

Washington Steering Committee Minutes

2/19/22

Meeting was called to order at 9:13am

Attending: Kent Lew, Don Gagnon, Susan Colgan Matson, Peter Matson, Dick Spencer, Linda Levernoch, Allison Mikaniewicz, John Fish, Tom Saden, Carol Lew

Minutes of last meeting were accepted; Kent called motion, Peter Matson seconded

- Kent led a recap of last meeting's discussion about ADUs
- Carol gave a brief update on upcoming Insights articles; next up is an ADU article written by Carol L, the one after will be about short term rentals by Susan CM.

Discussion about owner occupancy

- ADU discussion started off with the issue of owner occupancy as a condition of use of ADU as a rental. Many members were in favor of some kind of regulation about owner occupancy in order to avoid people creating them just for short-term rentals. It was proposed that a landlord has a different perspective on care of a property than an owner living there.
- If it's just for rentals, it's no longer an accessory dwelling. On the other hand, if we want to address other housing issues, like the shortage of moderately priced rentals, maybe it's worth it to not require owner occupancy.
- What kind of dynamic are we setting up (in terms of watching our neighbors and how often they are on their property) if we require occupancy?
- AARP recommends NOT requiring owner occupancy; it's not required for single family homes, why for this?
- Restrictions cause difficulties for new owners when properties are sold.
- Possibly, if no owner occupancy is required, the dwelling must be used for long term rentals. Possibly limit short-term rentals to only when the owner is living on the property, but if there is an owner on the property, they can use the additional dwelling(s) for short term rentals.
- What is the definition of a primary residence; it's where you vote. An idea was proposed that an ADU is only allowed if the owner's primary residence is there. This was an idea others objected to as too limiting, given that we have many second homers who are very tied to the community.

- If required for certain uses of ADU, Owner Occupancy would need to be defined. Perhaps physically occupying the home by an owner or family member at least 51% of the time it is occupied?

Discussion about the number of ADUs allowable

- Stepping back, several members outlined their general view. There should be no blanket requirements that there be owner occupancy, but some limits to respect the character of the neighborhood. We want to keep the town largely a residential community at the same time, not be so overriding in regulations that it's discouraging or difficult to monitor.

- Don G brought up Bucksteep, wondering how the situation there might correlate with the bylaw we are considering. And he thought the AG might object to allowing more than one ADU. Kent, having done research, does not believe there is an issue with creating a bylaw that allows more than 1 ADU.

- A trial proposal: Allow 1 by right and 1 by special permit under certain circumstances. The circumstances could relate to frontage or acreage of the property. Someone felt it was not appropriate for frontage to be relevant to attached ADUs but would be for detached ADUs.

- Don brought up the difficult issues with common driveways (which he thought could be a concern related to detached ADUs), but Dick added that the common driveway issue is difficult because multiple property owners are involved.

- Kent brought forth what the State and AARP say about lot size in terms of allowability of ADUs. The State is in favor of defining acceptable lot sizes to insure that septic and water needs are met. AARP points out that septic and water needs are dealt with in other laws and don't belong in an ADU bylaw.

- There was again a step back to reinforce the reasons we want an ADU bylaw: 1: To allow aging in place, and 2: The opportunity to rent out as supplemental income. But it is not the intention to allow unlimited units and rentals so as to become a business. So maybe 2 is enough. Most agree with this idea, including the idea of 1 by right and the second by special permit.

- In response to the strong minority belief that there should be no firm limit on the number of ADUs, the current bylaws were brought out. There is a section that allows consideration, by special permit, of additional dwellings on properties as long as there is 200 ft of frontage and 4 acres of land to account for it. Perhaps, small ADUs are not the answer to the idea that an owner should be allowed to build a family compound, and there are other avenues for those interested in more dwellings.

- There was discussion about attached vs detached ADUs. The idea of too many is usually related to detached. Some members voiced concern that small units around a property will make it, in the future, less desirable to buyers or difficult to sell.

- The discussion kept going back and forth between those who want a limit of 2 units, and others who want more units allowable. It was pointed out by 2 members that perhaps coming to a conclusion on this is not important because, after we have fleshed out the issues, the Planning Board will need to grapple with the same issues, then town members at a town meeting. Even during a vote to accept the bylaw, it may again need to adjust.
- Don proposed an idea that was liked by many but not all: Allow up to 2 ADUs on a property. If one is attached (or encompassed in a dwelling), and one detached, it may be done by right. If both are detached, it would be one by right and the second by special permit.

Discussion about Owner Occupancy

- Don mentioned that Lake Placid requires 90 days of occupancy on a property. Dick likes a % of time an owner should occupy the property (he says 51% of the time the dwelling is occupied). John didn't favor the creepy dynamic that's set up if someone wants to prove the owner isn't there 51% of the time.
- The issue of owner occupancy seems to be mostly about limiting a place with several units being only used for short-term rentals. There was a proposal that we consider owner occupancy (if we decide it's important to be a requirement) only be tied to restriction of short-term rentals.

Meeting was adjourned at 10:58 am

Next meeting: March 12, 2022, 9am

Respectfully,

Carol Lew