

PLANNING COMMISSION

PRELIMINARY MINUTES

**July 20, 2020
6:00 PM**

Join Zoom Meeting

<https://us02web.zoom.us/j/82681727947>

Meeting ID: 826 8172 7947

One tap mobile

+16465588656, ,82681727947# US (New York)

Dial in: +1 646 558 8656 US (New York)

Meeting ID: 826 8172 7947

MEMBERS PRESENT:

Alan Couch, Chairman
Ryan Silvestri

Terry Carter
Ted Stryhas

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Lisha Klaiber, Recorder

Fred Marin -Okemo Valley TV

Jason Rasmussen

Recorded on tape

Recorded for TV

1. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Alan Couch called the meeting to order at 6:11 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
Alan Couch – aye
- B. Note: Terry Carter joined the meeting at 6:49 p.m.

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 June 15, 2020.
- B. **MOTION by Ryan Silvestri and seconded by Ted Stryhas to approve the minutes June 15, 2020 as presented. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **ZONING AMENDMENTS – FLOOD REGULATIONS**

- A. Alan Couch advised that at the June meeting, we discussed concerns about the strictness of our regulations for the floodway. The Select Board wants us to allow development by municipal or non-residential buildings. Alan Couch said that he personally feels that they should allow municipal or governmental building. It would also not be good for residential.
- B. Rose Goings referred to an email she received from Jason Rasmussen.
- C. Jason Rasmussen shared his screen which was from Section 660 B3 of the Ludlow regulations. He had included in it, suggested language from John Broker-Campbell. It said that development must meet the NO RISE standards, opening development up to any type of building. This is only one option.
- D. Rose Goings said that she spoke to Rebecca Pfeiffer (DEC Flood Plain Manager) who said that meeting the NO RISE standards is difficult, citing you can't even throw a penny into the flood area without a rise.
- E. Jason Rasmussen said while he does not know about that, he said that some buildings could meet the standards, it is not easy and may possibly require an engineer. He said if you open the door too much, it may not meet NFIP standards.
- F. Rose Goings said that her understanding was that they want all municipal building to be exempt.
- G. Alan Couch said that the regulations are highly restrictive. We need to think about this.
- H. Rose Goings said the regulations apply to a lot of people along the floodway and lakes, not just in the area of Sam's and the Timber Inn. The fire station and DuJour VT are all affected, also the Mill. The regulations as they are, do not allow them to do any further building. People are paying high taxes.
- I. Jason Rasmussen said we can change the language in the regulations. We can add critical facilities and public buildings. It may be good to add public buildings.
- J. Alan Couch said he likes the language as has been suggested. As a board, we need a consensus of what we want to suggest to the Select Board.
- K. Jason Rasmussen said they would have to revise both the Town and Village regulations.
- L. Rose Goings said it would have to be approved by FEMA.
- M. Jason Rasmussen said we can run the revisions through John Broker-Campbell. Jason Rasmussen said he thinks the language will pass John Broker-Campbell.
- N. Rose Goings said she is nervous about this. The first time we did this, we got into trouble with FEMA.
- O. Jason Rasmussen said the language is in the state model for bylaws. He will ask John Broker-Campbell to review it.
- P. Rose Goings said she feels bad for people who can't even build a shed in the floodway. If the shed is 12' x 12' (or larger) it must go before the DRB. She would like to be able to help them without having to go to the DRB.
- Q. Ryan Silvestri suggested differentiating between out-building and living space.

- R. Rose Goings said there was a person in the Lakes District, who wanted to build a shed and the process was overbearing.
- S. Jason Rasmussen said West Windsor had an allowance for exemptions for insignificant project of less than \$500. He thinks this language will pass FEMA. We could also add minimum investments as just a Zoning Administrator permit. We can work with John Broker-Campbell on this.
- T. Rose Goings said she thinks it would be worthwhile to add.
- U. Alan Couch said this board has talked about giving the Zoning Administrator certain latitudes.
- V. Rose Goings said that she does have some. She said that there still are some very minor things that go to the DRB that are not flood related. If this board agrees, we should add the suggested language.
- W. Ryan Silvestri said the board should go through the regulations and see what else may not have to go through the DRB process.
- X. Jason Rasmussen said he will send this language and a list of other things that have been discussed.
- Y. Alan Couch said board members can look at them and go through Section 660 and have comments and suggestions for the next meeting.

7. SHORT TERM RENTALS

- A. Rose Goings said that she sent the board a graph from the state of short-term rentals and there are 526 available rentals in Ludlow. It is the 3rd highest number in the state. She said that she does not know how to handle it and does not think it would be possible for her to permit 526 units. The state does not issue permits for them. There is no Local 1% Options Tax to help pay for assistance. At this point, she does not know how to handle it.
- B. Ryan Silvestri that most other towns do not address this issue. A mandatory town registry would not hurt. It would be done in the name of Safety.
- C. Rose Goings said that she has had conversations with the Select Board about public safety. She would like to make sure that people are doing things properly with respect to egress and not overcrowding rooms. She said that some units are fine and she does not want to hurt them. She asked Jason Rasmussen if we could get a list from the state of those 526 units.
- D. Jason Rasmussen said he doesn't know, but will ask.
- E. Alan Couch said the people who would register are probably the ones you don't have to worry about. He noted that any time a property changes hands, it has to upgrade to hardwired smoke detectors. He suggested using the town website to reach property owners. It would be a lot of legwork.
- F. Ryan Silvestri suggested creating a viable database. We can register with the fire marshal if we see a house with a lot of cars. At this point we can't enforce anything.
- G. Rose Goings said that she will not be knocking on doors.
- H. Ted Stryhas asked if we create a system for registering properties, does that eliminate the town responsibility and liability if they don't comply with the regulations.
- I. Rose Goings said it would take the liability off the town.
- J. Ted Stryhas suggested they start with the basics by telling people what they need to do. We need to make a system to protect people.
- K. Rose Goings said it is all about safety. She said that she has seen some scary situations in properties.
- L. Ted Stryhas said that he tells people about things that they shouldn't do.
- M. Ryan Silvestri said that the things that Ted Stryhas is telling his clients would be done by a building inspector. We don't have a building code. We should start with a database of rentals.

- N. Alan Couch said that some landlords rent out their properties and tell people how many people the unit sleeps. That may not be what would be legal for that unit. We need to start somewhere. We could start a database of people who voluntarily register their rentals. We could put out a request on our website for property owners to register with the town.
- O. Rose Goings said that a unit may have 3 bedrooms and have a septic system. They may rent it out to 25 people and the septic may fail.
- P. Alan Couch asked if there is a town ITT person.
- Q. Rose Goings said that Pam Cruickshank does the website.
- R. Ryan Silvestri said they could put a link on the website to advise people what the occupancy rules are.
- S. Eric Alden said that he owns rental properties in Ludlow and would be 100% in favor of regulations. He said that he splits his time between Ludlow and Boston. He does not do Air B&B. He does seasonal rentals – winter and summer. He hates the turnover of renters from Air B&B. He said that the town should pursue a mandatory registry. In Boston, we pay a \$15 annual fee and open ourselves up for inspections. He is 100% for safety and is shocked at the conditions of some of the properties he sees, particularly those with no second egress. However, without enforcement, it may not be worth doing. The town needs to monitor and register. If a property is registered, it may be one you don't have to worry about. The other thing is who will monitor the units not doing it right. It is not worth doing, if it has no teeth. It would be a terrible idea for the town to entirely ban short term rentals. He said he would be happy to help and has experience.
- T. Alan Couch said he agrees with Mr. Alden's sentiments. We can try to hook up a link on the town website. We need to look at our budget and the costs.
- U. Ryan Silvestri said if we charge a mandatory registration fee, we may be able to hire someone to enforce the rules.
- V. Eric Alden said that in Boston, with the registration, units are inspected every 5 years.
- W. Terry Carter asked who would inspect the units.
- X. Eric Alden said that in Boston, the city inspectors do it, inspecting things like egress, smoke detectors, electrical fixtures and water temperature.
- Y. Rose Goings said that is part of what the Fire Marshall does.
- Z. Eric Alden said egress and life safety are the main concerns. People have to be able to get out if there is a fire. There has to be a method to get into the units to inspect them.
- AA. Terry Carter suggested going to the Select Board with these ideas.
- BB. Rose Goings said we need to go to the Select Board for approval and to charge fees. We may possibly be able to contract with the Fire Marshall on a part time basis. We may create a position in town to visit properties. We can't just walk in. A registry would give us a reason. We would have someone in the office to set up appointments. We would have someone to inspect the units. I would be able to go along to see what their procedures would be. We would need a mandatory registry for this to work. We need to come up with ideas, then go to Scott Murphy. If he approves, we can get on the Select Board agenda. We need to come up with a format and then send it forward.
- CC. Ryan Silvestri suggested creating a letter and sending it out to every property owner.
- DD. Rose Goings said that Jason Rasmussen said he would try to get the state database.
- EE. Ted Stryhas asked what other towns are doing. We need to start slowly and grow the process. If someone inspects a property, what does that person need to know. What would be there responsibilities.
- FF. Rose Goings said egress and life safety. She said that is what the Fire Marshall does and they check and note everything, even drop ceiling tiles. The Fire Marshall should contract with Ludlow because they are here all the time. We need a person on almost a full-time basis. This problem is becoming serious.

- GG. Ryan Silvestri suggested getting a bid from the Fire Marshall for inspections. That would put the liability back on them.
- HH. Alan Couch said we need to get some ideas to the Select Board and the Trustees. We need a flow chart and time line. We need to start small and grow.
- II. Terry Carter suggested using the Boston format of a required registry with a \$15 fee.
- JJ. Alan Couch said we can figure out a fee schedule later on. He said that \$15 is reasonable and may cover our overhead.
- KK. Terry Carter suggested possibly giving incentives for long term rentals. She asked Eric Alden if that would interest him.
- LL. Eric Alden said that most people who are doing this a business and would not be interested. They can make more money on short term rentals. He said that the monetary differential, possibly as much as \$10,000 per unit, is too great between short term and long-term rentals. He said he prefers long term rentals. He suggested that the town look at density and additional units. He said that businesses do need employees, but they also need the business they receive from short term rentals.
- MM. Alan Couch said that they have made provisions in the Village Regulations to promote downtown development.
- NN. Rose Goings said the taxes are too high. She said that maybe there would be a way to help lower income people, like freeze taxes or stabilize rents for full time renters and maybe tax incentives.
- OO. Alan Couch said that this is a good start. They need to come up with an order for implementation and get the ideas on the Select Board and Village Trustees agendas.

8. MUNICIPAL PLANNING GRANT

- A. Rose Goings said she sent some ideas to Jason Rasmussen. One is to go forward with the Village Center Master Plan and the other is to study the merger of the town and village. This has been discussed before and Scott Murphy has also mentioned it. There was a reason in the past why this was not possible and it was an issue with Ludlow Electric. There is no reason now why they can't merge. For the Village Center Master Plan, they would have to develop an inventory, work with Jason Rasmussen, hire an outside consultant and there would have to be matching funds.
- B. Jason Rasmussen agreed that there would be a match requirement. They would have to draft an outline. Their application would be due at the end of September. He will send a draft to board members. The application would have to sell the project to the funders. The application would have to address for the Village Master Plan, what needs to be improved, such as sidewalks. The application would also have to discuss merging the town and village.
- C. Rose Goings said that they would also have to consider public engagements and they can be outside.
- D. Jason Rasmussen said funders do like public engagements. You would present people with the facts, pros and cons. He said there may be a minor savings by merging the town and village.
- E. Alan Couch said it would be worth presenting.
- F. Terry Carter asked if there would be any expenses in merging the town and village.
- G. Jason Rasmussen said he is not sure.
- H. Rose Goings said they would have to change the charter.
- I. Jason Rasmussen said there would be legal fees.
- J. Alan Couch said they could include estimates for sidewalks and the cost to change the charter.

9. OTHER BUSINESS

A. Temporary Zoning for COVID

- i. Terry Carter asked if they need to have temporary zoning for COVID.
- ii. Rose Goings said that she has discussed this with the Select Board and that she had concerns about the serving windows and outside seating. She said she spoke to Scott Murphy and the Select Board. It was decided to lift restrictions temporarily. Businesses need to make money. She will put a notice in THE VERMONT JOURNAL tomorrow that businesses still must follow CDC COVID guidelines and that the outside seating and serving windows will be allowed, as long as they follow the guidelines and are social distancing. Outside serving windows are non-existent our zoning regulations and they are in the public ROW. The lifting of restrictions will only be temporary.
- iii. Terry Carter suggested they put money in the grant to help restaurants.
- iv. Rose Goings said it is already in the grant.
- v. Jason Rasmussen said if the grant is funded, they will not receive the money until January or February and the businesses are struggling now. The timing is not great.

B. Next Meeting

- i. Alan Couch noted that the board will appoint a Clerk at next month's meeting. The clerk will be responsible to keep track of the changes proposed to the zoning regulations and town plan.
- ii. Rose Goings said that she is the clerk for the DRB and does not know if she may be the clerk for this board also. She will find out. Rose Goings added that the board is still short one member and asked board members to talk to people they know to recruit board member.
- iii. Alan Couch said the new board member must be a Ludlow resident.
- iv. Alan Couch said they will discuss short term rental ideas and time line. They will discuss the municipal grant.
- v. Alan Couch said the next meeting will be a ZOOM meeting.

10. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ryan Silvestri

Terry Carter

Ted Stryhas
