

Ludlow Planning Commission
Meeting Minutes
September 19th, 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, September 19th, 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:

Steve Meyers (alternate)
John Neal,
Eric Alden,
Martha Harrison,
Jarrow Jowdy,
Heather Kelly,
Ed Kelly,
Glenn H.,
Alexandra Horst,
Bruce Schmidt,
George Benson,
Jean Strong.

Board Absent:

None

3. Opening Statement of Chair

- Terry gives the opening statement and notes comments are welcomed any time by raising a hand except for our work agenda items (7 &8). We may ask for comments before voting on a motion but the discussion may just be among the board members. We encourage all board members to comment and ask questions throughout the meeting.

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

- Section B.1 - Ryan wants to take a look at the language about the subdivided lot size and the proposed use of it. He wants to clarify the wording. Terry says she did not warn this, so it was not on the radar to talk about. Ryan says before we bring this back to the board we should look at the language because he is uncertain of what it means. Terry says the language is for converting to commercial use. Judy says we can add it to other business.

5. Approval of Minutes:

- July & August Minutes
- July Minutes Edit: short-term rentals - we want the town to get the income, NOT the state. "We should get ahead of this so that we can get money from the state" but it's the opposite.
- August Minutes Edit: under other business board member comments - the set of time is actually a community member comment. Terry will fix this and resend it to Diane.
- Terry motions to accept the July and August Minutes. **Approved.** No opposition.

6. Comments from citizens:

- Eric Alden: Regarding the clarification from Ryan which was discussed at the last minute about not understanding the language. He has more comments to express during the short-term rental section and would like to speak when we hit that section.

7. Municipal Planning Grant

A. Employee Housing "Workforce Housing" & Definitions Amendments

- Newly called "Workforce Housing"
- Terry was talking to Regional about changing the term to Workforce Housing throughout the entire document... she made the changes that were suggested.
- Terry questioned if a business has to provide transportation but if they have a shuttle service then they can have less parking, essentially. She asked if a business has to provide lodging because of this, and the answer was no. See Section 520.15 to replace the new term.
 - Martha said it clearly does not say you need to provide transportation.
- Minimum square footage changes to 75 sq. ft. for a single living space and each additional would be 50 sq. ft. with a limit of 8 occupancy per bedroom.
 - Followed the Vermont regulations on this.
 - Ryan wants to bump up the 50 sq. ft. minimum
 - Neal asks what this applies to and Terry notes it's inside a rooming and boarding house and it occurs in different types of housing situations.
 - Neal notes under B.1 & B.2 they talk about similar things and he wonders if the board can look at them and condense them into one. Question: It talks about the employer's written agreement for providing transportation and notes its a document someone signs and is responsible for. He is confused don the language.
 - Terry notes there are conditions that follow this.
 - Neal thinks the sections should be combined with confusion on the wording of it.
 - Judy: One is about a written agreement and the other is about one "or the other" so combining them would be the same. She doesn't see why they would be any different.

- Ryan: Those two conditions would allow the DRB to decrease the parking requirements.
 - Judy: This is intended to help the employer and not hurt them. The “or” should be bold. Or reformat them to show the difference.
 - Martha: Recommends keeping it the way it is and it’s typically how a legal document is written.
 - Terry: We changed very little of what was written up with regional
- Neal: Regarding the square footage requirements and looking at Fire & Safety for their direction on occupancy. He notes you cannot go into a public building without getting Fire & Safety for them to determine the occupancy. Going above and beyond what they are dictating is becoming restrictive. You’ll find someone who doesn’t but 99% of the time they use their property properly. Putting these square footage rules doesn’t allow for flexibility.
 - He says writing square footage in documents can be discriminatory.
 - A lot of the documents say “should” not “shall”
 - Once you put in sq. ft. who is going to monitor this?
 - Terry says it would be Rose or Jarrod who gave the permit.
 - Neal asks how often does this happen?
 - Ryan: He asks if there are any examples of a fire marshal approving something smaller than our sq. ft.
 - Neal: Notes a particular building had a fire marshal enter and approve the unit use was 42 people. Noted it was fully sprinkled and alarmed with 2-3 people per bedroom. Even with that 42, we are very realistic about looking at that and they only put ~36 people so they didn’t maximize. He thinks we should look to the Fire Marshall and not what the square footage is.
 - Terry thanked John Neal for his input.
 - Martha: Clarifies that she doesn’t believe the 70 sq. ft. came from the VT housing code. In the international building code, there is a 120 sq. ft and the 70 sq. ft. listed but the VT rental housing code primarily has to do with the number of bathrooms you must have based on the number of people in the house. Ex. You have to have 1 bathroom for every 8 people living there. There are additional comments on size relative to whether multiple dwelling units can share a bathroom and so on.
 - Terry says she found it under the VT Minimum Standards for Rooming and Boarding Houses.
 - Andi: Would it be viable to say unless a waiver is obtained from the fire marshal? She says this would satisfy John’s concern.
 - Terry: Believes we should have minimum standards.
 - Andi: Benefit of both the town and the employees to have a habitable minimum.
 - Terry: Says she does not want to budge on this.
 - Martha: VT is a Dylan state and towns take their lead from the state on what they can and cannot do. You shouldn’t lower your standards compared to the states.
 - Under “E” we need to change to “Workforce Housing”
 - Terry found the minimum standards by googling them for VT specifically.

- Ted thinks if we don't have to have it in there, we shouldn't. If the state is going to give a permit anyway. If we try to add more things with limits, the VT public safety and fire marshall. How do we go over that?
- Ted thinks we are not accomplishing anything because we are trying to make it work for everyone. However, he thinks we need to be able to clean up stuff like this and not really worry about it. If that is the public safety division and they are happy with "x" then we should be happy with "x".
- Ryan: Wants the board to consider a minimum of 50 sq. ft. and additional occupancy is at the discretion of a fire marshall.
- Judy: Thinks Ryan's recommendations make sense.
- Steve: Googling the VT standard space and occupancy says every dwelling unit shall contain a minimum area of 150 sq. ft. and 100 sq. ft. for each additional up to a limit of 3 and at least 50 sq. ft. after 4. (regarding living space). Section 1890 under Division 4 for space.
- 70 sq. ft. for each person and 50 sq. ft. for each additional person in the same room.
- Ryan: At the discretion of the fire marshall they are going to use the same standards.
- Terry: This makes the planners look at it for permits.
- Andi: If it is stated, she thinks we should restate it. When we can be less vague, then we should be less vague.
- Confirm that we are choosing 70 sq. ft. with each additional person at 50 sq. ft.
- Haley: Question regarding removing workforce housing as a permitted use. Terry says it is not listed in any district because it is not a house. We put a room and boarding house in. If workforce housing was taking place in a multifamily unit that does not have a permit, how would it be tracked? Terry says it would have to be permitted. It will be a permitted use no matter what housing it occurs in. Any workforce housing regardless of what type is permitted.
- Neal: How will we treat this going forward? Any of these new regulations and definitions... e.g... Terry says they have to be approved by Trustees.
 - Andi thinks that Ludlow in general has a habit of grandfathering everything and if it is a state law then we can't grandfather it anyway.
 - Once warned, it goes into effect.
 - Martha says it is correct that when something is warned, it is not put into effect.
 - Neal thinks people want a reasonable understanding of what is existing, what is new, and where the line is drawn.
 - Judy says we can do research on whether things are grandfathered or not.
 - Terry knows new zoning does not delete old zoning.

B. Definitions for Village Zoning: hotel, motel, and personal service

- Workforce Housing: no comments

- Bed and Breakfast: no changes
- Boarding House/Rooming House: The only change was one of two or more meals “may” and changed from “shall” be provided.
- Inn: Went from 25 guest rooms to 15. Later we will talk about the definitions of Motel.
 - Andi asks what is the concern what the issue is about moving it to 15.
 - Ryan says it was a suggestion made by George Tucker Jr. one of our Selectman to distinguish it from a motel.
 - Andi questions if growing the town why do we limit this to 15?
 - George: His concern was raised that an Inn of 25 rooms is a significant size and where an Inn can be located is different from a motel and hotel and that concern may not even be an applicable building in the town of Ludlow where the regs would be and for safety as well.
 - Judy thinks it is reasonable
 - Ryan: It is restrictive. Notes Fox Run is a motel and goes over this. Why are we cutting down on potential opportunity as long as it is safe?
 - Andi: Safety will be implied through construction and fire safety. She thinks the lot size will determine the room size etc.
 - Judy: Reversed her position and agrees 25.
 - **Board Members agree to 25 and reverse the change.**

C. Clarifying lot language and deciding on lot coverage for Village R, Village R-2, and Village R-C.

- Martha notes we have definitions that we need to finalize
- Commented that she is not sure if we gained anything on the change of hotel & motel from the last meeting.
 - Andi says we have an issue of potential overlap; make sure you are exclusive and not both. If you are already a motel, then you are not a hotel.
 - Living quarters for owners were added to the language.
 - Ryan: Disagrees with the room size and should allow the property size and parking to be determined instead. Fox Run is a motel that has more than 25 rooms.
 - Andi agrees with Ryan. He wants to number listed and wants to conform to the lot density requirements; how much building room is available and what room size is available. He thinks we should not have a number of units as a restriction.
 - Terry: The difference is about functions and weddings, events inside, 24/7 service, etc.
 - Judy: If we take out 25 units, the end of it says the number of units is determined by lot density and parking requirements.
 - Andi asks if this is implied.
 - Judy says it is but listing it out is more clear and helpful to the user.
 - Ryan asks if we can site where those are in our zoning regulations (parking density etc.) At the end of the definition, we can point to those regulations and cite them so you can easily find them.
 - **We are removing the unit restriction and then conforming to existing density and parking requirements and site within the zoning document where those are.**
- Transitional Housing: Martha notes social and psychological and says it is just “supportive housing” and it’s a group home where an individual lives for a period of time while getting supportive services.

- Personal Service: Martha notes that before it was just a list of different services and offers and says we should add “action in which production and consumption occur simultaneously and based on the provided efforts. Ex. barber, hairdresser, manicurist, massage, etc.”
 - Andi asks if this would include a restaurant. Do we have an approved food service definition? Ryan wonders if we need one. Thinks we should say it excludes restaurants specifically. Board members agree.
- Lot Coverage: Martha says this is problematic in current regulations. The proposed change is that portion percentage of a lot area that is covered by “xyz” and other impermeable services which prevent the infiltration of stormwater.
 - Andi asks if is it possible to add what we are changing - what is new?
 - Martha says this is entirely new. The current is either “building coverage” or “coverage”.
 - The purpose of this definition was to eliminate the other two.
 - Ryan asks about adding in sidewalks, paved parking, loading areas, driveways, etc. - where has this hurt us in other areas? By changing this definition we would have to look at our lot size & coverage in all districts.
- Looking at lot size and coverage in all districts, especially the Preservation district, where lot coverage is too low.
 - We were debating the 12% for lot coverage. The conversion allows for a very small amount of a house, driveway, etc.
 - We thought about changing it to 50%
 - Ryan notes our change in lot coverage needs to change this.
 - Ryan suggests we increase the coverage.
 - Martha suggests that she agrees you would want to be probably over 50% and with setbacks that will take part of your lot.
 - Ryan suggests 75% because we have a shortage of infrastructure in this town.
 - Judy: Another thing to consider is that green space is important and think 60% would be a better number. Terry agrees.
 - Andi agrees on 60% or maybe 55%.
 - Ryan was also talking about Streetscapes being in the setback and planting trees etc. so if we are earmarking that space for the aesthetics and green space.
 - Judy says the more impermeable surfaces you have the more impact it has on climate and flooding and it is something to consider. Are we going to put in more permeable services with less to soak in water?
 - **The board agrees on 65% for both residential and non-residential in the Preservation District.**
 - Steve: How much of this district was affected by the flood? Answer: The Preservation ends right before the high school.
- Review/revise the use of the term “coverage” throughout the document for consistency.
 - Section 270.5: Standards for review and its #7. All general standards shall be met for the review board to approve the application. Density shall be calculated assuming that the footprint of the building is the maximum percent coverage allowed or the minimum lot area whichever is greater...and she thinks it is very confusing. Terry and Andi agree that it is confusing. Noted that math is required here. Martha suggests if no one understands it, then it could be eliminated.
 - Ryan: If it sounds like a riddle, it shouldn't be added.
 - Martha: It can always be added back.

- Steve: Thinks it only shows how lot coverage is determined, it is just the math problem to determine it. Terry asks if this is the only place found and if it is necessary. Steve says it's simply how density is calculated.
- Section 520.02: Martha thinks we can eliminate this section.
 - Terry says we should just go with Lot Coverage as the definition.
 - Board agrees.
- Section 520.8: If you are subdividing an existing lot and you want to put the line in a place where the front edge will meet the requirements, etc, then you don't want them to be smaller than described in the district. It would be okay because coverage is a maximum. In that case, you wouldn't want to draw your subdivision line in a way that would result in a way of your coverage being larger.
 - You don't want to draw your setback line in a place where you are not allowed that much lot coverage.
 - A house, garage, and driveway cover 50% of the lot and when you subdivide it, it is then going to cover 80% of the remaining lot rather than 50% and maybe the coverage is 75%.
 - Ryan asks what this does.
 - Martha says this language is creating a non-conforming lot.
 - Ryan says you can't subdivide into a non-conforming lot. Says any subdivision has to be permitted anyway. Asks if we can say that no lot can be subdivided to
 - You cannot create a new parcel that is non-conforming in the district of what it resides. Terry notes that this is what #2 says
 - Alden: Subdividing a lot, there are no rules on the size, you can subdivide a lot to any size you want. If he has a 2-acre lot he can subdivide in 2,000 feet and he couldn't build on it but can still subdivide it.
 - Ryan asks if you can think of any real-world application... Alden says there could be cases where you purchase an abutting lot to add to the property but it is still a separate lot. Alden notes that the language says you cannot subdivide if it is not a conforming lot and does not think it's right to say this.
 - Steve: There are lot sizes that are already permitted in the town that are already there. Essentially no one would break off a piece of the lot because it is non-conforming
 - Martha: There are dimensional standards and you cannot create a lot that doesn't meet those standards to build on.
 - Alden: When we say "conforming" we mean zoning regulations. He says he can buy a lot that is 500 sq. ft. but he can still have that lot and not build on it. The language says you cannot subdivide to a nonconforming lot and lots are NOT conforming unless you build on it.
 - Ryan agrees and notes he is still trying to understand the language. Asks if we even need this language.
 - Terry asks why this language is necessary.
 - It is part of the regulations that list dimensional requirements
 - **The board agrees that we should table this. Section 520.2**
- Section 410: Remove footnote
- Village R: Trustees are not in favor of 1/8 or 1/4 acre but has to be in place by Act 41. We have to use a 1/8 of an acre because it is the only thing that will go through.

- The 1/4 of a lot applies to residential. Non-residential is 10,000. Coverage is 75% for both.
 - Leaving the language crossed out about the lot minimum for all residential uses is 8712.
 - Village R-2: Judy thinks they should all be the same. Terry and Ryan agree.
 - Language and coverage will be identical to Village R (above)
 - Village R-C: Must be at least 8712 (same) and 75% (same). Ryan and Judy agree.
 - There will be one set of standards for both.
 - This is for residential and commercial.
 - Becky: The setback for the backyard is listed at 15 ft - does that mean there has to be a clearance? It is from the overhang of the roofline (not the footings). She notes that the entirety to the backyard was not purchased back from the previous owner and they only have an 8 ft. overhang. She asks if under this new regulation, would this qualify? The board says no, she would be grandfathered in. Terry says it is the regulations that exist now. Ted notes that if you met the setbacks, you could add on.
 - Ryan suggested changing the setback minimum from 10 to 5 ft. and we did change the rear lot line setback. Terry says no, we want to keep some green space.
 - **Change the lot size to a 1/4 acre.**

D. Village Map Work

- Regarding Village Residential 2: There is a small orange rectangle that was in the VR-C that needs to be determined in the district.
 - This is Plumley Avenue - it is a residential street with no businesses on it. It should be changed to VR-2.
 - We were trying to follow parcel lines and can put that rectangle in Village Residential and not follow them and include on VR2.
 - **The board agrees to make it Village R and follow the parcel line.**
- Bridge Street: One part is commercial and one part is residential. Do we want to make it commercial? Ryan says we do not because it is the extra land on LaCava Lane. Leave as half-commercial and half-VR.
 - There are specific parcels that are not shown on Martha's map. There are actually four parcels that need to be adjusted.
 - **This specific section is tabled until we get an accurate map to make a decision on this at the next meeting.**
- Parking is moved to next time.

E. Preservation District Chagnes, Section 140, Pages 32-37

- **Terry wants to table this because it is lengthy.**
- View in packet if readers want to review it.

F. Short Term Rentals

- Judy spoke to a fire marshall about "knox boxes" and they are usually intended for large buildings like a school. The purpose is for when an alarm goes off in the school they can go in and search the building. On a resident's property, including a short-term rental, if

you went to the house you would smell the smoke easily. You do not need to require them. They are not necessary.

- Deciding on how much to charge: there would be a yearly cost and the board would choose a proposed cost, and an annual fee.
 - Ryan says those are all in his opinion, options, and is not sure how deep we want to get into this. Instead of us muddling through, it could be a waste of time. WE have a good framework but now we have to wait for the board and figure out what they want.
 - Andi: These conversations can be difficult so we should have a recommendation as a premise to the conversation. She thinks the cost is a huge fear of homeowners that rent their property and we can show something reasonable compared to other towns, etc. Makes an easier conversation. Suggests that for someone who rents out at \$250 a night is not on the registry vs. someone on the registry for \$1,000 a night. We could say a one-night rental rate.
 - Ryan thinks saying what we use the fee money for first is more helpful. For example, create a full-time position at the fire department.
 - Andi: Does anyone want to come up with the cost? We want to be respectful but we want to take this money and make it housing helping housing. The surveys said they wanted more housing for people who want to live here.
 - Steve: Agrees it should go toward long-term affordable housing.
 - Ryan: He asks how realistically this happens... What are the steps we take? We will not get anything legitimately on paper to get started.
 - **Table the cost until next time.**
- Insurance: Ryan is not sure how the town legally could. Andi says if we are responsible for helping with health and safety, she suspects that there is no problem in requiring that someone has insurance. What we would do is create a third-party pot of money in case someone gets hurt and requires medical bills.
 - Ryan isn't sure how we can enforce insurance, but we can educate.
 - Andi disagrees because this isn't a home, it is a business. This will help regulate it. Does Airbnb and VRBO have insurance? Ryan says they insure the homeowner and the renter through the platforms. Andi says the concept of protecting the renter and we should do this.
 - Ted is neutral because he wants to learn more about it.
 - Ryan: Does the town have the authority to say you must have insurance with this specific carrier at this specific premium, etc.
 - **Table this until next time.**
- Survey Results: **Table until next time.**

9. Next Month's Agenda Planning for October:

- Add on the tabled items from this meeting.
- Items with Martha
- Public Hearing in November

10. Other Business: N/A

- Andi requests the Zoom link should be on the town and village calendar and be very available. It could be on the agenda too. We want to get more people involved. Terry finds it on the town website.
- Section 504: Ryan would like this to be warned next meeting, but this will be voted on by the Trustees at the beginning of October. We made the changes we suggested and brought it back to

them. Terry is going to ask them to list separate items so that they can be decided upon separately.

11. Board Member Comments:

- Ed Kelly: Noting he is a full-time resident and does not own a short-term rental. Notes the select board allocated \$26,000 to data collection to grant us to collect all of the rental information on the last rental season. We do have all of that data and now we determine what to do with it. The information may be proprietary to the town.
 - We have been told there are 800 approx. in the town.
 - Kelly warns the board to please watch for the government overreach. Noted that other areas are layered and defined by numbers and sizes and hopes that the board recognizes that because we could end up in an empty town.
- Eric Alden: Comments regarding short-term rentals
 - He understands the want and need to push something through but
 - Does the Planning Commission board present this as short-term rental rules as a bylaw or ordinance?
 - Ryan says we just try to give them a framework for the conversation
 - Terry sees it becoming part of zoning and, therefore a bylaw.
 - Either you would bring the proposal forward as a bylaw or an ordinance and note there is a big difference between the two.
 - Notes the basis for the fee is determined on the nightly rate, but you do not do that on any other business.
 - Registration of permitting for short-term rentals and that long-term rentals will not have a fee. He thinks the Select Board will have difficulty with that and we need to decide if this is specifically a short-term rental ordinance or a rental ordinance.
 - Terry comments that you cannot make regulations about long-term rentals because the state wants to encourage them.
 - He asks what owner occupied is defined by?
 - He asks what is the timeline of short-term rental. Ex. 30 days, then 30 days, etc.
 - Fines: If you put them in then they would need to be under an ordinance. He disagrees with the insurance regulations and he doesn't think you require that of any other business in town. Insurance does not protect the renter, it protects the homeowner.
 - Andi: A fee with the rental she sees as reasonable and fair whether applied to other things or not.
 - Andi: Insurance is not solely for the landlord, because if the landlord does not have anything, then the renter gets hurt.

12. Committee Comments:

MEETING ADJOURNED

Ryan motioned to adjourn the meeting. Andi seconded the motion. The meeting was adjourned at 8:12 p.m. by Theresa Gurdak-Carter. The next general meeting will be at 6:00 p.m. on Tuesday, October 15th, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: