

RENTAL REGISTRY COMMITTEE

PRELIMINARY MINUTES

June 29, 2022

5:30 PM

HOWARD BARTON JR, CONFERENCE ROOM

MEMBERS PRESENT:

| | | |
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| Eric Alden, Vice Chair | Peter Kolenda | Ryan Silvestri |
| Scott Baitz | Noah Schmidt | |
| Rose Goings | Penny Trick | |

MEMBERS ABSENT:

| | | |
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| Justin Hyjek, Chairman | Scott Murphy | Charlie Rimer |
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OTHERS PRESENT:

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| Suzanne Garvey | John Shandra | Robert Greenslet – Okemo Valley TV |
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I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

- A. Eric Alden called the meeting to order at 5:33 p.m.

II. APPROVE MINUTES

- A. Eric Alden advised that the minutes to be approved are from the meetings of May 25, 2022 and June 13, 2022
- B. Penny Trick noted that on the minutes from May 25th, item 6i should read “Mountain Laurel Ski Club.”
- C. **MOTION by Pete Kolenda and seconded by Ryan Silvestri to approve the minutes from May 25, 2022 as corrected. Motion unanimously.**
- D. **MOTION by Pete Kolenda and seconded by Ryan Silvestri to approve the minutes from June 13, 2022 as submitted. Motion passed unanimously.**

III. APPOINT RECORDING CLERK

- A. Eric Alden noted that Lisha Klaiber is available on June 29, 2022 and August 24, 2022. She is not available on July 11, July 27 and August 8, 2022.
- B. **MOTION by Noah Schmidt and seconded by Penny Trick to appoint Lisha Klaiber as Recording Clerk for June 29 and August 24, 2022. Motion passed unanimously.**

IV. ROSE GOINGS, PLANNING & ZONING ADMINISTRATOR

- A. **DRB AS ADJUDICATOR.**

1. Rose Goings asked if these are questions.
2. Eric Alden said, yes. We put them in as items for discussion and need of clarification
3. Rose Goings said this is not going to work. The DRB is a Quasi-Judicial board. Applications are filled out and, if needed, go to the DRB from the Planning & Zoning Office.
4. Ryan Silvestri asked if any penalties would go to the DRB.
5. Rose Goings said not to the DRB. Killington has a complaint hotline. She said that Killington works with the same company that made a presentation to the Planning Commission.

B. SEWER ALLOCATION PROCESS

1. Rose Goings said that to obtain sewer allocations, the applicant works with the Zoning office and the Municipal office. If they are applying for a building permit, they apply to the Municipal office for an allocation based on the number of bedrooms. When they come for their CO, if the number of bedrooms is different than the application, they have to come back.
2. Eric Alden asked if they are clean slated.
3. Rose Goings said we can go back in the records and can tell if they added bedrooms. They are not clean slated. If they are pre-2007, we can tell as long as there were no changes.
4. Noah Schmidt asked if a 3 bedroom house would usually have 6 people. He asked, what if there is a bunk bed or out couch.
5. Rose Goings said that Ludlow is part of the Springfield Wastewater District and showed the committee a map of the state and wastewater districts. The State makes the rules. Issues include number of bedrooms, change of use and Subject 8 rules. Rules change after 3 bedrooms.
6. Eric Alden asked if the rules have changed.
7. Rose Goings said not since 2016.
8. Suzanne Garvey said that she has been pulling records and some say occupancy and others say number of bedrooms. One says 5 bedrooms, with occupancy of 8. There is a lot of inconsistency.
9. Eric Alden asked if there had been change in the calculations.
10. Rose Goings said the state took over in 2007 and it is now 2 persons per bedroom. She referred to the CAI and said that sometimes the cards are different from the actual permits.
11. Ryan Silvestri said that the CAI is for tax purposes only.
12. Eric Alden asked if there would be a conflict in the wastewater allocation depending on when issued.
13. Rose Goings said pre-zoning is at risk and not known. Most of the time, we have permits.
14. Ryan Silvestri said some of the lake homes were built in the 1950s/1960s. He said the lots are not big enough for the existing septic.
15. Eric Alden asked how we could confirm that.
16. Pete Kolenda the newer permits have the number of bedrooms. For pre-zoning homes, there are no records. He said that some of the lake homes started cottages.
17. Rose Goings said we also don't know anything about the leeching for them.
18. Ryan Silvestri asked how we do this across the town.
19. Rose Goings said that Killington has people register with the zoning administrator. She said not here, we don't have the staff. The registry runs from November 1 through

- October 31. A 3-bedroom house can have 8 guests, if it is on the municipal sewer. There is a false alarm ordinance and off street parking is required (that can't happen here.)
20. Eric Alden suggested that board members pull out points from the documents he had sent out or from the Waterville Valley document.
 21. Penny Trick agreed and said that the Waterville document is the best and makes a lot of sense.
 22. Pete Kolenda said if you look at too much, you will be overloaded.
 23. Penny Trick said that some documents say 3 bedrooms with 6 people.
 24. Suzanne Garvey said the Killington registry says 6 occupants plus 2, allowing for pull-out sofas or bunk beds.
 25. Pete Kolenda said the max is a total of 12 occupants.
 26. Suzanne Garvey said that Killington goes by bedrooms, not sewer allocations. She said that the biggest thing is to be fair to the owners.
 27. Rose Goings said that when this first started it was about fire/safety. When we go to check for COs, we see bunk beds in tiny rooms with no windows. She noted one example of an ad for a 4 bedroom unit that sleeps 14. She said that is considered hotel status under the Division of Fire Safety. Another was a 3rd floor unit with a family room with pullout sofa that has 14 adults. Another is a 4 bedroom unit that sleeps 15 people. They are jamming people in. These units are not all on the mountain, they are on South Hill and North Hill.
 28. Pete Kolenda said that there are condos with bedrooms that all have 2 sets of bunk beds.
 29. Ryan Silvestri said that he likes the idea of plus 2. Three bedrooms with 8 bedrooms. The Fire Marshall will look for egress and windows. If you go by occupancy, they will look at occupancy, septic and sewer.
 30. Rose Goings said she saw a condo with a loft with 18 beds.
 31. Suzanne Garvey said the Fire Marshall will approve up to 8 people with proper egress, smoke and CO₂ detectors. They may approve up to 10. We should go with whatever the Fire Marshal approves for the property.
 32. Eric Alden said he has also seen that.
 33. Penny Trick said that in Connecticut, it is based on square footage.
 34. Suzanne Garvey said it is hard for the fire marshal to get in to inspect the units. If you can do something with a self-policing form that a copy of which will be kept in the unit?
 35. Eric Alden said we would need to have a ramp up period. Maybe people would self-certify within a certain period of time.
 36. Noah Schmidt said we need to address the overload to the municipal wastewater system. Is there a way to make sure and check it out?
 37. Rose Goings said we can't pick and choose. She said it is heavy usage that causes damage.
 38. Ryan Silvestri said there are too many variables, septic, municipal wastewater bedrooms. How do we translate for the town?
 39. Penny Trick asked if we can have regulations without occupancy.
 40. Rose Goings said we have to add the number of people or it may be qualified as a hotel. They are overloading the units and it may cause fires or other emergencies.
 41. Suzanne Garvey said the fire Marshall should set the occupancy. The unit should have egress, fire detection and sprinklers (if over 14 people.)
 42. Rose Goings said we can't have overloaded units. You don't know what is in the units.

- 43. Suzanne Garvey said if it is listed on the web and not on the registry, it is non-compliant. She said she knows of a property where the owner put in a sprinkler, but no fire escape and is allows to sleep as many as he wants.
- 44. Rose Goings said there are 3rd floor units with a kitchen.
- 45. Eric Alden said if a unit is sprinkled, generally they do not need a 2nd egress.
- 46. Pete Kolenda said if this is even in town.

C. ZONING CHANGES PROCESS

- 47. Section 255 – added administrative review process to make it easier to get permits
- 48. Section 430 – made changes to the RC District to reduce lot size and density

V. **DEPARTMENT OF FIRE & SAFETY – Update from Chief Kolenda in Regard to State Capacity**

- A. Pete Kolenda said that Landon Wheeler said that if we pass a Short Term Rental Registry, they will not be able to inspect the units. We can't write into our ordinances that it must be inspected by the fire marshal. If there is a complaint, the fire marshal will look into it; otherwise, they can't do it. He said the Rutland has a Division of Fire Safety.
- B. Ryan Silvestri said the first thing we need to do is identify all of the rentals.
- C. Rose Goings said they need to have proof of insurance.
- D. Ryan Silvestri said not for the properties that are in compliance, but for out of compliance. We can make a list of those for the fire marshal.
- E. Rose Goings said there are a lot.
- F. Ryan Silvestri said we have no data. How will we mine the data, and then collate it. Now, we need to make a list and educate owners. Then make an ordinance.
- G. Pete Kolenda said he agrees with Rose Goings. This started with short term rentals. The fire Marshall does the inspections for long rentals.
- H. Rose Goings said we need to focus on short term rentals now.
- I. Penny Trick said she has a unit out back and does some short term and some long term rentals.
- J. Rose Goings said that some of the units going long term are already inspected. We will lose more long term rentals that are pre-existing. She said that DJs has some long term rentals.
- K. Eric Alden said that DJs is mixed use.
- L. Rose Goings said that the apartments on Main Street with lots of people and they will need sprinklers.
- M. Suzanne Garvey said that if the reason is Fire/Safety, they can't single out Short Term Rentals.
- N. Eric Alden said it should be all rentals. He said that the old school rentals are more unsafe and it is not wise to make policy based on staffing. Could every unit in Ludlow be inspected in 5 years? Probably yes. In 6 months, no. He said that where he lives each unit is inspected every 5 years.
- O. Eric Alden said we can still have a self-certify registry within the next few years.
- P. Suzanne Garvey said if not on the registry because of backlog, we can pay a third party to police it.
- Q. Ryan Silvestri said with the 3rd party process, they do all of the paperwork. If people are not on the registry, they will soon rent.
- R. Noah Schmidt said if we use a 3rd party, they can still self-certify.

- S. Pete Kolenda said the fire marshal will not commit to inspections. They cover 2 counties and do over 500 inspections per year.
- T. Eric Alden said if they fill out an application and there is a change of use, do they send in the money.
- U. Rose Goings said if you have a house with 15 to 20 people, it's a fire hazard. She said if you have 6 apartments, you have to sprinkle. The owners can't afford to put sprinklers in and will close down the apartments and 6 families will lose their homes. We need to go for short term rentals first, except for new long term rentals, we can add them now
- V. Penny Trick said how we can prioritize.
- W. Rose Goings said sprinklers are super expensive. Add the new long term rentals now. Work way back to the older. Make it known that they will all have to register eventually. People have to prepare for large expenses.
- X. Penny Trick said that Mountain Laurel Ski Club had to put sprinklers in.
- Y. Suzanne Garvey asked about apartment houses.
- Z. Rose Goings said old houses are usually not compliant.
- AA. Noah Schmidt said we don't want to write new laws.
- BB. Ryan Silvestri said we have no data and no identification. He said that he feels that we are saying if we know where they are, then we can get them on the registry. Any multi-family units that are closing, the buyers should make sure that the unit is inspected by the fire marshal as part of the closing contingencies. At the point of sale, some of the smokes are yellow. Some of this is getting addressed.
- CC. Suzanne Garvey said some people have no idea.
- DD. Eric Alden said he agrees with Ryan Silvestri. We need data and we need to educate owners. It is complicated.
- EE. Ryan Silvestri said that the town should adopt a Fire Code.
- FF. Rose Goings asked who will do that work
- GG. Ryan Silvestri said we don't need to do it all at once.
- HH. Pete Kolenda said it is a 5-year process to get inspectors trained.
- II. Eric Alden said we need to present to the town that we need to hire someone. This committee decides which direction to go. Ryan Silvestri said we need to collect data first.
- JJ. Noah Schmidt said we can pay for that with the registration fees.
- KK. Rose Goings said it is this committee's job to collect information and present it to the Select Board.
- LL. Ryan Silvestri said we will lose safety if we make it too complex.
- MM. Scott Baitz said we need to get the data first and educate the owners.
- NN. Penny Trick said she agrees.
- OO. Eric Alden said our task is to start collecting data.
- PP. Penny Trick suggested looking at other applications.
- QQ. Noah Schmidt said is that 3rd party.
- RR. Ryan Silvestri said we collect the data, they find out if the units are in compliance.
- SS. Scott Baitz said that would include Ledgewood, Kettebrook and Brookhaven.
- TT. John Shandra asked how you define "rental."
- UU. Ryan Silvestri said any property rented for 1 or more days per year is considered public by the state.
- VV. Suzanne Garvey said the 3rd party at Killington has a menu of services that it provides. Killington has them identify the property and make a list.
- WW. Ryan Silvestri said that company had made a presentation to the Planning Commission and will go as far as enforcement. They are not "boots on the ground" and are all remote.
- XX. Noah Schmidt asked if they would gather the preliminary information.
- YY. Rose Goings said it was a nice presentation and they showed us what they can do.

- ZZ. Eric Alden said we can reach out to them.
- AAA. Rose Goings said that Justin Hyjek set up the presentation. She said that Justin Hyjek wanted to set up zoning in the village for just long term rentals and that is not possibly legally.
- BBB. Ryan Silvestri said it is not clear.
- CCC. Noah Schmidt said that Justin Hyjek could reach out to the 3rd party.
- DDD. Suzanne Garvey said it may be as simple as giving them the property ID#E.
- EEE. Ryan Silvestri said they have an algorithm and will not give a preview.
- FFF. Noah Schmidt said if we want to get the data, would that be through self-registry?
- GGG. Ryan Silvestri said we can create a list by sign –ups of the “do the right things” property owners and the 3rd party. He said that some rentals do not use on-line ad.
- HHH. Eric Alden said there are 3,200 properties in town. A total of 4,197.
- III. Pete Kolenda said the fire department sent out 3,400 flyers for the auction. These were off the Grand List.

VI. **COMMENTS FROM CITIZENS**

- A. There were none

VII. **OTHER BUSINESS**

- A. Tax Bill Insert not Available
 - 1. Rose Goings said that a pamphlet going out with the tax bills is not going to happen and asked why it is on the agenda. The weight of the envelope can't exceed 53¢
 - 2. Ryan Silvestri said it was nothing out of the box. It can be seen on Firesfety.gov. It is 3-fold. We need to focus on what will go in it.

VIII. **SET DATE FOR NEXT MEETING**

- A. Next meeting on Monday, July 11, 2022 at 5:30 p.m.
 - 1. Pete Kolenda suggested that they focus on the Vermont Rental Registry and come up with ideas to come up with an outline that is not too over-complicated.

IX. **ADJOURN**

- A. **MOTION by Ryan Silvestri and seconded by Penny Trick to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:39 p.m.

Respectfully submitted,

Lisha Klaiber

