

Ludlow Planning Commission  
Meeting Minutes  
June 20th, 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, June 20th, 2023 at the Ludlow Town Hall by Theresa Gurdak-Carter.

**2. Attendance:**

*Board:*

Theresa Gurdak-Carter,  
Ryan Silvestri,  
Judy Pullinen,  
Ted Stryhas,  
Andy Goldman,  
Abigail Childs.

*Public:*

Jarrod Jowdy,  
Martha Harrison,  
Eric Alden.

*Board Absent:*

None

**3. Opening Statement of Chair (skipped)**

**4. Approval of Agenda:**

None

**5. Approval of Minutes:**

- Waited for a quorum to approve the following previous minutes.
- **March 21st, 2023:**
  - No changes are needed.
- **April 18th, 2023:**
  - Judy motioned to accept the minutes for reorganization and the regular meeting minutes. All in favor. No opposes. **Motion passed.**
- **May 16th, 2023:**
  - Terry and Jarrod missing from attendance. Ryan's last name was misspelled. Need to do a motion on the trustee paperwork today. Terry motions to accept the May 16th minutes. All in favor. No opposes. Andy abstained. **Motion passed.**

## 6. Comments from citizens:

None

## 7. Rules and Procedures:

- Eric Alden pointed out that our alternate language was stronger than our membership language.
  - The proposed language is included in the planning commission notes. Current language is as follows: *Members of the Commission shall be appointed by, and any vacancy filled, by the Select Board. The Commission shall have five voting members. At least four members of the Commission shall be citizens on Ludow's voting checklist. If not a citizen of Ludlow, the 5th member of the Commission shall be a citizen of an abutting.*
  - The board is ok with the language.
  - However, Eric believes we cannot use this language as the planning board operates under the state statute and the state gives rules and regulations for us to follow. The state allows 3 members, so you cannot pick and choose the amount, Alden says.
  - The state statute reads that for a 5-member board, the majority has to be from Ludlow (4) and the last one can be appointed. Eric says the select board cannot appoint because we don't have the authority.
  - Eric proposes that we add language on who can and cannot be a member. Eric thinks the board should work as a whole and not someone's personal feelings on what is allowed to happen in town. He believes it's a disservice to make it difficult to join the board.
  - To clarify for Andy, Eric says this language proposes that they have to be registered voters and more importantly that the board is saying the 5th member has to be from an abutting town only. We cannot change the rules, he says.
  - Judy listed the Vermont statutes: *A planning commission shall not have less than 3 or more than 9 members. All must be compensated for expenses. At least a majority of the members shall be residents of the municipality. The legislative body of a rural town or not more than 2 elected officials who are chosen by the municipality shall be nonvoting ex-members. The energy coord may be a non-voting member of the committee. For an appointed planning commission the legislative body for an elected planning commission may vote at an annual or special meeting to be elected. D. if the # of members on the commission is reduced the members with the nearest expiration shall serve and then their office will terminate.*
  - Andy points out that at least a majority are residents on the current board and she disagrees that we are choosing to do residents.
  - Eric argues that the additional member does not have to be from an abutting town. He says we just added this language.
  - **Terry motions** to adopt this suggestion to get approval that this is allowable as noted. All in favor. No opposed. Ted abstained (he is from the abutting town). **Motion passed.**
  - Eric questions if we are approving this exact language. Terry confirmed yes. Eric suggests we check the citizens on the voting checklist and believes it will be challenged.

## 8. Paper of Record:

- Vermont Journal and Rutland Herald Inserts:
  - Terry ran into an issue with the VT Journal and how restrictive it is to get our insert submitted in time.
  - Terry asks if we can keep the Rutland Herald paper as our main source as she has little time to get to the Journal on time.
  - Terry wants to put it in both so that we can at least make it to one. We changed this last month, but she wants to change it back to two inserts.
  - We need to have an insert in at least one of the publications.
  - Terry motions to insert submission to both Rutland Herald and Vermont Journal. Motion approved. No opposed. **Motion passed.**

## 9. Municipal Planning Grant:

(Joined via Zoom by Martha Harrison)

- **A. 2023 Community Survey Results:**

- 297 total responses.
- Survey results were broken out by who were full-time, non-residents, or part-time. Including how many were homeowners vs. renters. As well as breaking out the part-time to full-time homeowner vs. renter and what their connection to Ludlow is.
- “There’s Enough Parking in Ludlow”: 61% disagreed. 23% agreed. N/A 13%. No opinion 3%. Seasonal parking showed winter was the main issue. Shows that the community confirms our knowledge about a parking issue.
- Does Ludlow need additional parking? 50% yes.
- Types of Parking: 1. New municipal parking. 2. Additional on-street. 3. Remote lot with a shuttle. 4. Parking garage
- Remote Lot: providing public transportation to the village. Only 25% would use if free and less than 10% said no with a fee.
  - Ryan suggests getting this information broken down by full or part-time residents and reviewing raw data would be helpful. Terry can send the raw data to the board. Andy asked what percentage was the town vs. village residents out of the 297 total responses. Information is unknown at this time but raw data will answer.
- Household Count & Parking Spaces: Over 20% of people said they don’t need any parking spaces. We believe the language needed to be more specific.
- Housing Options: 77% voted not enough options. Two/three bedroom options were over 70% needed as well as studio/one bedroom at 52% and single-family homes at 50%.

- Seems that voters are open to apartment buildings by the survey results. Andy suggests we can maintain the character of the town with apartment buildings.
- Zoning Regulations Supported: Changes showed majority support for all three questions. Especially the parking infrastructure for bikes. Also allowing smaller lot sizes for residential dwellings. Lastly, support for making it easier to convert a single-family home to a multi-family home.
- Zoning Regulations Unsupported: The majority disagreed with allowing the construction of buildings with 25+ dwellings.
  - Martha says the state requires you to allow a floor one story higher unless it won't meet public safety or fire safety.
  - Reduction for parking spaces per dwelling was not popular. This is something the state just passed.
  - Andy notes that the voters said we need more parking but "not in my backyard".
- Does the Village support affordable housing? The positive results are small. The survey shows 68% think there should be incentives for the construction of affordable housing.
  - Terry and Andy note that this is a very telling piece of data.
- Short-Term Rentals: Over 50% think it is a negative effect on the village. Almost 60% think there should be a registry as well as over 80% for a fee.
- Short-Term Rental Fee Revenue: 1. Housing. 2. Public Safety. 3. Recreation. 4. Transportation. 5. Other. 6. General. Other responses included: infrastructure, sidewalks, parking, bike path or lane.
- Long-Term Rentals: 58% responded yes to short-term but 35% said yes to long-term for the registry. Over 50% said yes to a fee.
  - Ryan explains that if you rent a property for more than one day, it is considered a business and falls under fire safety codes. He says there is no difference in fire and safety between the two.
  - Andy questions if the fee questions were triggered by the first question of the registry. Ryan wants to see the breakdown of part-time to full-time.
- Pedestrian Infrastructure Improvements: 28% specified locations where sidewalk improvements are needed. 26% specified new sidewalks. 26% specified locations where needed.
- Should Ludlow reserve on-street disability spaces: Over 60% said yes.
- Bike Racks: Over 55% agreed and almost 20% strongly agreed.
  - Martha noted that this is an inexpensive item to input into the town and would be well-received.
- Comments for survey results:

- Judy proposes that we spend an entire meeting on this with bullet points and action items to take. Where do we go from here?
  - Andy thinks sending this to the village trustees and the select board would be helpful for the town.
  - Judy asks if we should present it or send it. Board thinks we should present it.
  - Ryan says it gives us a point of reference that the rental registry has good support and should be revisited and pushed. The town spent money to collect the data so the board agrees it should be a priority.
  
- **B. State Housing Bill S. 100:**
  - Martha says we can only require one parking space per dwelling if on town water and sewage.
  - If development is more than a quarter mile from public parking, it is not required.
  - Zoning regulations language needed to show exceptions. Consider it on a case-by-case basis.
  - If you are more than a quarter mile you can require more than 1.5 spaces.
    - Judy asks what “1.5 spaces” means.
      - A two-unit building can require 3 spaces. Round up to the first whole number in language per Martha.
    - Specifies that dwelling with four units or fewer are to be permitted use with public water and sewer.
    - Terry says we will take a look at this next time for each district. Duplexes are allowed with the same dimensions as single-unit dwellings.
  - Martha questions what this means about dimensions if that includes lot size. She hopes to get clarification on this before the next meeting.
  - The density is 5 units per acre or  $\frac{1}{4}$  of the acre. We are currently at  $\frac{1}{4}$  and the change we did last year was  $\frac{1}{8}$  and all village trustees said no to the  $\frac{1}{8}$ .
    - This change would reduce the density from  $\frac{1}{4}$  to  $\frac{1}{8}$  in the village.
    - All of the changes over the last few years, the preservation district still says 10,000 ft. and we would have to make changes to frontage and depth as the math is incorrect.
    - If the development is an affordable housing development then there is a 40% increase in density which is 7 units per acre or  $\frac{1}{7}$  per acre.
  - Terry says Ludlow property is so valuable, so who will build affordable housing?

- Andy says it is dependent on the incentives. Andy says we need to encourage this and enforce it. Every 5th development has to be affordable housing.
    - Eric comments that he would build affordable housing and just purchased 4 acres in the village to do this, but you won't have affordable housing without density so he is unsure what he can actually do. He wants to build apartments for the townspeople but it has to make sense and not a loss.
  - Emergency Shelter: aka Homeless Shelter.
  - All changes go into effect on Dec. 1st, 2024. This timeline allows us time to bring it to the Trustees.
  - We need to compile the dates and make sure that we complete the items. The state law will supersede any changes we don't make. The law trumps local law regulations.
  - If converting a single family to a multi-unit dwelling, then it counts as one, not four units for example for Act 250 jurisdiction. This is a temporary regulation.
- **C. Motion to send all changes/additions to the Trustees including:**
  - The public hearing is scheduled for July 11th, 2023 at 6 p.m. for the Village Trustees Public Hearing. Terry is warning this as it will be a joint meeting.
  - **Article 5:** Conversions and Changes of Use Section 520. 14
  - Terry wants to go over the housekeeping items that Martha and Jarrod went over:
    - Item E: the maximum amount of occupants is ¼ or the full bathroom cannot be great than eight. Martha proposes language that “there shall be at least one bathroom including a sink, toilet, and bathtub/shower for every 8 persons occupying a residential structure that is being used for employee housing.”
    - Terry had feedback from Steve Meyers that he thought it was a lot of people for one bathroom. This, however, mirrors the housing regulations number. Eight is not ideal but it is a minimum standard. The board agrees we like the newer language from Martha (above).
    - D. The minimum square footage for a single occupancy bedroom will be 80 square feet. The minimum square footage for a double occupancy bedroom will be 120 square feet.
  - Andy wants to cover the language regarding the “own, lease, controlled, or facilitated” definition. Would including “subleasing” be a way to get around this issue? Otherwise, people could circumvent the employee housing issue.
    - Martha agrees it is more comprehensive than what we have.
  - Andy asks the Vail employee public attendee (Hailey) about their thoughts on employee housing.
    - Hailey is just here to listen and no comments.

- **Addition to language proposed by Andy:** *“If none of the above are conditions but a building is used for the primary purpose of employee housing for a given employer. In addition, if an employer is receiving any remuneration from the housing of its employees, then such housing is considered employee housing.”*
- **Overall**, the intent is to not make it restrictive but make sure it is safe, healthy, and good neighbors as right now we are observing this is not occurring. If you meet this, you have these standards.
- Eric asks if there is a scenario when the owner needs to change the zoning on the dwelling to become employee housing.
- **Motion:** Andy moves to submit section 520. 15 as we just amended it (see above) and the definitions as amended for employee housing to the village trustees. **Motion approved.**
- **Article 4:** Section 430 addition of Rooming/Boarding House to the Village R-C's Permitted Uses.
  - Martha says that the town attorney should overview the definition.
  - **Motion:** Article 7 definitions some new and some revised were added to Article 7. Andy motions to propose a new or changed Article 7 definition covering rooming boarding house, bed and breakfast, inn, short-term and transient. All in favor. **Motion passed.**
  - “Changes of use” has to be removed. Add rooming and boarding house as a permitted use to the Village R-C district and no other changes at this time. Rather than putting out that document that had a lot of changes.
- **Permitted Uses:** 1. single unit, 2. two-unit, 3. accessory user building, 4. home occupations, 5. home childcare, 6. accessory apartment, 7. governmental recreation area, 8. additions and alterations (upgrading), 9. rooming and boarding house.
  - These are the current regulations on the town website. Terry has every change that has not been approved yet. Changes with Jason will be worked on next month. The only thing being sent to Trustees is the rooming and boarding house in today's meeting is our agreement.
  - **Motion:** Judy motions to add to Section 430 Village R-C District Permitted Usage Boarding/Rooming House. All in favor. No opposition. **Motion passed.**
- **Conversions and Changes of Use Section 520.14:**
  - The change to E is included (the previous F).
  - Martha says to remove E so that all sections included here actually exist.
  - All of the corrections will be on the website after the meeting.

- Motion: Andy motions that we propose 520.14 as detailed in front of us in our package. All in favor. No opposition. **Motion passed.**
- Terry notes that the whole point of this section is from a scenario when the DRB was looking at a property changing from a pizza place to a gym... and they had a hard time doing the conversion because we did not have this document. It restricted business because it was difficult to change their use. Overall, this document is to make it easier for business usage to change.

- **C2. Redlining Conversation:**

- Andy asked if items are redlined when changed on the website. Everything will be redlined with the Trustees, but can this be on the website?
  - Andy notes that if we are doing this for the public, it's no different than them getting the changed copy with no notice of what is new or what is not. Redlines are easy because you compare the two documents, she says.
  - To approve changes, a cumulative redline would be shared. Proposed changes should show it is a new addition per Andy's suggestion.
  - Judy agrees this would clear up the understanding.
- Martha thinks that new pieces are a change to the draft that no one has seen. Ordinarily, she would say to show changes. Though this is not currently in our regulations. It is titled "proposed new section".
- Terry doesn't think it's appropriate to show the redlines because she doesn't think it looks professional and only wants to share a final draft.
- Andy wants to be public-friendly and Ryan agrees that it is more digestible as to what changes were. Either or, it's all public information so wherever it lives, we are making it more available.
- Hailey thinks a lot of local towns put the redline on the website so that is helpful to see changes and how they are affecting you so that you are not sifting through hundreds of pages.
- Terry said an executive review document with just the changes has been done in the past.
- Eric suggests putting the "from" and "to" on the document if it is a proposed change.
- Jarrod says that changes with things already enacted and implemented should be shared publicly, but not a new section that has been worked out yet.
- Andy: If something is new, redline it all OR state that it is all new.
- Jarrod says as we work on the new section, there will be tons of redlines.
  - Ryan agrees as there should be.



- Andy thinks there is a lack of transparency and not showing the changes is a disservice to the people. She thinks it is our responsibility to show the changes.
  - Andy suggests that what has changed from the Zoning Book - those changes should be changed. Only show changes we are currently proposing.
  - Andy says that old definitions should be next to the new definition.
    - Ryan agrees.
    - The board agrees we do not have to redo all of our motions.
  - Ryan says we need a coherent recording of what we have changed.
  - **Overall:** The website should have a note of when an item is a proposed and new section in its entirety. Andy thinks we should have an internal living document so that when we are looking back, we can refer to that not previous documents.
- **D. Planning Village Trustees July Public Hearing**
    - The board will provide a presentation on everything gone over in today's meeting.
    - Terry asks that board members explain a section at that hearing to help out.
    - Judy asks for a copy of what is going to the Trustees before the meeting.

#### **9. Next Month's Agenda Planning for July:**

- Streamlining the permitting process.
- Chart with different districts and the permitted uses and conditional uses.
- Presenting next meeting to make decisions on moving items around.
- Andy notes that during the last meeting (May) it was determined that the alternate could also vote when there is an even amount of board members. If there are 4 of us and there is a stalemate, chances are it is controversial and it should be tabled. A tie means a motion fails.

#### **10. Other Business: N/A**

#### **11. Citizen Comments:**

- Eric says the planning board is the most important board in any town. He says we need the tools to operate correctly. The town should be supplying it and pressure manager for the tools we need.
- Jarrod is at our meetings and he should be recording the changes as we run through the meeting but he is not required to be here at every meeting.
- Eric can ask to see what is on Terry's computer as it's a personal computer, he notes.

**MEETING ADJOURNED**

Judy motioned to adjourn the meeting. Andy and Ryan seconded the motion. The meeting was adjourned at 8:10 p.m. by Theresa Gurdak-Carter. The next general meeting will be at 6:00 p.m. on Tuesday, July 18th, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: