

Ludlow Planning Commission
Meeting Minutes
January 23rd, 2024
6:00 p.m.

Special Meeting

1. Call to Order:

The special meeting of the Ludlow Planning Commission was called to order on Tuesday, January 23rd, 2024 at 6:00 p.m. at the Ludlow Town Hall in Heald Auditorium by Theresa Gurdak-Carter.

2. Roll Call by Secretary:

Board:

Theresa Gurdak-Carter,
Ryan Silvestri,
Ted Stryhas,
Judy Pullinen

Recording Secretary:

Abigail Childs

Public:

Eric Alden,
Jarrod Jowdy,
Rosemary Goings,
Martha Harrison,
Brendan McNamara,
Chris Callahan,
Josh Rasmussen.

Board Absent:

None

3. Opening Statement by Chair

4. Considerations of any changes, additions, or removals to the agenda

- N/A

5. Approval of Minutes

- **November 29, 2023**
 - Terry Carter motions to approve the November 29th minutes. Ryan Silvestri seconds. All in favor. Approved.
- **December 4, 2023**

- #4: one-acre zoning on the last bullet is missing the “c”
- #6: fix “meeting” typo.
- Judy Pullinen motions to accept the December 4th minutes. Terry Carter seconds. All in favor. Approved.
- **January 4, 2024**
 - Judy Pullinen notes that she didn’t write down who motioned to adjourn
 - Edit: correction on Ryan Silvestri’s last name (spelling mistake)
 - Terry Carter motions to approve the January 4th minutes. Ryan Silvestri seconds. All in favor. Approved.
 - Terry Carter motions to approve the January 4th minutes. All in favor. Approved.

6. Comments from Citizens

- N/A

7. Modernizations of Ludlow’s Village Zoning and Flood Hazard Regulations/Village Trustees Public Hearing/Public Hearing with the Village Trustees:

1. Chris Callahan’s Changes
 - a. Section 550: Performance Standards
 - i. Chris Callahan suggests after 550.8, to include a paragraph before 560 Camping Trailers.
 - ii. Chris Callahan suggests it because of an issue going on in town with a noise issue. It is a private dispute yet they keep coming to the DRB and our prescriptive zoning regulations show a decibel. He thought it might be helpful to have something that says this is the zoning regulation but if you complain, you can go to court and talk to the judge and have them determine if it is a nuisance or not. Include language that individuals have a private right to bring in a noise complaint to the police or the court. If it is a serious thing they won’t be able to fix it in one night.
 - iii. Judy Pullinen thinks it’s a great addition and it has no teeth to it otherwise.
 - iv. Ryan Silvestri says without this language in the zoning document, they still have the same rights.
 - v. Board agrees to add this paragraph. Martha Harrison will make the edit.
 - b. Section 590: Aircraft Landing Facilities
 - i. Chris Callahan asks why we need it, and Judy says it’s because of the emergency DART helicopter because it can land down by the field by the school.
 - ii. Jason Rasmussen says the Transportation Board 5 or 8 years ago was encouraging towns to include this in their zoning because towns were struggling to have a meaningful level of input of proposals for aircraft facilities and at that point, there were exemptions there.
 - iii. Rose Goings says there are a few landing places, being the school and Jackson Gore.
 - c. Definitions
 - i. Secondary Sign was missing. Jason Rasmussen sent us the definition. The assignment gives you additional information about the business or commercial activity. Judy Pullinen approves.
 - ii. Accessory Dwelling was missing. Martha Harrison confirms it is there indeed.
 - iii. Alteration definition includes “to a building” so no changes are needed.
 - iv. Retail Use; at the end add “among other things”. Chris Callahan says if it is not specifically stated in something your board can say it’s not close to it and take it

to court, but if it is included you can have flexibility. Martha Harrison notes this lists the things that are not allowed, and if you add “among other things” it would be confusing. Chris Callahan says he saw it in the list of Zoning Districts and add it to permitted uses. Chris says if it is not specifically excluded then they have the argument that it doesn’t say “this”. Martha says it could be too broad if there is something you want to be excluded that is not listed here, it could be an issue.

- v. Tourist Home: Martha Harrison notes it is both defined and used.
 - vi. Transitional Housing: Chris Callahan asks if we need to define Supportive Services. Martha Harrison says it is one of those things where we may come across something that also needs a definition. Judy Pullinen thinks it is self-explanatory to me. Chris thinks a definition might make it a bit more clear or go with what is commonly understood.
 - vii. Ryan Silvestri agrees that it is understandable. Terry Carter agrees and thinks we do not need a further definition.
 - viii. Chris Callahan said there were no earth-shaking changes, only small clean-ups.
2. Section 224: first paragraph modification
- a. Section 224: Expiration of Permit - Edits to the first paragraph
 - b. Terry Carter says if they don’t do anything within a year, their permit is non-void, but there is a state statute that doesn’t allow that, and Terry believes it’s an oversight.
 - c. Martha Harrison notes that it is written correctly.
3. Revisit Multi-Unit dwellings in the Preservation District and V-R
- a. Zoning - Section 410 Ludlow
 - b. Terry Carter says conversations with Regional, Rose Goings, and Chris Callahan, now wants us to consider adding a line to possibly reconsider. Chris suggested a way towns can fight for not doing that, because it might not fit for our town, and it may not fit, but it’s not germane to what the state legislature wanted us to accomplish through that statute.
 - c. Ryan Silvestri would like to hear Chris’s opinion and Regional’s opinion. He wants to leave it to them to interpret the state statute.
 - d. Chris Callahan agrees with what Terry Carter has said and what Martha Harrison has said. He said how we look at this is a response to a housing crisis. The legislation overrode zoning and says we will allow multi-unit dwellings where single families are now allowed. He said it is clear that the legislature intends to provide housing in smaller districts and the perception is that single-family home and two-family homes are somewhat discriminatory. It should be permitted use in the same dimensions as a single family. He said the language is ambiguous and if your goal is to fight this, we should relook. He spoke to Martha and said the grant can address affordable housing and meshes with the legislature, so he suggests we go along with it and comply with what the statute means.
 - e. Rose Goings said he researched this, and as Chris Callahan said, there are ambiguous language and ways to fight it. She doesn’t think that we were acting in bad faith to look into it at all with the grant. She thinks we started the grant period a long time ago and this came recently to us in the last 6 months or so. She thinks 3, 4, and 5 units on small lots might seem a lot to us with our fire department and the parking we do not have in the village, but if everybody is on board, then she is not going to fight it.
 - f. Chris Callahan backs up Rose Goings on this, and from a planning perspective, it is shocking but it’s a lot. Pleasant Street has 80+ houses and if they suddenly can have 5 units in each one, it’s a hard thing for the people who live in the zoning world to not consider the planning and zoning. He thinks this may be a short-term fix but to get back to planning and zoning.

- g. Jason Rasmussen says there has been a big change to how we do zoning in the last couple of years. The legislature in his opinion clearly says 3, 4, and 5, units must go through a permitted use process. The question is are there places in the village that do not have municipal water and sewer, and in that case, you can go through a conditional use process? His concern on the grant piece is that the whole premise of the grant is to make it easier for housing and if you are not doing that and doing it in ways that are against state law he would be afraid of the town getting reimbursed.
 - h. Terry Carter notes that we are talking about 4 or fewer, not 5. Terry asks if that is a change the board would agree to. The board members agree to make this change.
 - i. Terry Carter asked Rose Goings if every section was covered by water and sewer. Rose thinks Washburn Lane may have septic and thinks Brendan can tell us that. She says there may be very few people who have a septic system in the village but 99.9% have municipal.
 - j. Brendan Mcnamara says Rose Goings is probably correct.
 - k. Ryan Silvestri clarifies that water and sewer are available on the parcel, or at the street, and it's not just hooked up yet.
 - l. Jason Rasmussen says if you are in the water service area, it applies.
 - m. Ryan Silvestri says if it is not off Washburn, it is available on the street, and could hook up if they wanted to.
 - n. Terry Carter asks if they have to pay for it if they don't hook up. Rose says they do not.
 - o. Terry Carter confirms with Martha to change the 4 or fewer dwellings to a permitted use column.
 - p. Rose Goings asks about the Ludlow Preservation District page and what we are doing with 5+. Terry says that will be going into Conditional.
4. Village R-C Discussion and Possible Changes to Zoning
- a. This was something Rose Goings and Terry Carter talked about but in light of what happened, we don't need to cover this.
5. Village R-2 Discussion and Possible Change
- a. Terry Carter wanted to bring this up one more time to see if we need to add more things into Village R-2 like Thompson Ave and O'Rion Ave because there may not be room for apartment buildings there. She warned the map for a discussion about it.
 - b. Ted Stryhas used to live there and grew up there. He does not see that being a very good situation to put more units there. He agrees with Terry Carter.
 - c. Judy Pullinen confirms they are currently Village-R. Terry Carter says there are suburbs there and lots are very small, and another area like Andover Street, which naturally happened there, ended up being all Residential except for Tony's Service Station. She was looking at other areas like these roads to reserve for only Residential.
 - d. Ryan Silvestri asks what else is in Village-R if they are multi-unit buildings. Terry Carter said those will be everywhere now. Terry Carter says in Village-R2 District we are proposing single-unit, four-or-less, accessory, etc. Those are all permitted uses. Multi-unit dwellings and 5+ units are under Conditional Use.
 - e. Judy Pullinen thinks that has less protection.
 - f. Terry Carter spoke to Chris Callahan on this issue and said to not bring it up because we then have to talk about boundaries.
 - g. Ryan Silvestri disagrees.
 - h. Terry Carter decides to move on from this, and Ryan Silvestri thinks it is too late to make changes.
 - i. Rose Goings mentions that our flood hazard regulations in the village certainly need updating, and asks if the board wants to look at this now and do something later on. One

issue she discovered that is out of date is the flotation and gas storage tank fillers like Suburban Propane will not fill the gas tanks if they are above base-flood elevation because they are too high. The FEMA rules are different than what ours say, and maybe Jason knows different rules than we do, so we need to look at our flood hazard regulations.

- j. Terry Carter says she knows we need to and wants to address them after we finish the zoning changes. She wants Marie to come in to explain all about Riparian Buffers and flood planning. Terry wants the board to learn about it and refresh on the topic. The document is old from 2014 and does need to be redone. We don't know who our new floodplain manager will be after this week.
 - k. Judy Pullinen says on next month's agenda, we have goal setting for the new year and that would be a good time to talk about this. She agrees with Rose we really need to look at it. Terry included Article 6 for review.
6. Section 540: Prohibited Signs. Regarding the new Little Mexico, they have the neon string lights running around outside the building and he knows we do not allow the signs to do that, and wants to make sure that it is in the regulations that we don't allow that neon outside light either. It is also neon and it is the LED shining type of light that attracts to the restaurants. It is not inside the window like others. Rose wonders what the board thinks about that being listed as a nuisance or a sign. It is in the regulations now that it would be considered a problem.
- a. Judy Pullinen asks if it is permanent, and Rose Goings says yes it is.
 - b. Jarrod Jowdy asks Rose Goings if they are rope lights, and she confirms they are. Ryan Silvestri says there are a lot of ropes, and Rose says they are inside which if they are outside it is different.
 - c. Ryan Silvestri thinks it is getting into the temperature of the light or the brightness. Rose says they are extremely light and they are scrolling and very fast. She thinks we may want to add something.
 - d. Ryan Silvestri says if we add something about lights, we are now talking about the temperature and the lumens, and it gets pretty nitty gritty. He would want to see examples of this. He says they may be similar to Christmas lights and string lights are generalized and are very specific to the type that we want to talk about.
 - e. Rose Goings notes they have not gotten a sign permit, and if you see them we will know what we are talking about. Ryan Silvestri asks if there could be an issue with traffic safety. Terry thinks they are covered under section "E".
7. D. Lighting - Under Wall Mountain Signs #5 - Additional Parking Signs: Martha is not sure what is meant by "and all other conditions apply" not "additions".
8. Map Changes: Village R-2
9. Motion for a Public Hearing
- a. Judy Pullinen motions for a public hearing. Terry Carter seconds the motion. All in favor.
 - b. Terry Carter says we have to warn a public hearing because Chris Callahan has made changes. If you think of anything that we haven't thought of for the agenda, you can bring it up in a public hearing.
 - c. Judy Pullinen asks if we ever fixed the flagpole issue. Terry Carter said we would go by state accordance.
 - d. No further discussion.

8. Next Month's Agenda Planning:

- Meeting Norms
- Municipal Planning Grant

- Survey Results
- Setting Goals for the Year
- Flood Hazard Regulations (Article 6)
- Terry Carter says we need to have a public hearing, so do we want two separate meetings?
- Ryan Silvestri says for setting goals, there may be new board members as well, and if this board is supposed to be setting the goals, or taking more direction from the Selectboard and Trustees, and think we should go to the town and ask where we should be aimed at for goals. He thinks we need to receive direction. Terry Carter says we are also working on our Municipal Planning Grant too. Ryan Silvesri says we should have a list of priorities. Terry Carter says we should invite them to set our goals.
- Chris Callahan says Martha Harrison has lost her sound so she can't hear our meeting any longer, but there are reporting responsibilities and needs to get things onto the municipalities, so don't cut it too close.
- Jarrod Jowdy says if you warn tomorrow, the earliest date would be the 15th, so there wouldn't be enough time for even the 20th. He asks if we are ready to warn tomorrow. Terry Carter says she would have to add those sections to the public hearing notice.
- Jason Rasmussen says you just have to get a notice to the paper tomorrow and can get everything else in during the week.
- Rose Goings will touch base with Shawntae for a meeting on February 20th, 2024.
- A public hearing date is planned for February 22nd, 2024.

9. Other business:

- Board Member Comments (5 minutes)
- Citizen Comments (5 minutes)
 - Eric Alden: He wants to touch on the goals for 2024 and thinks flood hazard review is important. He further adds that we may want to in addition to the other board inputs, to ask the zoning office for a bullet list of items that bog things down. There has been discussion over the last two years about how to streamline the process and one thing that comes to mind at a lot of DRB meetings is the need for letters for police, fire, and ambulance. There are times when it is valid, but times when it is not. An example is a subdivision and no reason for the police to weigh in on this. Another example is if someone is repairing the deck and has to go through a flood hazard review, the chief and fire chief don't need to be part of it and they are annoying. He thinks those letters shouldn't be applied across the board. It is a reason a lot of DRB meetings get recessed. He thinks we should ask for zoning and consider it as a board.
 - Noah Schmidt: Over the past 6 months coming to the DRB meetings, it is always a bummer when people are trying to rebuild and waiting on a letter from the state, and he found out last night they are in this judicial position and wonders if there are any flexibility to get some of these things streamlined when people are just trying to get back into their homes. There are certain rules and zoning is super important but when people are just trying to get back going, it seems like it could be streamlined a bit.
 - Judy Pullinen says she thinks we need to ask the DRB what things need to be streamlined. Terry Carter suggests we invite them and Terry says we should add things.
 - Rose Goings says this doesn't have anything to do with this part of zoning, and this has to do with the DRB's section of the zoning and not the Planning Commission. The DRB requests these things and they do it for a reason, and it has been going on for a while. Also when there is a subdivision that is land development that is creating housing, housing sometimes catches on fire, requires an ambulance, and requires a police officer and at these times if these people are not notified of these areas being developed then

they are not aware of what is going on and they do want to know. They also have something to say about the developments that are going on, they are required and he does not see that changing. We don't ask for electrical or school letters anymore and others. Fire Marshal is required when it comes to commercial. It is in Section 6 of our zoning document. If the people who have to get a permit to do a development and they can't seem to get their letters together then they have plenty of time to do that and instructions.

- Eric Alden says when he mentions a subdivision plan, he doesn't mean development, in his example if you are doing a subdivision like moving lines on a piece of paper none of that applies. This is merely a subdivision and there is no permit for a house, once construction happens, you need them.
- Judy Pullinen says it is not in our wheelhouse to be looking at this, it is for the DRB to do this.
- Ryan asks Rose to elaborate on who is responsible for addressing changes. Rose says it is the DRB.
- Jarrod Jowdy wants to revisit the rope lights before we adjourn. The rope lights are analogous to neon lights, they are brighter and attract much more attention which would fall under 540.4 Section D. But also to Ryan Silvestri's point, a lot of them can make patterns that are distracting to drivers, and are meant to attract. Ryan says if they put them behind the glass, they would be fine. Jarrod says we should look into that.

MEETING ADJOURNED

Terry Carter motions to adjourn the meeting. Judy Pullinen seconded the motion. The meeting was adjourned at 7:20 p.m. by Theresa Gurdak-Carter. The next public hearing date is scheduled for February 22nd, 2024.

Minutes submitted by: Abigail Childs

Minutes approved by: