



6. ZONING AMENDMENTS – FLOOD REGULATIONS

- A. Alan Couch advised that there have been some questions concerning the strictness of our regulations for the floodway. This was brought up as a result of problems encountered when the town/village was doing renovations at the Wastewater Treatment Facility. It was suggested that we may want to make some changes to our Flood Hazard Regulations. He added that he personally, does not want to make changes. Our regulations help with FEMA funding and are strict for a reason. He thinks that it is not right to change non-residential uses and we may run into problems with commercial users in the floodway.
- B. Ryan Silvestri suggested that as long as there is an avenue for variances for needed improvements to existing buildings in the floodway, the regulations could remain as they are.
- C. John Broker-Campbell said this issue does stem from the Wastewater Treatment Facility project. Ludlow's bylaws are great and strong, but they do lack flexibility. You can pursue a variance, but we recommend that towns steer clear of variances. For this project, we were able to fit into the conveyance shadow. This is the area upstream and downstream of an existing building or other obstruction to flood flows. Flood water is already flowing around the larger obstruction, so the addition of a new structure will not change existing flood flow. Other towns that do not allow development in the floodway, do allow it with hydraulic and hydrologic (H&H) models that show no change in the base flood elevation.
- D. Terry Carter questioned whether there was a way that the regulations would allow this for the Town only.
- E. John Broker-Campbell said that he doubts it and suggested that may be a question for the town attorney.
- F. Rose Goings said that Ludlow's regulations did, at one time include the H&H provision. She said that it was removed after Irene and the damages caused by Irene. It was removed because Ludlow was almost put on probation. She asked John Broker-Campbell, if the provision were to be put back in the regulations, would it affect Ludlow's FEMA or NFIP standing.
- G. John Broker-Campbell said it would have no impact with FEMA, flood insurance rates or with his division (VT DEC, Watershed Management Division.)
- H. Rose Goings advised that the project cost the town extra money because of our regulations.
- I. John Broker-Campbell said that is true and he is not sure that the town could have issued a variance. He said that adding this clause could give you a tiny bit of flexibility.
- J. Terry Carter asked what would be the process for approval.
- K. John Broker-Campbell said it would be through the regular warned process.
- L. Rose Goings we are currently working on the zoning regulations. She asked John Broker-Campbell to send her his suggestions.
- M. Alan Couch said he is concerned about possible development of prime real estate along the river and would like to keep the restrictions high.
- N. John Broker-Campbell said that minor improvements in the floodway would be allowed. He referred to the Timber Inn and that it is in the floodway. He said that H&H models may be cost prohibitive.
- O. Ryan Silvestri asked if there would be any way to separate language for vacant land from land that has improvements.
- P. John Broker-Campbell said no. He said that if there is an existing building, they may add small outbuilding. He said the Timber Inn itself, represents the obstruction, not the outbuildings.
- Q. Alan Couch said it is probably language that we should look at very carefully.
- R. John Broker-Campbell said he can send them examples of language in surrounding towns' regulations. He said he will discuss this with Jason Rasmussen.

- S. Rose Goings asked if the H&H provision is part of the state regulations.
- T. John Broker-Campbell said yes, you can cut and paste it into your regulations.
- U. Rose Goings asked if everything else in Ludlow's flood regulations is okay.
- V. John Broker-Campbell said absolutely.
- W. Rose Goings said that she had signed the document for Shell and asked how long the process would take.
- X. John Broker-Campbell said he really has no idea, but guesses it could take 2 to 6 months.
- Y. Rose Goings said we had made some changes in the flood regulations. We removed some language regarding historic building demolition in the flood plain. We may want to review that. She added that the files that Alan Isaacson had sent her are huge and in a drop box. She said that she can see some of them, but would have to pay to download all of it. She said that she will send the board members the recent files. She doesn't think they will need the older files. The most recent is the work on the town plan. She said that short term rentals and flood hazard regulations are also important.

## 7. SHORT TERM RENTALS

- A. She said that the Select Board is interested in what the Planning Commission may propose on short term rentals. She said that she forwarded this board correspondence from John Fey regarding the state's information on short term rentals:

If you rent out a room or space for sleeping accommodations:

- Your facility is a public building and is subject to fire safety requirements. Contact Fire Safety at 802-885-8883.
- You will need to collect state meals and rooms tax (unless paid by a third party, like Airbnb brand does).
- If you are serving any food other than pre-packaged, you will need a food and lodging license. Contact Dick.Martindale@vermont.gov 802-490-1683.
- If you have 3 or more units, you will need a food and lodging license. Contact Dick.Martindale@vermont.gov 802-490-1683.
- If you have only 1 or 2 units:
- You must post a Vermont Meals and Rooms Tax account number on any advertisement.
- You should complete and keep on-site a self-certification form prior to renting a unit.
- You must post certain information in the units (see the self-certification form).
- If you are effectively creating a new bedroom or an apartment, you will need a Wastewater permit as well. Contact a Licensed Designer (look down the page for "Finding a Designer").
- As always, contact your town office to see if there are any local requirements.
- And, be sure to register with the Secretary of State if necessary.

For details, please see these information sheets:

- Safety Information Sheet
- Tax Information Sheet

- Health Information Sheet

Is your property on a septic system? Check out these great printable reminders for guests from the EPA's SepticSmart website: <https://www.epa.gov/septic/owners-rental-property-septic-systems>.

- B. Rose Goings continued saying that in January 2020, she sent the board members information on short term rentals regulations from other towns. She added that not too many other towns are doing any. She said that Woodstock is concerned about septic overkill, parking and fire safety. She said the biggest concerns for zoning are always Public Safety, Health and Welfare. Egress is a big part of that. She added that you can't put people in closets and call it a bedroom.
- C. Alan Couch said some of the real estate offices are asking for COs from Fire Safety for sales. Short Term rentals should be addressed, but he is not sure how to do it.
- D. Terry Carter said that some of the regulations from other towns are there to protect the towns from any liability.
- E. Rose Goings said that the hard part is that this has been going on forever. The problem is that now there is a name with the face. We impose restrictions on B&Bs, hotels and inns. She said that now, 3-bedroom, single family homes are rented to sleep 16 people.
- F. Ryan Silvestri suggested that we create a mandatory registry for all rentals that would be renewed annually. He asked how we could incentivize long term rentals.
- G. Terry Carter said that she has heard from many people about the lack of long term rentals.
- H. Ryan Silvestri said possibly we could offer a tax break as an incentive. He said that we have to add short term rentals to the regulations, but it's hard.
- I. Terry Carter said she likes the idea of incentivizing.
- J. Ryan Silvestri said if we offer incentives, people may go for long term rentals. He said that tax breaks would be off the municipal side, not education tax.
- K. Terry Carter said we should try to find out what other towns are doing. She said she was considering a 10% tax break.
- L. Alan Couch said we need to come up with some ideas.
- M. Ryan Silvestri said we need to have a mandatory town registry that is reviewed annually. He also likes the idea that real estate offices are asking questions.
- N. Rose Goings said that she also does that. She asks people if they are going to rent, they should go to Fire Safety before they rent.
- O. Terry Carter said they will need wired smoke detectors.
- P. Rose Goings said that single family homes also must have hard wired smoke detectors and fire extinguishers.
- Q. Terry Carter said she likes the idea of a registry. She asked how we know what rentals we have.
- R. Rose Goings said through the state's 9% sales tax.
- S. Terry Carter said that some places don't collect sales tax. She said we really don't know how many units there are.
- T. Rose Goings said that she finds illegal apartments all the time and when she does, she turns it over to Fire Safety.
- U. Alan Couch said that some people are doing things properly. When they are doing renovations, they are putting in windows that are sized for egress.
- V. Ryan Silvestri said that every home has the potential to rent out, but some are built for it. We are finding some rentals as we are doing the town-wide reassessment. He can make a list of the multi-convention units.
- W. Terry Carter said that she has been in condos where they have made apartments with hidden kitchenettes in the basements.
- X. Ryan Silvestri said they may exist, but are they legal with respect to egress.

- Y. Alan Couch said we have to decide if we want to put short term rentals into the regulations and how. There should be language in the zoning regulations that requires rentals to have COs.
- Z. Rose Goings said she will try to find language from other towns and send it to board members.
- AA. Alan Couch said it would be good to see how it is done and how detailed it gets.
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## 8. MUNICIPAL PLANNING GRANT

- A. Alan Couch said that the board still has time before the applications are due. He said that he has looked at it and doesn't have any ideas, yet. He said one of the priorities is COVID related issues.
- B. Rose Goings said that Scott Murphy sent her an email requesting that entrance signs to the town be added to the application. She explained that the town had a grant in 2018 but didn't finish the project. She said this grant would be for COVID related activities, Housing updates (Ludlow was a Pilot Community for zoning regulations for housing) and Village Center Master Plans.
- C. Alan Couch agreed that housing is an issue.
- D. Ryan Silvestri asked if changing traffic patterns could be included under the Village Center Master Plan.
- E. Rose Goings said that could also include housing.
- F. Alan Couch said they could include a study of the crosswalks.
- G. Rose Goings said she will talk to Jason Rasmussen and ask they could include COVID down cycle, housing, business regrowth, and traffic all under Village Master Plan.
- H. Alan Couch said that at next month's meeting, that can decide what they want to apply for.

## 9. OTHER BUSINESS

- A. Resignations – Alan Isaacson and George Tucker, Jr.
  - i. Alan Couch said he wants to thank Alan Isaacson for his long time work on the Planning Commission and to thank George Tucker for his participation. Both men will be missed and gave us a lot of relevant information.
  - ii. Rose Goings said that Alan Isaacson was on the board for a long time.
- B. Planning Commission Members
  - i. Rose Goings said that it has been mentioned to her to ask the Planning Commission their thoughts on reducing the number of members from 5 to 3.
  - ii. Alan Couch said the ideal number would be 5 to 7. He asked board members to reach out to the community to look for new members.
  - iii. Rose Goings said it is getting harder to find people for boards. Some people leave and rejoin at a later time. It's always the same people.
  - iv. Terry Carter said that more people means more ideas.
  - v. Rose Goings said the openings are advertised every year in THE VERMONT JOURNAL and no one applies.
  - vi. Ryan Silvestri said to keep the number at 5.
- C. Next Meeting
  - i. Rose Goings said that Jason Rasmussen does not have a date yet, as to when he will be able to return to his office.
  - ii. Rose Goings asked board members to talk to people they know to recruit board members.
  - iii. Alan Couch noted that the board will appoint a Clerk at next month's meeting. They can elect Ryan Silvestri.
  - iv. Terry Carter said that the Clerk keeps record of the changes to the zoning regulations and town plan.

- v. Terry Carter said she will share with board members the discussions from this month's Regional Planning Commission meeting.
- vi. Terry Carter suggested they put discussion of incentives for Long Term Rentals on the agenda.

10. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Ryan Silvestri to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:51 p.m.

Respectfully submitted,  
Lisha Klaiber

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Alan Couch, Chairman

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Ryan Silvestri

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Terry Carter

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