

Town of Arrowsic
Minutes of Planning Board Meeting
January 5, 2023 at ~ 7:00 PM
Video Conference via Zoom

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Joe Bonnett (PB alt); Chris Wilcoxson (CEO); Mike Kreindler (resident and former CEO); Karin Sadtler (resident).

Designation Pursuant to Section 4.8.2 of the Arrowsic Zoning Ordinance: In the absence of regular member Jim Davis, the Planning Board Chair has designated alternate member Joe Bonnett to act for the purposes of this meeting.

Approval of Minutes

The Board reviewed the draft Minutes of its December 12, 2022 Meeting. There was discussion about a reference in the draft Minutes to a comment made by Kristin Collins on rentals “over 90 days.” Some Planning Board members were confused by this reference and were unable to put it in the context of the December 12 Meeting. Therefore, it was decided to table the vote on the draft Minutes until after the Planning Board Chair circulates the recording of the December 12, 2022 Meeting so it can be reviewed by Planning Board members. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board tabled the draft Minutes of its December 12, 2022 Meeting (all voted in favor, to wit: Geiger, Caras, Heard, Stoneman and Bonnett). Other than the comment noted above, there were no other comments or questions on the draft Minutes of the December 12, 2022 Meeting.

Procedural Point Regarding Designation of Planning Board Alternate Member

There was discussion regarding the role of an alternate Planning Board member during Planning Board meetings. The question was raised whether, when a regular Planning Board member is absent from a meeting, a specific procedure should be utilized to involve an alternate Planning Board member, even where a quorum exists. Reference was made to Section 4.8.2 of the Ordinance, which provides that where a regular member is absent, “the chair shall designate an alternate to act.” Accordingly, as set forth above, the Planning Board Chair designated an alternate, Joe Bonnett, to act for the purposes of this meeting.

LD 2003

Earlier on the day of this Meeting, the Planning Board Chair circulated to Planning Board members a document with draft language prepared by Kristin Collins, Arrowsic’s legal counsel, for consideration by the Planning Board in connection with ongoing efforts to comply with LD 2003. The document is titled DRAFT Proposed Amendments to Arrowsic Zoning Ordinance re: ADU/short-term rental 12/30/22 (the “Collins 12/30 Document”). The Collins 12/30 Document is a second draft, prepared by Kristin Collins after an exchange between Kristin and the Planning Board Chair following the first draft.

There was discussion regarding Section 3.28(a) of the Collins 12/30 Document regarding whether the Code Enforcement Officer or the Planning Board should review and permit ADUs. The Planning Board appears to favor review and permitting by the Planning Board.

There was discussion regarding minimum lot size and other dimensional requirements for dwelling units. With respect to minimum lot size, at the Planning Board’s December 12, 2022 Meeting, Kristin Collins advised that Arrowsic’s current minimum lot size requirement to create an ADU is not in conflict with the provisions of LD 2003. In other words, Arrowsic can, notwithstanding LD 2003, continue to require a minimum lot size for accessory dwelling units, provided Arrowsic requires the same minimum lot size for any dwelling unit. It was noted that

Comment 2 in the Collins 12/30 Document, as well as some alternative language provided by Kristin to consider regarding minimum lot size, raised a question regarding LD 2003 and minimum lot size requirements. However, the Planning Board Chair confirmed that the alternative language was provided in the second draft of the Collins 12/30 Document not because Arrowsic cannot legally maintain its minimum lot size requirement, but rather to provide the Planning Board with language to consider should it choose not to maintain, for policy reasons, its current minimum lot size requirement for ADUs. The Planning Board Chair will follow up with Kristin regarding Arrowsic's various dimensional requirements in its current Ordinance as they may be impacted by LD 2003.

There was discussion regarding Section 3.28(e) of the Collins 12/30 Document, which Section prohibits short term rentals in ADUs (which is expressly permitted by LD 2003). And there was discussion regarding the Collins 12/30 Document's proposed definition of Commercial Use and its proposed amendment to the definition of Home Business. The definition of Commercial Use was provided for consideration as an approach to regulating short term rental of all dwelling units—not just ADUs—in Arrowsic. Planning Board members appear to favor the content of the proposed definition of Commercial Use, but Planning Board members questioned whether the provision regulating short term rentals should appear more prominently in the Ordinance, such as in one of the Tables.

There was discussion regarding the maximum square foot requirement set forth in the definition of Accessory Dwelling in the Collins 12/30 Document. The question was also raised whether we should adopt a definition of Principal Dwelling in connection with a definition of Accessory Dwelling.

The Planning Board Chair will inquire whether Kristin Collins is available to attend the Planning Board's February meeting to provide further guidance with respect to the Town's approach to compliance with LD 2003. In wrapping up the discussion of LD 2003 during this Meeting, it was acknowledged that the challenge is in addressing the potentially conflicting objectives of: (1) accommodating the needs of Arrowsic families for affordable and convenient housing such as ADUs; (2) preserving the rural character of the Town as desired by Arrowsic residents and envisioned by Arrowsic's Ordinances; (3) preserving and enhancing Arrowsic's natural resources and environmental attributes; and (4) limiting activity that is commercial in nature, and limiting the opportunity to exploit an ordinance provision for a purpose other than its intended purpose.

Adjourned at about 8:50 PM.