PLANNING COMMISSION

MINUTES

February 18, 2025

Hybrid Meeting

Join Zoom Meeting
Planning Commission Special Meeting Agenda February 18, 2025 – Zoom Link
Meeting ID: 999 9677 6407
Passcode: 428636

MEMBERS PRESENT:

Terry Carter, Chair	Judy Pullinen	Ted Stryhas
Ryan Silvestri	Jean Strong	Noah Schmidt – Select Board Rep.

STAFF PRESENT:
Jarrod Jowdy

OTHERS PRESENT:

Eric Alden	Suzanne Garvey
Alice Nitka	Jason Rasmussen

I. CALL TO ORDER

1. Terry Carter called the meeting to order at 6:05 p.m. She advised she had labeled as SPECIAL because she was not sure what time it would actually start.

II. ROLL CALL BY SECRETARY

1. All members are present.

III. OPENING STATEMENT BY CHAIR

1. Terry Carter greeted everyone and said that citizens' comments are welcome. Persons with comments will be recognized by the Chair. This is with the exception of Sections 7 and 8. The board may also ask for comments during discussion session on motions. She added that there is no point in repetition.

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

1. Terry Carter said there were none

V. COMMENTS FROM CITIZENS (5 minutes)

1. There were none

VI. APPROVAL OF MINUTES – January 21, 2025

1. Terry Carter said the minutes are from January 21, 2025
2. **MOTION by Terry Carter and seconded by Judy Pullinen to approve the minutes from January 21, 2025 as presented. Motion passed unanimously.**

VII. SHORT TERM RENTAL REGISTRY RECOMMENDATIONS

1. Terry Carter advised that this board was asked by the Select Board to make recommendations for a Short Term Rental Registry for the Town and Village of Ludlow. She said that she researched and contacted Plymouth, Chester, Killington, Woodstock, Winhall, Londonderry and Peru. She compiled a list and asked that the board start by reviewing this list. (Below is list only of Ludlow possible responses.

FEES DUE	
Permit/Registration Required	Permit registration will be required for short and long term rentals, but long-term rentals will have no fees, but will have fire and safety regs.
How many days	Permits will be required for rentals of 1 day a year or greater
Operator Availability	Phone and email will be required from the owner, designated professional and/or rental agency. Owner address, email and phone will be required for the registry
Occupancy	Occupancy: 2 per bedroom + 2 (3BRX2+2) >8 special requirements
Yearly cost	Tiered per bedroom cost, an owner occupied lower rate and an annual fee
Knox Box	
Zoning Area	All
Parking Requirements	On site only
Insurance Requirement	Tabled
State Fire Inspection Required	Fire Safety Certificate will be required
Noise/Party Restrictions	Public decency in volume and behavior 9 PM to 7 AM Weekdays 11 PM to 8 AM Weekends
Fines for Violations and non-registration	$100 a day for infractions and non-registration, $150 for violation #1, $350 for violation #2 and $600 for 3rd
Company involved	This board is proposing that a company be chosen to enact and enforce these requirements as our town office is too small and work too hard to take on these additional tasks

2. Days
   a. Ryan Silvestri said we have gone over this. If a unit is rented for one day per year, it is considered commercial by the state. He added that this should be a Rental Registry – not STR (Short Term Rental Registry.)

b. Terry Carter said we were only asked to do STR

3. Permit/Registration Required
   a. same as list
4. How many Days
   a. same as list
5. Operator Availability
   a. Judy Pullinen suggested we add "Response within 24 hours"
   b. Ryan Silvestri asked what if they don't respond.
   c. Terry Carter said they will be fined
6. Occupancy
   a. Judy Pullinen asked about Listers' cards
   b. Terry Carter said that one unit she was shown was listed as one bedroom – but that bedroom went all around the house with 24 beds
   c. Ryan Silvestri number of occupancy should be determined by the Fire Marshall – they may approve more. He added that Listers' Cards may be erroneous as the listers may never have been in the building.
   d. Noah Schmidt said why dictate the occupancy. When the Fire Marshall does inspect they will determine. We need to focus on Safety, if the Fire Marshall says what will be safe, we should not overstep them
   e. Terry Carter said she would like to Occupancy as it is listed
   f. Judy Pullinen said we are trying to prevent overcrowding and unsafe conditions
   g. Ryan Silvestri said when a unit is registered , the Fire Marshall will inspect the unit and give the occupancy number based on the facility of the building
   h. Judy Pullinen suggested leaving it as it is
   i. Ryan Silvestri said it is too restrictive. If the town sets occupancy as 10 and the Fire Marshall sets it at 14, who is right. Occupancy should be based on receipt of Fire Marshall' report.
   j. Judy Pullinen suggested adding Occupancy to be determined by Fire Chief or Fire Marshall.
   k. Ryan Silvestri said that allows room for people to use their property to the best of their ability.
   l. Terry Carter said we need to spell it out.
   m. Ryan Silvestri said the intent is Fire/Safety, not restriction of use.
   n. Jean Strong said she is concerned. If we have rules, there has to be enforcement and it is not possible for the Fire Chief to check all of the apartments.
   o. Ryan Silvestri said it can be done. We inspect 1,000s of properties per year. If the Fire Marshall has a target list, he can start on that list. If we hire more fire personnel, that would help. The State would be happy if we do this in-house. If we have a list, we can start the process. This will get bogged down if it is too restrictive. We need to keep our volunteers safe also. Some – going up onto the mountain – could be walking into anything. This board should not restrict. What is the mission?
   p. Terry Carter said she wants an Occupancy limit.
   q. Judy Pullinen said she understands what Ryan Silvestri is saying, but her reservation is that we can't get everyone inspected by next ski season. Can we come up with a compromise? Occupancy to be determined by waste water until determined by the Fire Marshall or Fire Chief. Once inspected, that will be the real determination.
   r. Noah Schmidt said he is concerned that one and 2 bedrooms would be under 8
   s. Terry Carter said there are 20 bunk beds in one room
   t. Noah Schmidt said we need Fire Safety to determine
   u. Terry Carter said we could add "until determined by the Fire Marshall.

v. Ryan Silvestri said we are looking at a 3 to 5 year plan
w. Terry Carter suggested using current language and add this occupancy is affective until the unit is inspected by the Fire Marshall or Fire Chief
x. Judy Pullinen asked about occupancies greater than 8 requirement.
y. Jean Strong asked what if the bedroom is structured to hold 8
z. Ted Stryhas said we should go with what the Fire Marshall says.
aa. Judy Pullinen suggested Occupancy to be determined by the Fire Marshall or Fire Chief. Rentals with occupancies greater than 8 shall be prioritized for inspection.
bb. Jean Strong said the Select Board and Trustees are asking us to do this, it is up to them to figure out enforcement.
cc. Ryan Silvestri said that occupancies over 8 should be determined by the Fire Marshall.
dd. Ted Stryhas that the registry will bring you to find out overcrowded units. We are not going to dictate occupancy.

7. Yearly Cost
   a. Ryan Silvestri suggested that fees per unit be at a fixed rate with potential for exemption or lesser rates for homestead vs. non-homestead."
   b. Judy Pullinen said what about by how many days per year the unit is rented. Maybe a cottage on the lake rented for a month or 2 in the winter as opposed to people who rent most of the time.
   c. Jean Strong said how do we determine and enforce this. It would be another layer of enforcement.
   d. Ryan Silvestri said we get the homestead information from the state.
   e. Terry Carter asked about the fee?
   f. Ryan Silvestri said we have to structure in implementation costs. Granicus had said we have 1103 rentals. We need to stick per unit and safety.
   g. Noah Schmidt said out focus is safety not to generate revenue. We need a full time inspector
   h. Judy Pullinen suggested having the Select Board determine the fees based on the budget
8. Knox Box
   a. Not required
9. Zoning Areas
   a. All
10. Parking Requirement
   a. On-site only
11. Insurance Requirement
   a. Judy Pullinen noted Plymouth's requirement, "Proof of liability and casualty insurance with STR endorsement
   b. Ryan Silvestri said he does not think it should be included
   c. Judy Pullinen said if a unit is in disrepair and there is a fire, the renters deserve some protection.
   d. Ryan Silvestri asked why the town should dictate this
   e. Jean Strong said insurance should be common sense
   f. Ted Stryhas said he does not want values included
   g. Noah Schmidt asked what the town does with inns and hotels
   h. Terry Carter said we will stick to STR
   i. Ted Stryhas said he does not want to require this. It is the owners' responsibility
   j. Terry Carter polled the board, 3 in favor and 2 against.
   k. Proof of liability and casualty insurance with STR endorsement will be included
12. State Fire Inspection Required

a. Noah Schmidt said 8 or under can self-certify. He said the State does have self-certification
b. Jean Strong said to leave it for now.

13. Noise/Party Restrictions
    a. Judy Pullinen quoted part of 13 VSA 1022:

> **§ 1022. Noise in the nighttime**
>
> A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns, or other unnecessary and offensive noise shall be fined not more than $50.00.

    b. Ryan Silvestri asked how this makes us more safe. There are already Village and Town noise ordinances. This has no basis on the registry, but puts more onus on it.
    c. Jean Strong said it would also be hard to enforce
    d. Board Consensus to Refer to Town and Village ordinances
14. Fines for Violations and non-registration
    a. Judy Pullinen questioned whether this should be the purview of the Planning Commission or Select Board
    b. Terry Carter said without it, there would be no reason to register
    c. Ryan Silvestri said they could do a tiered level and leave the amounts for the budget
    d. Judy Pullinen said for more than 3 violations, possibly revoke their ability to rent
15. Ryan Silvestri said this should go out to bid

VIII. MUNICIPAL PLANNING GRANT

1. Terry Carter said that the Select Board signed the grant at their recent meeting. Jason Rasmussen has approved it. This would be for the Town Zoning that is due in 2027. She added that the Town Plan is also due in 2027. We can also look into Subdivision regulations
2. Jason Rasmussen said there is more work to be done
3. Terry Carter said she will ask to get on the agendas for the Select Board and Trustees
4. Jean Strong asked if there is money in the budget for the STR
5. Terry Carter said that would be for the Select Board to determine

IX. NEXT MONTH'S AGENDA PLANNING

1. Neighborhood Development Areas
2. Town Flood Regulations
3. Section 221.5 – Limitations and Exceptions
4. Section 255 – Administrative Review
5. Section 260 – General Standards
6. Section 290 – Affordability Requirement

X. OTHER BUSINESS

1. Board member comments
    a. Jarrod Jowdy asked what the threshold is between STR and Long Term rentals
    b. Terry Carter said more than 30 days
    c. Suzanne Garvey said there are no room and meals taxes for up to 30 consecutive days – one lease

d. Judy Pullinen said we need a definition
e. Ryan Silvestri said this is about Safety – make it a Rental Registry
f. Terry Carter said we are not going there
g. Ryan Silvestri said that what you are saying is that if someone rents for more than 30 days, we are not concerned about safety
h. Jean Strong said we were asked to do Short Term Rentals. If the Select Board want to change that , we will
i. Noah Schmidt said that some of the Long Term rentals are also not safe. He would change it to Rental Registry. He asked , other than fees, what would you need to change
j. Terry Carter said there may be changes the Select Board wants to make
k. Suzanne Garvey said that Brendan McNamara showed Terry Carter and apartment with one bedroom with 20 beds. It could have been a long term rental. A rental is a rental. We need to provide more education
l. Eric Alden added that there is always the narrative that Short Term Rentals make more money than Long term rentals. That is not true

2. Citizen Comments – (5 minutes)
   a. Eric Alden said he observed that if the chair agreed with an item,, it was discussed, if not there was no conversation
   b. Suzanne Garvey comments
      i) Complimented board's work on this complicated issue
      ii) Yearly cost – should not overburden with homestead connection. That would be problematic. It should be based on hosted and unhosted (owner is off-site).
      iii) The registry should not include the requirement that every unit be inspected. They should be able to self-certify for units with occupancy of up to 8 person.
      iv) The state says units rented for 1 day are commercial and subject to state fire safety codes. She said there are tons of owners who have fire safety certification already and the Fire Marshall will honor that for up to 5 years old
      v) If a person reconfigures a house, that triggers an inspection
      vi) Occupancy is a gray area, how is it enforced. Follow state rules

XI. ADJOURN

1. **MOTION by Judy Pullinen and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
2. Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lisha Klaiber

Terry Carter, Chairman

Jean Strong

Judy Pullinen

Ted Stryhas

Ryan Silvestri

Noah Schmidt

1. Ryan Silvestri noted that Item VII-6-cc should read, "...occupancies over 8 should be…"
2. Ryan Silvestri noted that Item VII-7-a should read, "Ryan Silvestri suggested that fees per unit be at a fixed rate with potential for exemption or lesser rates for homestead vs. non-homestead."