Planning Commission 2024

Tuesday –December 17, 2024 at 6:00 p.m.

Planning Commission

Regular Meeting

Hybrid Meeting – Conference Room

Zoom Link: Planning Commission - December 17, 2024
Meeting ID: 999 9677 6407
Passcode: 428636

AGENDA

1. Call the meeting to order.

2. Roll Call by Recording Secretary

3. Opening Statement by Chair

4. Considerations of any Changes, Additions or Removal to the Agenda

5. Comments from Citizens (5 minutes)

6. Approval of Minutes
   - September 17, 2024
   - October 15, 2024
   - November 19, 2024

7. Rules of Procedure: if all five members are present

8. Neighborhood Development Areas: Results of Selectmen/Trustees/Planning Commission Joint Meeting and Smart Street Changes to Make in Village and Town Zoning/ Further Mapping

9. Subdivision Changes from the DRB

10. Public Hearing Scheduled for Village and Town Zoning Changes including changes for NDAs, Flood Bylaws, Completed Sections (220, 221,224 and 227).

11. Short Term Rentals

12. Next Month's Agenda Planning:
    - Public Hearing
    - NDAs
    - STRs
    - Section 221.5 Limitations and Exceptions
    - Section 255: Admin Review
    - Section 260: General Standards
    - Section 290: Affordability Requirement
    - Affordable Housing Options

13. Other Business
    - Board Member Comments (5 minutes)
    - Citizen Comments (5 minutes)

14. Adjourn

Ludlow Planning Commission
Meeting Minutes: Regular Meeting
September 17th, 2024
6:00 p.m.

Regular Meeting

I. Call to Order:
The Regular Meeting of the Ludlow Planning Commission was called to order on Tuesday, September 17th, 2024 at 6:00 p.m. at the Ludlow Town Hall in Heald Auditorium by Theresa Gurdak-Carter.

II. Roll Call by Secretary:
Board:
Theresa Gurdak-Carter,
Jean Strong,
Ted Stryhas,
Judith Pulinen,
Ryan Silvestri

Board Absent:
N/A

Recording Secretary:
Abigail Childs

Public:
Eric Alden,
Noah Schmidt,
Martha Harrison.

III. Opening Statement by Chair
1. N/A

IV. Considerations of any Changes, Additions, or Removal to the Agenda
1. N/A

V. Comments from Citizens
1. Judy Pullinen informs the board that last Friday, a group was invited to go to Brattleboro for floodplain projects with Phil Carter, Bob Brandt, Noah Schmidt, and a few people from Cavendish and she thinks the more we talk about it, the more informed the town will be while we work toward flood mitigation. Pullinen reads the recap letter regarding floodplain information.
2. The letter includes information about roads, bridges, culverts, farming, local vegetation, planting projects, natural classrooms for landowners and community members, local resources for native trees and shrub stock, and more. Cavendish is looking to have Greven Field become a floodplain and the Ludlow Selectman thinks the Little League ball field and the Timber Inn could become floodplain as well, and the old Mill location on Mill Street could be another site too. The last

takeaway she had was that we need to have better communication between the different committees, select boards, and all the people doing work so that we don't duplicate efforts.

VI. Approval of Minutes

1. August 20th, 2024
    a. Section 9 - #7: Jason said "in town" should be "mostly in the village".
    b. Section 11C: State regulations section "Affordable housing can build 40% more and they can add an additional floor if the flood marshall says it OK."
    c. Section 11E: Add meeting was with Brendan McNamara too with FEMA.
    d. Section 11E: "in doubt" should be "in debt".
    e. **Jean Strong motions to approve the minutes of August 20th, 2024 as amended. Seconded by Ted Stryhas. Motion passed.**

VII. Rules of Procedure

1. Terry Carter reads the membership shall be appointed by the select board and shall have 5 voting members at least 4 should be residents of Ludlow as defined by the Department of Taxes and the 5th should be a resident of an abutting village or town. The members of the select board shall be non-voting ex-officio members of the commission.
2. Remove 4.6 - the section about the alternate. We cannot have an alternate, Terry Carter says.
3. **Judy Pullinen motions to approve the Rules of Procedure with the removal of 4.6 - Alternate. Jean Strong seconds. Discussion below. Not passed.**
4. Discussion: Jean Strong asks what people were concerned about, and Terry Carter notes it was the membership part.
5. Discussion: Eric Alden says he thinks Section 2.1 is a direct violation of the State Statute and it keeps getting pushed forward on this board. The Planning Commission does not have the authority to dictate the membership of the board, it is a state statute and chosen by the Select Board. If the committee is concerned, the time to express that is at the Selectboard meeting. The statute is there for a reason and it is clear and fair and it's there because history shows these board positions are hard to fill so they need to be able to have folks that are not full-time residents to be able to sit on the boards. He says you have checks and balances built in already, and the majority number has to be residents so your fear of the board being filled with out-of-staters is not going to happen. He says the board is worried about this issue. He reached out to the Attorney General's office and received a letter from the General Council that she stated the statute, which we all know, and she recommends the town Planning Commission to make sure the board is on the same page. He thinks everyone should be able to participate, and it's the same statute to allow the town manager to participate as a non-resident.
6. Judy Pullinen says the Town Manager is not a voting member on the board, and they only sit on the board as an Advisor.
7. Terry Carter sent this language to free legal advice and they said they didn't need this language.
8. Eric Alden says we haven't seen the public record submitted. Terry Carter says she sent everything to the PC. Alden says there is no reason to have this in here other than some personal agenda and it is unnecessary and shortsighted because seats are hard to fill on this board, and anyone who pays taxes should be able to sit on this board and they should have an opportunity to have representation if there is an opening. The Selectboard meeting is the time to talk about this.
9. Noah Schmidt agrees with Eric Alden and he thinks we want to be careful about limiting our options because if Ted decides to move to Clarendon he is no less than an advisor. He thinks it's great to have the majority of the board as residents, but as we grow there should be more flexibility, and getting people with more specialties is ideal and we shouldn't limit ourselves.

10. Terry Carter says it is not her personal agenda, and if you are making rules for your town, you should live here.
11. Ryan Silvestri would like to remove Section 2.1 seeing that it is handled by the Selectboard and he doesn't see how we can dictate because we don't appoint members, we are appointed rather.
12. Ryan Silvestri would like to see the VLCT to have this noted in writing. Terry Carter says she screenshot and sent it to the PC. Silvestri says 6 months ago when we started this, he doesn't believe this has any place in our rules of procedure and it should be done at the Selectboard level.
13. Judy Pullinen says she disagrees with Silvestri because this is not dictating who is on the board, it just saying how the board will be composed. Silvestri says this is superseding state statutes. Carter says no, it's assumed. Silvestri says the word "statute" and "assumed" shouldn't be in the same sentence. With state statute in law, there are no assumptions to be used that is what laws are for.
14. **Ryan Silvestri moves that this board considers removing Section 2.1 of the Rules of Procedure. None approved. Not passed.**
15. **Terry Carter calls the question. The motion fails.**
    a. Judy Pullinen abstains because she would like to see written evidence.
    b. Terry Carter says she can ask Chris Callahan now.
    c. Ted Stryhas says he is uncomfortable at this second, and there are great points… now we need to figure this out. Stryhas thinks we need to take this seriously and thinks this is upside down.
    d. Terry Carter says she will come next time with their old language and have Chris Callahan's opinion.

VIII. Village Trustees Public Hearing on September 3rd.

1. Chris Callahan said we needed another Public Hearing due to our many changes, which was September 3rd.
2. Terry Carter asked Brendan to add to the agenda of approval of the bylaws and the amendments we made to the Village Zoning & Floodhazard Regulations, and he did that, Chris Callahan weighed in and said it was done correctly so it passed the Village Zoning - we accomplished it!
3. The Trustees didn't make any further changes and weren't sure if the board wanted a review.

IX. Neighborhood Development Areas Requirements

1. Jason Rasmussen noted it is a designation we can have for the village where a1/4 mile circumference is drawn around the village center and anything that falls under that would allow affordable housing to go in without Act250 review and offer grants to people who want to build affordable housing, concentrating on places that have sewer and water. Before we can apply, we have to take a look at our own zoning and the requirements we need to apply for it. Rasmussen sent all of the requirements, and we need 8 out of the 10 items. Carter made up a document with the ones we don't have yet and wants to see if there are 3 out of 5 that we are comfortable with. The Trustees and Selectboard also have to agree to the 3 that we pick off this list. Carter says we already have 5, so we just need 3 more.
2. Martha Harrison pulls up the Neighborhood Development Area (NDA) checklist and says we must meet 8 out of 10 of the building patterns and complete streets.
    a. We do meet the following:
        i. The first section of "Building Patterns" has to allow for a mix of housing opportunities, which Ludlow has already.
        ii. We have to apply with the Home Act, which we do.

iii. Note: Jason Rasmussen suggests renaming “workforce housing” to “employee housing” in Section 520.16.
iv. Building heights must be met, which we do.
v. Setback reduction must be met, which we do. Jason says in the Preservation District, we could reduced that more, we have 30ft but most are 20ft. Terry Carter says we have a new Tree Warden and they are trying to get a grant to get a nursery and Rose would like to line the area with trees.
vi. Note: Require developments are desired to accommodate safe and convenient pedestrian circulation - Jason Rasmussen thinks the language could be clearer.
vii. Have provisions that minimize curb cuts and reduce their frequency, or other access management provisions - Jason Rasmussen recommends adding a more robust section here.

3. We do not meet the following:
    a. The dimensional requirements have to be met, and Ludlow doesn’t.
    b. Garage door provisions so that the doors are not he dominant element of a facade.
    c. Include provisions that encourage primary building facades to be oriented to the street such as requiring front doors to face the street.
4. Judy Pullinen thinks the safety of pedestrian circulation is important. Pullinen thinks if someone is putting in a new development, they need to put in a sidewalk. Pullinen would love to see that one strengthen, Terry Carter agrees. Carter asks the board members which ones they think they want to change or improve on from the list.
5. Ryan Silvestri asks how do we define a ¼ mile from where - what is the village center. Jason Rasmussen will have a map to show us that. Silvestri thinks that is an important to step so we can see what land we are adding into this and see how feasible it would be to make these additions. Martha says she doesn’t have a map, but Rasmussen would probably want to know if we were interested first. Silvestri asks how to find the village center, so it would be a ¼ mile around from the perimeter.
6. Ryan Silvestri confirms it is from the perimeter of the Village Center, which doesn’t necessarily correspond with the whole Village. Martha Harrison says she can send a map. Silvestri says she could pull up the tax maps online now.
7. Martha Harrison continues with the second list: Complete Streets
    a. We need to meet 3 or 4 of the 10.
    b. We meet the following:
        i. Require that provisions be made for the extension of the street and pedestrian network into existing streets and adject, undeveloped land.
        ii. Have existing or planning pedestrian facilities.
        iii. Require street trees, lighting and appropriate landscaping for new developments - we need to change or “may” to “shall”.
    c. Terry Carter asks if this (generally speaking) is something this Board is comfortable doing. Carter says its free grants you don’t have to pay back, and they have a lot of money now because not a lot of towns don’t go for it.
        i. Jean Strong asks how that would work in terms of applying for this grant. Carter asks Martha Harrision if it is through the state and Harrison says she is unsure about the grant. Jean Strong says she would like to think the town would want to be part of the grant for making these changes.
        ii. Terry Carter says there are already a whole bunch of programs, but there are state resources already for affordable housing. Judy Pullinen thinks if we are trying to promote affordable housing, we should make that neighborhood as attractive as possible for people, if we don’t put in regulations, you’re going to get

the minimum without street lights or sidewalks, so she would like to see the language strengthened so she is OK with these changes.

iii. Ted Stryhas says he thinks he feels OK about it.

iv. Ryan Silvestri says there is still the reality of what is possible, and it's not possible to put a bike path on Main Street unless you lose 30 parking spaces for example… it's good to digest this and that this makes you more eligible and have homogeneous communities throughout.

v. Ryan Silvestri then asks about prohibiting cul-de-sacs and Martha Harrison says its likely because they want to be able to grow the street beyond that for more development. Silvestri says any lots that are left, the most likely design would be a cul-de-sac or egress… so is that one that we could choose not to do? Martha Harrison notes that we can choose to not do 2 of them from this list.

vi. Judy Pullinen says she is not sold on the idea of allowing roads to be as narrow as possible due to snowfall and snowbanks. Terry Carter asks the board if we should remove that one. Jean Strong says whichever are the ones that make the most sense to eliminate, she is good with that. Jean Strong says you don't want narrow streets that would cause problems with parking.

1. Martha Harrison thinks they are talking about the travel lanes… so if you have a car lane and you have a bike lane, and a sidewalk it takes up some space.
2. Terry Carter says she was on the board with Aaron and he studied our streets about speeding, parking capacity, and he found out we had very wide streets like Main Street.

vii. Terry Carter asks if there are any roads with a cul-de-sac and Ted Stryhas says he does have a subdivision with one. Ryan Silvestri wants to look at the map because he has a feeling we won't be grabbing a lot so that is the big piece for him and thinks we need to digest this and think about the town's parcels and how it would affect it.

viii. Noah Schmidt says O'Rion Ave is one, though it is a dead-end confirmed by Silvestri and Stryhas. Schmidt says he gets nervous about amendingsubdivisions guidelines and zoning for the specific class by making that more rigid because it opens up developers space for potential grants and then it limits other development so it can get tricky on what that balancing act is.

ix. Silvestri says the pedestrian facilities are easy and the bike rack part seems feasible.

x. Terry Carter confirms the ones we aren't comfortable with are the narrow roads and the cul-de-sac one. Silvestri asks how this can require the narrow roads with the Vermont standards. The minimum is 24-foot width and a 7-foot travel lane with zero shoulder width for up to 25 AADT.

xi. Judy Pullinen asks what 25 AADT means, Harrison says it is the average daily amount of traffic. The more use it gets, the wider it gets according to state road standards.

xii. Ryan Silvestri thinks requiring utilities to be underground is good, it's more beautiful and safer. Martha Harrison has something in our subdivision regs, but it says "may".

xiii. We meet the on-street parking.

xiv. We meet "minimized any required of any off-street parking".

d. We don't meet the following:

i. Require sidewalks or pedestrian facilities for new development

ii. Have plans or regulations in place that include bike facilities where approporitae
iii. Require new streets to be as narrow as possible (such as having specifications for travel lanes that are eleven feet wide or narrower)

e. Ryan Silvestri will get our current zoning map, but would like to see the ¼ mile perimeter to see what parcels we are affecting. Harrison thinks i t may already be on the VT state planning website. Anything that can bypass ACT250 in his mind is good.

X. Town Zoning Section 220: Interior Alterations

1. Terry Carter says we made some changes in the Village Zoning and Ryan Silvestri says we need to make it happen in Town Zoning as well.
2. We changed the 1st paragraph and added stuff at the end, says Terry, about interior alternations.
3. Terry Carter suggests we make the same changes we made to the Village Zoning to the Town Zoning.
4. Terry Carter reads off the first paragraph and the change is regarding "existing structure as an addition and the altered or existing use be changed in any way…".
5. Ryan Silvestri says we would also have to remove #3 in the Town Zoning regarding the permit not being needed for interior alternations. He suggests we make them exactly the same. Jean Strong agrees it is tedious to go back and forth.
6. We will keep #1, per Terry Carter.
7. Ryan Silvestri says #3 and #4 are in the Town Zoning and not in the Village Zoning. He thinks we should replicate Village Zoning 220 and put it in place of Town Zoning Section 220.
8. **Ryan Silvestri motions to replace the Town Zoning Section 220 with the Village Zoning Section 220 as written. Judy Pullinen seconds. Discussion below:**
9. Ryan Silvestri says Trailside and the other condo complex is a lot of lost revenue for the town and community because permits were not taken out, and it changes the assessed value. It doens't say that you need to get a permit for exterior renovation, but that is something we talk to zoning about at another time.
10. **Terry Carter motions to replace the Town Zoning Section 220 with the Village Zoning Section 220 as written. All approved. Motion passed.**

XI. Recreation Economy for Rural Communities (RERC)

1. Terry Carter says there were 500 people at this webinar, so there are alot of people that will be going for this "money". She wants to put in an application about her idea of a bike lane in Ludlow that has river views, ways to get to the river, and connects to the mountain bike trails with a municipal lot that has e-bikes to loan, charging spaces, parking, and handicap spaces (since we have none other than the bank). The steering committee includes one full day of workshops. Every government agency is at their disposal to fund the project like U.S. Forestry. Priority is given to rural communities for creating recreational opportunities on Main Street, so a bike lane with a municipal lot somewhere. Terry Carter asks if there is anyone on the Planning Commission to be on the Steering Committee, and Abby Childs is already on it. Frank Provance, Nike Miele, Mariel, Zoe Trimboli, Logan, Terry Carter are all on it. Noah Schmidt thinks someone from LAST would be a good addition.
2. Eric Alden says there was actually a trail that was approved and funded that was going through Ludlow at one point and then it died. Sharron Bixby has worked on this for years, Terry Carter says. Alden says the bike lane down one side of the road would be difficult.

XII. Next Month's Agenda Planning

1. Neighborhood Development Areas: Village Zoning Changes that need to be looked at too.
2. RERC Recreation Economy for Rural Communities: we already talked about this today.

3. Judy Pullinen asks if we are going to re-discuss the bylaws… Terry Carter says right, she will speak to Chris Callahan in preparation.

XIII. Board Member Comments / Other Business / Citizen Comments

1. N/A

XIV. Adjourn

1. Terry Carter motions to adjourn. Judy Pullinen seconds. All approved. Motion passed.
2. The Planning Commission Regular Meeting was adjourned at **7:09 p.m.** on Tuesday, September 17th, 2024 by Terry Gurdak-Carter.

Minutes submitted by: Abigail Childs
Minutes approved by:

Ludlow Planning Commission
Meeting Minutes: Regular Meeting
October 15th, 2024
6:00 p.m.

Regular Meeting

I. Call to Order:
The Regular Meeting of the Ludlow Planning Commission was called to order on Tuesday, October 15th, 2024 at 6:00 p.m. at the Ludlow Town Hall in Heald Auditorium by Theresa Gurdak-Carter.

II. Roll Call by Secretary:
Board:
Theresa Gurdak-Carter,
Jean Strong,
Judith Pulinen,
Ryan Silvestri

Board Absent:
Ted Stryhas

Recording Secretary:
Abigail Childs

Public:
Eric Alden,
Jason Rasmussen,
Malia,
Scott Baitz

III. Opening Statement by Chair
1. Terry Gurdak Carter reads the Statement as the Chair of the Board.

IV. Considerations of any Changes, Additions, or Removal to the Agenda
1. N/A

V. Comments from Citizens
1. N/A

VI. Approval of Minutes
1. September 17th, 2024
    a. Will review next month when the Recording Secretary is available.

VII. Rules of Procedure

1. Waiting to review the Rules of Procedure until next month because Ted Stryhas is not in attendance.

VIII. Neighborhood Development Areas

1. Looking at the ¼ mile radius map and the requirements to submit an application.
2. Jason Rasmussen and Malia are present at the meeting today to help us with this.
3. Terry Carter says that we will decide if we want to go to the Trustees and the Select Board prior to a Public Hearing.
4. Jason Rasmussen says it is a bit complicated and there are some steps to take, but tonight he wants to talk about the maps specifically, and we do not meet all of the requirements right now. There are specific zoning pieces that they are looking for like complete streets or road-related standards, etc. He wants to try to figure out where in town do we think this NDA should be and that will allow us to get a better handle on where the zoning changes will be. He notes Malia has prepared draft maps to review. The map shown on the screen is the designated village center in the pink area. There is a strange outline surrounding which is the ¼ mile buffer. We are in a transitional period where Act 181 was passed last year and it created Act 250 exemptions. The interim exemptions are currently in the circled area. He wants to look at infrastructure that might make that shape change and will ultimately be the NDA area but it will lead into this future land use mapping part.
5. Ryan Silvestri says regarding the Act 250 exemption areas, are those going to be sunset? Rasmussen confirms they will be sunset in 2027 and will be in place for a couple of years until the key metric of the original plans are brought up to speed with the new law and the new designation programs are going to take some time. Rasmussen says we can wait until all that happens, but he thinks we shouldn't wait and do the NDA part to get it down beforehand to benefit property owners.
6. Rasmussen says the green area on the map is the rough area we are referring to that could be a possible NDA area.
7. The application does not want river corridors, which is why there is a weird strip in the middle of the green area. In general, we want to talk about the green areas tonight and whether or not this is the right area we want for this. The primary benefit is the Act 250 exemptions. Tonight, we are allowed to choose where this goes.
8. Terry Carter says there is no grant money, but NDA areas may be prioritized for grants. Rasmussen says he believes there isn't grant money specifically but you get "bonus points" for certain grants… you get priority for municipal grants, there is pilot funding for tax credits that would come with it, but mostly it is the Act 250 exemption stuff. There are financing pieces that a housing developer could take advantage of, but it's not a grant. It would be affordable housing.
9. Terry Carter asks if workforce housing would be considered affordable housing. Rasmussen says he doesn't think it qualifies, but there are Act 250 exemptions where it doesn't matter… like for houses up to 75 units.
10. Ryan Silvestri asks if the exemption would mean a developer would go through the permitting process and have a 2-year start before breaking ground. Rasmussen says he isn't sure. Silvestri says if you need substantial progress before 2 years, it may put a pinch on this opportunity. Silvestri asks if there is any way to shift the bubble on the map… he notes Orion and the neighborhood branch area and if that bubble can include further East down 103. Rasmussen says we can shift by pulling the line in and pushing the line out where those neighborhoods are. He says we need to think about the ability to make new housing with subdividable lots and space.
11. Terry Carter asks who owns the field behind Orion Ave. Rasmussen notes there are two new houses being built there. Silvestri notes it is a three-lot subdivision.

12. Rasmussen says Malia reminded her of other maps. The first map is a draft idea of where the NDA could be but they do have others that show details of steep slopes, zoning, etc. Terry Carter asks if it has to have water and sewer, and Rasmussen says it is not totally limited to where water and sewer are, but that is where they started and they can expand out from there.
13. Judy Pullinen says regarding flood zone, can that be included in the NDA or do we have to work around that? Rasmussen says the short answer is yes, we need to either exclude the flood hazard area and the river corridor or of the town is regulating them, we can do either. Terry Carter says she has finished the flood hazard regulations we are just waiting to bring them to the town. Rasmussen says we can add areas back onto the map, but for draft purposes, we should leave them off. Terry Carter asks the board what they think. Judy Pullinen says she feels it is not smart to put housing in the flood hazard zone because people could lose their homes, but the other side is she isn't sure where to put the houses because there isn't a lot of viable, buildable land in the Village.
14. Ryan Silvestri says he thinks building anything near water that is new, he has lost sympathy for that. When he looks at the tax maps, how can we manipulate the shape or density to areas that are developable? If we pulled down the northwestern quadrant, and move it more toward Depot Street… that could be an option. Silvestri notes there is a landlocked parcel that the town owns with a water tower and it's a parcel area he would like to grab, so we should push it into the town as much as possible because there isn't space in the village to do it. Terry Carter asks if it is hilly there, and Silvestri says it is but once you get to the top it flattens out. On Commonwealth Avenue, there are Country Ridge and Old Village Lane with developments that are all 1-1.5/2 acre lots but a good deal of them are vacant and they have been for sale forever. Silvestri thinks they should try to be included in this area on the map. Malia confirms these lots have sewer, but not water.
15. Rasmussen says these are great ideas and asks if there are other areas that we could capture too. This is a good brainstorming session to think big. He notes there will have to be pedestrian accommodations, but let's not get too hung up on this tonight.
16. Silvestri says the area off of the Okemo Blue Lot near Okemo Acres or Witalech Road could be a good area to move into. Below the base lodge area, there is a bunch of vacant land owned by Burns.
17. Judy Pullinen says that in Lawridge Heights there are only two houses there. Ryan Silvestri says there is a whole lawsuit going on there. Rasmussen says some of these are right next door, so it's not crazy to grab them. Silvestri asks if the line has to encompass the entire parcel. Rasmussen says let's not worry about the details. Silvestri asks if it only captures a corner of the lot, and does it captures the entire lot to fall under the exemption. Rasmussen says probably not under the interim exemption, but let's assume it will be the whole lot.
18. Silvestri says Lawridge Lots does have a lot of vacant parcels and falls into the Okemo Heights issue down at the end. He realizes that both Lawridge and Okemo Heights are included. There are 9 vacant lots on Lawridge Heights.
19. Ryan Silvestri says that the large lot owned by Mike Cerina is also part of a subdivision.
20. Rasmussen notes that purple shows steep slopes, so the entire area doesn't have to be developed.
21. Rasmussen prefers to look at a map with rough areas of expansion and then make changes regarding zoning. He thinks we need to adjust the language for the zoning to a level we are comfortable with what makes sense and how far out from the village does it make sense to include that language. For now, getting a sense for where we want to see housing is a good start.
22. Rasmussen will be back next month with maps and changes.
23. Silvestri says off Plumley Ave you can get there from Town Farm, Bear Ridge, and the Partridge Road does go in there with vacant lots that are already split off but it is very steep and it is not an

area where pedestrian spaces could be… so it doesn't make sense to include it. He thinks going as far East down 103 as possible and including the Blue Lot, and the two parcels around the base lodge is a good start.

24. Judy Pullinen suggests Mcginnis Drive. Silvestri thinks it is too far because if you keep going East, you'll see the big industrial space where Jeldwyn is… it's a far cry.
25. Rasmussen says that Pleasant St. Extension area was included but not above the railroad tracks. Silvestri thinks those areas are not developable anyway.
26. Rasmussen asks if the Preedom Hill area should be included, and Terry thinks no. Silvestri thinks to get there you are including all of that floodway like Sam's, Darcy, Subway, etc.
27. Silvestri says Country Ridge off Commonwealth and land off Gill Terrace.
28. Eric Alden says we shouldn't only consider areas where something is already there… like Pot Belly, Happy Trails, Fox Run, etc. Alden asks how attractive is all of this after the exemptions go away. Rasmussen says he doesn't think the exemptions will totally go away, but we will still have a regional growth plan area so this temporary period won't just go away. The shape might change, the details may change, the state rules may change, but it won't go away. He is more interested in where Ludlow folks think there should be more housing. It can be redevelopment of existing houses.
29. Rasmussen says there will be some zoning distress based on what we talked about tonight.
30. Terry Carter says we haven't been able to get the Trustees and Select Board together to do the housing workshop with Rasmussen and invite them to the December meeting.
31. Ryan Silvestri notes Parker Avenue is already in the zone. Jean Strong asks to go more northwest could be a spot to include.
32. Regarding cul-de-sacs, Rasmussen says they prefer having thru-streets but there may be things like walking paths to make it work.
33. Rasmussen says how can we do the things that will make the application go through and then we can work on them.
34. Judy Pullinen says regarding the garages facing the streets, there isn't enough space to make it work or it is harder to do. Silvestri says it's a way to say fewer garages and more living spaces.
35. Rasmussen says garage doors are OK, they just don't want it to be the most prominent piece… so they can be tucked off to the side and not the main focus.
36. Ryan Silvestri says his biggest questions are as a developer, is this just for the permitting process or is this a waste? He also asks about the corner of a parcel being included. Rasmussen says he will get back to us.

IX. Town Zoning

1. Section 221: Applications
    a. "If land development has not started within one year from the date of the issuance of a zoning permit for a permitted use..." This has changed in Village and we needed to change due to a state requirement. It should add "...and the zoning permit shall expire on the anniversary date of the issuance."
2. Section 221.5: Limitations and Exemptions
    a. Tabled until the December meeting.
3. Section 224: Expiration of Permit
    a. The entire 2nd paragraph of town zoning has to be changed to match the village zoning paragraph because of the state-issued change.
    b. **Terry Carter motions to change the Town Zoning to the Village Zoning for the expiration of permit. Ryan Silvestri seconds. Judy Pullinen asks to confirm what we are striking. Terry Carter confirms. All approved. Motion Passed.**

4. Section 227: Certificates of Occupancy
    a. The last sentence of the first paragraph is under #1 except for home occupations with no structural changes. Ryan Silvestri re-reads item #1 regarding the Certificate of Occupancy. Terry Carter notes the Town's is much more detailed than the Village. The Town includes #1 and #2 in the Village Zoning.
    b. Judy Pullinen says #2 in the Village is the same 2nd sentence as the Village's but the difference is in the home occupation piece. She says if there are exceptions we can't lose them.
    c. Carter says the change to the end of #2 regarding as-built construction drawings for the Village Zoning was added and is not in the Town Zoning.
    d. Judy Pullinen thinks we should use the Village Zoning except for the single-unit dwellings listed under Section 220.
    e. Ryan Silvestri thinks we should use the current Village Language #1 and #2 to replace the town but add in exemptions under single-unit dwellings listed under Section 220.
    f. Terry Carter adopted the language of Section 227 in the Village except for the exemptions of the single-unit dwellings.
    g. Judy Pullinen reads "Certificates of Occupancy: adopt the language of Section 227 of the Village as the language of the Town's 227 with the addition of "and the exceptions for single-unit dwellings listed under Section 220" in the first sentence."
    h. Terry Carters says the motion can be to adopt the language of Section 227 Certificate of Occupancy of the Village Zoning to the Town Zoning but add the exceptions for single-unit dwellings listed under Section 220. Terry Carter withdraws her motion.
    i. Ryan Silvestri says he is going to do this in the form of two motions.
    j. Ryan Silvestri moves to amend Section 227 of the Village Certificate of Occupancy Section 1 to include "structural changes" and "exemptions for single-unit dwellings under Section 220". Seconded by Judy Pullinen. All approved. Motion passed.
    k. Silvestri says we are simply amending the Village and adopting the Village language for the Town's Zoning.
    l. Ryan Silvestri moves to replace Section 227 of the Town Certificate of Occupancy with Section 227 of the Village's Certificate of Occupancy. Seconded by Jean Strong. All approved. Motion passed.

X. Next Month's (and December's) Agenda Planning

1. Section 225: Admin Review
2. Section 260: General Standards
3. Section 290: Affordability Requirement
4. Section 221.5: Limitations and Exemptions
5. Affordable Housing Options
6. Terry Carter suggests we invite the Select Board and Trustees to see the Housing Study that Regional did and also bring up the NDA discussion. She thought it included grants, not just the priority so she thinks we may pass on it.

XI. Other Business

1. Board Member Comments
    a. Terry Carter did submit the proposal to the EPA to put a bike trail through town with a dedicated parking lot, bikes to loan, a river walk, and incorporate our sidewalks to view the river in different places, mainly bridges. The deadline is 10/16/24.

b. Judy Pullinen says at our last meeting she spoke about going to Brattleboro to see some of the flood mitigation things they did there. She says they are having a meeting on 10/16/24 and will keep us updated on what happens.

2. Citizen Comments - N/A

XII. Adjourn

1. **Terry Carter motions to adjourn. Jean Strong seconds. All approved. Motion passed.**
2. The Planning Commission Regular Meeting was adjourned at **7:13 p.m.** on Tuesday, October 15th, 2024 by Terry Gurdak-Carter.

Minutes submitted by: Abigail Childs
Minutes approved by:

SELECT BOARD, VILLAGE TRUSTEES AND PLANNING COMMISSION

TUESDAY, November 19, 2024

5:30 P.M.

Special Meeting

HEALD AUDITORIUM

Zoom Link: Planning Commission Agenda and Docs – November 19, 2024
Meeting ID: 999 9677 06407
Passcode: 428636

SELECT BOARD MEMBERS PRESENT

Brett Sanderson, Chairman	Justin Hyjek	George Tucker, Jr.
Scott Baitz	Noah Schmidt	

TRUSTEES PRESENT:

Justin Hyjek, Vice Chairman	Julie Nicoll

TRUSTEES ABSENT:
Bob Brandt, Chairman

STAFF:

Brendan McNamara	Jarrod Jowdy	Fire Chief Ben Whalen

PLANNING COMMISSION MEMBERS PRESENT:

Terry Carter	Jean Strong
Judy Pullinen	Ted Stryhas

PLANNING COMMISSION MEMBERS ABSENT:
Ryan Silvestri

OTHERS PRESENT:

Eric Alden	Sal Marattoli	Jason Rasmussen
Allison Hopkins	Steve Meyers	Serenity Wolf
Jay Lushinks	Alice Nitka	Brian
Judy Luchinks		Sarah

I. Call To Order

1. Brett Sanderson opened the meeting at 5:36 p.m. He opened with the Pledge of Allegiance.
   - All Select Board members present.
   - Trustees - Bob Brandt absent.
   - Planning Commission - Ryan Silvestri absent

II. Consideration of any Changes, Additions or Removals to the Agenda

1. Brett Sanderson advised that no changes were needed

III. Short Term Rental Regulation: Planning Commission will present their researched approach to this issue

1. Terry Carter said that she had sent copies of the results of the survey that the Planning Commission had done in the past. A committee had been formed to research a Short Term Rental Registry and when present to the boards, those regulations were not passes. Considering the recent fire at Trailside, this issue has resurfaced. The Planning Commission has been working with the Regional Planning Commission. Regarding the survey that was done, post cards were sent to voters in the village and the survey was posted on the town website. We received 297 responses. Of those responses, 82% were from homeowners, 18% from renters and 35% part time or non-residents. The survey consisted of these questions:
   a. What effect do short term rentals have on the Village of Ludlow?
      i. 20% positive
      ii. 50%+ negative
      iii. Less than 5% - no effect
      iv. Less than 20% - not sure
      v. Less than 5% - no opinion
   b. Should Ludlow establish a registry for short-term rentals?
      i. Slightly under 60% - yes
      ii. 20%+ - no
      iii. 10%+ - not sure
      iv. About 5% - no opinion
   c. If yes, should Ludlow charge an annual fee to register a short-term rental?
      i. About 82% said yes
      ii. Just under 10% said no
      iii. Just under 10% said not sure
      iv. About 1% said no opinion
2. Terry Carter continued and asked the boards if they want the Planning Commission to move forward with looking at a Short Term Rental Registry? She said someone suggested lock-boxes, and the Fire Marshall said that wasn't necessary. There would be no restrictions on Long Term rentals. Rentals with over 8 occupants would have special regulations. Short term rentals are commercial businesses and average about $570/night. There are fewer homes left in Vermont and there have been changes in the residency numbers. She would rather see short term rental registry fees than increases in taxes.
3. Judy Pullinen said that the ideas presented to the boards by the Planning Commission were a draft and the Planning Commission is willing to change them. It is important to have regulations.
4. Noah Schmidt said it is important to look at what the goal is - safety, character of the area, tax revenue? This seems to focus on what the renters can't do - make noise - what about the homeowners. It should be the same for all. We need to make sure that people are safe.
5. Brett Sanderson said this is about Safety and regulations are the best way to achieve that. We can limit the penalties. Units should be inspected by the Fire Marshall every 2 years to ascertain that the fire systems are working properly.
6. Noah Schmidt said that Granicus does that scan through listings and larger occupancy numbers are flagged and cross-referenced with town records. For occupancies of over 8, we may want

the fire Marshall to inspect. We can have people self-certify. Safety is first. There are ways to incorporate revenue into housing.

7. Terry Carter said that other towns have the Fire Marshal inspect every 4 years. She asked Chief Whalen if he could do the inspections.
8. Ben Whalen said that at this time, Ludlow does not have a memorandum of understanding with the state. There is a potential for that in the future.
9. George Tucker said that the bigger problem is occupancies of 9 or more people.
10. Chief Whalen said there are filters for rentals of over 9 and there are about 1,000 in Ludlow. There are several hundred rentals of 20+ persons. Occupancies of 8 or less, are less risk; 9 - 16 more risk and over 16 people even more risk.
11. George Tucker, Jr. said that the unit at Trailside had 16 people. That is high risk.
12. Noah Schmidt said that Granicus said there were 800 - 1,200 STR in the town of Ludlow.
13. Steve Meyers asked if the boards have considered saying that rental units can 't have fireplaces. He asked who would be responsible Air B&B, the rental agent or the owner. Would the owners be responsible. What about Jackson Gore and Winter Place. They are all different and it's very complicated.
14. Scott Baitz said many people are converting wood fireplace to propane and electric. We don't have the right to tell people they can't have fireplaces. He said that 700+ units have fireplaces.
15. Terry Carter asked if the boards want the Planning Commission to take another look at a Short term rental registry.
16. Consensus of the boards was yes.

IV. **Introduction of Mount Ascutney Regional Planning Commission: Housing Study**

1. Alison Hopkins said they have looked at existing conditions in Ludlow and projected housing needs. She said that in 2022, there were 1,190 year round residents - 722 owner and 468 renters with an average of 2.14 persons per unit.
2. Jason Rasmussen said that now, 84% are non-homesteaders. The key is affordability and availability for year round occupancy. There is a lack of homes for the workforce. Of this, 21% are short term rentals. He added that the number of persons 65+ is on the increase. He said the data comes from VHFA. He said that the median household income in Vermont is $49,213, Home cost is $420,833 and Affordable housing is $146,000. Median Rent is $2,000 and affordable rent is $1,200. He said that Ludlow may be higher in housing costs and lower in income . This is all using the 30% measurement. Ludlow is higher than the Windsor County rates.
3. Steve Meyers asked about acreage costs.
4. Jason Rasmussen said they did not look at that. He said that VT Act 47 - The Home Act - allows for municipalities to change density, lot size parking. Ludlow has done this including the new Village Residential 2 District, and Senior housing in all districts.
5. Terry Carter said that the new Village Plan that was effective 9/23/2024 also allows duplexes in all districts including the Preservation district. 50%+ of the homes in Ludlow are single family homes.
6. Jason Rasmussen said that the data demonstrates that we have problems. In 2023, we hired the SE Group to do a sustainability analysis and a mapping tool. This will indicate where housing development is best suited based on infrastructure: water, sewer, sidewalks and where there are environmental constraints: floodways, river corridors, conservation areas, and steep slopes. We need jobs and public transportation. We need affordable rental units for the work force. He said that the State also passed ACT 181. This act grants the Vermont Housing and Conservation Board an assignable right of first refusal for privately owned age-restricted properties and

requires owners of privately owned age-restricted properties to provide notice of rent increases and also required Regional Planning Commissions to update their plans and Land Use Maps. We are working with the Windham and Windsor Housing Trust. The Village Center will get an automatic designation in 2 year. The Regional plan is in place and will work with the towns on their maps, including the surrounding areas. If those areas meet the requirements, they will get the designation, which will also allow some ACT 250 exemptions. He said there are different tiers: 1A - exempt, 1B - Ludlow is here. ACT 250 allows for affordable developments of 50 units on 10 acres or less. Towns have the choice of tiers. Tier 2 allow no ACT 250 exemptions.

7. Noah Schmidt asked if there are any specifics if Ludlow is facing a housing shortage because of 2nd homes.
8. Jason Rasmussen said there is no data, but he thinks this is mostly true. He added that there are provisions in the Home Act or Act 181 that override town zoning regulations.
9. Alison Hopkins said we are developing tools to update the survey, and put an action plan together.. We will create a local housing committee. We will look into rental rehabilitation and have a guide to home sharing. We will research funding sources.
10. Jason Rasmussen added, economically, we need subsidies, look into town lands and tax credit programs.
11. Noah Schmidt asked what is the best way to build more housing or deed restricted developments.
12. Jason Rasmussen said developers always consider first if the project will make money. There may be subsidies for building affordable housing. How to make this cost feasible: accessible units, senior housing and smaller levels.
13. Eric Alden Comments
    - The state hasn't invested in housing
    - Character of the town comes up often. Most people don't know what it is
    - No one wants change
    - Vermont/Ludlow has an aging population
    - Vermont/Ludlow has a low median income
    - There are no jobs
    - The focus should be on building
    - You will not have work force housing without density
    - Housing, Families, Jobs
    - Don't be afraid of Change
14. Justin Hyjek agreed with Mr. Alden. He said change is inevitable answer should not have knee-jerk reactions to change. He added that the Character is "small town-ness."

V. Neighborhood Development Areas – Zoning Requirements for the Application Mapping

1. Jason Rasmussen said that Regional will be working with the Planning Commission to prepare for the application. The Neighborhood Development Area program builds on this tradition by providing special permit and tax incentives for communities and developers that commit to building mixed-income housing within and adjacent to designated. The Neighborhood Development Area designation encourages municipalities and/or developers to plan for new and infill housing in the area within walking distance of its designated downtown, village center, new town center, or within its designated growth center and incentivizes needed housing, further supporting the commercial establishments in the designated centers. Areas eligible for designation must be within a neighborhood planning area defined as an area surrounding an

existing state designated area, extending a 1⁄4 mile from village centers, and new town centers, and a 1⁄2 mile from downtowns (and areas within designated growth centers).

The Building Patterns

Jason Rasmussen said that The Building Patterns portion has a checklist of 10 items and to qualify, a town must meet 8 and at this time, Ludlow does meet 8, but a few could be strengthened. He said that it deals with density and setbacks.

Complete Streets

Jason Rasmussen said if the Village wants to apply for the Complete Streets, they need to meet 5 of the 10 criteria. Is it worth pursuing? This part includes:

- Extending streets into new developments
- Sidewalks
- Water/Sewer
- Narrower Streets
- Underground utilities
- Prohibiting Cul-de-sacs
- Bike paths
- Landscaping

2. Terry Carter said the Planning Commission would have to change the Zoning Regulations quickly in order to apply. It expires in 2027. It does suspend Act 250 within the ¼ mile of the village center. She asked the boards if they want the Planning Commission to pursue this.
3. Jason Rasmussen said why not. There Act 250 benefit exemptions, fee reductions and it opens up the financing options.
4. Justin Hyjek said he does not like the idea of narrower streets or no cul-de-sacs.
5. Noah Schmidt said it says "narrow as possible."
6. Jarrod Jowdy said we have to consider the EMS vehicles first.
7. George Tucker, Jr. asked what areas may this work for.
8. Terry Carter said Okemo Heights
9. George Tucker, Jr. said it is already hard to get up there with a fire truck.
10. Justin Hyjek said we qualify for Building Patterns.
11. George Tucker, Jr. said we may be able to get 3 more without putting other things in jeopardy.
12. Justin Hyjek said who would enforce or facilitate it.
13. Terry Carter said it would go into the Zoning Regulations and then to the DRB.
14. Jason Rasmussen referred to the map and asked where and how they would put the new streets - even with "narrow as possible."
15. Noah Schmidt said we do want housing, but with the requirements, it is worth it
16. Jason Rasmussen said this would ease Act 250 and may open up financial opportunities for housing. It may be worth pursuing.
17. Steve Meyers asked if this would be public or private.
18. Jason Rasmussen said a partnership of public and private. He added that the state would give us the "sentences" to add to our zoning regulations. He said he thinks the Planning Commission should move forward with Complete Streets.
19. Judy Pullinen said it requires sidewalks. That is not as hard as it seems. New developments are required to put in sidewalks. We have regulations in place for bike. What about High or Pleasant Streets?
20. Judy Lushinks said Pleasant Street is too narrow, particularly by the pedestrian bridge.
21. Judy Pullinen said she still thinks it's possible.

22. Justin Hyjek said we need to move forward. We should add underground utilities. We don't need another survey.
23. Terry Carter asked if the consensus is to move forward.
24. **MOTION for the Trustees by Justin Hyjek and seconded Julie Nicoll to authorize the Planning Commission to move forward to address the requirements for the Complete Streets portion of the NDA. Motion passed unanimously..**
25. **MOTION for the Select Board by Noah Schmidt and seconded Scott Baitz to authorize the Planning Commission to move forward to address the requirements for the Complete Streets portion of the NDA. Motion passed unanimously.**
26. Justin Hyjek asked if this includes Affordable Housing.
27. Jason Rasmussen said it is not in the by-laws.
28. Justin Hyjek asked if we can include it.
29. Jason Rasmussen said yes.
30. Noah Schmidt said not to limit it to affordable housing.
31. Steve Meyers said what does get built is the $600,000 home.
32. Justin Hyjek asked about State or federal lands?
33. Jason Rasmussen said what has been built in Windsor is the $500,000 unit.
34. Ted Stryhas said you can't possible build for less than $500,000. You would need big subsidies. Even $400,000 with a $50,000 median income is not reachable.
35. Justin Hyjek said we can try to support the Planning Commission.
36. Ted Stryhas said at this point in time, this is what we have. It's common sense.
37. Jason Rasmussen said it will take multiple regulations and incentives, but you can at least try.
38. Eric Alden said affordable housing is built in other areas. If I build 10 units, 20% of them must be affordable and the state determines which of those 10 will be the affordable ones. The town can set the guidelines. It's about density.
39. Terry Carter said the regulations already stipulate 15% must be affordable. It's a state requirement.
40. Jason Rasmussen said the Home Act has inclusionary zoning. In Ludlow, developments of 10 or more units, 15% of them must be affordable.
41. Judy Lushinks said at past meetings, no one mentioned the 15%.

VI. Adjourn-

1. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to adjourn this meeting. Motion passed unanimously.**
2. Meeting closed at 7:08 p.m.

Respectfully submitted,
Lisha Klaiber

SELECT BOARD

Brett Sanderson, Chairman

Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek

VILLAGE TRUSTEES

Bob Brandt, Chairman of Trustees

Julie Nicoll

Justin Hyjek, Vice Chair

PLANNING COMMISSION

Terry Carter , Chairman

Jean Strong

Judy Pullinen

Ted Stryhas

Ryan Silvestri

PLANNING COMMISSION
RULES OF PROCEDURE
December, 2024

ARTICLE 1 GOVERNING RULES

1.1 ESTABLISHMENT OF THE COMMISSION. As used in these rules, the term "Commission" shall mean the Ludlow Planning Commission duly appointed by the legislative bodies of the Town and Village of Ludlow under the authority of 24 V.S.A. §4322.

1.2 SOURCE OF AUTHORITY. The Commission of the Town and Village of Ludlow shall be governed by the provisions of all applicable State Statutes, Municipal Plan and Bylaws, and these rules under the authority of 24 V.S.A. 4323(b).

ARTICLE 2 MEMBERSHIP

2.1 MEMBERSHIP Members of the Commission shall be appointed by, and any vacancy filled, by the Select Board. The Commission shall have five (5) voting members. Four (4) members of the Commission shall be residents of Ludlow. The fifth member, if not a resident of Ludlow, shall be a resident of Vermont, preferable from an abutting town or village. The members of the Select Board shall be nonvoting ex officio members of the commission.

2.2 TERMS. Members shall be appointed for a four-year term. The terms shall be staggered so that no more than two (2) terms expire in the same year.

2.3 REMOVAL. Any member of the Commission may be removed for cause by the Select Board upon written charges and after a public hearing.

2.4 VACANCIES. At the direction of the Chairperson, the Clerk shall give immediate notice of any vacancy to the Select Board and request a replacement. Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the next regular meeting of the Commission.

ARTICLE 3 ORGANIZATIONAL MEETING

3.1 Each year, at the first regular meeting of the Commission, after the appointment of members by the Select Board, the Commission shall; elect a Chairperson, Vice Chairperson, Clerk, and Recording Secretary; designate the paper of record; shall establish the time and dates of the regular scheduled meetings; and adopt Rules of Procedure.

ARTICLE 4 OFFICERS AND DUTIES

4.1 DUTIES OF THE CHAIRPERSON. The Chairperson shall call the meeting together, preside over all meetings of the Commission, put all questions, maintain order, decide all questions of order and procedure, subject to these rules, and shall appoint any committee found necessary to carry out the business of the Commission, subject to the order of the majority of the voting members of the Commission.

4.2 SIGNATURE. The Chairperson's signature shall be the official signature of the Commission.

4.3 DUTIES OF THE VICE-CHAIRPERSON. The Vice-Chairperson shall assume the duties and powers of the Chairperson in his or her absence.

4.4 CLERK. A Clerk, who may or may not be a member of the Commission, shall be appointed by a majority of the Commission. The Clerk shall conduct all official correspondence, subject to these rules and at the direction of the Commission, shall send all notices required by law and these Rules of Procedure; shall prepare reports and perform other duties as directed by the Chairperson.

4.5 RECORDING SECRETARY. The recording secretary shall keep the minutes of all Commission actions and proceedings, showing the vote of each member upon each motion, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names of all persons in attendance. All minutes and other official actions shall be filed with the Town Clerk as a public record. The recording secretary shall cause all meetings to be electronically recorded and the minutes shall be sent by to each member.

ARTICLE 5 MEETINGS

5.1 REGULAR MEETINGS. Regular meetings of the Commission shall be held in the Town Hall, starting at 6:00 P.M., on the 3rd Tuesday of each month, unless changed by the Commission. The Clerk shall give each member of the Commission fourty-eight (48) hours prior notice of the cancellation of such meeting. A meeting may be recessed to a later date provided that the meeting is recessed to a time and place certain prior to adjournment.

5.2 SPECIAL MEETINGS. Special meetings of the Commission may be called by the Chairperson provided voting members are given at least forty-eight (48) hours notice for the purpose, time, place, and agenda of such meeting. Only items on the agenda shall be discussed.

5.3 ORDER OF BUSINESS. The order of business at all regular meetings of the Commission shall be as follows:

1. Call to order
2. Roll Call
3. 3. Consideration of any Changes, Additions or Removal to the Agenda
4. Reading and approval of the minutes of the preceding meetings.
5. Comments from citizens
6. Items of business
7. Other business
8. Adjournment

5.4 TIME OF MEETING. Regularly scheduled meeting shall begin at 6:00 P.M., unless the Commission shall by majority vote in session set a later starting time. The Commission shall not begin considering any matter on the agenda not yet under consideration by the hour of 8:00 P.M. except by unanimous consent of the Commission members present.

5.6 OPEN MEETING. All meetings of the Commission shall be open to the public, subject to the Vermont Open Meeting Law.

ARTICLE 6 VOTING

6.1 QUORUM. For the conduct of a meeting and the taking of any action a quorum must be present, which must consist of, at least, three (3) voting members of the Commission.

6.2 MAJORITY VOTE REQUIRED. Determination on any matter before the Commission shall require the concurrence of three (3) voting members of the Commission, regardless of any vacancies or disqualifications.

6.3 CONFLICT OF INTEREST. No Commission member shall participate in any vote, on any matter in which he or she or his or her spouse, household member, employer or full time employee has a direct personal or pecuniary interest. "Conflict of interest" does not arise in the case of a vote on a matter in which the member has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the vote.

ARTICLE 7 COMMITTEES

7.1 COMMITTEES. The Commission may establish committees to investigate and make recommendations on issues of interest to the Commission. The work of committees shall be advisory only; the Commission proper shall conduct all official business.

7.2 COMMITTEE MEETINGS A majority of the members shall constitute a quorum. Each committee shall maintain a written record of its meeting and shall deliver such record to the Commission. The record of each committee shall include at least the following: the date and place of the meeting, members attending, and any final report

or recommendations.

ARTICLE 8 GENERAL RULES

8.1 PARLIAMENTARY AUTHORITY Robert's Rules of Order Revised, latest edition, shall govern all questions of procedure that are not otherwise provided by these rules or by state law.

8.2 ADOPTION. Upon adoption, the clerk shall file a copy of these rules and all amendments with the Town Clerk as a public record and post a copy in one or more public places.

8.3 AMENDMENTS. These rules may be amended at any regular meeting by the unanimous vote the Commission provided that such amendment had been presented in writing to each member of the Commission at least [48] hours preceding the meeting at which the vote is taken.

8.4 ATTENDANCE. A Commission member may be excused for nonattendance of a meeting for valid reasons if he or she notifies the Commission Chairperson prior to the meeting. A Commission member may be removed if he or she has three (3) consecutive unexcused absences from meetings or if total absences exceed one forth of the total meetings in a calendar year. Absenteeism beyond the prescribed limits shall be grounds for recommendation of dismissal to the Select Board.

8.5 RECORDS. A file of all documents, physical evidence, public proceedings, and decisions showing the vote, absence, or failure to vote of each member upon question shall be kept by the clerk as part of the records of the Commission. All records of the Commission shall be public records.

Planning Commission Members

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

From the Secretary of State's Office

§ 2646a. Town officers; town vote to allow election of nonresidents

(a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow individuals who are residents of the State, but not residents of the municipality, to be elected or appointed town officers. However, this section shall not apply to members of the legislative body of the municipality or justices of the peace. For the municipality's boards or commissions that are established by State law and are required to be composed of residents, the majority of the members of the boards or commissions shall be residents of the municipality.

Town & Village of Ludlow
DRAFT - Neighborhood Designation Area
Map 1 of 4: INFRASTRUCTURE

Legend

- DRAFT - Ludlow NDA
- 1/4 Mile Buffer Zone
- Sidewalks
- Parcels
- Water Line
- Sewer Line
- Roads
- Rivers and Streams
- Lakes and Ponds
- Railroad
- Designated Village

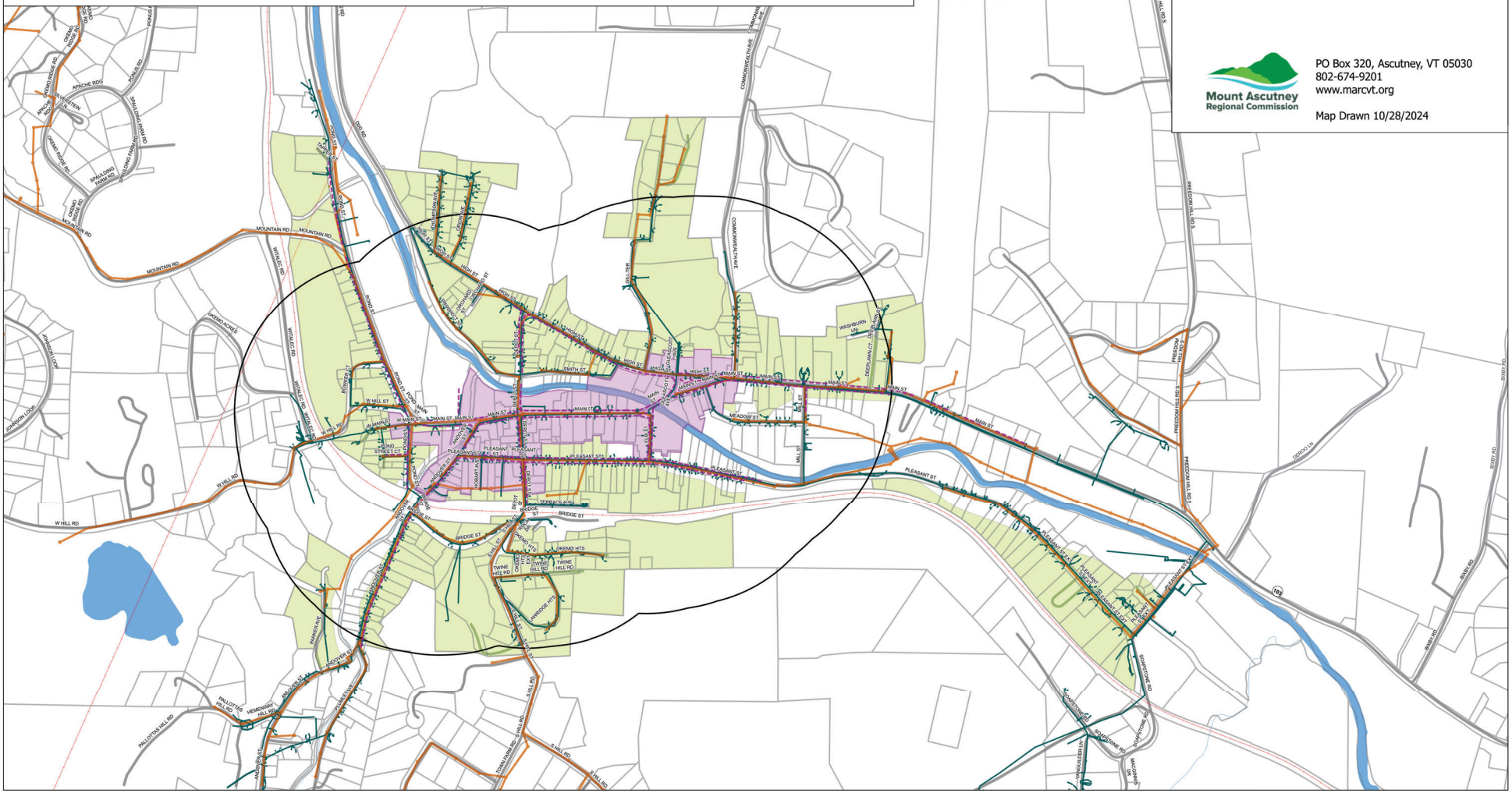
N

0 0.25 0.5 Miles

Data Sources: NDA (MARC 2024), Village Boundaries (ACCD 2020), Roads (VTrans 2023), Water (VHD 2019), Parcels (VCGI 2024), Railroad (VTrans 2020), Sidewalks (MARC 2024), Water and Sewer Lines (Otter Creek 2022).

Mount Ascutney Regional Commission
PO Box 320, Ascutney, VT 05030
802-674-9201
www.marcvt.org

Map Drawn 10/28/2024



Neighborhood Development Area (NDA) Checklist

Ludlow, VT 08.29.2024

Building Patterns

An application requires meeting 8 of the following 10 checklist items. You meet 8 in the current proposed amendments, but a few could be strengthened.

☒Allow for a mix of housing opportunities (multi-family, duplex, and single-family, etc.) throughout the NDA?

See Article 4. Pending amendments are generally consistent with HOME Act requirements.

☒Allow for small minimum lot sizes, similar to existing small lot sizes in the area?

See Article 4. Pending amendments are generally consistent with HOME Act requirements.

Note that deleting the non-residential dimensional standards would make it easier to facilitate future conversions, etc.

☒Have dimensional requirements or form based code standards, that make it possible to convert existing single family dwellings into multi-family dwellings?

See Article 4. Pending amendments enable the conversion of single-detached dwellings into multi-unit dwellings.

Note: consider renaming Workforce Housing in Sec. 520.16 to Employee Housing. "Workforce housing" is a planning and zoning term typically referring to a broad range of housing types (e.g., subsidized, affordable, market rate) for the diverse range of a community's workforce (i.e., working residents).

☒Minimize dimensional requirements (whether traditional: lot size, frontage, lot coverage, etc. or form based: building form standards, frontage type standards, etc.) allowing for infill development?

See Article 4. Pending amendments are generally consistent with HOME Act requirements and enable infill development.

☒Allow for building heights that are sufficiently high enough to allow for diverse housing options (at least 3 story building)?

See Article 4. Pending amendments are generally consistent with HOME Act requirements.

☒Reduce front setbacks to conform to existing building lines or add a maximum requirement to prevent new development from being set back "too far" from the street?

In most Village districts this is true. See Article 4. Pending amendments are generally consistent with existing patterns.

NOTE: Preservation District front setbacks at 20 feet (instead of 30 feet) would more accurately reflect existing patterns.

☐Include provisions that ensure garage doors are not the dominant element of a front façade? An example of this would be prohibiting the garage door from facing the street or requiring it to be setback from the front wall of the building.

☒Require that new developments be designed to accommodate safe and convenient pedestrian circulation.

See Section 260.2 as well as most District purpose statements which call for walkable neighborhood streets or multi-modal infrastructure.

Note: the language could be clearer. It is largely up to the interpretation of the DRB at this point.

☐Include provisions that encourage primary building facades to be oriented to the street (such as requiring front doors to face the street)?

Partially. See Section 410(D)(3) for the Preservation District, and vague references in the other district purpose statements (Secs. 420 and 430).

☒Have provisions that minimize curb cuts and reduce their frequency, or other access management provisions?

See Subdivision Section 4.6(8)(a).

Note: adding a more robust access section in zoning is recommended.

Complete Streets

An application requires meeting 8 of the following 10 checklist items. You clearly meet 5 in the current proposed amendments, but a few could be strengthened, and you need to address 3 more checklist items.

☒Require that provisions be made for the extension of the street and pedestrian network into existing streets and adjacent, undeveloped land?

See Subdivision Section 4.6(6) and (8).

☒Have existing or planned pedestrian facilities (such as sidewalks/paths) servicing the proposed NDA?

Consider the location of existing sidewalks, as well as water and sewer infrastructure, when mapping a proposed NDA.

☐Require sidewalks or pedestrian facilities for new development?

Partially. See Sections 260.2 (maximum safety of pedestrian circulation), Section 410 (Preservation District), and Subdivision Section 4.6(11) (DRB *may* require…).

☐Have plans or regulations in place that include bike facilities (such as paths/lanes) where appropriate?

Partially. See Subdivision Section 4.6(4) which enables the DRB to consider additional widths to accommodate bikes.

Numerous plans support bike facilities, but there is no concrete, feasible plan at this point. See Town Plan, Village Center Master Plan, and old Coolidge Bike Path designs.

☒Require street trees, lighting and appropriate landscaping for new developments?

See Subdivision Section 4.2(6) and Zoning Section 260.2(3).

Note: With the exception of the Subdivision street tree provision, most the existing/proposed provisions require landscaping as screening between uses and to limit negative lighting impacts. Few seem to be intended to create a pleasant and illuminated pedestrian environment along streets.

☐Require new streets to be as narrow as possible (such as having specifications for travel lanes that are eleven feet wide or narrower?)

Partially. See Subdivision 4.6(4) references VTrans' design standards which includes narrow road widths based on traffic and the number of homes.

Note: the Town Road and Bridge Standards (which presumably relate to Village streets) calls for a contradictory minimum 24 foot total width (shoulder to shoulder). The state design standards call for a road with two 7 foot travel lanes and zero shoulder width (i.e., 14 feet wide) for up to 25 AADT.

☐Require utilities to be placed underground in new developments?

☐Prohibit cul de sacs/dead end streets and oversize block lengths? If not, is the length of cul-de- sacs regulated and minimized?

☒Allow for on-street parking?

See Section 430 R-C District purpose statement and Section 530.3(4).

☒Minimize any required off-street parking? (Requiring two or more off street parking spaces per residential unit is excessive.)

See Section 530. Pending amendments are generally consistent with HOME Act requirements.

Town and Village of Ludlow, Vermont
Subdivision Regulations
Amended

Planning Commissioners

~~Fred Glover, Chairman~~
~~Phil Dunwoody, Vice Chairman~~
~~Peter Crowley Steve Stengel Norman Vanasse Christine Fuller~~
Thersea Gurdak-Carter

Ryan Silvestri
Ted Stryhas
Judith Pullinen
Jean Strong

Table of Contents

Article 1 – Authority and Purpose

Section 1.1 – Enactment and Authority

1. Subdivision regulations for the Town and Village of Ludlow are hereby established in accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A. chapter 117, §4402 and §4418], hereinafter referred to as "the Act," and the Ludlow Municipal Plan. These regulations shall be known and cited as the "Ludlow Subdivision Regulations".

2. It is the policy of the Town and Village of Ludlow to regulate the subdivision of land and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town and Village of Ludlow.

The Development Review Board (DRB) is authorized and empowered to act under these subdivision regulations in accordance with the Act [§4418 and §4463], including but not limited to the approval, modification or disapproval of all subdivision plats prescribed herein.

Section 1.2 – Purpose

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, comfort, convenience, and general welfare of the Town and Village of Ludlow.
2. To guide future growth and orderly development in accordance with the Ludlow Municipal Plan, Zoning Regulations, Capital Budget and Program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by open, working landscape.
3. To ensure that land to be subdivided shall be of such character that it can be used safely for its intended purposes.
4. To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
5. To guide public policy as to ensure the provisioning of adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities.
6. To promote the conservation of energy, and the utilization of renewable energy resources.
7. To ensure that the rate and distribution of growth does not exceed the ability of the Town and Village to provide public services and facilities, and that public facilities and services are available, and will have sufficient capacity, to serve any proposed subdivision.
8. To preserve natural areas, critical habitat, scenic and historic resources, and productive farmland, through the proper arrangement and location of uses on parcels to be developed.
9. To promote an efficient relationship between land use settlement patterns and the circulation of traffic throughout the Town and Village; and to avoid undue traffic congestion and overburdening of roads, highways, and intersections.
10. To prevent the pollution of air, streams, ponds and lakes; to ensure the adequacy of drainage facilities; to safeguard groundwater; and to encourage the wise use and

management of natural resources throughout the Town and Village in order to preserve the integrity, stability, and beauty of the community, and the value of the land.

11. To protect Ludlow's rural character and unique sense of place, including its cultural heritage, scenic resources and its traditional working landscape of a Village surrounded by open countryside.
12. To minimize the fragmentation of productive resource lands, including farm and forest land, and to encourage its continued use and availability for agriculture and forestry.
13. To further the purposes contain in the Act, in particular those purposes set forth in §4302.

Section 1.3 – Application of Regulations

1. **Applicability**

Prior to any subdivision, construction, or site preparation of land for development; any contract for sale of all or any part of land, or structures involved; the issuance of a permit for the erection of any building in a proposed subdivision; or before any subdivision plat may be filed with the Town Clerk, the subdivider, or authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations.

2. **Waivers**

In accordance with the Act §4418 (2), the Development Review Board may waive, subject to appropriate conditions, either:

a. sketch plan application requirements set out in Section 2.1 and/or final subdivision plat requirements under Section 3.1; or

b. development review standards set forth in Article 4.

In the case of "a", the applicant shall identify the specific reasons for which a waiver is requested, and specify which regulations are not applicable or can not be met and are therefore the basis for the requested waiver. In the case of "b", the applicant must establish that due to the special circumstances of a particular site, the requirements of the development review standards, for which waiver is sought, will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to reach a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the provisions that are the subject of the waiver.

3. **Boundary Line Adjustments**

Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Zoning Administrator determines that the proposed adjustment:

a. is a minor realignment that does not substantially change the nature of any previous subdivision;
b. does not create any new lots as a result of the adjustment;
c. will not adversely impact access to any parcel;
d. will not adversely impact any significant natural resource, or result in fragmentation of agricultural land or identified fragile natural feature;
e. will not result in the development on any portion of a parcel that has been designed as open space as the result of prior municipal permit, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; or
f. Will not create a nonconforming lot(s).

In determining that a boundary adjustments is not a subdivision under this section, the Zoning Administrator shall issue a zoning permit for the adjustment in accordance with Section 6.1 of the Ludlow Zoning Bylaws. All boundary adjustments shall be surveyed in accordance with Article III and recorded in accordance with Section 2.3.

4. **Coordination of Review**
The Development Review Board may coordinate the concurrent review of subdivision applicant for Planned Unit Development (PUD's) under the Ludlow Zoning Bylaws. All procedures, submittal requirements, and standards under both sets of regulations must be complied with in this review.

Section 1.4 – Effective Date

These regulations shall take effect immediately after adoption at a regular or special Town and/or Village meeting, or if adopted by a majority of the Ludlow Selectboard and/or the Village Trustees, twenty-one (21) days from the date of adoption, in accordance with the procedures set forth in the Act §4442.

Section 1.5 – Amendments

Amendments to the regulations shall be enacted in accordance with the provisions of the Act § 4441, and 4442.

Section 1.6 – Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

Article 2 – Subdivision Review Procedures

Section 2.1 – Sketch Plans

1. **Sketch Plan Application**
In accordance with the Act §4418 (2), any subdivider of land shall submit a sketch plan, application, and fees for the proposed subdivision and/or boundary adjustment, to the

Zoning Administrator prior to submitting an application for subdivision approval. The sketch plan shall include the following information:

a. Name and Address of the owner of record and the applicant.

b. Names of owners of record of abutting properties; and, proof of notification of all abutting property owners (See Section 5.1 (4)).

c. Date, true north arrow, scale (numerical and graphic), date, and number of sketch plan revision, if any.

d. Boundaries and area of all contiguous land belonging to the owner of record, including land separated by a public right-of-way.

e. The location of existing zoning boundaries.

f. A general indication of the boundaries of the following features:

- wetlands;
- flood hazard areas;
- slopes in excess of 15%;
- surface waters and associated buffer areas;
- prime and statewide agricultural soils and other open farmland;
- scenic features identified in the Town Plan; and,
- prominent knolls and ridgelines.

g. All other significant physical features, including but not limited to, current land uses, existing vegetation including forest type, structures, walls and fence lines, driveways, access roads, utility corridors, historic sites and structures, and drainage patterns.

h. Existing and proposed layout of property lines; type and location of existing and proposed limits of rights on land, such as easements and covenants.

i. The location of proposed development, including building envelopes, streets, driveways, utility easements, related site improvements, and the location of proposed open space, land to be held in common and/or other features to be preserved.

j. Location map, showing the proposed subdivision relative to adjacent properties, uses, and the surrounding area.

2. **Initial Hearing**

Upon receipt of the sketch plan from the Zoning Administrator, the Development Review board shall schedule and initial hearing to review the sketch plans and accompanying information for compliance with these regulations. The subdivider, or his/her agent duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the requirements of these regulations.

3. **Action on Sketch Plan**

The Development Review Board shall review the sketch plan and accompanying information and shall determine whether the plans conforms to, or would be in conflict with, the planning and design standards set forth in Article IV, the Town Plan, Town and Village

Zoning Bylaws, and/or any other regulations currently in effect. The Development Review Board may make specific recommendations for changes in subsequent submissions and may request that additional information be submitted with the application, including specials studies and/or supporting documentation as deemed appropriate. The Board also may also provide specific recommendations as to the size, location, and configuration of the proposed building envelope to ensure compliance with Article 4.

All written recommendation and request shall be sent to the applicant within 45 days of the closing of the meeting, or any continuation thereof. For the purposes of this section, official minutes of the Development Review Board meeting may satisfy the requirement for written recommendations and requests.

Section 2.2 – Subdivision Review

1. Within six (6) months of the Development Review Board completing its review of the sketch plan, and providing written recommendations and requests, the subdivider shall submit an application to the Zoning Administrator for final subdivision plat approval. Failure to do so within six months shall require the resubmission of the sketch plan to the Development Review Board. The application and associated subdivision plat shall:

    a. contains those items set forth in Section 3.1 of these regulations plus any other items that may be required by the Development Review Board;
    b. includes proof of notification of abutting lands owners with Section 5.1 (4) (proof of notification of the submission of an application for subdivision review of a sketch plan under Section 2.1);
    c. conform to the layout shown on the sketch plan except as amended as a result of recommendations made by the Development Review Board; and
    d. any additional information specifically requested by the Board as a result of sketch plan review.

2. **Public Hearing**

    A public hearing to consider the proposed subdivision plat, warned in accordance with Section 5.1 (4), shall be held by the Development Review Board at their earliest available regularly scheduled meeting after the date of submission. The subdivider or his fully authorized representative shall attend the hearing to discuss the preliminary plat and associated information and materials. During the course of the hearing, the Board shall provide each person wishing to receive party status (i.e., the right to participate and appeal) the opportunity to demonstrate that they meet one of the definitions of "Interested Person". The Board shall also keep a written record of the name, address, and participation of each of these persons.

3. **Development Review Board Decision**

    The Development Review Board shall, within 45 days of the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to so act within such 45 days shall be deemed approved. Development Review Board findings, conditions of approval, or the justification of any required modification or for disapproval,

and provisions for appeal under Section 5.4, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant, and any interested parties appearing at the public hearing, within said 45 day period.

4. **Phasing**

As a condition of approval, the Development Review Board may require subsequent development of the subdivided lots to be divided into two or more phases to be developed at separate times to assure the orderly development of the subdivision and coordination with the planned and orderly growth of the Town and Village as set forth in the Town Plan and any Capital Budget and Program currently in effect.

5. **Effect of Final Approval**

The approval by the Development Review Board of a final subdivision plat shall not be deemed to constitute, or be evidence of, any acceptance by the Town and Village of any street, easement, utilities, park recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard in accordance with applicable State Laws.

6. **Revisions to Approved Plats**

No changes, erasures, modifications, or revisions shall be made on any subdivision play after final approval, including any amendment or revision of a condition of final play approval, unless said plat as modified is first resubmitted to the Development Review Board and approved in accordance with the procedures set forth herein.

Section 2.3 – Filing of Approved Subdivision Plat

1. In accordance with the Act §4463 (b), within 180 days of the date of receipt of subdivision approval under Section 2.2, the applicant shall file one (1) Mylar original of the final plat, two (2) paper copies, and one (1) copy in a digital format, compatible with the Vermont geographic Information system, for recording with the municipality in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period shall expire, unless the Zoning Administrator issues and extension for an additional 90 days, in the event that final local or state permits, or approvals, are still pending.

2. Prior to plat recording, the plat must be signed by the Chair, or other authorized member of the Development Review Board.

3. After an approved plat, or certification by the Town Clerk, is filed, no expiration of that approval or certification shall be applicable.

4. The municipality shall also meet all recording requirements for final subdivision plan and plat approval as specified for municipal land use permits under Section 5.5.

5. Fees for the recording of the final plat and related documents shall be paid by the subdivider.

Article 3 – Subdivision Plat Requirements

Section 3.1 – Final Subdivision Plat

1. **Final Subdivision Plat**

The final plat shall consist of one (1) Mylar original, and two (2) copies of a complete survey of the submissions of the subdivision tract, on one or more sheets, prepared by a licensed land surveyor. The size and materials of the final plat shall meet all applicable requirements of the Ludlow Town Clerk. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a subdivision shall conform to the sketch plan as approved by the Development Review Board, unless modified to address specific recommendations or requests of the Board, resulting from sketch plan review. The final subdivision shall show:

a. A notation stating: "This plat is subject to the terms and conditions of approval by the Ludlow Development Review Board in accordance with the Ludlow Subdivision Regulations, granted (date of final approval), " and shall contain a signature and date line for endorsement by the Development Review Board Chair.

b. A signature panel for the Town Clerk stating: "Received for Record" with a place to enter the date and the time of receipt, "And Recorded In" with a space for the location the subdivision was recorded, and "Attest" with a place for the Town Clerk's signature.

c. Proposed subdivision name or identifying title, the name and address of the owner of record and subdivider, the name, license number, and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets of other landmarks, and the scale, date, true north, and grid north.

d. Street names and lines, trails, lots, reservations, easements, and areas to be dedicated to public use.

e. Sufficient data acceptable to the Development Review Board to determine the location, bearing and length of every street line, lot line, boundary line, building envelopes, and to reproduce such lines upon the ground. When practicable, these should be tied to reference points previously established by a public authority. In instances involving the creation of one or more development lots from a large tract of land, in which one or more of the newly created lots will be of large acreage (e.g. 100+ acres) to be retained or transferred by the subdivider, the Development Review Board may waive the requirement that the large tract be surveyed in accordance with subsection (C).

f. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.

g. The location and distances from boundaries of designated building envelopes.

h. The boundaries of all areas to be restricted from development held in common or reserved as open space or conservation land, pursuant to the requirements of Article 4, with appropriate notation.

i. By proper designation on such plat, all public open space for which offers of cession are made by the subdivider and those spaces to be reserved by the owner.

j. The location of all the improvements referred to in Article 4, as well as the location of all utility poles, underground lines, sewage disposal systems, and rough grading, and other devices and methods of draining the area, within the subdivision.

k. The location of monuments which shall be set at all corners and angle points of the boundaries of the subdivision and at all road intersections and points of tangency and such intermediate points as shall be required by the engineer.

l. Any additional notations required by the Development Review Board which reference specific conditions of subdivision approval.

2. **Supporting Document**

The following supporting document shall be submitted to the Development Review Board with the final plat, if applicable:

a. A certificate of title showing the ownership of all property, easements to be dedicated to the Town, and proposed deeds conveying property or easements to the Town.

b. A draft of all restrictions which will run with the land and become covenants, including copies of proposed deed restrictions, agreements or other documents showing the manner in which streets, open space and/or other commonly held lands or facilities are to be dedicated, reserved and maintained.

c. A certificate from a Register Professional Engineer as to the satisfactory completion of all public improvements proposed by the applicant and/or required by the Development Review Board, or in lieu thereof, a performance bond, or equivalent surety, to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Development Review Board that it is satisfied with either the bonding or surety company, or with security furnished by the subdivider.

d. A copy of association covenants' and/or bylaws, if a property or homeowners' association is being proposed.

e. Any other legal data necessary for the administration and enforcement of these regulations.

f. Any other documents required by the Development Review Board pursuant to sketch plan review.

3. **Waiver for Large Parcels**

Subdivision involving especially large parcels, such as the subdivision of a single ten acre lot form an existing 200 acres parcel, may, at the discretion of the Development Review Board, be exempted from one or more of the above requirements, such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed. In granting such an exemption, the Development Review Board shall require that the portion of the subdivision involving newly created boundary lines (e.g. the ten acre lot in the preceding example) comply with these requirements, and that a surveyed plat for that portion of the larger subdivision be recorded in the land records.

Article 4 – Planning and Design Standards

Section 4.1 – Evaluation and Application of Standards

The Development Review Board shall evaluate any application for subdivision approval in accordance with the standards set forth below. The Board shall require the subdivider to submit data addressing impacts related to the following standards. In light of findings made on these standards, the Board may require modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts.

Section 4.2 – General Standards

1. **Character of the Land**

Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Development Review Board that the land to be subdivided is of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the rural character and natural beauty of the community.

2. **Conformance with the Town Plan and other Regulations**

Subdivision plats shall conform to the Town Plan and the Town and Village Zoning Bylaws and, where applicable, to the Capital Budget and Program, and all other bylaws, ordnances and regulations of the Town and Village currently in effect.

3. **Lot Layout**

The layout of lots shall conform to the Town and Village Zoning Bylaws. The following standards shall apply to all subdivisions:

a. Corner lots
Corner lots shall have sufficient width to permit a front yard setback on each street.

b. Side Lots
Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

c. Lot Shape
Lots with irregular shapes (curves, jogs, dog-legs, etc) can be created were warranted by conditions of topography, the location of natural features, or existing road conditions.

d. Lot Size and Density
Lot sizes and densities must conform to the District Standards of the Zoning Bylaws, but larger lot sizes may be required by the Development Review Board based on prevailing site conditions and the potential impact on fragile natural resources, including floodplain, wetlands, areas of steep slope, significant wildlife habitat, and primarily agricultural soils.

4. **Monuments and Lot Corner Markers**

Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

5. **Establishment of Building Envelopes**

The Development Review Board shall require the designation of building envelopes to limit the location of structures and associated site development to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with the standards set forth in these regulations. The Development Review Board may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

6. **Landscape and Screening**

The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and types deemed appropriate by the Development Review Board, may be required in the following instances:

a. to preserve existing specimen trees, tree lines, wooded area of particular natural or aesthetic value to the site, or critical wildlife habitat, and to maximize the preservation, and establishment of indigenous plants species;

b. to provide an undisturbed vegetated buffer between development and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a 50 feet deep buffer shall be established from the mean water level of any stream or lane and/or the delineated boundary of an identified wetland;

c. to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;

d. to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the board deems it appropriate, including the Villages Districts;

e. to establish a naturalized, vegetative barrier between incompatible land uses.

7. **Disclosure of Subsequent Development Plans**

Whenever a subdivider submits a proposal for development on a minor portion of a parcel the Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should including access, type of use, intensity of use, and phasing.

8. **District Settlement Patterns**

Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in the Town and Village Zoning and Flood Hazard Regulations.

Section 4.3 – Protection of Natural Resources

1. **Fragile Features**

Subdivision boundaries, lots layouts and building envelopes shall be located and configured to avoid any adverse impact to fragile features. For the purposes of these regulations, fragile features shall include wetland, flood hazard area, slopes in excess of 25%; and surface waters and associated buffer areas. Methods for avoiding such adverse impacts include, but may not to be limited to the following:

a. Building envelopes shall be located and sized to exclude these features.
b. Undisturbed buffer areas significant in width to protect the identified feature(s) shall be designated.
c. Identified features and adjacent buffer lands should be designated as open space.

2. **Farm Land**

Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to primary agricultural soils and other open farm fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

a. Building envelopes shall not be located at field and orchard edges, or in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, or disruption to the scenic qualities of the site.
b. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

c. Access roads, driveways and utilities corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and minimize visual impacts.
d. Intact parcels of productive farmland shall be designed as open space; conservation easements, limitations on further subdivision, and/or comparable site protection mechanisms may be required.

3. **Steep Slopes, Significant Wildlife Habitat, Scenic Features and Prominent Knolls, and Ridgelines.**

Subdivision boundaries, lots layout and building envelopes shall be located and configure to avoid adverse impacts to slopes between 15% and 25% gradient, critical wildlife habitat, scenic features and prominent knolls and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

a. Building envelopes shall locate to avoid and/or exclude these features. In the event that no other land is practical for development, the building envelopes and subsequent development shall be designed to encroach upon the identified feature to the minimum extent feasible.
b. Subdivider may be required to develop and maintain management plans and/or establish appropriate buffers to protect significant wildlife habitat.
c. Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
d. Identified features should be designated as open space.

4. **Stormwater Runoff**

Stormwater runoff shall not result in adverse impacts to neighboring properties, Town and Village roads, or water quality in nearby surface waters. A stormwater management and/or erosion control plan, prepared by a Registered Professional Engineer, may be required and be incorporated as a condition to approval. Such plan shall be prepared in accordance with Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources.

5. **Subdivision in Village Districts**

Notwithstanding subsection (2) above, subdivisions in the Village Zoning District shall be designed and configured in accordance with the standards set forth in the Village of Ludlow Zoning and Flood Hazard Regulations.

Section 4.4 – Open Space and Common Land

1. **Purpose**

Subdivisions shall be designed to preserve open space areas for recreation, lakeshore protection and the preservation of fragile features and farmland. Common land shall be

designed to achieve these objectives and to facilitate the maintenance of community facilities.

2. **Preservation of Open Space**

Provisions shall be made for the preservation of open space. The location, size, and shape of lands set aside to be preserved for open space shall be approved by the Development Review Board, in accordance with the following:

a. Open space land shall include, and provide for the protection of, identified fragile features, productive farmland (to the extent practical), recreation areas and facilities, including trails, and historic resources.
b. Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features, and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
c. The location, shape, size, and character of the open space shall be suitable for its intended use.
d. Provisions should be made to enable open space designated for agricultural and forestry to be used for these purposed. Management plan for forest, wildlife habitat, and shoreline, may be required by the Board as appropriate. Areas preserved for agriculture or forestry use should be of a size that retains their eligibility for State and Town and Village tax abatement programs.
e. Open space shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels.
f. Sewage disposal areas, utility and road rights-of-way or easements, and access and parking areas, shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Board, that they will in no was disrupt or detract from the values for which the open space is to be protected.

3. **Creation of Common Land**

Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including lake access and shoreline and road trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

4. **Legal Requirements**

To ensure that open space and common land is maintained for its intended purposes, the Development Review Board shall determine that appropriate legal mechanisms are in place. To this end, open space may be dedicated, either in fee or through a conservation easement approved by the Board, to the Town and Village, a community association comprising all of the present and future owners of lots in the subdivisions, or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship.

All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners.

Section 4.5 – Community Services and Facilities

1. Public Facilities and Services

The proposed subdivision will not create an undue burden on public facilities or create an unreasonable demand for public services. The Development Review Board will consider whether the anticipated tax return form the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local government units to provide municipal, governmental, or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program many be required as appropriate, the cost of which to be borne by the applicant.

2. Fire Protection Facilities

Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where practicable, or where required by the Board, fire hydrants or ponds shall be installed by the subdivider. To assist the Development Review Board in determining the adequacy of fire protection facilities the applicant shall consult with the Chief of the Ludlow Fire Department responsible for providing coverage for the subject property.

Section 4.6 – Roads and Pedestrian Access

1. Applicability of Road Standards

The standards contained herein shall apply to all proposed public roads and to private roads serving more than three lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide access to, or accommodate, anticipated future subdivisions. Acceptance of private roads by the Town and Village is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

2. Traffic on Affected Roads

Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the subdivision. The Development Review Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which to be borne by the applicant. The implementation of mitigation, including road improvements, necessitated by the subdivision shall be the responsibility of the applicant.

3. Upgrades to Existing Roads

Where an existing public or private road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or duly adopted Capital Budget and Program indicated that such improvement may be required in the future, the subdivider may be required to reserve land for such improvements. In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards. Where a subdivision requires expenditures by the Town and Village to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard shall certify that funds for improvements have been ensured. The subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

4. **Design Standards for New and Improved Roads**

All roads serving proposed subdivision shall be designed in accordance with the Town Highway Specifications adopted and administered by the Selectboard, and shall conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as subsequently amended. Minimum design standards include the following:

a. Rights-of-way for roads shall be a minimum of fifty (50) feet in width for subdivisions. However applicants may apply for a variance based upon Vermont State Statues Chapter 117, Title 24 § 4469. All variance applications will be review by the Ludlow Emergency Services and The Village of Ludlow Electric Department and/or Central Vermont Public Service for access needs and comments.

b. Lots not having frontage on a public highway shall have access to a public highway by a fifty foot, deeded right-of-way and such right-of-way shall be laid out so that it can conform to the appropriate Highway Standards.

c. To ensure adequate safety and service, but to minimize the extent of impervious surfaces, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds per the State Design Standards, as most recently amended.

- Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the Town Plan.
- Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for collector and arterial roads), or to safety accommodate shared use by bicycles.

d. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac, or a "T" or other configuration suitable to topography. The turnaround must be adequate for emergency vehicles to turn around and be approved by all emergency services organization.

e. Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, in any fifty feet (50') section, exceed an average grade of 12%.

f. Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within scenic or village areas, including, but not limited to, the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the roads corridor.

g. Existing roads not meeting Ludlow road policy or ordinance adopted and administered by the Selectboard, may not be required to be upgraded as long as those roads are approved by and meet Emergency Services access needs.

5. **Drainage and Storm Water**

A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Subsection 4.3 (4) of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroad's Manual, as most recently amended.

6. **Coordination with Adjoining Properties**

The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions, the proper projection of roads through adjoining properties which are not yet subdivided, to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

7. **Accesses and Intersections**

All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of State highways, and the Selectboard in the case of Town and Village roads. Access to all lots created by subdivision of any parcel, to all buildings or other driveways, and for a new or relocated road or driveway, shall be located so that:

a. A sight triangle of sufficient size to provide view for a safe stopping distance as determined by a combination of, traffic speed, terrain, alignments, and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mpg speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
b. It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets or less than one hundred twenty-five (125) feet shall not be permitted;
c. It intersected the existing road at an angle of between seventy (70) and ninety (90) degrees;
d. The intersection grade does not exceed plus or minus three-percent (3%) and;
e. No structure or planting is situated to impair corner visibility.

8. **Access Management**

To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply:

a. Subdivision lots shall be served by shared driveways and/or internal development roads providing access to multiple lots. With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposed, no lot in existence as of the effective date of these regulations may be served by more than one access. The Board may approve additional accesses in the even that:

- The additional access is necessary to ensure vehicular and pedestrian safety; or
- The strict compliance with the standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable site payout and design than would be possible with the allowance of an additional access; or
- A traffic management plan is developed and implemented which will improve vehicle and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the standards set forth under Section 5.3 than would be possible with a single access.

b. If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.

c. Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided. The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

d. Approval of access and road configurations of a sub-division applies solely to that subdivision. If the road is used to access additional parcels at any future time, the road and access requirement shall be reviewed and may require upgrade in order to provide adequate access to those parcels.

9. **Road Names and Signs**

Roads shall be named in accordance with the Ludlow Road Naming Ordinance, and shall have specific historic, cultural and/or geographical relevance. Said Road names shall be posted on signs designed and located in accordance with the Town Ordinance, and shall be clearly depicted on the final plat.

10. **Driveways**

Driveways serving individual lots shall comply with the Ludlow Town Highway Specifications for residential and/or VTrans Access Management Program. In addition:

a. Driveways shall be accessible by emergency service vehicles, and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed 12% average grade within any 50 feet segment. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required and shall be approved by Emergency Services.

b. Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows, and fence lines; to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts on natural, cultural and scenic features.

c. The use of common or shared driveways is encouraged and may be required to minimize the number of access points in accordance with Subsection (7).

11. **Pedestrian and Bicycle Access**

All subdivisions applications shall consider bicycle and pedestrian facilities. Applications must provide information on existing and municipally-planned bicycle and pedestrian facilities in the area. For any new development that is within 500 feet of an existing walking and/or bicycle network, the application shall incorporate adequate pedestrian and/or bicycle facilities into the design of the project. The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within a proposed subdivision and to ensure access to adjoining properties, uses, and/or public facilities. The Board may require, facilitating pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

12. **Modifications of Road Standards**

In the case of unusual topographic conditions, or other circumstances which would make the strict adherence to these standards a substantial hardship, the Development Review Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner

that is consistent with other applicable standards of these regulations.

13. **Legal Requirements**

a. Every subdivision plat shall show all proposed roads and pedestrian rights-of-way, as required under this bylaw, regardless of whether or not the proposed roads or rights-of way are intended to be accepted by the Town & Village. In the event that the roads or rights-of-way are not intended for acceptance by the Town & Village, the mechanism by which the roads or rights-of-way are to be maintained, owned and/or conveyed shall be clearly documented.

b. Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association, or through other legal mechanism. Such documentation shall be in a form approved by the Development Review Board and filed in the Ludlow Land Records.

Section 4.7 – Water Supply and Wastewater Disposal

1. **Water Supply**

Water supply systems shall be designed and built to meet all applicable state and local requirements. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require, as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department. The following standards shall be met for any subdivision being serviced by a public or private water system, or by individual wells:

a. Due consideration shall be given to drainage patterns in the area.

b. Building sites and new roads shall be located to avoid groundwater or surface water contamination as a result of leachate run-off.

c. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

2. **Wastewater Disposal Capacity**

The applicant shall demonstrate that soil conditions onsite are adequate to accommodate the installation of a wastewater disposal system designed in accordance with State requirement, of sufficient capacity for the intended density and types of use, or that an alternative, off-site disposal location, secured through easement or other form of legal conveyance, is suitable and available.

3. **Individual Systems**

Individual water and wastewater systems shall meet all local and State regulations for design, installation, and maintenance. The Board may require copies of all applicable municipal or State on-site wastewater disposal permits.

4. **Connection to Existing System**

Where connection to an existing water system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities

as may be necessary. The Development Review Board may also require that the subdivider provide, or install, at his expense, larger lines, pumping, storage, or other facilities outside the subdivision, if needed, to meet the requirements of the proposed development.

5. In lieu of the preceding four paragraphs, when an unimproved lot, or lots, are created under these subdivision divisions, the permit, authorizing the creation of said lot/lots shall contain the following language:

"Notice of permit requirements. In order to comply with applicable State regulations concerning potable water supplies and wastewater systems, a person shall not construct or erect any structure or building on the lot of land described in the permit issued hereunder if the use, or useful occupancy, of that structure or building will require the installation of, or connection to, a potable water supply or wastewater system, without first complying with the applicable rules, and obtaining any required permit. Any person who owns this property acknowledges that these lot/lots may not be able to meet State standards for a potable water supply or wastewater system, and therefore these lot/lots may not be able to be improved."

Section 4.8 – Utilities

1. **Location**

All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

a. Utility systems, including but not limited to electric, gas, telephone, and cable television, shall be review by ~~Central Vermont Public Service~~Green Mountain Power or the Village of Ludlow Electric Department for comments and recommendations.
   a. Underground power, telecommunications lines and other utilities are required for new developments within the Village, unless deemed by the Development Review Board as infeasible or prohibitively expensive.
   b. Underground power may be mandated in aesthetically sensitive areas, unless deemed unreasonable, and/or prohibitively expensive.

b. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

c. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

2. **Easements**

Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipate development outside the subdivision. Such easements shall be shown on the final plat.

Article 5 – Administration and Enforcement

Section 5.1 – Administration and Fees

1. **Administration**

These regulations shall be administered by the Ludlow Development Review Board as authorized by the Act [§§4418, 4463, 4464].

2. **Application Fee**

Upon submission of an application for a subdivision, the subdivider shall pay the application fee as established by the Select Board. Such fee shall include the costs of publication, public hearings, administrative review, and for periodic inspections by Town & Village retained consultants during the installation of public improvements.

3. **Independent Technical Review**

Should the Development Review Board deem it necessary to employ an engineer, attorney, or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the subdivider.

4. **Hearing Notice Requirements**

All public hearings required under these regulations shall be warned in accordance with the Act [§4464] and the following:

a. Notice shall be given not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the town, the same information shall be posted in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made.

b. For hearings on subdivision plats located within 500 feet of a municipal boundary, a copy of such notice shall be sent at least fifteen (15) days prior to the public hearing to the Clerk of the adjacent municipality.

c. Abutting landowners shall be notified, via the U.S. Mail, by the applicant at least fifteen (15) days prior to the public hearing, and at least seven (7) days prior to the first meeting of the Development Review Board to consider a proposed sketch plan under Section 2.1. Such notice shall include a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and notification that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. Proof of notification may include a certificate of mailing or a copy of the letter, list of abutters and a signed affidavit attesting to the mailing.

Section 5.2 – Enforcement and Penalties

1. The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4451, 4452].
2. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.
3. Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or development, or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and

each lot, parcel, or unit so sold, transferred, or agreed to be sold or transferred shall be deemed a separate violations.

4. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4452] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

Section 5.3 – Limitations on Enforcement

5. The Town & Village shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454].
6. Nothing in this section shall prevent any action, injunction or other enforcement proceeding against the person who first created the violation, whether or not the person is the current owner or occupant. As used in this Section, "person" shall be defined in accordance with the statutory definition under the Act [Section 4454(d)].

Section 5.4 - Appeals

7. Pursuant to the Act [§4471], an interested person who has participated in a Development Review Board hearing to consider an application for subdivision review held in accordance with Section 2.2 may appeal a decision rendered by the Board to the Vermont Environmental Court. "Participation" in a hearing of the Board shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
8. A notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 5.5 – Recording Requirements

In accordance with the Act [§4449(C)], within 30 days after the issuance of a municipal land use permit, including subdivision approval, or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit or violation to the Town Clerk for recording in the land records of the Town as provided in 24 V.S.A. §1154, and file a copy in the offices in a location where all municipal land use permits shall be kept. The applicant may be charged recording fees as allowed by law.

Article 6 – Definitions

Section 6.1 – Interpretation

For the purposes of these regulations, the following words shall be defined as follows:

SECTION 6.2 - DEFINITIONS

For the purposes of these regulations, the following words shall be defined as follows:

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas.

Conformance with Town: Means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:
(A) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
(B) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
(C) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

Common Land: An archaic designation of property set aside and regulated by the local, state, or federal government for the benefit of the public for recreational purposes. Common lands established by the Federal government are known as public lands.

Community Sewage Disposal System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Emergency Services: The Town of Ludlow's Police Department, Fire Department and the Ludlow Ambulance Service.

Farm Land: A parcel of arable land that is worked by plowing and sowing and raising crops. Also a tract of land devoted to pasturage, stock raising, and some allied industries and small wood lots and areas used for small farm roads and buildings.

Final Plat: The final drawings, on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Forest Service: The USDA Forest Service is an agency of the United States Department of Agriculture that administers the nation's 155 national forests and 20 national grasslands. Major divisions of the agency include the National Forest System, State and Private Forestry, and the Research and Development branch.

Interested Person: An interested person, defined in §4465 as having the right to appeal a decision of the Development review Board to the Vermont Environmental Court, includes the following:

a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
b) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
c) A person owning or occupying property in the immediate neighborhood of a property that is the Article VI. Definitions January 12, 2005 subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
d) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. And
e) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state. Also see "Person."

Land Development: The division of a parcel into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or of any mining, excavation or landfill; or any change in the use of any building or other structure, or land, or extension of use of land.

Lot: A parcel of land occupied or intended to be occupied by only one principal use, and accessory structures or uses customarily incidental to the principal use (unless otherwise approved as part of mixed use or Planned Unit Development). A lot shall have sufficient size to meet the zoning requirements for use, area, setbacks, density, and coverage, and to provide such yards, and other open areas as herein required. Such lot shall have frontage on a maintained public road or other legal access as approved by the Development Review Board. For the purposes of these

regulations, Town Road right-of-ways shall not be considered lot boundaries unless approved as such by the Development Review Board.

Mylar: Plastic, transparent copies of a blueprint.

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Primary Agricultural Soils: Soil types designated as "prime" or "statewide" by the United States Natural Resource Conservation Service.

Private Road: is a road owned and maintained by a private individual, organization, or company rather than by a government.

Re-subdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

Roads: Any vehicular way that is (1) an existing state, municipal or private roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the Town Clerk's office prior to the appointment of a Development Review Board and; (5) shown on the official map or adopted plan. It includes the land between the street lines, whether improved or unimproved.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; or Generally the right of one to pass over the property of another.

Significant Wildlife Habitat: Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Ludlow. This shall include, but is not limited to, (1) deer winter habitat; (2) habitat for rare, threatened and endangered; (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); and (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (bitterns, herons), waterfowl (ducks, geese) and otter and vernal pools.

Sketch Plan: An informal sketch of the proposed subdivision whose purpose is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision, objective and requirements of these regulations.

Stream: A watercourse having a source and terminus, banks and channel, through which waters flow at least periodically and it usually empties into other streams, lakes, or the ocean, but it does not lose its character as a watercourse, even though it may break up and disappear.

Street: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

Subdivider: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale.

Wetlands: To include al wetlands identified in Vermont Wetland Inventory (VWI) maps, wetland areas identified as "Ecologically Significant Wetland" by the Vermont Nongame and Natural Heritage Program, and/or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.

Town Plan: The Town of Ludlow Municipal Development Plan as most recently adopted.
Wetlands: To include all wetlands identified on Vermont Wetland Inventory (VWI) maps, wetland areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.

Public Hearing on August 18, 2008 – Board of Selectmen
Final Public Hearing on September 15, 2008 – Board of Selectmen

	Plymouth	Chester	Killington	Woodstock	Winhall	Londonderry	Ludlow
Fees Due	9/2 and 2/3		Nov. 15th				
Permit/Registration Required	Yes, with inspection by town official	Yes	Yes >14 days a year	Conditional use approval req.	Yes, considered an accessory use of permitted, existing dwelling.	•	• Permit/Registration will be required for short and long term rentals, but the long-term rentals will have no fees but will have fire and safety reqs.
How many days?	<15	<30 and >14 a year	<30	<30 only 6 times a year allowed **		•	• Permits will be req. for rentals 1 day a year or greater.
Operator Availability	By phone and email	Agent in Windsor/Windham county req.	By phone at all times	Manager's name, address and phone req.	Contact person required	•	• Phone and email will be req. from the owner, designated professional and/ or rental agency. Owner address, email and phone will be required for the registry.
Occupancy	Number of bedrooms match lister's card	2 per bedroom +2, max. of 8 (3BrX2 + 2) >8 special requirements	2 per bedroom and 2 more allowed	Comply with Woodstock Zoning Laws.	Shall not exceed waste water reqs.	•	• Occupancy: 2 per bedroom+2, max. of 8 (3BRX2+2), >8 special requirements.
Yearly cost	$200 1BR, $100 each add. BR, $40 recording fee	Owner occupied: $150 Non owner occupied: $300 April 30th renewal	By Nov. 15th, 1BR: $300 2Br: : $350 BR etc., etc.	Cost of getting a Conditional Use Permit. ****		•	• Yearly Cost:Tiered per bedroom cost, an owner occupied lower rate and an annual fee.
Knox Box	Yes		Yes w/alarm system				
Zoning areas			All if <16 people		All		All
Parking Requirements	No. of cars =No. of BRs.		On site only	On site only	See below.		On site only
Insurance Requirement	Yes	Yes, $1,000,000 per rental	Short Term Rental Insurance				Tabled
State fire inspection required	Yes CO needed from Fire Marshal	Yes, >8 people	Yes if >8 people	Comply with Vt. Rental Housing Health code	Comply with State health, fire, tax and environmental reqs.	•	• Fire Safety Certificate will be required
Noise/Party restrictions	Public decency in volume and behavior 11PM-7AM		Ability to file a complaint.	No parties, outside activity 9Pm-7AM **	Parking, noise and trash preserve the character of the area.	•	• Noise/Party Restrictions: Public Decency in volume and behavior 9PM-7AM Weekdays, 11PM to 8AM Weekends
Fines for violations and non-registration	$100 a day for infractions and non-registration	$125 a day non registration, 1st offense, $250 2nd, $500 3rd $150 violation 1st, $350 2nd, $600 3rd *				•	• Fines: $100 a day for infractions and non-registration, $150 violation #1, $350 violation 2nd, $600 violation 3rd.
Company involved	Patriot? Short Term Rental Admin					•	• The board is also proposing that a company be chosen to enact and enforce these requirements as our town office staff is too small and work too hard to take on these additional tasks.

*Chester also has Penalty Fees:

Chester's chart of penalties not included above:

SECTION 8. PENALTIES. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

	1st Offense	2nd Offense	3rd Offense	4th Offense
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements.	$200 per day	$400 per day	$650 per day	$800 per day plus revocation for twelve months before a new Short-Term Rental Registration application may be submitted. The revocation can be appealed.
Fine for all other violations.	$250 per day	$500 per day	$750 per day	

** In Woodstock permits are not req. during foliage season if the owner is there.

***In Woodstock a notice to renters is required pertaining to parking, garbage, noise, parties, etc. to be visibly displayed in the dwelling. Garbage containers must be mantained out of sight.

**** Woodstock Fees for a Conditioinal Use Permit:

Review Board Fees

- Administrative: $75.00
- Village Development Review Board & Design Review Board: $250.00
- Village Design Review Board Minor: $75.00
- Town Development Reivew Board: $250.00
- Planning Commission Review Board: $250.00
- *Recording Fee: This fee is in addition to the Administrative and/or Review Board fees $15.00

	Ludlow
Fees Due	
Permit/Registration Required	• Permit/Registration will be required for short and long term rentals, but the long-term rentals will have no fees but will have fire and safety reqs.
How many days?	• Permits will be req. for rentals 1 day a year or greater.
Operator Availability	• Phone and email will be req. from the owner, designated professional and/ or rental agency. Owner address, email and phone will be required for the registry.
Occupancy	• Occupancy: 2 per bedroom+2, max. of 8 (3BRX2+2), >8 special requirements.
Yearly cost	• Yearly Cost: Tiered per bedroom cost, an owner-occupied lower rate and an annual fee.
Knox Box	
Zoning areas	All
Parking Requirements	On site only
Insurance Requirement	Tabled
State fire inspection required	• Fire Safety Certificate will be required
Noise/Party restrictions	• Noise/Party Restrictions: Public Decency in volume and behavior 9PM-7AM Weekdays, 11PM to 8AM Weekends
Fines for violations and non-registration	• Fines: $100 a day for infractions and non-registration, $150 violation #1, $350 violation 2nd, $600 violation 3rd.
Company involved	• The board is also proposing that a company be chosen to enact and enforce these requirements as our town office staff is too small and work too hard to take on these additional tasks.

SECTION 8. PENALTIES. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

	1st Offense	2nd Offense	3rd Offense	4th Offense
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements.	$200 per day	$400 per day	$650 per day	$800 per day plus revocation for twelve months before a new Short-Term Rental Registration application may be submitted. The revocation can be appealed.
Fine for all other violations.	$250 per day	$500 per day	$750 per day	

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