

MINUTES
FAYSTON PLANNING COMMISSION
December 14, 2020
Unapproved

Members Present: Doug Day (Doug), Don Simonini (Don), Pete Ludlow (Pete), Jen Hammond (Jen); Carol Chamberlin (Carol), Karen Sauther (Karen), Rick Swanson (Rick); ZA: John Weir (JB); Public: None

1. Call to Order: The meeting was called to order at 5:32 p.m.
2. Announcements and Agenda Modification: None
3. Approval of Minutes of Last Meeting on November 9, 2020: Don moved to accept the minutes of October 12, 2020 and Jen seconded. There being no discussion, all in favor, the motion carried.
4. Liason Reports: Doug will be attending the next meeting of the Mad River Valley Trails Collaborative. Don provided an update on the Housing Coalition. Don is hoping the three Valley towns will contribute a finite amount of money to the Housing Trust come Town Meeting Day. Don is hoping the measure will get onto the towns' ballots for vote. Part of this funding would go to Kaziah Haviland's salary as the only paid employee of the Housing Coalition. JB added that both he and Rick have expressed interest in helping out the Housing Coalition and are both meeting with Karl Klein this week.
5. Act 179 changes to the regulation of short-term rentals: JB had sent an email to the PC regarding a meeting he has with Joshua Schwartz and a representative of Granicus. Granicus provides short-term rental (STR) inventory and regulations services to municipalities across the country. Joshua is drafting a discussion piece for a tri-town approach to inventory and register short-term rentals across the three Valley towns. After passage of Act 179, municipalities are now allowed to regulate STRs to some degree. One approach would be to require hosts to register with the Town and pay an annual fee as an STR provider for each different STR. This could be initiated by drafting a land use regulation requiring such. Registration and enforcement could be achieved via tandem effort by the Zoning Administrator and Granicus or like entity which would be paid on a yearly basis after initial setup costs. Per Joshua and the reality of town-funding, a tri-town approach would be most feasible. There is no statewide registry of STRs. There are over 500 STRs across the three Valley towns and more than 150 in Fayston. The amount of STRs in Fayston continues to grow at a fast rate each year. Possible annual registration fees would be an average nightly fee per unit. On average the fees can be \$200 per year. This is very much an ongoing discussion at its infancy now. In the end, this would be a Selectboard decision to initially fund one of these companies to take care of the inventory and registration of STRs. Discussion was had as to the reality and mechanics of enforcing this registration process and collection of annual fees. Regarding a tri-town approach, members agreed that the language used in any land use regulation among the towns must be clear and consistent. Karen noted that STRs need to be clearly defined and delineated for purposes of any

regulation or registration. Enforcement of annual registration remains something that necessarily needs to be worked out, but these companies do offer enforcement mechanisms of some kind in collaboration with a local official. Rick noted that there may not be a consistent support from local inn-owners, but that they would be a strong voice at the table. Carol was curious as to whether this would end up being a land use regulation or some other town ordinance. Discussion was had as to whether the monetary registration fee was the core aspect of this. Fire safety and health were discussed as other distillations of the regulatory objective. Karen noted that it seems Act 179 does not set limits on the types or amounts of fees and taxes which can come in various forms including business license fees, registration fees, etc.

6. Land Use Regulations: Continued review and discussion of revisions:

- *Section 4.1 (B) - Accessory Dwellings and allowable size (continue discussion after clarification from Joshua Schwartz on Act 179 changes)* The Act allows for ADUs by right of either 900 square feet or 30% of the size of the principal dwelling – whichever is greater. The Act further allows for ADUs in new or existing structures without conditional use review. Don is amenable to allowing for larger-sized ADUs with or without conditional use review. Pete wondered how allowing larger-sized ADUs would help to alleviate the affordable housing crisis, which is at the heart of some of these changes. Some members surmised that allowing landowners to construct accessory dwellings that are closer to the size of an average single-family residence would only result in higher building costs which would tend to not make the ADU more “affordable” in any way. Don believes the Act does not limit the allowable size of the ADU via conditional use approval. Don would be on board with allowing for up to 1,200 feet without conditional use review. Don noted that Warren is looking at multi-family dwellings in conjunction with accessory dwellings in revising its regulations. JB will make the two required changes to Section 4.1 for next meeting. These are removing the requirement that the accessory dwelling be in an *existing* structure for administrative approval and that the allowable size for administrative approval be 900 square feet or up to 30% of the principal dwelling, *whichever is greater*.

- *Section 3.1 (B) (4) vs Section 3.4 (E) (3) (d) – conflicting driveway language (review JB’s draft revision)* JB had made the changes decided upon after the last meeting. Members agreed that, in Section 3.1 (B) (4), language should be added that driveways also “follow the natural contours of the land.” JB will make the revision to the working draft.

- *Section 5.2 (create checklist for conditional use application requirements) (review JB’s draft)* This checklist is not for inclusion in the LURs but rather for the DRB applicant. JB added a few requirements from an existing document generated years back. JB will send to Shane for review. Karen noted that requests for waivers should be listed. The requirement of certified mail for abutter notice should also be removed.

- *Section 10 – “Stream” definition (review JB’s draft revision)* JB had made changes to the existing stream definition with more modern methods of depiction. Carol suggested a revision to the title of the VCGI dataset. JB made the change.

- *Section 10 - better clarify the distinctions between tiny houses, campers, travel trailers, and mobile homes (begin discussion on revisions)* The LURs define “Camper/Travel Trailer” and members agreed to add the following: “Travel Trailer” – See Camper/Travel Trailer to the definitions in Section 10.

- *Administrative Review regulation: Consider adopting something similar to Waitsfield wherein the ZA can review and approve minor amendments to Conditional Use permits, subdivision plats and plans, or PRD/PUDs previously approved by the DRB.* Carol brought up Warren’s administrative review regulation. Members will take a look at that as an alternative option to what Waitsfield has. Carol expressed concern about a broad administrative review regulation such as Waitsfield, given the turnover of ZAs in years past. One area, however, that could be addressed administratively are certain lot-line adjustments.

Members discussed, in Section 3.7 (B), removing “or structure” from the regulation so as to avoid situations where an applicant proposes more than one dwelling on a single parcel. A recent PRD proposal brought this conflict to light. JB will reach out to VLCT to get a clear understanding on the propriety of removing that phrase.

Members discussed some enforcement mechanism for bigger projects in Fayston, where some individual or entity would be in charge of following up on certain projects to ensure that land use conditions are being met both during and after development. Carol noted that this is something Ridge to Rivers is working on. Members agreed that there should be some Valley-wide enforcement approach to ensuring certain measures are being taken to protect our natural resources.

7. Adjourn. The meeting adjourned at 7:07 p.m.

The next meeting of the Fayston Planning Commission is January 11, 2021 at 5:30 p.m.