

PLANNING COMMISSION

PRELIMINARY MINUTES

OCTOBER 20, 2020

6:00 PM

Join Zoom Meeting

Topic: Ludlow Planning Commission

Time: Oct 20, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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

Meeting ID: 872 8972 2859

Passcode: 572569

By phone - +1 929 436 2866 US

Meeting ID: 892 7289 1304

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

MEMBERS PRESENT:

Alan Couch, Chairman

Terry Carter

Phoebe Tucker

Ryan Silvestri

Ted Stryhas

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Lisha Klaiber, Recorder

Eric Chattergee -Okemo Valley TV

Justin Hyjek

Recorded on tape

Recorded for 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.

2. ROLL CALL

- A. Alan Couch asked members, when I call your name, please respond in the affirmative.

Ryan Silvestri – aye
Terry Carter - aye
Ted Stryhas – aye
Alan Couch – aye
Phoebe Tucker joined at 6:18
Alan Couch welcomed Phoebe Tucker to the board.

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 September 15, 2020.
B. Terry Carter noted that for Item 4B on page 2, it should read that she will not be available on Wednesdays through Fridays.
C. **MOTION by Ryan Silvestri and seconded by Ted Stryhas to approve the minutes September 15, 2020 as amended. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **SHORT-TERM /ALL RENTALS- DISCUSS SELECT BOARD MEETING FROM OCTOBER 5, 2020**

- A. Alan Couch advised the board has been discussing this for a few months and Landon Wheeler, State Fire Marshall had suggested that the registry should be for all rentals, not just short term rentals. Some of the Planning Commission members attended the October 5th Select Board meeting and got good feedback. Alan Couch asked Rose Goings to forward Ryan Silvestri's email from October 1st regarding a draft rental registry document. He said that the Select Board was onboard with minimal reservations. Alan Couch said that he thinks that this board should start small to get the registry going. We may consider a mass email to 2nd home owners. He said that he is not sure how to get the list of owners. We should also include people in town with accessory or 2 family homes.
B. Ryan Silvestri said we could get the mailing list off the Grand List and send information where the tax bills are sent. We could also send a blanket mailing to all property owners in town.
C. Alan Couch said he agrees. He said that Ryan Silvestri had come up with a form for the registry. We should look at it and see what we want to put on it.

- D. Rose Goings said that at the Select Board meeting, there was a sense that the Trustees may not be onboard. We need to get the Trustees onboard before we go forward. We will call it the Rental Registry, not short-term registry. She said that she had sent board members information of legislation that went into effect October 12th on short-term rentals. We now have the right to make regulations about short term rentals. The law affects some of our regulations. It may also help with lack of Affordable Housing.
- E. Alan Couch said the process may not be up and running until the next tax bills go out. We need to have the registry form ready to go. We should have a plan for the next 12 to 18 months of actions and how to implement them.
- F. Rose Goings said we have to get both the Select Board and the Trustees on board. They will have to grant us permission to include something in with the tax bills. We should get on the Trustees' agenda for their November meeting. We don't want them thinking negatively. We are not doing this for money, but for safety. There are some 2 or 3 bedroom apartments that are being rented to 25 people. We need to consider fire safety. She added that she does not know if the Town would ever hire someone for inspections and enforcement. We need to start with safety.
- G. Alan Couch said he will go to the next Trustees' meeting. We are looking at this for safety, not to be big brother. He added that Landon Wheeler had told us that if a unit is rented for even one day, it falls under state fire safety codes. He said that the Trustees' meeting is on November 10th at 6:00 p.m. We need to come up with a time line. He said that whether or not the town is interested in hiring someone to implement this, we should keep pushing for it.
- H. Ryan Silvestri said we may consider offering free smoke/CO detectors as an incentive, to homesteaders who register. We would need a decent registry fee, but the town could carry the cost.
- I. Alan Couch said that \$100 to \$200 per year registry fee is not that expensive. He asked about mother-in-law apartments. He said are they still considered rentals even if the owner doesn't charge rent.
- J. Ryan Silvestri said that at \$100/year with maybe 1,000 rentals would amount to \$100,000. He thinks that's a stretch and we would not get that volume the 1st few years. We need to offer the homesteaders an incentive.
- K. Terry Carter asked Justin Hyjek why he is not in favor of making an agreement with the state. She said that Landon Wheeler suggested we may want to hire a retired fire Marshall to do our inspections.
- L. Justin Hyjek said that we are not inundated over the benefits. Being independent of the state is also a benefit. Other towns are doing this without the state. The state is not the best way for us to achieve this. He said that homeowners should be in compliance. He said the big issue is lack of Affordable Housing. He said that other towns are doing zones and tiers. We need to think outside of the box and keep this local.
- M. Ryan Silvestri said we are discussing state fire codes, not rent control.
- N. Justin Hyjek said he understands that this is based on safety. It is a great thing to use an apartment where occupancy is limited. He doesn't think an agreement with the state Fire Marshall or hiring a full time employee is in the best interest of the town. We already have regulations in place.
- O. Ryan Silvestri said they are loosely enforced. Our goal is to enhance the regulations through a local program. He said that he lives and works in town and can't find an affordable long term rental.

- P. Justin Hyjek said that they should not start with all rentals. He said that he sent Rose Goings some lodging information that he has put together. He said that this has been an issue for quite a while. He said that most people are concerned about Affordable Housing, trash, safety and parking. We should see what best fits Ludlow from the information we gathered from other towns.
- Q. Rose Goings said that there is a company from Colorado that wants to handle our Short Term rentals. We want someone more local. It could be a subcontractor. We want to take the liability off the town. At this time, the liability is on the Fire Marshall. She said that the training for an inspector starts at 40 hours, but it takes years to gain experience. We could get a handle on short term rentals with the new Act 726.
- R. Justin Hyjek asked if anyone from the Planning Commission has reached out to Killington.
- S. Rose Goings said not Killington, but they have reached out to Woodstock. Woodstock is primarily interested in septic.
- T. Terry Carter said that they did check on Killington. Killington has the owners fill out a check list.
- U. Justin Hyjek suggested that they have the town attorney draw up something to put in the registry to say that Ludlow is not liable. We are a small community and there is not a lot of manpower.
- V. Ryan Silvestri said we need to reach out to see what other communities are doing. Ludlow is small, but there is a big volume in units with over 4,000 improved parcels. We could possibly role this into the health officer's position to keep it in house.
- W. Alan Couch said that most property transfers include house inspections and the state is requiring hard wired Smoke/CO detectors. The people who are going to cooperate with the inspections are probably not the units we need to worry about. We shouldn't sit on the sideline.
- X. Terry Carter said that we need to set as a goal to come up with something to go out with the tax bills.
- Y. Alan Couch said we need to have a solid registry enrollment. He thinks we need a 12 to 18 month time frame with goals and how to implement them. He is not sure about a full time employee. He said it would probably take about 5 years to get all of the units inspected. We should plan on using the next 5 meetings to come up with a time line and how to implement it. This should get us ready to get information out with the tax bills.
- Z. Terry Carter asked Eric Chattergee if the document from Ryan Silvestri could be shared at the next meeting.
- AA. Eric Chattergee said to give it to him before the meeting.
- BB. Terry Carter asked if the company that Justin Hyjek has spoken to could be invited to the next meeting.
- CC. Rose Goings said they could ZOOM.
- DD. Justin Hyjek said he will give the paperwork he has gathered to Scott Murphy to give to this board. He will reach out to the company he has spoken with. He thinks it would be worth it to find out about their software algorithms. He will get the information to Rose Goings.
- EE. Alan Couch asked Rose Goings to share it with the board. They will discuss Ryan Silvestri's registry at their next meeting. He got the feeling that the Select Board is onboard. He is cautiously optimistic.

- FF. Eric Alden said that what he sees lacking is education of the homeowners. What they need to do. You need to know the number of full time residents. They are not informed on what they should be doing to keep the public safe. He said that the tiered process would be a monumental task. He likes the idea of giving away smoke detectors and would be willing to donate to it.
- GG. Terry Carter said it is a good idea to go to the Trustees' meeting.
- HH. Eric Alden said more locals might buy in if you stressed their safety, not the registry.
- II. Ryan Silvestri said between now and November 10th, he will create a Microsoft Word document. He asked Rose Goings to send him town letterhead. They can go to the Trustees' meeting with the registry form and educational materials. We need to get educational information and requirements on the town website before that meeting. The Select Board is already onboard and the Trustees may be more conservative. We need to show them something simpler.
- JJ. Rose Goings said they need to send information to the Trustees 1 ½ weeks prior to their meeting.
- KK. Eric Alden said that the first thing that Terry Carter has asked him about was incentives. You need to think about smaller incentives for locals. He said that you really need to look at rentals that belong to full time residents. You need to offer an incentive for people to sign up for the registry.
- LL. Alan Couch said there should be incentives for full time residents to rent to full time renters. We should look into local discounts. We need to try to get the registry ready for the Trustees' meeting and get them onboard for life and safety. We need to look over Ryan Silvestri's registry form and establish a time line.
- MM. Terry Carter said we should invite the company that Justin Hyjek discussed to our next meeting.
- NN. Ryan Silvestri asked if we need to change any town regulations or ordinances. Will this be volunteer or will it have teeth.
- OO. Justin Hyjek said that the company that he has been talking to deals with enforcement.
- PP. Terry Carter asked about liability.
- QQ. Ryan Silvestri said that would have to be addressed in a contract.

7. AFFORDABLE HOUSING ACT

- A. Alan Couch said that the new legislation deals with Affordable Housing, small lot regulations and tax on dispensaries of marijuana and CBD products.
- B. Rose Goings said the act is a mixed bag. She said that S237 Act 179 is a housing bill and was signed by the governor on October 12, 2020. In it, accessory dwellings may now be up to 30% of the primary dwelling or 900 square feet. Short term rentals may be regulated distinctly from long term rentals. Also, accessory dwellings can possibly be rented as short term rentals. She added that small lots of under 40 feet or 1/8th acre can be developed if the lot can be connected to municipal water/sewer. This would be great for tiny houses and they would be listed the same as a single family dwelling. For conditional use of 4 or less units, you can't deny permits based on undue impact on the character of the area. This has never happened in Ludlow. Municipalities are granted the authority to register short term rentals by ordinance or bylaw to transient vacationers or less than 30 consecutive days or 14 days per year.
- C. Alan Couch said people can develop small lots for less money and would be more likely to

- rent them year round because their investment is lower. Maybe we could encourage that in the zoning regulations.
- D. Ryan Silvestri said that the act reads if it is an accessory building, the town could register it as a short or long term rental.
- E. Rose Goings said she asked Jason Rasmussen and he said that an accessory dwelling is only meant for family and not to be rented out. The Fire Marshall has no jurisdiction over them. They would fall into a different category if rented. She does not have a definite answer about this, it is a gray area. She said that people do make more money on short term rentals.
- F. Ryan Silvestri said, if we shrink the density, people may build more short term rentals. Can we pass an ordinance to regulate this? Could we regulate the parking?
- G. Justin Hyjek said that other places are doing zoning by tiers. Can we regulate the rental permit?
- H. Rose Goings said that as part of the Downtown Master Center Plan grant, we would be working on mixed use. There are buildings with businesses downstairs and vacant apartments or space upstairs that are not being used. We would try to get those units back into use. If we get the grant, we should talk about getting those apartments back into use and look for grants to help.
- I. Alan Couch said we could look into incentives for the building owners to fix up those properties to rent. There may be some owners who don't want to or can't afford to fix up those apartments.
- J. Eric Alden said that with the new legislation, part of the solution for Affordable Housing might be with density. You could add density to existing properties, with the deed restriction that the unit be made and kept as Affordable Housing. There is a property on Depot Street with a barn that could be made into Affordable Housing apartments, but it is restricted by density.
- K. Rose Goings said that the Planning Commission decreased density several years ago. It would be up to this board to consider changing that.
- L. Alan Couch said the board can discuss it.
- M. Rose Goings said that like Justin Hyjek said, we can look at each area and decide where we could allow higher density.
- N. Alan Couch said that we encourage development in the Village because of the infrastructure. But, there is always a parking problem.
- O. Rose Goings said while they did upgrade the sewer plant, we would have to check with them before changing density requirements. She agreed that while Main Street density requirements could be changed, there is a problem with parking.
- P. Alan Couch said that if the water/sewer system can handle the holiday periods, it can handle a few new apartments. He said that they can check with Chuck Craig. Referring to the changes regarding the sale and taxing of marijuana and CBD products, he said that Ludlow has rules in the zoning regulations that prohibit sales in town. The bill that was not passed allows towns to opt in. People may cultivate whatever crops they want and we can't regulate that. You can have 2 plants per house in secure garden spots. He asked if we need to have regulations to screen large cultivation. We need to discuss this as a board. Can they cultivate to sell to dispensaries?
- Q. Terry Carter said they can do that now, but have to be certified by the state for hemp or pot.
- R. Alan Couch said we can't regulate where it is cultivated.
- S. Rose Goings said we have an ordinance.
- T. Alan Couch said we could rescind it and we could opt in.
- U. Terry Carter said the rules have changed and this may be a way for the town to make money.

- V. Alan Couch asked if we want rules to screen large scale cultivation. He asked the board to review the copy of the legislation that Rose Goings sent to them.
- W. Rose Goings said they could also see the entire document on-line.

8. **OTHER BUSINESS**

- A. Rose Goings said that Scott Murphy has asked her to advise everyone that on November 17, from 9:00 to 1:30, the South Woodstock Fire Department will allow people to drop off old maple syrup spouts and tubing.
- B. Rose Goings told Phoebe Tucker that there are zoning books and documents available for her. Rose Goings said they are on-line or she can print out hard copies for Phoebe Tucker.
- C. Phoebe Tucker said she will look at the website.
- D. Rose Goings said she will send Phoebe Tucker some links.

9. **ADJOURN**

- A. **MOTION by Phoebe Tucker and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:24 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri