

Ludlow Planning Commission
Meeting Minutes: Regular Meeting
June 18th, 2024
6:00 p.m.

Public Hearing

I. Call to Order:

The Public Hearing of the Ludlow Planning Commission was called to order on Tuesday, June 18th, 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,
Ryan Silvestri,
Ted Stryhas,
Judith Pullinen,
Jean Strong

Recording Secretary:

Abigail Childs

Public:

Eric Alden,
Jarrod Jowdy,
Noah Schmidt,
Jason Rasmussen,
Asa Brayton,
Ned Swanberg

Board Absent:

N/A

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. N/A

VI. Approval of Minutes

1. February 22, 2024 Meeting Minutes
 - a. Section 4G - "it snow expanded" - change to: it's **now** expanded

- b. **Judy Pullinen motions to accept the minutes as corrected. Seconded by Ryan Silvestri. All approved. Motion passed.**
- 2. April 16, 2024 Meeting Minutes
 - a. Section 5 - "Terry says the state says" - missing content - remove.
 - b. Call to Order - change from March to April
 - c. Section 7 #7 - "any change to the flood **regs**" not "right"
 - d. **Judy Pullinen motions to accept the minutes as corrected. Seconded by Jean Strong. All approved. Motion passed.**
- 3. March 21, 2024 Meeting Minutes
 - a. Notes taken by Alisha
 - b. Motion to accept the new agenda was not mentioned. Terry says she has to watch the film to see if they motioned to accept.
 - c. #21 - Jason, Rose, and I met, not Rose... it should be Ryan.
 - d. Need to let Alisha know about these needed changes.
 - e. Eric Alden notes on Page 3 Section 23: He misspoke and said Main + Mountain and meant to say Homestyle Hotel. Regarding the foundation.
 - f. Ryan suggests we table this and approve these minutes next week. Terry agrees.

VII. Flood Hazard Regulations

1. Joined by Jason Rasmussen from MARC to guide us through tonight's conversations. Ned Swanberg and Asa Brayton, who are flood specialists, are also joining us tonight.
2. Jason Rasmussen notes the draft dated May 8th is in their packet, but he has a May 11th.
3. Jason Rasmussen says in the May 11th version, he has a few changes but doesn't want to confuse people with something they haven't seen yet. The main changes he made included deleting the local flood hazard area and little tweaks.
4. Ryan Silvestri asked if the bill went through about the flood corridor for the state, and Jason Rasmussen confirmed it did but it will take until 2028 until the state begins issuing the permits. If this is something Ludlow wants to do, we could do this much faster than the state.
5. Jason Rasmussen notes in the table, specifically the local flood hazard area column; he deleted this entire column. This was the main change between the two drafts from May 8th and May 11th.
6. Jason Rasmussen says there is often confusion about the river corridor provisions, which are about river-related erosion the special flood hazard areas are distinctly different. Flooding does not happen in man river corridor areas.
7. Ryan Silvestri asks about the extent of the river corridors throughout the town and the village. Tributaries come off Bixby and Commonwealth that turn into the town quickly. What is the extent of the river corridor footprint? Jason Rasmussen has maps to show what the town impacts would be. In the village, the local flood hazard area is a 15-foot setback from the Jewell Brook. The river corridors replace that with a much wider map around Jewel Brook. Two tributaries along Mountain and Commonwealth that fall under the river corridor.
8. Ryan Silvestri asks if the Commonwealth corridor would continue as a river corridor. Jason confirms. Silvestri asks him what would cause it to stop. Jason Rasmussen forgets what the threshold is for the streams.
9. Ned Swanberg says river corridors are mapped along larger bodies and for small streams that have a watershed of at least .5 or half a square mile, they are basically handled with a 50-foot setback from the top of the bank. For steep areas, those are places where the water and sediment arrives and there is a fair amount of damage. That is a benefit of having setbacks in that area. Jason says the two additional tributaries in the village, we have seen damage there, and it makes sense for him to add those protections there.

10. Terry Carter says they sent a checklist to go through the document with. There are some places where we are stronger than we need to be, which is OK. Asa Brayton says as far from the NFIP standpoint, everything looks good. The higher standard areas are the 2-foot builds, so building only 2 feet above the elevation. Carter says the reason we did that is because the inundation was two inches above a foot including most of the town and down 103.
11. Judy Pullinen asks regarding the first page; the second column of "local flood hazard" is deleted, and she asks if that continues on to the next page. Rasmussen confirms it made sense to remove it so that there is less overlap.
12. Terry Carter says regarding the preservation district, some people want to make sure that green space is protected, and John Broker Campbell says they don't have any rules that protect green space. Justin says there isn't really. He notes about the flood storage capacity, which isn't the same. If it's a 2,000 sq. ft. house you need to have an equivalent size hole to not affect flood hazard.
13. The Timber Inn FEMA buyout; Jason Rasmussen says if it is a buyout, he knows you can't build on it. It can be a park. Terry asks about solar panels, and Ned says the lot is low relative to the river but you could do park space, floodplain restoration, benches or tables, but no solar panels. Judy asks if you can put a parking lot, and Ned Swanberg says no. Ned confirms you could park on the grass, but you can't develop it. Ryan Silvestri asks if it could be a gravel lot, and Ned says as far as he knows, you can't but it is outside his direct understanding and can reach out to VT Nursery Management.
14. Ryan Silvestri says the plan for the use of the FEMA buyout had to be shown before the buyout process. Ned Swanberg says you should verify with the town. Scott Baitz says he thinks it can only be used for green space. Jason says he can follow up on that too. If it is a park, you'll need parking access. Ryan Silvestri says if it is gravel and gets picked up by floodwater, it won't damage anything. Judy notes you can't park on 103 for safety.
15. Terry Carter asks Jason Rasmussen about any further changes that we need to cover. Rasmussen says there are some notes about the fill or grading in the table, and he left it in there because that flood storage capacity standard was needed, he thought, but not a lot of other changes. This is regarding #10 in the table. He is referring to Page 6E - the first one lists no net loss
16. Ned Swanberg says it is a tricky standard because it is allowing somebody to potentially elevate on fill, and while that can work for the building, it does become problematic for the neighbors so we prefer to elevate on post piers or floodvented area underneath the building rather than fill, but this language does still work. Ryan Silvestri says that the fill would also probably get eroded during a flood event. Jason confirms it potentially could. Terry Carter notes that is why we have it crossed out in two of the columns.
17. Jason Rasmussen says that Rose Goings was asking we use similar language as the flood language and incorporate into the new table. He said it wasn't easy, he hopes he hit the mark, but we can talk about it.
18. Terry Carter says that there is permitting or conditional use for Rose to decide.
19. Ryan Silvestri thinks we were thorough at the last meeting and says his biggest question is regarding the threshold and extent of the river corridor and the watershed. He says there was other flood damage in the town, and we've been focusing on the village, so one should follow the other. Terry says we will start that next month.
20. Ned Swanberg asks about #8 in the table; Replacement water supply and septic systems - To be in the NFIP, you have to make sure these systems work and don't flood however the state has complete control over water supply and septic. The intent is to say that replacement structures could become a big mound system in a floodway and could be a problematic situation so you want control of it. The problem is if you are trying to regulate the water supply for septic, you are not

allowed to, but are you allowed to regulate fill. It is good to have it listed as permitted, which means the applicant would have to check in with their own on some level to note there is not a big mound and fill coming in and the town has the right to make sure it is not harming other structures. He personally thinks that the language below might need to be read that if it allows the no-rise requirement and if there is no other place to put it. Asa Brayton agrees that is what it looks like. On page 7, items #6, 7, and 8 - Swanberg says that you should keep them in there but the estate theoretically is doing that for you for #6 and #7. For #8 he says the state is carrying for that too, but our concern is the flood fill and floodway. Brayton says on page 9 - Development Standards within the Floodway under 1C.

21. Ryan Silvestri asks if the town has the ability to make it conditional. Jason Rasmussen says it is funky because the state has jurisdiction over water and wastewater permits. They are using the state language and it passed the review tests, so he thinks we are in good shape there. Ryan says he would put himself in the position of someone trying to replace their septic system and is confused about who has the authority for a "yes" or "no". Rasmussen says you have to go to the state for the wastewater permit, and they can confirm it. If it goes in front of the DRB and they say no, what do you do? Swanberg says it is a fail-safe and not likely to become an issue and the state process says you can't put a system in the floodway and should avoid putting it in the river corridor but there can be times when information comes in that is faulty. This gives the town the opportunity to design it in a way that doesn't hurt other people.
22. Ryan Silvestri asks if this allows the town have the ability to say under conditions, we will allow you the ability to live in this home, even if the state denies it. Terry says there are scenarios when people choose to not hook on.
23. Jason Rasmussen says in most times they are able to hook into the municipal systems. He says that one of the nicest things about this process is that DEC staff review each application and provide recommendations to Rose Goings and Jarrod Jowdy to help guide them.
24. Terry Carter asks Asa and Ned if this has been vetted by a lawyer before we bring it to the Trustees. Ned says it has gone through state, and FEMA review and has been well-vetted. The changes made do not change the liability situation.

VIII. Rules of Procedure

1. Terry Carter asks if we want to proceed with this today, even if Ted Stryhas is not here.
2. Noah Schmidt comments about wanting Jason Rasmussen to present about housing opportunities with the study they did regarding housing potential. Terry asks if there is a board. Jason says it could be a combined meeting. Schmidt says there is state funding for housing potential and where the best place is to do that. Carter asks if Jason wants to be included in the conversation. Rasmussen says Malia and Ali in his office are working on this housing study and what they are trying to do is to create numbers for Ludlow they are supposed to talk about the confirmation of the housing issue and what are the tools available to Ludlow. Rasmussen says that Noah is speaking in regard to a regional housing study and through that process they talked about housing suitability, which was the village with water and sewer and discludes water corridors, etc.
3. Terry Carter said she would talk to Brendan about a group meeting with the Trustees, DRB, etc. Rasmussen says it can be a public meeting that a variety of folks come to. He says he will double-check with Malia and Ali to make sure they are on the same wavelength to see if they want to be on a two-prong presentation.
4. **Judith Pullinen makes a motion to table this until the next meeting or until we have a full board. Terry Carter seconds. All approved. Motion passed.**

IX. Trustees Bylaw Changes and Section 220

1. Reworked to address only bedrooms added and substantial changes.
2. Terry Carter says that she met with the Trustees at the June meeting and they had met in May with a few changes. They had changed the square footage allowed to the $\frac{1}{2}$ acre in alliance with the state that it can't be any less than a $\frac{1}{2}$ acre. They met again at the beginning of June and they made additional changes.
3. Section 220 - We added a sentence at the end about the condos and asking for an interior permit. They want us to rework the sentence and don't want it to be for a small renovation. They want us to bring it to their July meeting. Carter suggested "substantial" changes and Brendan thought it was too vague, but Rose Goings pointed out it does have a definition that means it is 25% or more.
4. Ryan Silvestri says the biggest problem with that, is even if you have a dollar amount, scope, percentage, etc. those numbers are always going to be massaged. He says it is almost impossible to quantify.
5. Carter reads "A permit shall be required for any interior or structure alteration including but not limited to a change in the number of bedrooms". They want us to change it to read that it is a big change and the bedroom part is still in there. Carter suggests we give a percentage and Ryan Silvestri asks what percentage of what. Carter says it is a percentage of change. Judy Pullinen says it could be something like a structural alteration of 25% of the square footage or an additional. Silvestri says he understands the hesitancy of this, but it can't be underscored enough on the effect of our CLE and are selling for triple on them and we all pay more taxes because of it. He thinks if they gives a threshold, then their plans will always be under that. People would submit a pre-plan, the construction is done, and then there is no as-built plan submitted and in construction, they don't follow the plan and there is no recourse for it. His goal as the town's assessor is to protect the CLA. He doesn't expect this to go forward because it is controversial. Carter says they do want us to move it forward, but they want us to change it. Silvestri says he doesn't see how they can change the wording and still have a successful outcome.
6. Judy Pullinen is asking if "substantial" could work. Silvestri says that it should be "any improvement". When you are redoing the bathroom, so many other projects could be renovated at the same time. It's the fact that we can't see it. We are either going to do it or not, if we create a gray area it will only be successful a few times. He's had this conversation a lot. Let's say we are going off the reconstruction cost of the building, he guarantees during the plans it is always going to be under the threshold and they won't need a permit under our requirements and then we can't quantify the changes and we will be way off. Every condo association has a principal insurance carrier so not a stitch of work can be done without the association vetting the contractor, insurance, and full extent of a project so all the information is within the HOA and association, and are not willing to give it to the town. Silvestri says this is where the permit would come in. Silvestri says no towns have done it that he is an assessor for and it is really impactful. He can show a ratio study of the CLA. Carter says that Justin has an issue with our CLA too. Carter thinks we should have something on the record and not everyone will be sneaky.
7. Jean Strong says that if Justin heard the comments tonight he may change or not want to see it changed in the verbiage. Carter says Silvestri did explain it in front of them.
8. Judy Pullinen asks what if the threshold was really low, like 10%, and if it would make it harder. Silvestri says he can't really do a percentage. He says it would be a cost for the renovation, but if there is no recourse for them putting in more than \$10k for example, and no permit, then it is meaningless language. Judy says it could be narrowed, and Silvestri says it would help but you'd get people who know its easy to go around. He wants to put in language that is meaningful.
9. Carter includes: A permit shall be required for any interior or structural alterations that changes the number of bedrooms and/or has a total cost exceeding \$10,000.

10. Silvestri says if people play by the rules, it will help the CLA.
11. Scott Baitz says he agrees with Silvestri and thinks we should take it back for the Trustees. He says only one of the condominium complexes would not let anything happen in the condominium without fire and safety and very few have these requirements.
12. Terry Carter says the other change they made was about the 75% lot coverage in the Preservation District and wants to change it to 20% and leave the Village R & R2 back to 30% non-residential and 50% residential. Carter sent these to Martha and asked if they know that we have a new definition for lot coverage and it now encompasses everything. Carter says the Trustees didn't understand that and Bob asked Carter to ask Jason about examples of lot coverage. Carter says that the grant expired in November which gives them money, though Jason Rasmussen did send Carter Homestyle Hotel and the lot and what percentage of that lot. She did forward to Bob Grant but they wanted to make a change and will go higher than they are right now.
13. Judy Pullinen asks if there is a definition of what lot coverage may consist of. Carter confirms, and it now means everything that you develop.
14. Terry Carter thought they understood this definition, but they didn't.
15. They had wanted to go from 75 to 25 percent in the preservation district and Martha encouraged us to change it from 15% to higher. Now the Trustees are rethinking it because they understand what lot coverage means.
16. Ryan Silvestri says this is contrary to every other change made to the document.
17. Terry Carter says in the Commercial District, the lot coverage was also changed.

X. Junkyard Ordinance

1. Ryan Silvestri said that Manchester doesn't have one and he spoke with their ZA and the only time it became an issue, their solution was to get them licensed as a salvage yard. Terry Carter says the state doesn't even talk about it. Ryan says they don't have any language for this.
2. Carter says the way we left this was we want them to tell us what they want. If they want an ordinance, it's in their hand. If they want us to create a bylaw, we don't want to put the effort into it if they don't want it as a bylaw.
3. Carter says ordinances; for Selectboard and Trustees, they can police and and the actual police can enforce it.
4. Brendan Mcnamara, the Town Manager, asked us to look at it and if we want to beef it up enough. We think that if it is a health hazard, clean it up, if not, screen it.
5. Montpelier's is a bylaw, and Ludlow's is an ordinance. Montpelier has the same idea of "clean it or screen it".
6. Scott Baitz thinks it would look just as ugly if they screen it.
7. Judy Pullinen says the Manchester solution is interesting, because if you have that much junk, you have to get a license as salvage yard, and if you can't get it, you have to clean it up. Carter asks who is forcing them to clean it. Silvestri says there is nothing in their zoning document, so it could be the Selectboard who has control.
8. Jean Strong asks if Ludlow already has an ordinance, and Carter confirms we do. Strong says if there is already an ordinance and that is not working, then they need to tell us what they want us to do. Carter says she will ask that question for the Trustees.

XI. Neighborhood Development Areas

1. Tabled until next meeting.
2. Terry Carter says that towns are not taking advantage of this and it allows for streets that are not Main Street to fix up buildings with grants and keeps Act 250 out of the picture and it would be streets perpendicular or parallel to Main Street. We have to get permission from the Trustees first

before we can get members from the state to talk to us about it. Bob Grant says he doesn't want to talk about it before they are done with bylaw changes. Carter really wants to tap into this money and Logan is pushing for it.

XII. Next Month's Agenda Planning:

1. Flood Hazard Regulations
 - a. Regarding the town, not the village.
2. Neighborhood Development Areas
 - a. We have to wait for the Trustee's permission so probably not next month.
3. Bylaw changes

XIII. Other Business:

1. Board Member Comments
 - a. Ryan Silvestri asks if we can talk to the Trustees at the next meeting about lot coverage, Terry Carter confirms. They changed it everywhere except for the Commercial District. Ryan can't think of any existing lot that even has 30% coverage. Carter says they are grandfathered.
 - b. Terry Carter says we did a lot today.
 - c. Judy Pullinen says that the map was really helpful. Carter says Jason is great that way and he is the boss of the regional planning commission, so for him to spend so much time with us is great. Malia is also super helpful.
2. Citizen Comments
 - a. N/A

XIV: Adjourn the Public Hearing

1. **Terry Carter motions to adjourn. Judy Pullinen seconds. All in favor. Motion passed.**
2. The Planning Commission Regular Meeting was adjourned at 7:04 p.m. on Tuesday, June 18th, 2024 by Terry Gurdak-Carter.

Minutes submitted by: Abigail Childs

Minutes approved by: