

PLANNING COMMISSION

PRELIMINARY MINUTES

September 15, 2020

6:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/89561036304?pwd=a3pCU3U3NTJvMTBzVThBbk4ybGJNdz09>

Meeting ID: 872 8972 2859

Passcode: 572569

By phone - +1 929 436 2866 US

Meeting ID: 895 6103 6304

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

MEMBERS PRESENT:

Alan Couch, Chairman
Ryan Silvestri

Terry Carter
Ted Stryhas

STAFF PRESENT:

Rose Goings

Scott Murphy

OTHERS PRESENT:

Eric Alden

Lisha Klaiber, Recorder

Fred Marin -Okemo Valley TV

Jason Rasmussen

Recorded on tape

Recorded for TV

Landon Wheeler

1. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Alan Couch called the meeting to order at 6:02 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

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 August 17, 2020.
- B. Terry Carter noted that for Item 6N on page 2, it should read that she will not be available on Wednesdays and Fridays.
- C. Eric Alden noted that his name is Eric, not Ethan.
- D. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes August 17, 2020 as amended. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **SHORT-TERM RENTALS – FIRE MARSHALL LANDON WHEELER TO DISCUSS CODES**

- A. Alan Couch advised the board has been discussing this for a few months and Landon Wheeler, State Fire Marshall, is present tonight to discuss this. Alan Couch added that we know that some of the rental units in town are not up to code. We have discussed a registry and inspecting units to make sure they are up to code and to make sure they are safe and up to code for egress, smoke and Carbon monoxide detection, hot and cold water and heat. We have discussed who would be responsible to inspect the units and by whom and how would the regulations be enforced. He noted that some cities have agreements with Air B&B and if a unit is not registered, Air B&B will not rent it out.
- B. Landon Wheeler said that the Division of Fire Safety does offer municipal agreements for the enforcement of codes and standards. A town must pass an ordinance that allows the town to inspect properties. He said the town ordinance may be more stringent than the state statutes. The Division of Fire Safety would then enter into an agreement with the town to authorize the town to inspect units. The Division of Fire Safety offers training to towns for their staff. The towns would do the inspections. Some towns are using their health officers, others are using the fire department staff and others create positions. He suggested that Ludlow set up a registry not only for short term rentals, but for all rentals. He said the board should consider how far they would want to go with the inspections. Landon Wheeler added that the state does a good job adopting federal codes to fit and meet Vermont needs. He suggested that the board may want to check with Chief Kolenda to discuss where most situations occur. He said he thinks that in Ludlow it is residential, single family homes.
- C. Rose Goings asked about the municipal agreements.

- D. Landon Wheeler said it is a written agreement between the state and the community and provides the towns with a level of resources and gives the towns the same authority for enforcing codes as the Division of Fire Safety. There are varying levels of coverage. He said the Division of Fire Safety would provide training to a person designated by the town and the person would have to pass certification. The Division of Fire Safety would be available to assist where needed. The State has the obligation to enforce statutes and codes. IF Ludlow wants a municipal agreement, it would need to have an appropriate person to provide the inspections.
- E. Terry Carter asked if Landon Wheeler could be the inspector for Ludlow.
- F. Landon Wheeler said no, he is a state employee.
- G. Alan Couch said the town would have to hire someone to do the inspections.
- H. Ryan Silvestri asked if there are any private contractors who do this work.
- I. Landon Wheeler said he does not know of any. He said the state doesn't have many private inspectors. He suggested that there are some great, young people coming out of the fire programs who may be interested. There also may be retired fire inspectors who may be interested in part time work.
- J. Terry Carter said that she had spoken to Pete Kolenda and Ron Bixby (Fire Department) and neither one is trained for this.
- K. Landon Wheeler said it really takes a few years to get to know the codes and contractors and to build relationships.
- L. Ryan Silvestri asked how long does it take to get certified.
- M. Landon Wheeler said the basic course is 40 hours for level 1, then you must pass a test. Yearly training is offered advance.
- N. Rose Goings said that some of the learning is very interesting. She said that she has gone on inspections with Landon Wheeler and had learned quite a bit. Ludlow's biggest concerns are always safety, health and welfare. She said that Ludlow is listed as having about 520 rental units, but there are way more than that.
- O. Landon Wheeler said he agrees. If you look at the town's grand list and see how many out of state property owners there are, many of them are probably rentals. There is one condo complex with 300units.
- P. Ryan Silvestri said that 90-92% of all units in Ludlow are non-residential. He said there are 1,120 condos on the Mountain.
- Q. Rose Goings asked how many of them are rented.
- R. Ryan Silvestri said they are all probably rented at one time.
- S. Landon Wheeler said the highest risk properties in Vermont are where people sleep. He said his office does its best to inspect the high risk properties in Ludlow.
- T. Alan Couch said if a property is rented for one day, it is considered a public building. He said Fire and Safety should apply across the board.
- U. Landon Wheeler said they try to identify high occupancy properties.
- V. Alan Couch said if we do have a registry, we should include all rentals.
- W. Landon Wheeler said he absolutely encourages that. If you inspect every rental, it would increase life safety. It is hard for an inspector to come into a community and ask owners how often they rent out their units. They don't want to tell you.
- X. Alan Couch said that there are condos with rental pools and property management people along with the condo associations.
- Y. Landon Wheeler said the ultimate authority is the Division of Fire Safety. If the Ludlow has a municipal agreement, that authority also goes to Ludlow.

- Z. Ryan Silvestri said the condo associations have a motivation to do things right. He said that privately built homes are another question. You don't know how many bedrooms they have or are using as bedrooms.
- AA. Landon Wheeler said you never know what a building will have. Some owners follow the rules and some don't. He said that he explains to property owners that they may be putting people's lives at risk. Some people say they do it to offset their taxes.
- BB. Eric Alden suggested that Ludlow approach this by taking the minimal standards; reasonable egress, life safety and smoke.
- CC. Landon Wheeler said that if Ludlow did take that approach, there are about 5 to 6 chapters of codes that would be applicable, but the inspector would still have to be certified. If an inspector finds stairs without rails that aren't safe, but does not report it, he would be open to a liability. Another example would be windows that are screwed shut and not reported. He said that if they are looking at a single family home that sleeps 8 or less, the least restrictive would be egress, stairs and smoke. For high occupancy, the codes increase and 16 or greater is considered a hotel.
- DD. Alan Couch said he thinks this board wants to start small.
- EE. Landon Wheeler said the inspectors grow with the job. The town would have to enforce the minimum state standards: 2 means of egress, smoke and CO detection and guard rails on stairs.
- FF. Rose Goings asked about sprinklers and spiral staircases. She said the at one time, the ambulance crew did not like spiral staircases.
- GG. Landon Wheeler said the state does allow spiral staircases under certain circumstances. The town ordinance could be more stringent. Your inspector will always have our assistance and guidance.
- HH. Rose Goings said what if there are no windows in a room and there is a spiral staircase? We don't know if our Health Officer would be interested. She said that spiral staircases are becoming more popular.
- II. Landon Wheeler said they are allowed in dwelling units. He said we regulate sprinklers if the risk is higher or other codes cannot be met. He said that part of his job is to explain options to the property owners. The state has rules about sprinklers according to NFPA 101 Chapter 43. Our codes only go back 5 years. We don't go by cost estimates.
- JJ. Alan Couch said that Landon Wheeler has given the board things to think about. We knew the process would not be quick or easy, but we do want to pursue it.
- KK. Landon Wheeler said he would email Rose Goings copies of other existing Municipal agreements in the state. Woodstock is going through the process now and looking at the same interests as you are.
- LL. Scott Murphy asked about Killington.
- MM. Landon Wheeler said they haven't entered into a Municipal agreement, yet, but are taking steps to create a rental registry. He said he doesn't have much information about them because they are in the Rutland district. He added that he will also email codes for 1 -2 family dwellings.
- NN. Terry Carter referred to the form prepared by Ryan Silvestri and suggested that we should add language about asking people if they will agree to an inspection, before we go to the Select Board.
- OO. Ryan Silvestri said he copied the form in PDF form from Boston.
- PP. Terry Carter said she would like to have it retyped and corrected.
- QQ. Rose Goings said this board should come up with its own form.
- RR. Ryan Silvestri said he will do that.

- SS. Rose Goings said it should say Town and Village of Ludlow and be on our letterhead. She added that this board can attend the October 5th Select Board meeting. We need to get our information to Scott Murphy for approval before we go to the Select Board.
- TT. Eric Alden suggested they get copies of what other towns have done before presenting anything to the Select Board.
- UU. Terry Carter said this board has already looked into other towns.
- VV. Alan Couch said if board members go to the Select Board meeting on September 21st, as private citizens, we can try to get a sense of how they feel about this. If they are not in favor of this, we are back to square #1.
- WW. Ryan Silvestri asked if there are any changes to the outline.
- XX. Alan Couch said he will get back to Ryan Silvestri later tonight.
- YY. Landon Wheeler said that taking a 2 – 3 step approach such as doing the registry as one step, the looking into the Municipal agreement as a separate item may work better.
- ZZ. Ted Stryhas said that it is his feeling that this board needs to take baby steps and he is not sure we are ready for the Select Board.
- AAA. Rose Goings said that she received a text from Scott Murphy and it says that this board is on the agenda for the October 5th Select Board meeting.
- BBB. Ted Stryhas said that he agrees with that. This is a big step forward and we are going in the right direction. We should wait and go to the October 5th Select Board meeting. We need to make them feel comfortable with this process and they will probably want more information.
- CCC. Alan Couch said that we need to get feedback from them.
- DDD. Rose Goings said she received another text from Scott Murphy said he said that the Select Board is interested in hearing this discussion.
- EEE. Ryan Silvestri said we need to break this down into steps; we need the number of rental units, registry letter, budgets and registry fees.
- FFF. Terry Carter asked if the town is liable if it knows of a potential situation and someone dies in a fire.
- GGG. Landon Wheeler said not legally – it’s a gray area. He said that statutorily , he is obligated to do inspections. If the town knows about a risk situation, it may not be liable. The owners are liable. This may be something like a unit built to sleep 6 and being rented to sleep 30.
- HHH. Terry Carter said we have a moral liability, if we know about situations like this.
- III. Rose Goings said the registry should just call it “rentals”, not labeled as Short-term, seasonal, etc.
- JJJ. Landon Wheeler said that is the best way to capture all rentals.

7. OTHER BUSINESS

- A. Municipal Planning Grant
- i. Rose Goings told Alan Couch that she would need to have him come into the office to sign the grant within the next couple of days.
 - ii. Alan Couch said he would be available.

8. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:22 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ryan Silvestri

Terry Carter

Ted Stryhas