red crosswalks are not visible.
- N. Alan Isaacson said when originally, they looked like bricks, but they have been paved over.
- O. Alan Couch suggested reflective paint.
- P. Alan Isaacson said the plows shear that away and they have to be repainted every year.
- Q. Aaron Galley said they need better markings by the parking spaces.

8. SHORT TERM RENTAL REGULATIONS

- A. Rose Goings said that it was suggested to her to have this board come to the Select Board meeting on February 3, 2020 at 7:00 p.m. and to get their consensus before this board starts writing regulations. It will save time for you to get their input first.
- B. Alan Isaacson said he had a discussion about the new place that is advertising 10 bedrooms. There is a town septic problem. When Rose Goings issues a CO, she checks the septic and she enforces it.
- C. Rose Goings said that she is asked by the Municipal Manager to go to properties and check numbers of bedrooms and see if they are within the regulations. She said that she checked the sewer records on that property and they pay for Lodge-Consumption fees. These are more than per bedroom fees. She will check on the number of bedrooms.
- D. Alan Isaacson said if they are permitted for 7 bedrooms and have 10; it's a violation of their permit.
- E. Rose Goings said they also have to follow guidelines set by the Fire Marshall. She said that she looked into other properties that the owners have and they are also out-of-whack. The other properties also have Lodge-Consumption permits. She added that Woodstock has regulations for these and there are actual state rules. They are limited to 2 persons per bedroom and must have a state wastewater permit and are subject to local sewer regulations. In Woodstock, they have to have off-street parking and rentals for 30 days or less.
- F. Rose Goings said she will ask the VLCT about laws and they would have to be sent out the town. She added that they would have to register short term rentals.
- G. Alan Couch said he does not think the fire marshal sees all of the short term rentals.
- H. Rose Goings said we have been doing short term rentals since the 1960s and now there are more and they are online.
- I. Alan Isaacson said the bigger question is, if we decide to register them and issue permits for upgrades (not for windows) and short term rentals, how will they be policed and if they can't be, then don't do it.
- J. Rose Goings said full renovations and adding bedrooms are usually found later if they didn't get permits. We have to be careful about the definition of renovations.
- K. Alan Isaacson said we still have to police them.
- L. Rose Goings asked if the board is going to put in registration or permits for short term rentals.
- M. Alan Couch said there are some places that have rental COs.
- N. Alan Isaacson asked how this would be enforced.
- O. Aaron Galley said permits are enforceable, but registrations are not.
- P. Rose Goings said that in either case, it would go to the fire marshal.
- Q. Alan Isaacson said, it gets down to people who want to do the right thing and those who don't
- R. Rose Goings said this board needs to know if the Select Board and Trustees want to do this.
- S. Alan Couch asked who polices the property management companies.
- T. Rose Goings said Okemo handles its own.
- U. Alan Couch said some units do not have egress windows.
- V. Alan Isaacson said if we create requirements, they have to be policed.
- W. Rose Goings said the town of Ludlow does not have codes and anything over a single family goes to the State fire marshal.
- X. Alan Isaacson said you don't have to be a licensed plumber or electrician to work on a single family unit.
- Y. Alan Couch said we should go to the Select Board and Trustees' meetings next month. He asked how far this board wants to take this and where is the state going with this.
- Z. Alan Isaacson said the Select Board and Trustees will give us direction on Short term rentals. We should get a definition for renovations.

- AA. Alan Couch said he would prefer people go to Rose Goings with questions about renovation, even if they are as simple as redoing their carpets.
- BB. Rose Goings said she will research definitions and send them out.
- CC. Alan Couch said it would take more staff than Rose Goings to enforce the permits.
- DD. Alan Isaacson said we need an enforcement mechanism and without that, we shouldn't bother.
- EE. Rose Goings said for the town only, the height of fences in 6.5 feet, if it is up to that height, people go to Rose Goings, but over that, they have to go to the DRB for a variance. We need to discuss that. In town, what does the height of the fence matter and who chooses how high a fence should be. She said that she gets a lot of questions on fences.
- FF. Alan Couch said that regarding the short term rentals, there is a difference between renting out a room in a house and renting out a house.
- GG. Rose Goings said we have definitions for inns and B and Bs.
- HH. Aaron Galley said he doesn't think anyone has a problem with renting out space in a house. He said that Air B and Bs started that way, but now, it is a way for investors to make money. We don't want to lose any more housing.

9. OTHER BUSINESS

- A. Terry Carter.
 - i. Alan Isaacson said that he was okay with Terry Carter calling is through the end of the school year (2018-2019) and thought that was in the minutes. He is not okay with it continuing into another year.
 - ii. Terry Carter said she did not limit it to last school year.
 - iii. Alan Isaacson said that it is hard to hear Terry Carter over the phone and would like her to arrange to be here for meetings, as it is only once a month.
 - iv. Rose Goings said that she spoke to Scott Murphy and if Terry Carter is calling in, she is not missing meetings.
 - v. Terry Carter said she will attend meetings when the weather is better and asked if we could change the meetings to Monday..
 - vi. Rose Goings said they could possibly switch the meetings to Monday nights, but she has to check with Okemo Valley TV about their availability.
 - vii. Aaron Galley said they need to get a guarantee from Okemo Valley TV as to their availability.
 - viii. Lisha Klaiber said she would not be available on Monday nights.
- B. Fire Department
 - i. Alan Couch said that in his State of the State Address, Governor Phil Scott recognized the Ludlow Fire Department for going above and beyond for their kindness at Thanksgiving. A fire started in a home and the fire department was called to the house. When they found out that the people could no longer make Thanksgiving Dinner, the firemen, made a dinner at the fire house and brought to the family. He said that Ron Bixby said that the firemen don't do things for recognition, but it is nice to hear a shout out. The firemen organize the auction and with the proceeds buy needed equipment. They are aging out and are looking for new members.
 - ii. Rose Goings said what the firemen did was incredible.
 - iii. Alan Couch said it is nice to get a pat on the back.

10. **ADJOURN**

- A. **MOTION by Alan Isaacson and seconded by Aaron Galley to adjourn this meeting.
Motion passed unanimously.**
- B. Meeting adjourned at 8:01 p.m.

Respectfully submitted,
Lisha Klaiber

Alan Couch, Chairman

Alan Isaacson

Terry Carter

George Tucker, Jr.

Aaron Galley