

Ludlow Planning Commission
Meeting Minutes
October 17th, 2023
6:00 p.m.

Public Hearing

1. Call to Order:

The regular meeting of the Ludlow Planning Commission was called to order on Tuesday, October 17th, 2023 at 6:00 p.m. at the Ludlow Town Hall by Theresa Gurdak-Carter.

2. Attendance:

Board:

Theresa Gurdak-Carter,
Ryan Silvestri,
Ted Stryhas,
Andi Goldman (Zoom),
Judy Pullinen,
Abigail Childs.

Public:

Eric Alden,
Scott Baitz,
Jason Rasmussen,
Steve Meyers,
Justin Hyjek,
Noah Schmidt,
Rosemary Goings,
Martha Harrison.

Board Absent:

None

3. Opening Statement of Chair

- Terry skips the opening statement as all at members at the meeting have been present for previous statements.

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

- Rose Goings: Would like to talk about timing moving forward with the grant situation. She and Jason Rasmussen have discovered that the grant is due in January and has it be closed on then. This would mean we need public hearings with the Planning Commission in December so that we can have public hearings with the trustees in January. Hopes to have this all tied up and completed.

- Terry said she is already aware and has talked to the town manager already.
- Jason Rasmussen is here tonight to make a timeframe to get moving on the grant. Rose notes that some things on the grant need to be discussed and we need to notify the towns.
- Judy suggests under #7 to add “Public hearings timelines”.
- Martha, Allison, and Terry are all aware of the deadline and plan to have the public hearing in December because we cannot get it all done tonight.
- Rose: When she saw next month’s agenda she saw it was not finalized, but rather continued and wants to make sure it’s on the agenda and getting finished. Terry confirms that we want to finish it and hope for no delays.
- Rasmussen: Wants to remind people that the town won’t need to spend any money if the Planning Commission public hearing is at the latest in December and wants to make sure we are on task.
- Ryan: Asked what the dollar amount is if we are not done by January. Jason is unaware of the amount but thinks it’s a few thousand dollars. Allison doesn’t have the exact amount but believes it is below \$3k.
- No other changes.

5. Approval of Minutes:

- September edit typos:
 - #4 - Change “bright his” to “bring is”
 - #7 - Second bullet and #4 down see “change two number listed”
 - C - Transitional housing: “...an individual” doesn’t make sense.
 - 520.8 - Steve Meyers: “No one would break of a size” fix typo.
 - #7F - Would you smell the smoke and the smell.
 - Ryan’s comment: we have to “wait” for the board.
- Terry motions to accept the September Minutes. **Approved.** No opposition.

6. Comments from citizens:

- Scott asked why we have short-term rentals on the agenda tonight. Terry says we had a few things we had to cover from previous meetings.
- We are tabling #8 and #9 tonight for the next meeting in order to work on the Municipal Planning Grant.
- Martha and Allison feel the ‘Short Term Rentals’ conversation is not something we should do in this public hearing tonight. Ryan said we should warn a joint meeting with the Selectboard about short-term rentals so that we can draft an agenda.

7. Municipal Planning Grant/Bylaw Modernization/Updates on Village Zoning

- Unused Terms: Martha notes that there are several definitions at the end that are not used in the document. Ryan asked for examples of these, Martha listed them and the board agreed that we could remove them from the document.
- Definitions Updates/Edits from Martha
 - Motel: The board approves the updated definition
 - Personal Service: “but exclude restaurants” was added to the definition as well as ancillary sale sentence. The board approves the updated definition.
 - 270.5 (PUD): #7 - *The commercial and industrial units’ acreage shall not be included in the density calculation for the residential part of the project. **Density shall be calculated by***

assuming the footprint of the building is the maximum percent coverage allowed or the minimum lot area, whichever is greater.

- Rose: Notes it's not necessary because it means density. Coverage maximum means density, she notes.
- The redlined sentence will be removed above.
- #8 - *The commercial acreage without buildings shall not be included in the density calculation for the residential part of the project.*
 - This is a repetitive sentence and can be removed.
- 520.8 Reduction of Lot Area: Martha made changes to this definition. Added "except as permitted for planned unit development pursuant to Section 270, no lot shall be so reduced in size that the area, yards, lot width, frontage, etc..."
 - Ryan notes we do not want non-conforming lots. Terry agrees and we have too many grandfathered already.
- Section 530 - Parking
 - 530.1 - #1: Residential Uses: can only require one space, so this definition was changed.
 - 530.3 - #1: Clarified definition to say "...it is subject to DRB review if they find that the minimum number of spaces required in Section 530.1 & 530.2 is not sufficient..."
 - Ryan notes that the Andover property's loading and parking didn't make sense for the building they were building (noting as an example) and asked if that should go to the DRB. You cannot build a commercial building with no plan for parking and loading.
 - Rose: Did we take the site plan review out? It should go to the DRB. Martha says we will get there tonight.
 - Martha notes the changes and states there can be adjustments to the parking, but you can't do it for residential.
 - Ryan notes you cannot build something that is not functionally operational, and Terry agrees that we have enough of those already.
 - 530.3 - #2: We need to decide on the footage. Ryan thinks if we want to help developments, 300 feet is not enough.
 - Rose notes that 300 ft. has come into play and she said the DRB has used it and you can use parking for a restaurant in the village but you have to get a letter. This system has worked with the DRB. Ryan wants to increase the number, and Rose says you definitely can.
 - Ryan proposed 1,000 ft. and board members agree it is a lot of space, probably the size of the village.
 - Rose notes whether or not you want to allow overnight parking for example. The lot across the street is not allowed overnight parking due to snowplowing. This can get tricky in the winter.
 - Ryan finds that it is approximately 1,600 ft. from bridge to bridge. Rose thinks 1,600 ft. sounds good to her. Following the roadway, it is approx. 1,900 ft. to be corrected. Using DJs as an example, they can park at

Brewfest or Diamond Realty and can go either way down the road. It allows you to go one way or the other.

- Steve asked if this was for non-residential. Terry confirms it is for non-residential only.
 - Martha updated the definition to include “non-residential”.
 - Ryan asked why we should make this change, and Terry said it was from the rentals taking up all of the space. Ryan says any proposal for parking would have to be approved by the DRB for anything, commercial or residential. Off-site parking would have to be approved by the DRB, says Judy. This opens up opportunities and notes there could be more green space after the flood and allows space for more units to open.
 - Terry says it is a far walk but Ted notes it's a choice. Judy notes that sometimes people have more than one car and this allows for off-site parking.
 - The board approves to change it from **300 ft. to 1,000 ft.**
- 530.3 - #4: Regarding when a change of use is requested, the DRB will consider... → Martha notes that we may need to come back to this to allow the ZA to do this as well. This definition is bookmarked to come back to after administrative review.
- 255 - Administrative Review: New section added. Martha notes that going through the conditional use section, she noted things that contradicted this section.
 - Martha listed out the conditional uses under Site Plan/Administrative Review: bed and breakfast, business office, personal service, professional office, professional service, child care, tourist home, veterinary clinic, and change of use.
 - Judy asked if we change the definition to ‘Tourist Home’.
 - Rose asked what “Site Plan” means. Terry said they will have to bring that to you. Use the criteria under 260.2. Rose disagrees and says that if you look at the site plan review, it's not like you can walk up to a property and go inside and look at it, it's actually very detailed and more than one person should look at it. That is why it is under DRB and you need extensive drawings with traffic, character of the area, noise, landscaping, fencing, etc. When talking about B&Bs, child homes, child care facilities, etc. it is not for one person to have in their purview. If you look at the site plan review, you'll see the details in it.
 - **Terry removes Bed and breakfast, Tourist Home, Child Care Facility**
 - **Change of use including Business office, Personal service, and Professional office could stay.**
 - Judy notes that the state has to inspect childcare facilities, which would make it a conditional use per Terry.
 - We moved workforce housing into permitted use to make it easier. Rose asks if it was defined as a permitted use. Terry confirms but only in the RC district. The Trustees approved in October. Rose asked if they knew it had to have a site plan review. Rose asks why a workforce housing wouldn't need a site plan and Terry says they need to offer plans for a permit anyway.
 - Terry notes we don't have a choice on this. Rose notes that with the multi-unit dwellings, you usually need a site plan review too. The same

goes for a rooming boarding house. Martha notes you can still apply the same standards and applicants would have to show you their plans, but doesn't have to be as detailed as a site plan.

- Ryan asks if this was for retail to retail and how we want this to help the office run. How can the Site Plan and Administrative Review be used to streamline change of use so that it doesn't get caught up. Rose notes this won't be helpful to her, but it will help the DRB. Ryan asks if this would hurt the office, and Rose says that taking on more work always hurts. Overall, it helps the DRB.
 - Jason Rasmussen notes that this Administrative Review was added during phase one when the village had another grant for a village master plan as a way to streamline permitting and make it easier for businesses to be established and could be built in the heart of the village. The thought was to avoid all of the hearing requirements and establish steps to make it easier. That is where this idea came from a couple of years ago.
 - Rose notes that it might have been a good idea a few years ago, but after the flood, people don't want to rebuild as fast as they were. Notes this grant started by getting the village's downtown center open. We had empty door fronts again, empty buildings upstairs, etc. but it's getting tough right now with people wanting to renovate these buildings. Changing them to Site Plan, she doesn't think it will work.
 - Martha asks if any of the items in this list go as permitted uses. Ex. the professional office residence and asks if this needs a DRB hearing. Rose said it depends on the definitions and can look at those tomorrow to let us know.
 - Terry suggests we do a change of use. Rose says we can leave them now and note about a possible change in the future.
 - Child Care Facility can go as a permitted use. Judy notes that Child Care Home is a small childcare within your home. Ryan asks if a facility means far more children and more occupancy.
 - Rose will look at definitions and decide which can go to permitted and which can go to conditional. **Edits to the list are tabled.**
- Application Requirements: Martha will speak to Rose and see what she is comfortable with for retail to retail. Martha reviews the definitions here because when we get into the Conditional Use section, the second paragraph says "the zoning administrator, subject to the time limitations of Section 2224 of these Regulations, may approve an application...etc.
- Allows Rose to do any conditional use change to another conditional use. Martha is not sure if Rose is comfortable with that. Ex. changing a funeral home to a gas station and noting it is not limited.
 - Terry notes that this has to be DRB, and this section will need to be changed. We want to only do permitted use to permitted use.
 - We need to review zoning regulations to see updates we need to change.
 - **Remove #1 - #4**
 - Keep: #5 and #6 and could be moved under Administrative Review Section.

- Ryan asks if we are contradicting ourselves anywhere and notes that this language could be set in stone for years. He notes that \$3,000 is set in stone language that is contradictory within itself is concerning. Terry notes that Martha feels confident. Terry notes we can talk about this in the regional meeting to make sure we don't miss any loose ends.
 - Rose notes she has some additions that she will meet with Martha to review.
 - Martha says we have to have this information completed at the next meeting.
 - 520.14 - Notes E: A conversation or change of use involving a nonconforming use and/or structure is also subject to review under Section 261. Martha notes this was taken out and we want to keep this out. This has been approved already to be removed.
 - 510.3 - Special Pubic Use Exceptions: Terry asks if these do not need to be conditional use because they will be under other guidelines.
 - Suggests an attorney review 510.3 Section.
 - 221.5 - Limitations and Exemptions: The state law only allows you to regulate in specific ways and amounts. Emergency Shelter was added to the list. Martha says Site Plan Review makes the most sense for these. Suggested removing "regulated" and adding exceptions.
 - Martha says that we should include it in a Site Plan process and that the DRB will do it. Rose notes it is a state statute. The addition clarifies. Rose asks what other towns do, and Martha notes they are all over the place. Rose asks if we've ever talked to the council about it. Martha says a conditional use would go beyond that specific list of things that you are allowed to look at. Some of the things have overlap between the Site Plan review and what you are allowed to look at in that section, which is why she suggested the wording that it is subject to site plan review. Rose asks if we have a letter from BRTC that talks about this, and Rose wants to review it.
 - Martha suggests not making them conditional to use, make them Conditional Use to Site Plan.
 - Ryan notes that the consequence of not meeting the deadline is \$1,724 and asks if there are any other consequences. Martha notes we have used up all of our grant assistance. Terry thinks we can get it done, but Ryan notes a section has been disagreed with by Rose and is it worth another look through to make sure there are no mistakes. Terry says she feels she has looked through for four years and thinks we are ready.
- Village Zoning: Reviewing CAI tax maps and figuring out which ones are commercial.
 - Terry asks about the parcels behind the homes on Andover Street and some of them about Bridge Street and are zoned commercial. We are proposing it to be the new Village R2. Terry asks why they are zoned commercial.
 - Rose said that Bridge Street has a bunch of commercial properties on it including Gassetts Group, Ralph Michaels building, storage units above the hill, etc. She is not sure why it extends into that large parcel.
 - Ryan says that the large parcel is part of the railroad right-of-way.
 - The board agrees they are okay with leaving it as commercial.

- Terry thinks we should consider Thompson Ave and Orion Ave as Village R2 since they are only residential and Ludlow's only suburbs. We could consider other residential areas of town that it would also work in, and she thinks it would work in this neighborhood.
 - Judy doesn't see how commercial things would even work there, but Terry says there are more restrictions between Village R and Village R2 and would consider this change for next time. Judy thinks that she would like to ask the owners on those roads. Terry notes Pleasant St. is also commercial.
 - Allison notes putting zoning map changes on the next meeting would push us back for the next meeting.
- There are approx. 100 changes that need to be reviewed and looked at right now or next meeting. Martha suggests we review the most critical items to review first. Rose notes on Thursday or Friday she is available to meet to review these proposed changes. Terry noted we need to make a report on the proposed Bylaw changes.

8. Short-Term Rentals: Topic tabled to a future agenda.

- Terry noted the reason we are talking about it because, from the village survey, the question regarding the effect of short-term rentals on Ludlow showed a big impact on the town. If the town establishes a statewide registry, the town will lose out on fees and the state will capture that.

9. Survey Results: Topic tabled to a future agenda.

10. Next Month's Agenda Planning for November

- Martha, Rose, and Martha have a lot to review for the next agenda.

11. Other Business: N/A

- Rose asks if she is going to give the short-term rental information to the Trustees because they are having a public meeting.

12. Board Member Comments:

13. Citizen Comments:

- Eric Alden: When making planning decisions, he notes that it is often from a snapshot moment, but thinks this is planning for the future and cautions any decisions based on finances or conditions of specific times. He says that we shouldn't create future zoning based on an event that happened two months ago, it should be for the future purpose. Staffing issues are also a concern but that is a budgetary and select board issue. The zoning planning commission should not be making decisions based on cost, it is the town's problem.

MEETING ADJOURNED

Terry motioned to adjourn the meeting. Ryan seconded the motion. The meeting was adjourned at 7:37

p.m. by Theresa Gurdak-Carter. The next general meeting will be at 6:00 p.m. on Tuesday, November 21st, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: