

PLANNING COMMISSION

PRELIMINARY MINUTES

November 24, 2020

6:00 PM

Zoom Meeting

MEMBERS PRESENT:

Alan Couch, Chairman	Ted Stryhas
Ryan Silvestri	Phoebe Tucker

MEMBERS ABSENT:

Terry Carter

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden	Preston Bristow	
Scott Baitz	Lisha Klaiber, Recorder	Eric Chattergee
Mike Bozich	Recorded on tape	Recorded for Okemo Valley TV

1. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Alan Couch called the meeting to order at 6:05 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.

NOTE: Please see last page of minutes for ZOOM meeting information

2. ROLL CALL

- A. Alan Couch asked members, when I call your name, please respond in the affirmative. Terry Carter is absent
Ryan Silvestri – aye
Phoebe Tucker - present
Ted Stryhas – 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 October 20, 2020.
- B. **MOTION by Ryan Silvestri and seconded by Ted Stryhas to approve the minutes October 20, 2020 as amended. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **PRESENTATION FROM MIKE BOZICH, LodgingREVS – Questions & answers**

- A. Alan Couch advised that LodgingREVS is a Colorado based company that provides application services to municipalities for rentals. He said that the Planning Commission made a presentation of its goals to the Select Board and they were interested and asked the Planning Commission for more information. The Planning Commission received push-back from the Trustees when we presented our information to them. We hope to create a symbiotic relationship between the renters, property owners and the town. He said that the Killington Planning Commission has gone through this process.
- B. Mike Bozich said that LodgingREVS identifies lodging properties in municipalities and helps the towns to bring these properties into compliance. The company was founded in 2011 to help towns regulate lodging. They offer a 24/7 hot line for complaints. He said that within the first year of towns using their services, there is about 90% compliance and after the first year, about 98.5% compliance. Their service streamlines the process for short term rentals for owners and operators. There is a designated account manager for each town. The towns inform the operators what they need to come into compliance and most issues are handled by the first call.
- C. Ryan Silvestri asked to see the module.
- D. Mike Bozich demonstrated the model for Telluride. He said there are 4,200 advertisements for rentals and 731 unique properties. All of the properties have to be registered and have a business license and pay taxes. He said that Killington is not collecting taxes on rentals. In Telluride, they average about 6 ads per property and there is a 99.14% compliance rate. We determine the actual physical location of the rental property. The files include information about number of bedrooms, how many people it sleeps, average rental costs, and if the owner is onsite. Lodging REVS works with the community to deal in compliance and tells the owner what is needed to bring the property into compliance. They use longitude and latitude readings to determine the physical location of the property based also on nearest advertised street address and photo recognition from the ad platform.
- E. Phoebe Tucker asked about degrees of compliance and what about non-conforming properties.
- F. Mike Bozich showed the Non-Conformance item on the program menu. He said it really depends on how the community wants to deal with it and how the community wants to enforce it. He said that some properties want to stay off the radar. He said that permits are renewed yearly and we send out reminders.

- G. Phoebe Tucker asked if there is a penalty, who enforces what the town wants.
- H. Mike Bozich said if there is a penalty, our system will pick it up and track it.
- I. Rose Goings asked if they a property can update their permit if they are in violation or non-conforming.
- J. Mike Bozich said it depends on what the town wants to do. We can handle the business licenses.
- K. Rose Goings asked if this has anything to do with fire and safety inspections.
- L. Mike Bozich said it depends on what the town wants. We can add to send out notices of violation or non-conformance to the different departments in the town. There is an inspection form section.
- M. Eric Alden said the software looks very thorough, but Ludlow has not decided what it wants to do. This could be helpful. He asked what types of compliance other towns want.
- N. Mike Bozich said some municipalities create ordinances with knowing how to enforce them. They are really difficult to enforce.
- O. Preston Bristow said every community has different reasons for short term rental ordinances. Woodstock does not want short term rentals because they can harm the neighborhoods. Killington wants them because of the ski area and giving people places to stay. There are high-flyer properties where they will put 30 people into a 3-bedroom apartment. The number of cars is also unsafe. Killington wants to limit septic overuse and wants inspections by the fire marshal. Killington requires inspections and asks owners to self-certify.
- P. Alan Couch said we are in the infancy stages and it is good for us to see what's available to guide our direction, implementation and expansion. He said he thinks that Killington and Ludlow have the same goals. We don't want to be a "big brother". We want good relationships with owners and renters. The renters help support our town. We want to create a registry to bring the town and second home owners together.
- Q. Rose Goings said that Justin Hyjek brought Mike Bozich to our attention. He is really in favor of this and he spoke at the October 5th Select Board meeting. We need to take this information to the Select Board. All meetings are now by ZOOM. She asked if Killington had push-back against this.
- R. Preston Bristow said it was a 2-year long process and the town manager was in favor of it. Recently, the Select Board passed a by-law. There was a petition for this to go to public vote and it passed 540 to 280. He added that many of the voters do not own short term rental properties. He said that with the bars closed this past summer, a fair number of the rentals became travelling bars. He said one of those high flyer units with 30 people in a 3 bedroom unit did have its septic fail.
- S. Rose Goings said that many properties are pending sale, with people buying over the internet, sight unseen.
- T. Preston Bristow said that Woodstock has limited short term rentals of properties to a certain number of days per year and require site plan review.
- U. Alan Couch asked about costs to the town and property owners. He said this board does not want to alienate second home owners.
- V. Mike Bozich said the registrations range from \$100 to \$500 per year. The owners make that back with 1 or 2 nights of rentals. He said that money adds up for the community. He added that his costs are covered by the registration fees.
- W. Ryan Silvestri asked how else do they get source data.
- X. Mike Bozich said they monitor over 30 advertisement platforms and property management sites.

- Y. Ryan Silvestri asked how often do they put “boots on the ground” and do a physical identification match. What if there is contradicting data.
- Z. Mike Bozich said they are not on site in the towns. They use public records. He said that in Vermont less than 2% of the time do they ask for more direction from your staff. He said that their job is to match a property and make sure it comes into compliance. The town is the “boots on the ground.”
- AA. Ryan Silvestri asked if they can integrate with the town’s data base.
- BB. Mike Bozich said it would cost more money. He said that all of the data belongs to the town and you can export it on Excel or CSV, it depends on the format. He said they suggest the town try it out first without integration.
- CC. Alan Couch asked Preston Bristow about Killington’s relationship with LodgingREVS.
- DD. Preston Bristow said they have a good relationship. He said they are still in the process and so far, are pleased. They started the process with a mini-RFP and 3 firms responded. LodgingREVS was the low bidder and also the one we preferred. They integrate well and he sees no reason to change.
- EE. Rose Goings asked Scott Baitz which Select Board member said that there are 1,000 rentals on the mountain.
- FF. Scott Baitz said it was him. He said that less than ½ of those properties are rented. Ledgewood has a registry in place and maybe 7 of those units are rented. He said that Brookhaven owners are not allowed to rent out through Air B&B.
- GG. Rose Goings asked how many rent.
- HH. Scott Baitz said very few rent.
- II. Rose Goings said that she personally is familiar with some of the properties. She said that if they are rented – even for one day – they are a rental. She said her major concern is safety.
- JJ. Scott Baitz said that he agrees that there is a safety concern when a 4 bedroom house has 15 cars in the driveway. He addressed Preston Bristow and referred to the situation when the septic failed. He said that nothing happened until that septic failed. He asked what if it hadn’t failed. How does Killington enforce the rules?
- KK. Preston Bristow said all of the burden of proof was on the town to enforce the ordinance and the owners would drag it out. When they put the registry in place, the registrant must now prove compliance.
- LL. Scott Baitz said that he read the minutes from the Trustees’ meeting and saw that they were concerned about costs.
- MM. Rose Goings said this is not about money, it’s about safety. She said that 15 cars in a driveway of a 4bedroom house indicated overcrowding. She has seen people put twin beds in small, windowless rooms with only one egress. She said that she will not issue a CO until that situation is changed.
- NN. Scott Baitz said all of the condo units on the mountain comply with fire and safety rules.
- OO. Rose Goings said not all of the units are in compliance and she has seen them.
- PP. Alan Couch said there are lower level rooms used as bedrooms, with only one egress. He said we need to educate the people and get them to do the right thing. If there is a registry, the onus is on them to comply. He added that gas grills are not allowed on decks and they are there all of the time.
- QQ. Rose Goings said the condos are not the majority of the problem; it’s the single family homes, with downstairs apartments and no egress. They are not safe, there are no smoke or fire detectors, no sprinklers and are overcrowded.
- RR. Eric Alden asked Mike Bozich if there is a template to help start the program.
- SS. Alan Couch asked the typical length of the contract with a municipality.

- TT. Mike Bozich said one year, and some contract for longer periods. Once you sign a contract, our price is locked for the length of that contract. Towns that are growing may choose to have a longer contract and as they grow, the new properties are included, but the contract price stays as long as the contract period is still in place.
- UU. Preston Bristow said that Killington has 40 to 50 years of zoning permits that are not on its database and the listers just write the number of bedrooms.
- VV. Scott Baitz said that he is fine with this, but the Planning Commission has a ways to go.
- WW. Alan Couch said we are putting the cart before the horse. This helps up decide where we want to go.
- XX. Rose Goings said the Select Board asked us to bring back something to them and they we will see what they have to say.
- YY. Alan Couch said we need to decide how to proceed.
- ZZ. Ryan Silvestri said we need to decide our priorities. We need to organize what we already have better. We need to create a registry and put together a basic property list. We need to decide what we are going to enforce. We have to decide if there will be fees and how much they will be. He said that the LodgingREVS software looks good. We need a clear format and to communicate. Our first step should be to compile a list.
- AAA. Rose Goings said that we need to dumb down the procedure a bit. Ludlow goes by 911 addresses, not by longitude and latitude. We are not going to do inspections. She said, if anything, we need a registry. The Fire Marshal will do inspections.
- BBB. Ryan Silvestri said with a registry, the onus will be on the homeowner. They will have to come into compliance with the state Fire and Safety rules.
- CCC. Rose Goings said that the town will not be hiring an inspector. We need to take this slowly. We don't want to lose our focus –safety. She said that Landon Wheeler advised us that if we – the town – know of an issue and we don't do anything about it, the onus falls back on the town zoning office. If there is a registry, we can call on the Fire Marshal for assistance.
- DDD. Ryan Silvestri said that LodgingREVS keeps records of complaints. We need to have the homeowners get the inspections and we will keep a list of units.
- EEE. Ted Stryhas thanked Mike Bozich for all of the good information he provided. He said his opinion is that we need to take baby steps and concentrate on safety and who is liable. We need a basis for starting the registry. I think some of this may be scaring some people. We need to use common sense.
- FFF. Alan Couch agreed.
- GGG. Mike Bozich said that LodgingREVS is here as a resource for you and can grow with the town.

7. OTHER BUSINESS

- A. Vermont Council on Rural Development
- i. Phoebe Tucker advised that she has a link for the VCRD has an online program, **Virtual Community Visit** program, offered free of charge to communities, provides a platform for engagement and decision-making that is customized to each community's needs. It includes a deep process of community invitation to engage the full community in identifying action for forward momentum, and builds connections to resources and technical assistance to support the work moving forward.
- B. Next Meeting Agenda
- i. Alan Couch said the board needs to work on a proposal for the Select Board and

Trustees and finalize it to be able to present it to those boards at their January meetings. He said we need to take baby steps and start with something small. We need to send information to include in the Select Board and Trustees' packets. We need to focus on Life, Fire, Health and Safety. We won't concentrate on costs.

- C. Next Meeting Date – Tuesday, December 15, 2020 at 6:00 p.m.

8. **ADJOURN**

- A. **MOTION by Ryan Silvestri and seconded by Ted Stryhas to adjourn this meeting. Motion passed unanimously.**
B. Meeting adjourned at 7:27 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri

Join Zoom Meeting

<https://us02web.zoom.us/j/89272891304?pwd=RFRmZGFLLzR3SUwveUZ5dHhHbzVMUT09>

Meeting ID: 892 7289 1304

Passcode: 583569

Dial by phone - +1 929 436 2866

Meeting ID: 892 7289 1304

Passcode: 583569 (that's L-U-D-L-O-W on a phone keypad)

Find alternate number outside New England:

<https://us02web.zoom.us/j/kdpZsr4MgG>