

Ludlow Planning Commission
Meeting Minutes
July 18th, 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, July 18th, 2023 at the Ludlow Town Hall by Theresa Gurdak-Carter.

2. Attendance:

Board:

Theresa Gurdak-Carter,
Ryan Silvestri,
Andi Goldman,
Ted Stryhas,
Judy Pullinen (via Zoom),
Abigail Childs,
Steve Meyers (alternate)

Public:

Jarrold Jowdy,
Martha Harrison,
Eric Alden,
John Neal,
Frank Provance,
Jean Strong,
Scott Baitz

Board Absent:

None

3. Opening Statement of Chair (skipped)

- Terry gives the opening statement and noting comments are welcomed except during items 7 & 8. Citizens comments may be asked before voting on a motion.

4. Approval of Minutes:

- June Meeting Minutes - they are now posted online.
- "Andi" was misspelled.
- Correction: Page 6 - add "for example" for every 5th unit section.
- Ryan moves to approve the June minutes as amended. The June minutes are approved.

5. Comments from citizens:

- Marissa Selleck - Independent School Committee for Black River. She is sharing that three weeks ago, the state approved the Independent School final approval. They must hire staff first. Education dollars can be used now. Need up to 40 students to begin as first year as an official approval independent school. The recreation committee just met to consolidate items as well as plans to rebuild.
 - Andi and Ryan comment about this great achievement!
 - Note: looking for a Spanish and Math teacher. Must hire by August 11th.
- Eric Alden - Comments for Agena Item #8 of Rules & Procedures. He notes this has been discussed in previous meetings and believes the Planning Commission does not have the authority to make changes. He notes that these positions are difficult to fill at times, and therefore he is unsure why you would want to make it more difficult to allow people to join. He notes that the current makeup of the board has a resident outside of Ludlow, but there seems to be a concern that an outsider would “infiltrate the town and takeover”.

6. Municipal Planning Grant

A. Streamlining the Permitting Process:

- Martha presents an Excel sheet with information regarding dwelling type and historic preservation, village residential, etc.
- Act 47 (new state law) requires that two-unit dwellings are a permitted use with the same criteria as a single-unit dwelling. She notes this needs to change.
- Accessory uses vs. Accessory use vs. Accessory structure etc. Suggests a consistent terminology throughout.
- Accessory Apartment - the state term is Accessory dwelling unit and she suggests we change that to avoid confusion. It is not currently allowed in the preservation district and state law requires this.
 - Ryan notes that these are all ADU's. Martha says that it's ok that Accessory Use and Accessory Structure are different, but we should use the same. She thinks “Accessory Dwelling” is more recognizable.
 - Accessory Apartment changed to Accessory Dwelling. Changed.
 - Andi asked if it is required. Ryan notes that it's all areas of municipal water and sewer.
 - Terry notes that we are playing catch-up with changes and need to streamline the permitting process.
- Agriculture and Forestry - Martha notes it is often exempt if it meets the required practices. However, there are situations where there are small farms that do not fit the criteria and in that case, we may want it to be a permitted use. She says it could perhaps be in a residential district. We should include language that it would only apply if it was a small farm that doesn't need the required agricultural practices.
- Home Occupations - The language says that they can be in an attached accessory structure but not in a detached accessory structure. She questions the reasoning for this. She thinks it might be old language.
 - Ryan thinks we should change this to not allow restrictions. Andi, Ted, and Terry agree.
- *Note: The yellow lines are changes on the Excel Sheet* Andi asks if the yellow sections are partly in draft... Martha confirms.
- *Note: SP/AP - “Site Plan/Administrative Review”.
- Professional Service - Referring to a doctor's office, etc. that is not located in the residence. If it is in a residential area then it would be a “professional office/residence”.

- Ryan - A professional service would be a home that is now a dentist or doctors office and the owner does not reside in the property.
- Ryan asks if we want to come back to this or if we should send this through administrative review.
- Andi asks if when you change into a professional service, do you have to still comply with residence rules? Rose would make sure that they meet fire codes, parking space rules, etc. She says we should table this so that we can continue the conversation with Rose.
- Day Care Center - Martha comments the regulations say child or adult and the state uses them separately. Suggests changing terminology to the child care facility and then list adult day cares separately. The state is specific about childcare facilities and there is not an official definition for Adult Day Care.
 - Andi asks if we have separate regulations.
 - Ryan asks if we can restrict Child Day Care. Martha says there are two different terms and a Child Care Facility can be used as a conditional use.
 - Ryan notes that the Child Day Care facility would be a bigger facility.
 - Judy says that there is such a lack of facilities so we should allow it under conditional use - therefore Judy says to leave it.
 - Board members agree to leave it. Leave it as conditional use across the board.
- Home Childcare - Must be permitted use. We did not have it in the preservation district and should be added.
- Child Care Facility - Just a different term and the need for consistency. The difference in the terminology is from our regulations, not the state.
 - Andi asks if Child Care Facility should then be absorbed.
 - Terry asks why it is not in the Village R-C. However, it is (a terminology issue).
 - Judy suggests changing #10 to Adult Day Care Facility.
 - Ryan notes that it should be conditional across the board as it can be a big facility.
- Multi-Unit Dwelling - Martha suggests keeping, but there is a new term in Act 47. They have to be permitted across the board. With 5 or more you can have it as conditional.
 - Judy asks if we can delete #14 & #15 (three- and four-unit dwellings).
 - The state defines these separately.
 - Ryan asks what the difference is between a 3- and 4-unit dwelling and a multi-unit dwelling. He suggests we remove the multi-unit dwelling definition.
 - Martha suggests all are conditional across the board.
 - Andi notes that we should compare to the definitions and impact to make correct choices.
- Inn - We did not allow it in the Residential 2 but along with this goes with our new definition of "inn" on August 1st.
 - Andi asks why we didn't want it in Res. 2 and Terry says its because we didn't want a large hotel.
 - Andi asks if all these changes are decided upon by the trustees.
 - Rose asks what our definition of "Inn". Sal has proposed to have 22 two-bedroom condominiums and the deadline was pushed back due to flooding. He is not proposing an Inn, however she is wondering how some of the properties up and down the street could become Inns.
 - Terry states the Inn definitions. Owner-occupied buildings used to occupy short-term accommodations to transient guests and shall not have more than 25 guest rooms that are assessed from inside the building.

- Ryan thinks we should have Inn under Conditional use. Terry agrees.
 - Andi says we word it so that it is in Village R-2 but only under the condition that the new term is approved by trustees.
- Bed & Breakfast - No changes made.
- Tourist Home - Martha suggests changing the definition as it is very broad. Hopes to avoid the same issues of "Inn".
 - Terry notes changing the definition of Tourist Home in the next meeting.
- Personal Service - Example: hairdresser, spa, laundromat, photography, etc. Martha notes it is a broad term.
 - Andi thinks we need to address the definition to narrow down the list of example services as the noise level, environmental impact, etc. are varied.
 - Terry notes we can comment on this next meeting.
- School - Rose notes that the current school is not in historic preservation. OMS is in historic preservation.
 - Andi thinks we need to look forward in the future and asks if there are limitations for school that we are not complying with.
 - We are not allowing it anywhere except for Historic Preservation, but the absence means we were overridden by the state. Andi suggests we remove "C" if we are limited and we might need to look at limitations before we move forward. How do the State Limitations define a school?
- Health Care Facility - Same issue as "School". We will look at it all at once next meeting.
- Funeral Home - No changes needed.
- Outdoor Recreational Use - No changes needed.
- Outdoor & Indoor Recreation Use - Martha asks if we want them together or separately.
 - Terry asks why there would be different restrictions for the two.
 - Ryan notes an indoor rec. use would be a massive field house and asks what the definition of Indoor Recreation use is.
 - Definition: Types of uses for recreation in nature or improving physical fitness inside a building or closure.
 - Makes sense to include it under Village R-C
- Rooming House - Martha believes we want to add it as a permitted use. Contingent on the trustees' decision.
 - Original Definition: A building in which rooms are rented with some or all meals provided, to three or more persons. A boarding house shall have no more than 8 sleeping rooms for rent.
 - Martha asks if we want to add it to Historic Preservation.
 - Andi thinks we need to encourage economic vitality but we keep the historic look.
 - Terry is concerned about the 8 rooms being filled to the brim.
 - Ryan notes occupancy is the fire marshal, not the Planning Commission.
 - Terry is resisting this because we have noise complaints.
 - Andi notes we need to use the land we can use after seeing the flooding.
 - Ted thinks it should be allowed in the historic preservation district.
 - Rose is unsure.
 - Judy agrees to include it in historic preservation.
 - This is contingent on trustees approving the term for Employee Housing.
 - Andi asks what are we preserving in the historic district that this or other businesses would be an issue. Terry notes the noise, look, climate, etc. and we are making it harder for people who do live in the historic district.

- Ryan thinks it should be conditional use.
 - Judy thinks the historic district is so small, that there are plenty of places to put them so that we don't need to put them in the historic district.
 - Andi asks what is against the historic district preservation purpose that isn't offending anything else with the same issues. She is under the impression from reading that it is a style and how it looks to preserve it so that when visitors see we care about Ludlow's appearance.
 - Rose lists out various reasons why the historic district preservation rules are in place and how it makes it a beautiful place.
 - Rose says that this is a type of property that may not be taken care of and doesn't have the features to comply with the historic look.
 - Ryan says the historic district requires a separate conversation. He notes that the view of the other side of the view, there are many issues with beautifying the town.
 - Including Conditional use under the historic district.
- Professional Office Residence - Office and living in same space.
 - Ryan asks how this is different from Home Occupation.
 - Definition: Primary residence in which the occupant has a professional office.
 - The board agrees to add it to Conditional History Preservation.
- Municipal Government Building - Martha says we have limited control.
 - No changes are needed.
- Government Rec. Area
 - Definition: Town or village recreation area that may be financed by town, state, or federal funds but not operated as a private enterprise.
 - Terry believes we don't have control over it since it is only in the Village R-C.
 - Andi and Ryan agree we circle back on this and where it is impacted and why it is different from the others.
 - Each section should stand on its own and not need to fish around to a one-line note that you normally wouldn't look for.
 - Judy notes that a government rec. area is like Dorsey Park and it's in Village Residential 2 now.
- Veterinary Office (no kennel) -
 - Terry says it should be in Village R-C.
 - Terry says it should be SP/AR in the commercial district.
- Veterinary Office/Animal Hospital
 - No changes.
- PUD - Highly regulated. Keep it conditional and add it to the R-2.
- Auto Service Center - Conditional in the R-2 as long as it is not a gas station.
- Remodeling - Only under Permitted
 - This should be changed back as the term does not make sense.
 - Change to "Additions or Alternations" in the Commercial District.
 - Martha thinks it was supposed to be about adding a deck to your home.
 - If additions in structural alterations are needed you need a permit for this as they may be too close to road, water, etc.
 - It should be under each section as Permitted everywhere.
 - Ryan asks why it is included in this chart at all... it's not a building.
 - Any addition or alteration is permitted, per Ryan.
 - The board agrees to remove it.
- Business Office - No changes needed.

- Specialty Craft Shop - Only listed in a commercial currently as SP/AR.
 - Andi doesn't understand why it's separated and Ryan thinks it doesn't make sense for it to be separated as well.
 - Terry wants to keep it in the R-C.
 - Andi notes that it would have to comply with all of the historic district rules, so what is the purpose of singling it out?
 - Ryan thinks it should be removed as a special definition. Andi agrees. It should be under "Retail Store"
- Real Estate Office - This is a singled out item and should be removed.
- Change of Use (retail to retail) - Andi asks if this is a different category and Ryan agrees that it should just be Administrative Review.
 - Rose thinks we should streamline that so we don't have to go to the DRV and agrees it should be SP/AR in the R-C.
- Retail Use (including car wash) - Andi says a car wash is a specific facility with a big economic impact.
 - Suggests car wash and retail do not belong together.
 - A car wash would only be allowed in Commercial District.
- Retail Store (excluding adult bookstore entertainment) - No changes.
 - Rose suggests having a separate "Retail Service" for hairdressers etc. but the board agrees to not do this.
 - Commercial District under Conditional Use.
- Restaurant/Bar (no drive-up, drive-thru, drive-in) - No changes. Only in R-C.
 - Andi asks if bars or motels are allowed to have a bar or restaurant and Ryan confirms it would be under certain restrictions.
- Private Club - Ex. ski club. These are not all under R-C and Andi thinks we will have a lot of non-conforming uses.
 - Rose notes the Legion also falls into this category. Eric confirms.
 - Terry adds to all areas with Conditional use.
- Municipal or Private Parking Area
 - Judy says if we don't allow this anywhere aside from village R-C it would exclude the option to use some areas as weekend parking for the ski mountain. She asks if we should exclude all of this or use it as a conditional use.
 - Andi says we were going to go back through the results of the survey and we should circle back to this specifically.
- Motel - Listed only under Commercial District under conditional use.
 - Andi notes we think this overlaps other terms.
 - The board agrees to leave as conditional.
- Hotel - Ryan thinks this should follow the motel term.
 - Restaurants, bars, retail, aka Jackson Gore
 - Use as conditional under Village R-C.
- Dormitory - Judy thinks there are places that may want dormitory in the future. It is defined as being part of a school. Add Conditional across the board.
- Gas Station - No changes.
- Senior Housing - We have no definition but it is defined by HUD.
 - Gill Home is already in a Residential area.
 - The board agrees to add it to all districts and put it as Conditional.
 - Eric notes it doesn't have to be a large space, it could be a townhouse group.
- Financial Institutions - No changes. R-C as Conditional.

- Theaters (excluding adult entertainment) - No changes. R-C as Conditional.
- Transitional Housing - Defined as people who need temporary housing with physical, mental, or social issues. An example is Turning Point.
 - Judy says Mountainside House is in town.
 - Ryan says this is a broad term and we should address this term next meeting.
 - Consider the use of the property on Mill Street (Mountainside House)
- Emergency Shelter - Municipal item.

B. State Housing Bill S. 100:

- For the sake of time, Terry asks if Martha can note the changes and we can bring it up next month.
- Ryan says we need to be aware of them, but we don't need any discussion about them.
- The 8th-acre zoning is now going to be 5th-acre zoning.
- Terry motions to table State Housing Bill S.100 until next month and look through all of the changes. **Motion approved.**

C. Short-Term Rentals:

- We should get ahead of this so that we can get money from the state... we don't want to miss out on this.
- Andi notes that you can rent under 15 days and not be taxed.
- Rose notes that some of them are not elaborate and they want to keep money in their towns, simply put. Ludlow needs the money so badly for infrastructure, sidewalks, etc. and instead of the state collecting the money, we should.
- Ryan asks if any included long-term rental vs. short-term.
- Steve asked Ryan if Burlington passed their short-term registry and then it was heavily challenged or illegal. Andi notes that there were unconstitutional items. Eric says the VT Short-Term Rental Association is a great source of information and would be interested in them doing a speech.

Rules & Procedures:

- Terry sent separate document items to a lawyer and they answered back and said they cannot comment on the documents unless they see the entire Village Zoning document and they will charge to do this.
- Language change is needed. We need to change "resident" to "citizen". The lawyer noted that the term resident covers a lot and extra language is not needed.
- Terry notes the domicile term. Andi believes it's too vague but the Vermont one would work.
- Change the language to "shall be residents of Ludlow". Terry suggests we define resident and domicile in our Rules & Procedures.
- Terry suggests taking the Voting Checklist section and changing it to resident and adding the definitions of resident and domicile.
- Andi says to add a section of "as defined as".
- Andi motions that we replace "citizen" with "shall be a resident" as defined by Vermont's tax definition section. Judy seconds. Motion approved.

- Terry notes we don't want to backtrack and not make changes. Terry says that when we decide on a meeting, we keep those decisions. Regarding the alternate definitions. Terry says we can remove the "voter checklist" part of the definition.
 - Andi thinks we shouldn't set a precedent to never be able to go back. However, Terry doesn't want to be able to go backward and make changes from past items.
 - Judy agrees with Terry and states that when a board makes a decision, the board agrees to uphold it even if they went against it. If a decision is made by the board, it should be upheld, otherwise, when someone doesn't like it, it causes for revote and wastes time.
 - There was nothing in our bylaws about alternate and we were creating the definition of it. Andi disagreed with it.
 - Rose sent a signed resolution by the Select Board. Rose notes we should have signed another resolution when we put Steve on the board. Suggests we write a new resolution, have Steve sign it, and we are done.
 - When the DRB had alternates and someone was not going to make a meeting, she would call the Chairman and tell them someone cannot make the meeting and then make a decision at that point to call up an alternate depending on the agenda.
 - Andi's concern was if one person doesn't come and we have an alternate, she does not think it's a good way to meet and operate.
 - Ted thinks it's about the quorum and there is no other reason why he would look at it.
 - **Need to add language about the "lack of a quorum".**
 - **Change language to: "Unable to participate in a meeting thereby preventing a quorum".**
 - **Terry motions to change this language. Motion approved.**
 - Rules & Procedures are completed.

9. Next Month's Agenda Planning for August:

- Martha is going to change all of the zoning to agree to the state housing bill.
- Short-term rental discussion - perhaps start with the application.

10. Other Business: N/A

11. Citizen Comments:

- George comments on the alternate language and how it is very different from the DRB alternate. The comparison is similar but different.
- Eric wants to remind the board that if we are following Robert's Rules there are 6 points of motion. He says we miss the discussion point. He had a discussion to note on the Rules & Procedures about if we are dropping the resident language. The state statute does not say it has to be someone from an abutting town and is looking for clarification. The motion was to accept the resident piece only.
 - He thinks it is shortsighted to make it hard for people to participate on the board.

12. Committee Comments:

- Andi believes it is not up to us to figure out the technology of the meeting so that we can start on time and have people involved so that the board does not have to do this.
 - Terry notes the town is busy with flood issues but it is an ongoing issue.
- Andi notes about multiple emails being difficult to move through and organize.
 - Agendas need to be posted a week before the meeting per Rose.
 - Ryan asks if we can get the packet only and not all of the potential documents.

MEETING ADJOURNED

Terry motioned to adjourn the meeting. Andi seconded the motion. The meeting was adjourned at 8:25 p.m. by Theresa Gurdak-Carter. The next general meeting will be at 6:00 p.m. on Tuesday, August 15th, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: