

# WEBSTER PLANNING BOARD

## APRIL 20, 2023 Meeting Minutes



The Webster Planning Board met on April 20, 2023, at 5:30 p.m. for a regularly scheduled meeting.

**CALL TO ORDER:** Jenny Reisinger called the meeting to order at 5:31 p.m.

**MEMBERS PRESENT:** Tonya Basse, Brandon McDevitt, Rachael Pollack, Chris Cox, Will Whitfield, Jenny Reisinger, Leigh Anne Young (Town Board Liaison)

**MEMBERS ABSENT:** Sara Stahlman

**OTHERS PRESENT:** Town Attorney Will Morgan, John Jeleniewski of the Jackson County Planning Department, Webster residents Susan Gosche and Daniel Riggs.

Jenny Reisinger reviewed the ethics statement. No conflicts were expressed.

### GENERAL MEETING

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#### **Approval of Agenda and Minutes:**

The current meeting agenda and March 16, 2023 meeting minutes were reviewed.

**MOTION:** Tonya Basse motioned to approve the agenda. Rachael Pollack seconded. Motion carried unanimously.

**MOTION:** Rachael Pollack motioned to approve meeting minutes. Tonya Basse seconded. Motion carried unanimously.

**Informal comments by the public:** None

### OLD BUSINESS

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#### **1. Short-Term Rentals (STR) – Update**

- Town Attorney Will Morgan, John Jeleniewski of the Jackson County Planning Department answered Board members' questions regarding short-term rental ordinances. The information, comments, and suggestions are summarized below:
  1. **Definition of Dwelling:** A clear definition needs to be included in Webster's ordinances. John Jeleniewski reported that Sylva's definition of dwelling is a livable area that includes a kitchen (where a meal can be cooked), a place to sleep, and a bathroom. Sylva allows a short-term rental property to be an accessory dwelling/secondary dwelling; however, the dwelling must comply with density standards and acreage minimums, and must pass the slope ordinance. Webster currently allows accessory BUILDINGS, which are distinct from DWELLINGS.
    - a. A basement apartment is not considered a separate dwelling if connected to the rest of the home by stairs. If a basement apartment has only a separate entrance, it is considered a separate dwelling.

- b. If a primary and secondary dwelling were on the same lot and had the required 1 acre per dwelling, 2 total acres, then the secondary dwelling could be a STR. For a basement apartment with interior access to the main home, this would be considered a secondary use and one acre would be sufficient. If a basement apartment had ONLY an exterior entrance, it would be considered an accessory dwelling and 2 acres would be required.
  - c. The town could consider rezoning and limit STRs to a particular zone (town limits only – ETJ is solely residential). This is administrative and would require the full administrative change process including public hearings, etc. Webster currently only has one district designated as R1.
2. **Grandfather Clauses:** The legal term is a “legal nonconforming” structure, and the place for this is not in the STR ordinances. A legal conforming dwelling would only revert if its use changes; for example, if a STR had been out of use for a minimum of 6 months as a STR, this might trigger full ordinance compliance. A change of use, vacancy, or lot subdivision are other examples. Full compliance at point of sale was not recommended due to existing established use of a property.
  3. **Enforcement:** The Planning Department “administers” Webster’s ordinances. The process is complaint-driven and would require a call or email from residents. Sylva’s ordinance outlines financial penalties for violations.
  4. **House Bill:** A bill is making its way through the State House which would prohibit local governments from regulating accessory dwellings. (Secretary note: This bill was passed by the house on 4/26/23, and has moved to the State Senate.) Also pending is a proposed House bill to eliminate ETJs.
  5. **Other topics:** STRs and rentals are not considered commercial. “Home occupation” is permitted with limits by occupation and square footage. Working farms have many state protections, and private horticulture is allowed. Subdivisions can regulate STRs even if towns are not allowed to do so. A deeper ordinance review may be needed.
  6. **Next Steps:** John Jeleniewski will send board member Jenny Reisinger a copy of Sylva’s STR ordinance. He noted that, “while each town needs its own identity, aligning technical standards is helpful.”
    - The board determined Webster’s ordinances must more clearly define accessory dwellings vs. accessory structures. The Board needs to consider what, if anything, needs regulation. A one-page summary of the Board’s priorities would be helpful in determining further steps.
    - Vice Mayor Leigh Anne Young expressed support for the usefulness of these ongoing discussions, even if the state moves forward with the bill to ban accessory dwelling restrictions.

### *NEW BUSINESS*

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1. There was no New Business

### **Administrative Reports:**

**Town Board Liaison Report:**

- a. **Webster Pavilion costs update:** Leigh Anne Young reported that benches and trash cans have been delivered, grading and gravelling will be done soon and will ensure that the site is ADA compliant.

**Chair Report: None**

**Planning Board Members' Reports:**

- a. Tonya Basse provided an update from the Traffic Committee. The committee has learned that speed bumps at intersections and raised crosswalks may be possible for Hwy. 116, which is considered a thoroughfare. (Buchanan Loop is not). Research into these options is currently ongoing.

**Adjournment**

*MOTION:* Rachel Pollack made a motion to adjourn the meeting at 7:13 p.m., Tonya Basse seconded by. Motion carried unanimously.

**NEXT MEETING:** The Planning Board will meet on May 18, 2023, at 5:30 pm at the Webster Town Hall.

**MEETING ACTION ITEMS:**

- Town Attorney Will Morgan will assist in updating the definition of “dwelling” in Webster’s ordinances.
- John Jeleniewski will send the details of Sylva’s STR ordinance to board member Jenny Reisinger.

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Brandon McDevitt, Secretary, Planning Board, Town of Webster