

Town of Arrowsic
Minutes of Planning Board Meeting
January 3, 2022 at ~ 7:05 PM
Video Conference via Zoom

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Jim Davis (PB); Chris Wilcoxson (CEO); Mike Kreindler (Deputy CEO).

Approval of Minutes

The Board reviewed the draft Minutes of its December 5, 2021 Site Walk (Johnson/Akunowicz). Upon motion made by Roger Heard, which was seconded by Jim Davis, the Planning Board approved the Minutes of its December 5, 2021 Site Walk (all voted in favor).

The Board reviewed the draft Minutes of its December 6, 2021 Meeting. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board approved the Minutes of its December 5, 2021 Meeting (all voted in favor).

Discussion Regarding Short Term Rentals

There was significant discussion about Short Term Rentals. For the purposes of the discussion, it was assumed that a Short Term Rental would be a rental of less than 28 days. Since the Planning Board's December meeting, the Planning Board Chair had a discussion with the Town's counsel about the way in which the Town might amend its Ordinances to limit Short Term Rentals as a commercial activity in Town. One suggestion from the Town's counsel was that Short Term Rentals could be limited to one Short Term Rental on a lot at any given time. During the course of the Planning Board's discussion, it became apparent that this alone would not limit Short Term Rentals as a commercial activity because, for example, a person and/or a person and affiliated entities could have multiple lots in Town, each with a Short Term Rental. For this reason, the merits of limiting Short Term Rentals to owner-occupied lots only, so as to manage the number of Short Term Rentals as well as indirectly limit potential uses such as use of a Short Term Rental as a third party event venue, was also discussed. Some Planning Board members favor a more restrictive regulation so as to preserve the character of the Town and its neighborhoods, while others believe that the more restrictive regulation is unnecessary and perhaps overbearing, and question whether it should be proposed by the Planning Board without a clear mandate from residents. Differing views were discussed in relation to whether it is in the interest of the Town and its residents: (1) to have a large number lots in Town that are inhabited by renters for periods of 28 days or less; (2) to have a lot owner with multiple Short Term Rentals, whether on one lot or on multiple lots around Town; or (3) to have Short Term Rentals used on a regular basis for activities that would be inconsistent with the interests of the Town as articulated in its Ordinances, such as event venues. It is worthy of note that the CEO expressed a concern with existing Short Terms Rentals regarding waste water systems on lots with Short Term Rentals. The concern centers on whether any given system is sufficient for use as a Short Term Rental, which may include renters in numbers that the system was not designed to manage. The CEO also expressed a desire to have a mechanism to inspect the system on any given lot that is proposed to be used as a Short Term Rental.

Footprint Amendment, so-called

There was discussion regarding the way in which the Town should respond to what appears to be a mandate from the State DEP that all Towns use the particular methodology favored by the DEP to review proposed expansions of non-conforming structures. The methodology used by the Town of Arrowsic is not the methodology that is apparently favored by the DEP. Discussion centered on the uncertainty that would exist if the Town were to simply adopt the DEP's favored methodology; for example, it is unknown whether the Town's methodology or the DEP's methodology would be more restrictive or less restrictive with respect to any given proposed expansion. There also appears to be some ambiguity in text describing the methodology favored by the DEP. It was suggested that

the Planning Board should be mindful of the longstanding principle of “home rule.” It was decided that further discussion is needed. And, in connection therewith, the Planning Board Chair and the CEO will contact the appropriate person within the State DEP, who appears to be Jeff Kalinich, to discuss the DEP’s position and the Town’s concerns.

Miscellaneous

The Planning Board was reminded that the Town, as an entity, is subject to its own Ordinances. This may become relevant if the Town considers purchasing property in Arrowsic to provide public access to waters surrounding Arrowsic Island.

Adjourned at about 9:00 PM.