

WEBSTER PLANNING BOARD

MARCH 16, 2023 Meeting Minutes



The Webster Planning Board met on March 16, 2023, at 5:30 p.m. for a regularly scheduled meeting.

CALL TO ORDER: Sara Stahlman called the meeting to order at 5:32 p.m.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Will Morgan

Sara Stahlman reviewed the ethics statement. No conflicts were expressed.

GENERAL MEETING

Approval of Agenda and Minutes:

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

MOTION: Tonya Basse motioned to approve the agenda. Jenny Reisinger seconded. Motion carried unanimously.

MOTION: Rachael Pollack motioned to approve meeting minutes. Jenny Reisinger seconded. Motion carried unanimously.

Informal comments by the public: None

OLD BUSINESS

1. Short-Term Rentals (STR) – Update

- Sara Stahlman presented the Planning Board’s initial ordinance clarifications at the last Town Board meeting.
- Town Attorney Will Morgan answered Board members’ questions regarding short-term rental ordinances. His comments/suggestions are summarized below:
 1. **Definitions:** Any STR change be added to the “rooms to rent” section rather than undertaking the addition of restrictive covenants. Thirty days or less is the most suitable STR time frame. Some towns have “homestay” ordinances that require the primary owner or long-term tenant to be on the property at the same time. It is also possible to incorporate STR guidelines into apartment use regulations.
 2. **Enforcement:** This is generally done through interlocal agreements with Jackson County and it is best to let the county handle enforcement. Enforcement would be easier for the county if Webster’s ordinances align with Sylva’s; however, a process is needed. Prevention of violations is best, and realtors/the board of realtors are an excellent resource. Some real estate attorneys often don’t check a town’s ordinances,

and they can be missed because they aren't required to be recorded. The need for enforcement is generally driven by complaints, usually noise, and a process would need to be developed. Sylva issues up to two citations then a fine for violations.

3. Permitting/Zoning: A Wilmington law for a STR permitting system was recently struck down in court. Zoning is permitted and is how STRs are generally controlled. Webster only has one district which is zoned R-1/Residential. Any changes to the land use plan or zoning should go through the full public process, beginning with a public hearing.
 4. "Grandfathering": This is often done and decreases the risk of a lawsuit. It is best to put this policy into effect on the date of the ordinance passage. STRs may be grandfathered in until they are sold or until usage as a STR ceases. The latter is harder to do because it must be proven.
 5. ETJ: It is easiest to include the ETJ in the original ordinance, with the option of making revision and/or creating a new R2 district.
 6. Next Steps: Will Morgan will review the Planning Board's suggested ordinance clarifications and create a draft to be reviewed at the next joint meeting with county staff.
- The board determined that a joint meeting with Jackson County Planning Department staff, the Town Attorney and the Webster Planning Board is necessary.
 - Leigh Anne Young stressed that the town's ultimate goal is to provide clarity in our ordinances.

NEW BUSINESS

1. There was no New Business

Administrative Reports:

Town Board Liaison Report:

- a. **Webster Pavilion costs update:** Leigh Anne Young reported that the Town Board voted on a shed-style roof with a smaller footprint. The kit is ordered, and can be customized in the future. Paving and parking will begin soon, but the timeline for the construction of the pavilion is not yet known.
- b. **Town Budget Meeting:** The meeting will be held next Friday.

Chair Report: None

Planning Board Members' Reports:

- a. Jenny Reisinger reported a recent discussion with the Jackson County Planning Department regarding accessory dwellings. Staff will be invited to attend a meeting with Planning Department staff to help provide clarification.

Adjournment

MOTION: Jenny Reisinger made a motion to adjourn the meeting at 6:53 p.m., seconded by Rachel Pollack. Motion carried unanimously.

NEXT MEETING: The Planning Board will meet on April 20, 2023, at 5:30 pm at the Webster Town Hall.

MEETING ACTION ITEMS:

- Jenny Reisinger and Leigh Anne Young will contact John Jeleniowski and Will Morgan respectively to coordinate a joint meeting with Jackson County Planning Department staff, the Town Attorney and the Webster Planning Board.
- Town Attorney Will Morgan will create a first draft of town ordinance clarifications.

Brandon McDevitt, Secretary, Planning Board, Town of Webster