

PLANNING COMMISSION

PRELIMINARY MINUTES

January 26, 2021

**6:00 PM
Zoom Meeting**

Join Zoom Meeting

<https://us02web.zoom.us/j/87387936899?pwd=eG5DTUFENjd3Tyt0T2ZPdWc3bW9zQT09>

*Meeting ID: *873 8793 6899

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Dial by your location+1 929 205 6099 US

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MEMBERS PRESENT:

Alan Couch, Chairman
Terry Carter

Ryan Silvestri
Ted Stryhas

Phoebe Tucker

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Scott Baitz

Fred Marin

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, consistent with Governor Scott's Executive Order of 01-20 and 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 noted that all members present.

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

- A. Terry Carter advised that at recent Regional Planning Commission there were discussions about food boxes and broad band. She would like to discuss in under Other Business.
- B. Alan Couch agreed.

4. **APPROVE MINUTES**

- A. Alan Couch advised that the minutes to be approved are from the meeting of December 15, 2020.
- B. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes December 15, 2020 as presented. Motion passed unanimously.**

5. **COMMENTS FROM CITIZENS**

- A. There were none.

6. **SHORT TERM RENTAL/FULL TIME RENTAL REGISTRY WORKSHOP – EDUCATE/PAMPHLET**

- A. Alan Couch referred to the letter drafted by Ryan Silvestri that would be sent to property owners discussing the Rental Registry. He said that he likes the letter, but said that the 3rd and 4th paragraphs need work.
- B. Ryan Silvestri said he set up the format and noted that length is important, it should not be more than a couple of pages.
- C. Terry Carter said that it was her understanding, from the last meeting, that they were just going to include a brochure in with the tax bills, explaining what is needed to make properties safe. She said that the Trustees were against the idea of a rental registry.
- D. Alan Couch said that hopefully, the Trustees will realize that the intent is for education and not to put on undue burden on property owners. It is not for an additional tax. The letter should explain our intentions and explain how the registry would benefit the town and village. He thinks that the Trustees misconstrued our intent.
- E. Rose Goings advised that if they want to include something in with the tax bills, it must first be approved by the Select Board and the Trustees.
- F. Terry Carter said she thought that at the last meeting, this board said we were just going to send information. She said that the Trustees will shoot us down. They were concerned with property rights.
- G. Alan Couch said that if someone rents out their property, state law says that they must have the property inspected by the State Fire Marshal. He said that the state has the right and responsibility to inspect properties.
- H. Terry Carter said that she thought, at the last meeting, that we were just going to send out information about property safety and not going to pursue the rental registry anymore.
- I. He said the town will not be doing the inspections and we will not be asking the state to do the inspections, the owners will.
- J. Rose Goings said that this will be self-imposed by the owners and they would sign it and say that they are in compliance with the state regulations. We would put educational information in with the tax bills. She said that she got information from Landon Wheeler. She said owners would sign the rental registry stating that their properties are in compliance.
- K. Terry Carter asked if we are now saying that they have to pay something.
- L. Alan Couch said that registration fees are still to be determined and down the road. We need to get the property owners to sign up. We would possibly charge a fee, maybe \$20, \$50 or \$100 – down the road – to cover the costs of the brochures. We are not trying to penalize

- property owners. We are trying to educate the owners and renters. He said that we can't win by not trying. We have to try again with the trustees. If we try again and they are still against it, we'll have other people in town to run and vote them out.
- M. Ryan Silvestri said that the letter explains things that we didn't fully say at the meeting. They can get the real answers and make their decision on what they read, spelled out in black and white. This could be a money maker for the town. We need to start the mechanism to start rental safety. We may have such a large list that the state may not be able to reach them all. The state will see the extent of the rentals in Ludlow.
- N. Alan Couch said that the trustees didn't get the gist of what we wanted to do. He said that he thinks we can present a cohesive, non-contentious discussion.
- O. Eric Alden suggested that the board define the difference - if you are renting a property, you are operating a business and the town has requirements for operating a business.
- P. Alan Couch said that should be included in the letter.
- Q. Terry Carter said when we go back to the Trustees, if they shoot it down, we can ask them if we can put an educational brochure in with the tax bills. She said the Trustees are not in favor of the registry and probably had decided that before we went to their meeting.
- R. Ted Stryhas said that Ryan Silvestri did a great job on the letter, but it is premature. He agrees with Terry Carter that we were just going to start with a brochure. We need to get our foot in the door and give people information. When we start discussing fees or money, people get upset. We need to open the door with something that people will like. We need to get the Select Board and Trustees all together,
- S. Alan Couch said they can remove references to fees from the letter, but mailings and brochures cost money.
- T. Ryan Silvestri said we can't do it without fees, it must be self-funded.
- U. Ted Stryhas said we need to get through the door first.
- V. Terry Carter said that fees are a problem. She said that Earl Washburn said that peoples' insurance companies make them take care of the fire safety items.
- W. Alan Couch said that his homeowners' insurance company did not come into his house. The state required hard-wired, photovoltaic smoke detectors, make sure that the furnace works and people have hot water. They need the state fire marshal to sign off if they rent their property. He added that insurance for private homes is different from insurance for rental properties. He said that commercial rules apply for businesses.
- X. Rose Goings said one thing that should be added to the letter is to make sure that the responsibility is on the homeowner when they rent their property. They need to sign a document that takes the onus off the town. It is the homeowner's responsibility to contact the fire marshal.
- Y. Alan Couch said it is also the homeowner's responsibility to let their insurance company know that they are renting out the property. If there is a problem, it may not be covered by their insurance if they haven't let the insurance company know.
- Z. Alan Couch said some owners may not be aware that inspections by the fire marshal are required for rental properties. This letter is to educate not punish.
- AA. Scott Baitz asked if that is correct.
- BB. Alan Couch said he thinks it is state law. He thinks Landon Wheeler discussed it.
- CC. Scott Baitz said he has never known them to sign off – maybe they go through Countryside Alarms.
- DD. Alan Couch said that the fire marshal was there when Mike Blaise was doing an installation. He said that when properties are transferred, sometimes the buyers require inspections.
- EE. Scott Baitz said he doesn't think this law is enforced.
- FF. Alan Couch said that homeowners need to know the rules. He said that with the Air B&B and VRBO properties listed on-line, the fire marshal is overwhelmed. The fire marshal's office is

- understaffed.
- GG. Scott Baitz said that the condos all get inspected and 4 units are under the radar.
- HH. Alan Couch said some homeowners do the right thing. This is not meant to be punitive, but educational. We need to let people know they need egress for all bedrooms.
- II. Eric Alden said there are requirements for change of use of buildings and they are not enforced because the fire marshals are understaffed.
- JJ. Rose Goings said there are already rules and regulations for the fire marshal. It would be up to the people to take the responsibility to have their properties inspected and in compliance with those rules.
- KK. Terry Carter said that her foremost concern is to make properties safer.
- LL. Alan Couch said to educate the property owners about current state fire/safety requirements.
- MM. Terry Carter voiced her concern that the registry may make the town liable.
- NN. Ryan Silvestri said we need to create a list of rental properties to pass off to the fire marshal. He said it is better to be upfront about fees.
- OO. Alan Couch said if we don't say anything about fees and then if questioned say maybe down the road. Leave it out of the letter for now. People may not like fees.
- PP. Ryan Silvestri said fees are inevitable.
- QQ. Terry Carter said we need to get the state to take on the responsibility.
- RR. Alan Couch said that at some point, there will be fees.
- SS. Terry Carter said to remove references to fees now.
- TT. Alan Couch said that the fees will cover the costs of educational brochures. We could defray the expenses to homestead properties.
- UU. Eric Alden suggested that there should be a difference in fees for owner-occupied properties vs. straight investment properties, possibly make owner-occupied exempt.
- VV. Ryan Silvestri said that is what homestead refers to; it's based on how taxes are filed. He said if someone owns multiple units, they can file homestead on one property where they may live at least 6 months per year. He said that Vermonters can have investment properties, but the homestead is where they live 6 months per year. There is a list sent to the assessor's office by the state. We could offer free detectors off that list.
- WW. Alan Couch said that would be pretty expensive, maybe we could subsidize the costs.
- XX. Scott Baitz said there are 1,000 rentals in Ludlow and that would be a lot of smoke detectors.
- YY. Ryan Silvestri said that 92% to 94% of the properties in town are non-resident owners. Only about 5% would be eligible for free detectors.
- ZZ. Alan Couch said the Trustees are concerned about the old folks that may rent out a room or in-law apartment for a little extra income. They think this would be an undue burden on them.
- AAA. Eric Alden suggested they add to the letter that this will address 2nd home owners that rent properties without occupying them.
- BBB. Alan Couch asked all board members to review the letter and send to all any comments that they have by noon on Friday.
- CCC. Terry Carter suggested that they need to delete the last paragraph concerning Occupancy Compliance. She said who's going to do that and it is part of the zoning regulations.
- DDD. Alan Couch said that is a good idea, but it may be a bit aggressive. He said that this will address potential changes to the zoning regulations down the road and help with the town plan.
- EEE. Rose Goings said that Occupancy Compliance is part of the CO when someone builds a house or does renovations. For houses on a septic system occupancy is limited to 2 persons per bedroom or with sewers. She said that additions, to dwellings without a CO are a big sale issue. If the allocation is for 3 bedrooms and they have 5 bedrooms, it is a major situation when they go to sell the house.
- FFF. Ryan Silvestri said that Justin Hyjek is pushing for rental districts and is concerned that there

- is very little affordable housing in Ludlow. We need to start somewhere.
- GGG. Terry Carter said that is not the point of this letter. We all agree that people can't afford to live in Ludlow, but that is not the issue of this letter.
- HHH. Ted Stryhas said that the end of the letter is too much to end with. We need to try to get our foot in the door – leave out the last paragraph.
- III. Alan Couch said this can be discussed at a later time, but not in the letter.
- JJJ. Rose Goings said that they may have 7 people in a 3 bedroom house on a septic system through the state and it depends on the septic and leeching.
- KKK. Scott Baitz asked if 2 bunk beds in a room would be out of compliance.
- LLL. Rose Goings said that is correct. She added that all houses on the municipal systems have specific allocations. She said that putting 35 people in a 5 bedroom house is non-compliant. She has seen homes with huge basement rooms with several bunk beds. Some of them are on municipal sewer and it's an issue. It all depends on allocation. They also have to have state permits.
- MMM. Alan Couch said the last paragraph should be to educate people to abide by state rules.
- NNN. Eric Alden agreed that the board needs to get its foot in the door and should start slowly. He agrees with Terry Carter and Ted Stryhas. They need to build on something small.
- OOO. Alan Couch said we need to keep it simple. It should be one page and concise. He asked the board to send comments. He referred to the Rental Registry form and said that some places require property managers' information if the owner is not available.
- PPP. Terry Carter said that she would like to see "Total number of units" added after 4 or more.
- QQQ. Ryan Silvestri said that they need to see "Number of Bedrooms per unit at this location."
- RRR. Scott Baitz said that he has a problem with listing the Property Manager's information; it should be the rental agency.
- SSS. Ryan Silvestri said that the owners should be the first ones called if there is a problem. He said sometimes abutting property owners call with complaints, but can't reach the owner.
- TTT. Terry Carter said that they should include Rental Agency.
- UUU. Alan Couch said that all of this information is available at town hall and we haven't discussed who or where the information is available.
- VVV. Eric Alden said that the owners' names are public information.
- WWW. Alan Couch said the changes to the Rental Registry form should include number of bedrooms, and more than 4 units total. He asked board members to email all comments by noon on Friday. He asked if that would violate the Open Meeting rules
- XXX. Rose Goings cautioned that may be a violation of the Open Meeting Policy. She will check and advised the board tomorrow. She added that they did change some of the rules.

7. OTHER BUSINESS

- A. Energy Committee
- i. Alan Couch advised that Jason Rasmussen sent information regarding formation of an Energy Committee. He said that this had been discussed by the Planning Commission in the past and we can look at it again and decide if we are for or against it for Jason Rasmussen.
- B. Vermont Council on Rural Development
- i. Phoebe Tucker sent board members information for the VCRD and said that she would contact Jenna to see if this is a good fit for Ludlow.
 - ii. Rose Goings said this information sent was a huge document and suggested that they invite Jenna to come to a meeting (via ZOOM) to discuss it.

iii. Phoebe Tucker said she would ask.

C. Village Municipal Planning Grant

- i. Rose Goings said that she will talk to Jason Rasmussen to set up a schedule to start working on the grant. The amount they were rewarded is about \$18,000 and it will deal with Village Revitalization, economic recovery for the long term. Jason Rasmussen will start next month. She said there is also a new planner who will be working with Jason Rasmussen. Final completion is May 31, 2022. It will include mapping, inventory, zoning changes and COVID recovery. We are looking at more outside seating, take out in windows, tents and festivities. She said it is only for the Village. She will forward more information to the board.

D. Alan Couch invited anyone interested to attend Planning Commission meeting via ZOOM.

8. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Ted Stryhas to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:41 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri