

PLANNING COMMISSION

PRELIMINARY MINUTES

December 15, 2020

**6:00 PM
Zoom Meeting**

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MEMBERS PRESENT:

Alan Couch, Chairman
Terry Carter

Ryan Silvestri
Ted Stryhas

Phoebe Tucker

MEMBERS ABSENT:

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Eric Chattergee

Recorded for Okemo Valley TV

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.
Terry Carter - aye
Ryan Silvestri – aye
Phoebe Tucker - present
Ted Stryhas – aye

Alan Couch – aye

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

- A. Alan Couch asked to move the Short Term Rentals agenda Item #6 to 6B and add item 6A Extension of Electronic Meetings through June 2021 to the agenda.
- B. **MOTION by Ryan Silvestri and seconded by Terry Carter to move the Short Term Rentals agenda Item #6 to 6B and add item 6A Extension of Electronic Meetings through June 2021 to the agenda. Motion passed unanimously.**

4. **APPROVE MINUTES**

- A. Alan Couch advised that the minutes to be approved are from the meeting of November 24, 2020.
- B. Ryan Silvestri did not have a chance to read them.
- C. **MOTION by Ted Stryhas and seconded by Phoebe Tucker to approve the minutes November 24, 2020 as presented. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6A. **EXTENSION OF ELECTRONIC MEETINGS THROUGH JUNE 2021**

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to extend use of Electronic Meetings through June 2021. Motion passed unanimously.**

6B **SHORT TERM RENTAL/FULL TIME RENTAL REGISTRY WORKSHOP**

- A. Alan Couch suggested that the board refer to this only as Rental Registry as it will encompass all rentals. He said that there was push-back from the Trustees and this may have been – partially – because the presentation was not as cogent as possible. The Trustees thought we were shooting for the moon and trying to regulate rentals. We planned on a very slow rollout with potential goals down the road to require more oversight and regulations. This is a big undertaking. He said that his opinion is to start by coming up with a timeline for each step and at minimum, to have a registry of property owners' or managers' emergency contact information.
- B. Ryan Silvestri agreed that the board should at least create a list of owners to sign off that they have had their properties inspected and they are up to Fire and Safety codes. He said that people have been talking to him about concerns for future staffing for Ludlow's aging fire department. He suggested taking the fees from the registry and fund the fire department budget, annually. This could open the opportunity for the fire department to hire employees

if volunteers are no longer enough. Also, if at some time in the future, we may want a Fire and Safety Officer in town. The trustees might like that. We would be using the extra fees to fund the fire department.

- C. Alan Couch said he thinks there is some compensation for the Ludlow fire department. Members are highly trained through extensive training and it is a big investment and he thinks that the Fire department tries to help defray the costs. The fire department is aging out and new people don't have the time to invest. Training is continual throughout the year. It would be nice to put the registration fees to the fire department budget. The fire department has high-tech equipment and people need to be trained on it. It would not be good if the time comes when there is no one qualified to work on that equipment. This may go a long way with the trustees. We will figure this out with the trustees.
- D. Ryan Silvestri said we need to at least come up with a plan as to where the money we collect would go. The rental registry needs to start out slowly by just creating a list. He said that the LodgingRevs software is great and would allow our registry to grow over time, but also be as simple as a list and have the owner sign off with the Fire Marshal. We could follow Killington's model. We could integrate with the fire department, where the responsibility really lies and set aside funds for the fire department's future. He said that full time firefighters will be hard to come by.
- E. Alan Couch said that when a property sells, the realtors have the property inspected. Some properties have smoke detectors, but they have to be hardwired with battery back-up. Buyers are told that the property should be upgraded before purchasing it. Eventually, as properties turn over, things will get better. We need something small and informative for the short term.
- F. Eric Alden said that Ryan Silvestri has a good idea, but they would have to run it through Scott Murphy – funneling funds to line items in the budget. He said that there may be push-back if all of the funds go. He thinks it is worth starting with the educational side and how to educate home owners and renters to make sure properties are safe. He said that he can't imagine the trustees or anyone in town would be against an education campaign for safety.
- G. Phoebe Tucker said she needs cohesion and asked for clarification: do we have a specific write-up, what are we looking for, is there something we have cohesively presented to the trustees, do we have a clear picture or is it still in the fluid planning stage.
- H. Rose Goings said that Ryan Silvestri had developed a registry and we submitted it, along with other information to the trustees. They did not like the idea especially Earl Washburn. She said that we had Mike Bozich at our meeting. She said that her question is, what this board thought about him, LodgingRevs and their registry. She said that she thought it was a little grand for our town and too much. We would need to incredibly simplify it for Ludlow. She said that she wonders if that is the route Ludlow should go.
- I. Phoebe Tucker asked Ryan Silvestri to send her the registry.
- J. Ryan Silvestri said there was a small package set up for the trustee, with a basic registry asking for names, address, and phone number. I pulled together information from the VT.GOV website for where we would be sourcing our information for the education campaign. It was real basic introduction to what we are trying to do and to get feedback from them. It was a poor response. He said that he thinks that by keeping it as simple as we did, it allowed them to conjure up in their minds what they thought we were going to do and it went off the rails. We still have the support of the Select Board. He said that he agrees with Rose Goings that the way LodgingRevs' software is being used is way above what we would ever use it for in the foreseeable future. He said he wonders if it would be easier to get our foot in the door to start off with the town becoming familiar with that registry. We

- don't have to use it to its potential. But, if we are just using it as an Excel spreadsheet, then just use Excel. If we are going to use their resources, where they actually search for rentals in Ludlow and generate their own list, we would have to make that decision. Do we want to go down that road or just make an Excel spreadsheet, with lists of addresses, and a signed document that the property was inspected with the date and by the Fire Marshal.
- K. Terry Carter said that it sounds like there is no way we could funnel funds to the fire department. They (LodgingRevs) would be controlling the funds.
- L. Ryan Silvestri said he doesn't know if that's true. We are just buying their services and he doesn't know how they would have control over the registry fees.
- M. Terry Carter asked how we would pay for their services.
- N. Ryan Silvestri said it would be a contracted payment to a 3rd party vendor that supplies services to the town.
- O. Terry Carter said that the trustees are really thrift and she doesn't think they'd go for it unless the money it generates pays for itself. She said she doesn't think, even then, that they would go for it. She thinks they're going to shoot us down completely. They all voted no at that meeting. It was like they were saying we don't want to work on this and want to be done with this.
- P. Ryan Silvestri said he tried to get across to them that they are basically saying no to fire and safety. So, basically, they are saying they don't care if a house burns down. They are saying the town had done enough.
- Q. Terry Carter said that what she thought they were saying was that we should trust the people. She said that Earl Washburn said the insurance companies can make sure that doesn't happen.
- R. Rose Goings said Fire and Safety is always going to be enforced because the Fire Marshal still exists. She said that in the Village, right now, they do not want the registry. Fire and Safety will always exist, but maybe not in the way we see fit. The trustees don't want the registry. She said that she thinks that Earl Washburn felt it was an invasion of privacy due to the fact of insurance purposes. They don't want to look at this again. She said that she doesn't know how we can go back. We can ask but they may say no. The Select Board did say they would like to see more information. We can always work within the Town limits and if it works well and is a success, may we can go back. That's how things work.
- S. Terry Carter said that one thing they criticized was that the application didn't say anything about fire and safety and they said we would need to fix that.
- T. Alan Couch said that what we put in front of the trustees was very raw. It was a start. We can tweak things. He agreed with Rose Goings that we should continue the process in baby steps. The Select Board seems to be supportive, but when we go back to them, they may say no. We should still work on this. If we put it out there and the people in the Village raise a stink and say they want this, maybe the trustees will get on board. We shouldn't let the negativity of that one meeting knock us down. We should continue the process. He told Phoebe Tucker that this board had sent out a package of samples from other towns that have registries. He said that the basic thing is fire and life safety; smoke detectors, egress. People who rent want heat, hot water, proper water pressure and wastewater management. I want to keep an eye on properties putting 30 people in a 4 bedroom house and possible septic failure. This could be as simple as making sure there are light bulbs and switches that work. We want to augment what the state Fire Marshal does. We want to educate people that old smoke detectors may fail. We are trying to have a symbiotic, not antagonistic relationship.
- U. Ted Stryhas said he wonders – do we need to educate people before we start a registry. We

- could put information on the town website and not worry about the registry at this time.
- V. Alan Couch said he thinks we should have a registry. The question is whether we should start charging fees for it.
- W. Ted Stryhas said the trustees are obviously turned off by what we are trying to do. So, how about doing this a little differently. Educate the people first and make that our goal. Then, work our way into a registry. Don't take the next step yet and get everyone in a tizzy like they are right now. We need to try to figure out ways to get this moving forward.
- X. Alan Couch said he has no issue with starting the registry and getting information out to the people without charging fees yet. Down the road, when the registry is providing a service or it's become relevant. Then we can start charging a fee and provide something for that fee, not just a name on a piece of paper.
- Y. Ted Stryhas said there may be a better way to start, he isn't sure. We don't seem to be going in a great direction right now. We need everyone to get on board. It is a very sensible thing to do. The issue is to get people on board.
- Z. Rose Goings said that Ted Stryhas brought up a really good point. She said that she has people who come into her office, who own or are renting and have no idea what their 911 address is, they just say they're on Lake Rescue or the mountain. They ask her what to say if they call EMS in an emergency and EMS asks for an address. The renters don't know. That is what started the 911 ordinance in the town, but the village doesn't have that ordinance. This is a huge safety issue. That's why we have the green 911 numbers. We want to notify people of things like available education, like the need for fire extinguishers in the kitchen. People don't read the papers and don't know when or if hearings are posted. If we want to educate people, the only way is by sending every person a mailing. Fire Safety has brochures and it's their job to educate people about fire safety. She said that she doesn't know if it is the Planning Commission's job to educate people about fire safety. She said it would be good to find out a way to tell people where they can find educational information. She said that she thinks about the companies that we are considering hiring for the registry. They are all new companies and all based on Air B&B. If we were to hire a company and they all of a sudden go out of business, we would be left holding all of this stuff and looking for another company.
- AA. Alan Couch said that he thinks that the consensus is that they need to start out very small and educate renters and tenants. We should have a list of people who are renting their properties out so we know who to contact when things go south.
- BB. Terry Carter said she likes the idea that maybe we should send out information in this year's tax bill. It may include tenants' rights and owners' responsibilities.
- CC. Eric Alden said that realtors and brokers give information to buyers, but that's still a small percentage of homes. We need to hit not only the people buying now, but the people who have owned for years. He added that people who rent out their properties are in business and he doesn't know of many businesses that can operate without some sort of permitting or certification from the state or town they operate in. Another piece of the education process is insurance and liability for homeowners. He said that he knows that he must carry commercial insurance or I won't be covered if something did happen. That would be a good piece of the education process. He said that he likes the idea of getting something out to the town. He said that he respects Rose Goings' comment about it may not be the Planning Commission's role, but maybe it is. This is a good case for the Planning Commission to get information out there through the tax bills or electric bills.
- DD. Ryan Silvestri said maybe we should try to put out a pamphlet with the information in the tax bills and also put pamphlets in the fronts of restaurants because the homeowners are the

only ones who get tax bills. We need to get the information to the tenants. Maybe we should focus our efforts on education and see how that goes. He agrees with Alan Couch that we do need some type of registry so the town is aware of what properties are being rented out. It's a pretty modest thing for the town to ask. It is a benefit to be able to rent out your property in Ludlow. They would need to register with the town and provide pertinent information so if we need to use that information, we have it. He said that going first with education is probably where we should focus for the time now.

- EE. Rose Goings said she is pretty sure that the Fire Marshal does have brochures and she doesn't think they would be hard to get. We can speak to Landon Wheeler again. She said that even if we want to develop our own brochure, we could take the information that they already have produced.
- FF. Terry Carter said maybe we could have something that the renters need to keep at their properties with 911 information and a list of things that need to happen in the building. We could put it in with the tax bills and say that it needs to be posted in the rental properties in a place where the tenants can see it.
- GG. Ryan Silvestri suggested making up a short form where the current address is blank. The form would contain contact information for town hall, fire, police and ambulance departments. It could be posted on a refrigerator like they do in the units at Solitude.
- HH. Eric Alden, it could also include information about insurance and risk about renting your property to someone.
- II. Terry Carter said between now and our next meeting, we can collect the necessary information that we would like to have in the pamphlet and start constructing it.
- JJ. Alan Couch said he would work on an outline for our next presentation – what is our first step and what it is we need to do to take the next steps and we need to make our intentions clearer.
- KK. Terry Carter said that she will contact Ludlow Insurance and talk to Sharon and Ron Bixby about insurance and what they think should be included. She said that Ron Bixby is a member of the fire department.
- LL. Rose Goings said that she will talk to Landon Wheeler.
- MM. Alan Couch said it would be good if we could get the State of Vermont to print up our brochures or provide us with brochures that have the needed information.
- NN. Eric Alden said he thinks for Fire and Safety, that they have a brochure on their website.

6. OTHER BUSINESS

- A. Municipal Planning Grant
 - i. Alan Couch advised that we received a municipal planning grant.
 - ii. Rose Goings said that is correct and it will be interesting to move onto something new. It's about a Municipal Downtown Master Plan and changing the village downtown, coming up with a Mixed Use Plan and changing the zoning to make it more COVID friendly. We may add to the zoning to make outside seating more relaxed. We may possibly allow take out windows. She said that right now, zoning enforcement has been really relaxed downtown and we really aren't enforcing some things. She said that when COVID is over, we will start enforcing again, unless we change some of the zoning regulations. She said it really hasn't been a hardship, but we will need to look at it because some of those take out windows fall right on the sidewalks. With the Mixed Use portion, we would like to get some of those apartments back into being

able to be rented. We may also change the parking requirements in the village. We have discussed changing it to one space per unit from the current 2 spaces per unit. We applied for the grant so that Jason Rasmussen could come back and work with us. Also, there is a new planner over there and she does graphs and drawings. She can also help us.

- iii. Terry Carter asked when the grant would start.
- iv. Rose Goings said the meetings will probably be by ZOOM and may start in January. She will talk to Jason Rasmussen about his schedule and to see what he says. We will need to start forming our ideas. We want to see the village become a new village.
 - v. Terry Carter said we want our businesses to thrive so we can have a strong downtown.
 - vi. Alan Couch said not a new village, but a better village.
- vii. Rose Goings said we also want more affordable housing in the village and those apartments may help. There are a lot of vacant ones and it would be nice to take care of that. She said that part of the problem is parking and we need to look at that.
- viii. Eric Alden asked if there is a mechanism for people to appeal the zoning regulations and have the DRB look at and grant a variance.
 - ix. Rose Goings said that variances are almost impossible in the State of Vermont. You would have to prove hardship. If the building is preexisting, it would be grandfathered. But,, if you are trying to build a new unit and asking for a variance on parking, you would not get it.
 - x. Eric Alden asked if the decision is made by the town or state.
 - xi. Rose Goings said the DRB,, based on state regulations.
 - xii. Eric Alden asked if it is on a case to case basis. He asked if it wouldn't be harder to change zoning , the process is intensive, or rather than have a Board of Appeals to look at situations case by case.
 - xiii. Rose Goings said it is easier to change the zoning than to try to get a variance, especially if it is a larger development.
 - xiv. Eric Alden asked if she thinks that the units in the village are not rented because of lack of parking.
 - xv. Rose Goings said that there has been no parking downtown for even units that are existing. Also, there is no more build out in the village. All existing buildings are grandfathered right now. She added that even the parking at the Mill doesn't qualify for the Mill, so people park everywhere. She said that Hammond Hall has parking behind the building, but extra people staying there park on the street. She said if you look at our parking calculation in the zoning regulations, you can see that it doesn't make sense. We calculate a total of 151 parking spaces. It doesn't make sense for all of the units, restaurants, seats in the restaurants and stores. She said that DJ's alone can host 300 people. Parking doesn't qualify. We need to figure out a formula that will work for everybody with all of the existing businesses. She said that every time a new business comes in, we don't want to punish them because our formula is so out-of-whack. It hasn't been changed since the early 1980s and needs to be fixed. She said that this board discussed this a couple of years ago and knew that the calculation hadn't been changed in many years. We need to change the formula for parking in the downtown and this was part of the reason for the grant and also updating some other things.
 - xvi. Ryan Silvestri asked, if under current regulations, every apartment requires 2 parking spaces.
 - xvii. Rose Goings said some may be grandfathered, but that is what it is now. She said that

- some of the apartments are small and usually don't have 2 cars. She said that even in the Municipal Parking lot, a lot of people from the apartments from above the Hatchery or Blue Sky park there.
- xviii. Ryan Silvestri asked if the apartments above DJs are vacant because of parking.
- xix. Rose Goings said no, they own all the parking behind that building. She said some places like the Pot Belly Pub own all of the parking in back of their building. She said that some businesses have a ton of parking, but others are only sitting on the land that the building is on, like King Fish or Mary Jane O'Hara's building. The only parking they have is in the front of the building. She said if a business changes the use of their property, by our calculations, they have nowhere to go except to the Municipal lot.
- xx. Ryan Silvestri noted that Okemo runs a shuttle in the winter and asked if there has been any off-site shuttle parking identified.
- xxi. Rose Goings asked, like by Java Babas.
- xxii. Ryan Silvestri said possibly off Route 103 by Fox Lane. He said that he knows it is a low lying area, but if you were to put a parking lot there and run a shuttle on a schedule, Has that ever been discussed.
- xxiii. Rose Goings asked, other than the Okemo shuttle?
- xxiv. Ryan Silvestri said yes. He they could possibly incorporate the Okemo shuttle into the route.
- xxv. Rose Goings said that would be a nightmare during ski season.
- xxvi. Ted Stryhas asked who would pay for this.
- xxvii. Ryan Silvestri said all of the land is privately owned. Is there any way we could motivate the owners. It is 18 acres in the floodway. They could put in a parking lot and throw in parking meters.
- xxviii. Rose Goings said that at 57 Pond Street there is parking and no one parks there.
- xxix. Ryan Silvestri asked if there is another property, further out of the town limits, more of an open space, that could be turned into a parking lot to and from which a shuttle service could take people downtown and back on a schedule. You could get more people downtown without having to try to park in front of the buildings.
- xxx. Ted Stryhas asked how about eliminating the shuttle and adding on to that parking lot and walk to the village . He said he is just considering costs.
- xxxi. Ryan Silvestri said he is not saying that this should be a town run shuttle. We could try to motivate a private land owner. It's a business opportunity.
- xxxii. Ted Stryhas said if we extend the Market Place parking, further toward town, it would be a great place for parking.
- xxxiii. Rose Goings said that the Kelley lots, by Subway are all flood area.
- xxxiv. Ted Stryhas said maybe this would be an opportunity where people could actually walk out of those places without getting the shuttle. He said that a shuttle may have to happen down the line, but that's a very big step. He thinks that any place where you could let people park and walk to businesses is a positive.
- xxxv. Eric Alden asked Rose Goings if, with the grant, you can request signs for the Mill so we can let people know it is not a municipal parking lot.
- xxxvi. Rose Goings said no, that would not be in the grant. She said that she will send board members a copy of the grant. It has our outline. We can focus on it for the next meeting and everyone can come to that meeting with ideas of what our focus is going to be. She said that Jason Rasmussen will be with us.

- i. Phoebe Tucker asked board members had looked at the link for the VCRD and should we table it until next year.
- ii. Alan Couch said he hadn't looked at it.
- iii. Terry Carter asked her to resend the link

7. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:08 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri