

Ludlow Planning Commission  
Meeting Minutes  
May 16th, 2023  
6:00 p.m.

**Public Hearing**

**Attendance:**

Eric Alden  
Alan Couch  
Jarrod Howdy  
George Abraham  
Abigail Childs  
Ryan Silversti  
Judy Pullinen  
Allison Hopkins  
Suzanne Garvey  
Glenn Hatson  
Jean Strong  
Steve Meyers (Virtual)

**Absent:**

Ted Stryhas  
Andrea Goldman

**Notice:**

- Flood Hazard and Regulation Amendments - 15 days prior to the meeting. Asking the public to weigh in on change from a year and a half ago.
- Changes of Conversions and Changes of Use were revised to make it easier for people to change a commercial property to change use without jumping through hoops. Entertain public comments in this section.

**Public & Board Comments to Changes of Conversions and Changes of Use:**

- Eric Alden - Section B 1 & 2: If the structure is located on a subdivided lot, it wouldn't necessarily fit as an accessory use as it would be on its own lot. Are we misunderstanding this wording?
- Ryan Silverstri - If it was hypothetically obstructed would it conform? If you subdivided a lot it would have no relationship to the accessory structure. It would no longer be an accessory structure. Changes term to sub-dividable? It can be then converted to the principal use.
- Alan - if the lot is subdivided it is no longer an accessory structure, now it is a principal use.

- Ryan - you have a parent parcel and if you are looking for an adult, the parent parcel is being split and we are not talking about that necessarily.
- Possibly change to: "If the structure is located on a parcel that conforms to the lot size setback and other parking requirements applicable to the relevant district and proposed use". Otherwise, the current statement is limiting.
- The intent of an accessory dwelling is that you can take a smaller building on your lot and convert it into housing but you don't want to subdivide it to be a bigger lot.
- Judy - Rewriting this is one of the solutions to the housing crisis
- Ryan - If he changes his garage to an ADU to afford to live there with his Airbnb. He believes we should be encouraging this. The state is as well. The housing bill has not been passed yet.
- Alan - Wondering if somebody doesn't want to subdivide and branch off their accessory dwelling unit, do we mean a "sub dividable lot".
- Allison - Your new lot becomes a principal structure. That new lot can have a principal struted and adu. The new lot can have an adu or an accessory unit. The subdivide exists so that you don't have two principal units on the same property.
- Ryan - A primary dwelling is just the larger of the two. The 30% clause. In this case, the accessory can become the principal structure. Does it automatically become the primary use when you subdivide? The single-family home would be automatically the primary use when you build it. In order for his garage lot to become a primary dwelling, he would have to subdivide his property into two different parcels. He can't convert the barn into a larger living space than the primary home. The garage is the larger of the two, detached, and existing.
- Steve - Grandfathered in properties that are already existing or for those converting?
- Ryan - Most preexisting barns/garages are non-conforming already. Small houses and big barns in Vermont. Can only become a primary dwelling if the lot is sub-dividable and then there is an ADU for both.
- Terry - Taking input today and making changes at the meeting.
- Final Note: Ultimately, SECTION B1 NEEDS CLARIFICATION.

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**Public & Board Comments: Section 520.15 - Employee Housing**

- Terry - Not an issue we planned for this year, but issues came to us on Wilbur Ave and concerns about the living conditions and the neighborhood. We developed this language with help from the regional planning commission in the last several meetings.
- Judy - at our last meeting, we heard concerns about the size of the rooms. Rutland City has language in their employee housing that defines the square footage of a room for one person as 70 sq. ft or 7x10 ft. and each additional person is 50 sq. ft. Concern is the overcrowding in the

existing houses that are converted into employee housing. Should we define a minimum square foot for employee housing?

- Suzanne - Are these structures assumed to be "sprinklered"?
- Terry - The State of Vermont should require them based on occupancy - 15 people trigger the rule. 2 per room = 7 bedrooms or greater. Also, concerns at Wilbur Avenue regarding access to refrigeration due to keeping food in the snow.
- Steve - Including a twin bed, the space is 5x6 for space in the room.
- Ryan - Bunk rooms; fire marshall will not sign off on bunk rooms. Discretionary by the fire marshall. Approved is properly egressed but others are death traps. Starts with 2 occupants per bedroom and is discretionary past that point.
- Judy - Noted we could decide on the sizing at another time and proposed 10x12 for 2 people. etc.
- Suzanne - Whether or not the property has a sprinkler system weighs into this. If the building is "sprinklered" then there is no absence of any other rule, then there is no maximum occupancy. They can have as many as they want. This is why having a square-footage requirement will help the overcrowding issue.
- Eric - Boston is 150 for one person and +100 for each person additional. Occupancy limits exist if renting.
- Terry - Add it to the commercial districts where it makes sense to have easier access to things. Change it from just residential to commercial as well.
- Glenn - Why are inns and hotels excluded from employee hotels?
- Terry - Employee housing right now is under the definition of "Inn". Now being specific that employee housing cannot be in Inns.
- Glenn - The Timber Inn is excluded from allowing for employee housing.
- Alan - current definition in village zoning states an inn provides overnight lodging for transients (short-term passing through/ambiguous) and the new definition references transient guests. Providing housing for employees on a seasonal level, 4-6 months is a transient period? Perhaps there needs to be a clearer definition.

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## DEFINITIONS:

1. **Employee housing:** Housing that is owned, controlled, or facilitated reads that housing that is owned, *leased*, or managed by an employer. Facilitated = managed. Controlled = leasing. Are we trying to limit employee housing to only businesses that own houses - board agrees we are for not limiting it. The use of the term "leased" rather than "control" for simplicity was noted.

2. **Rooming boarding house:** Primary residence is the key term there to differentiate from bed and breakfast. The term is defined as shall have no more than 8 rooms for rent - should there be a number of people that might be in those eight rooms? Agreement to consider this issue and define the number of people and it should be addressed... or the square footage as a further discussion. Per Allison, for zoning best practice, don't put the parameters into the definitions. The term is defined as "rented for more than 30 days, housekeeping, meals *may be* provided" which means meals are not required. Decided to include it as this is a standard definition.
  
3. **Inn:** Eric commented about the existing inns and none of those are owner-occupied, as the term "inn" is defined. If you create this definition to be owner-occupied, how do we address it moving forward? Owners would have to do a change of use if the property classification changes. Comments on the Jackson Gore Inn considered to be a "hotel" vs. The Pettigrew Inn considered as an "inn", and the difference of owner living at the property. When properties change, it may not be classified as an "inn" according to this new definition. Short-term, less than 30 days, transient, not permanent address.
  
4. **Transient:** Disagreements on the current definition of this term included issues on the qualification of being a transient guest. If the term was to change, Eric asked what are the ramifications of the term based on the changes. Alison noted that the term "short-term" was also defined, so "transient" is less vague due to the time period determined. Suzanne asked what the need for the definition "transient" is as she does not see it referred to in other definitions. The Transient is a "short-term guest" and can't be there for more than 30 days. That means they can't live in a rooming house, aka employee housing, as they would need to be there more than 30 days. In other words, employees living in employee housing are not "transients" rather they are "renters". The goal is to show how each of these terms is different.

## ADJOURN

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## NORMAL COMMISSION MEETING CALLED TO ORDER

### Opening:

The regular meeting of the Ludlow Planning Commission was called to order on Tuesday, May 16th, 2023 at the Ludlow Town Hall by Theresa Gurdak-Carter.

### Attendance:

Eric Alden  
Alan Couch  
Jarrod Howdy  
George Abraham  
Abigail Childs

Ryan Silversti  
Judy Pullinen  
Allison Hopkins  
Suzanne Garvey  
Glenn Hatson  
Jean Strong  
Steve Meyers (Virtual)

**Absent:**

Ted Stryhas  
Andrea Goldman

**Opening statement by Chair:**

- Terry discussed the plan to work on agenda items: 7, 8, 9 today. Ask for citizens' comments before voting on a motion during the discussion. Encourages all board members to comment during the meeting.

**Approval of Agenda:** N/A - No changes to the Agenda.

**Approval of Minutes:** Judy found some typos in the previous meeting minutes. Ryan cannot vote on it. Steve cannot vote on it either. There is no quorum for a vote, so tabling last month's minutes for next month and not voting on them today.

**Business from the Previous Meeting:**

**Item #7: Alternate:** The board is considering the alternate language from last month and was tabled after much discussion and no decision.

- The resident and voter checklist applies to all so perhaps we should change this next month.
- Alternate doesn't think they should vote if there is an even number to not allow too much power aka not being a tiebreaker, however, doing so would discredit the language. Terry decides to leave this language in.
- Tonight we have a quorum so we don't have an alternate, so you would need a unanimous vote of the people here.
- When you call the alternate into action, and when you do, they then become a regular board seat at that time. The alternate does not sit in on every meeting, they step in for proceedings if someone is on maternity leave, etc. They are called in for a specific time and given voter privileges for that proceeding.
- Language for the alternate: "They will be contacted if there is a lack of quorum" but even one person is missing and they are contacted, you don't need to activate your alternate, the chair and vice chair have the decision power to when or not activate the alternate.
- We are not consistent on wording... Allison suggests taking quorum out of it altogether.
- An alternate will be activated for proceedings when a board member is not available by the chair or vice chair to decide when those activations are.
- There may be no need to activate to bring an alternate in certain scenarios.

**New proposed language:** "An alternate will be activated by the chair or vice chair to fill in for a regular member who is unable to participate in a meeting at the discretion of the chair or vice chair."

**Motion:** Terry motioned the new proposed language pending checking the state's statutes. Judy and Ryan seconded the motion. *Motion Approved.*

**Motion amended:** Terry motioned to accept this language regarding alternates for the planning commission. Judy and Ryan seconded the motion. *Motion Approved.*

**Public Comments:**

- Eric believes that Vermont is a “Dylan law” state and this town does not have a charter.... alternate language is not currently permitted in the state of Vermont. He continues to say that the town and village both have rules and procedures for all of their boards. 24VSA has language that is allowed by the state. We took it out of the DRB but were not allowed for planning. No language in the state statute to allow alternate - Eric notes other towns do not have alternates... he asks he looks into this issue before we take action. Terry to contact the Secretary of State. We can agree on the language now and then find out if it's ok until we look at it.
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**Agenda Item: MUNICIPAL PLANNING GRANT:**

- Terry did not warn about the changes of use for the Changes of Conversions of Use. Not warned properly otherwise we will get challenged. Tabled it for the next meeting.
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**Agenda Item: EMPLOYEE HOUSING:**

- Adding an additional line regarding the dimensions of the room (line D). New line states: “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.”
- Note: converting older homes that have smaller rooms will be limited use based on the number we choose or square footage (Ryan). We don't have the ability to designate the square footage for more than two occupants because it's at the discretion of the fire marshal. This is in the standards section.
- Owned, leased, or facilitated was changed. from “controlled”
- Adding employee housing to the commercial districts and updating the commercial districts' permitted use. If we are looking to streamline, it should be permitted use especially if it is town facilities, sewer, etc. The intensity is what you usually look at when deciding. Permitted use under commercial district has been added. Added rooming and boarding house to commercial district as well. Inn falls under the non-conditional.
- Bathrooms: Questions regarding rooming and boarding housing and if there are there any guidelines regarding bathrooms. Allison believes this is a health and safety department issue. Eric notes that the change of use that is going through the process on Prospect Street houses 42 residents and it has 3 bathrooms which is 14 people per bathroom. Alan noted that the floor plan showed two 2-bed units with a big enough space for a full bathroom as well as one 7/9-bed unit with two full baths and a powder room. 26 people with 2 fulls and one 1/2. Alan also notes that the renter's rights listed 8 people per bathroom with a full shower.
- Added line E: “The maximum amount of occupancy per 3/4 or full bathroom cannot be greater than eight”.
- Kitchen facilities/Cooking facilities/Refrigeration: Jean brought up the issue of how much cooking space/refrigeration you might need if living in a boarding house or employee housing should be

discussed. Judy asked how many refrigerators do you need per person and noted that the fridge would need to be defined by cubic feet. Ryan included that most of the employee meals are being provided at Okemo but Jean noted that we cannot assume this is fact. Additionally, there are other establishments that host employees that do not provide meals (Fox Run, etc.)

- In general, we want to make sure basic needs are met and determine whose responsibility is it that the tenants have the necessary items.

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**Agenda Item: SURVEY RESULTS**

- The survey does not close until the end of May. Will go over the results in the June meeting. There were 98 responses at the time of looking at the survey (Allison). The postcard seemed to be successful.

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**Agenda for Next Meeting:**

- Survey results
- Streaming the permitting process which is part of our grant
- Conversions and Changes of Use warning

**Other Business:** N/A

**Public Comments:** N/A

**MEETING ADJOURNED**

Terry motioned to adjourn meeting. Judy and Ryan seconded the motion. The meeting was adjourned at 7:35 p.m. by Theresa Gurdak-Carter. The next general meeting will be at 6:00 p.m. on Tuesday, June 20th, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: