

Ludlow Planning Commission
Meeting Minutes
November 20th, 2023
5:00 p.m.

Special Meeting

1. Call to Order:

The special meeting of the Ludlow Planning Commission was called to order on Thursday, November 20th, 2023 at 5:01 p.m. at the Ludlow Town Hall in Heald Auditorium by Theresa Gurdak-Carter.

2. Attendance:

Board:

Theresa Gurdak-Carter,
Ryan Silvestri,
Ted Stryhas,
Judy Pullinen,
Andi Goldman (Zoom)

Recording Secretary:

Abigail Childs

Public:

Eric Alden,
Branden Mcnamara,
Jarrod Jowdy,
Rosemary Goings.

Board Absent:

None

3. Opening Statement of Chair

- Terry: It is nice to have citizens here today, your comments are welcomed at any time during the meeting by raising your hand except for #6 & #7. We may ask citizen comments before voting. Once we've heard a comment, it is noted and we will move on. This meeting is all about asking questions and coming up with decisions.

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

- None

5. Comments from citizens:

- Eric Alden: He is asking for the document to follow along with. Terry said we don't have it because it's over 400 pages. Ryan emailed it to him. No other comments.

6. Municipal Planning Grant/Bylaw Modernization/Updates on Village Zoning and Questions for PC Members/ZAs:

- We don't have Martha here today to assist with the document.
- Terry said whenever someone has a question we can stop and comment.
- Ryan came to the meeting with several points to talk about. We are going to go page by page.

Suggested Edits:

- Board Member list - added "Steve Meyers" as the alternate (Terry)
- Cover Page - change the date to today's date to "Proposed Draft November 20th, 2023" (Andi)
- Table of Contents - can be fixed after all changes have been made
- **Section 140 Interpretation** - Remove the second sentence and replace it with: "Once adopted, these regulations are amending and restating all prior regulations for Zoning and Flood Hazard Regulations, as previously amended." Add: "These regulations do not repeal, annul, or in any way impair - and strike "permits previously adopted or issues..." Also, remove the last sentence with the date. Added a comma between comfort and convenience. (Andi)
 - This says no "grandfathering" but Andi isn't sure if we can state that.
 - If someone has a 30 ft. sign today, if legal, and now it's 10ft, this is written that there is no grandfathering but Andi is not sure if legally we can do that. Andi suggests we leave this as a question to our attorney.
 - Chris Callahan can review this before the December hearing.
 - Ryan asks if Chris Callahan comes back with amendments to this document, do we have to warn the public hearing? Terry is not sure and it depends on the changes and things can be changed after the hearing and even the Trustees. We may have to postpone if we get 15 edits.
- **Section 220 - Zoning Permit:** Andi asks why we removed "or be occupied" after "in any way".
 - Terry notes they need a CO anyway before they can occupy
 - Andi says this makes less sense when renovating and maybe that is why it was removed
 - Terry says land development and construction are new for her.
 - Judy can see why they took it out because if you are altering your own house you often live through the renovations.
 - Rose suggest putting it back in. Until they get the CO they may be staying in a property while doing construction.
 - Andi suggests clarifying your non-occupying the space having the construction. Ex. you can live in the rest of the house if you are renovating the living room.
 - Judy asks Rose what her experience is. Rose says it depends on what they are renovating (ex. basement you can live upstairs) but there is dust around the house and not good to breathe it in. If they are putting on a new addition and not getting their COs it is better to make sure that everything is done before they get in and move in. She thinks it is better to make sure it says "or occupied" to cover it.
 - Andi suggests "or the impacted area occupied" because everyone should be able to live in their house and renovate. Rose thinks that change is fine.
 - Judy suggests adding: "or the impacted space be occupied".
- **Section 220 - Zoning Permits:** Andi asks why #3 and #4 are limited to only single-dwelling units. Andi asks why you can't change the inside of a double or triple-dwelling unit... why isn't it "all dwellings" instead?
 - Terry thinks Andi is right as long as the birds-eye view is the same.
 - Ryan's opinion is that we need interior permits.

- Andi notes if you read the sentence before it wasn't required for anyone but now we picked the limitation to the single-unit dwelling. Andi thinks it would all be residential for example because it doesn't change the use or number of bedrooms.
- Andi suggests it is changed to single or multi-unit dwellings instead of only single.
- Rose asked if it was for just the preservation district or all districts. Andi said it's for all.
- Terry is updating to "any single or multi-use dwelling".
- Rose says we are seeing so many changes being done on the interior of multi-uses that it's so out of control right now.
- Ryan says examples are interior partitioning, stairway widths, doorway widths, ex. When you get into multi-unit dwellings there are things you need to know about.
- Andi follows up with why have we singled out single. Ryan says single units don't have multiple lockout units. Terry is thinking about Jackson Gore.
- Andi is fine leaving it the way it was with the "single-unit dwelling".
- This is also why Rose suggested interior permits because nobody is attaining a permit for changes in bedroom count for example. Rose wants to know what they are doing as well as how many people are sleeping in them.
- Ted says Rose's office needs to know what is happening and interior permits are necessary, he thinks. Are there more people camping out there?
- Rose notes about a 10-bedroom sleeping 34 people.
- Andi said we should tighten this up instead.
- Rose says we are looking at this as affordable housing but if you really read Act 47 it's not put together very well and there is no enforcement so how is Act 47 with the affordable housing not going to become these Airbnbs? When you consider these hotels on main street/hostels they had to go through serious permitting with sprinkler systems etc.
- **Update:** "A permit shall be required for any interior structural alteration." → for #3
- Jarrod thinks we should reiterate the bedroom issue = "..., including but not limited to a change in the number of bedrooms".
- Re: #4 → If something is broken and you are just repairing but not changing anything, Andi doesn't see a reason to need a permit.
- Andi suggests removing "to a single unit dwelling" for #4 and ending the sentence after repair.
- Ryan thinks we can remove #4 in its entirety because now we are requiring a permit for all dwellings. Rose says removing it is fine.
- **Section 221 - Applications:** Andi asks if this information is relevant. Ryan thinks it's very dangerous to not know and if anything he wants more. Terry says we need it. Andi suggests adding "when relevant". She thinks there are things in here that don't apply to everything.
 - Terry asks Rose if all this is required in her opinion. Rose says part of the application is a zoning permit with a checklist and what you see here is stuff that you need for a new construction and we also help them go through it and say you might not need this or that. This is for single-unit residences, aka new construction.
 - Andi notes that since we just changed the need for a zoning permit for any residence. Terry asks if we can add "new" to "for single-unit residences".
 - **Update:** "each if deemed relevant by the ZA".
- **Section 223 - Appeals:** Under (1A) Andi notes it says "interested person" which has been defined, so everywhere this appears it should be written as "Interested Person" capitalized.
 - Find all and change all.
- **Section 224 - Expiration of Permit:** "for a permitted use" as added and in quotes. Andi asks why it was quoted here... it is an unusual thing to do in a formal document.

- Quotes were removed.
- The fourth line of “All activities authored by its issuance has not been substantially completed within two years *of its day of issuance*. This should be changed to “from”.
- Judy thought the exception we made was for single-unit dwellings under #1A. Andi notes we removed it so that it now reads accurately.
 - Andi says if you are not changing anything, we do you need anything anyway.
- **Update:** “...except for home occupations with no structural changes.”
- #3: “...deny the CO within 30 days”... Andi asks in 30 days of what?
 - Jarrod noticed this too and had a discussion with Rose and thought it might be pertinent to have people request a CO to start that clock ticking.
 - Moving forward, he is asking for an official request instead of just calling up the office. Andi agrees.
 - **Update:** “...within 30 days of a written request of a CO, the certificate shall be deemed issued.”
- Andi: Asks what the “as built construction drawings mean”. Ryan says there are as-planned and during construction, there are new plans typically.
- **Section 240** - Andi brings up the \$200 fine and says if you can't find someone more than \$200 and they keep doing it, you might as well say everything is offendable. Judy notes it says for each day so it compounds daily. Andi doesn't see anything requiring a notice, as an active act from the municipality. Judy notes “...no action may be brought under this section unless the alleged offender... etc.” Andi asks if a fine is under the definition of action because she doesn't. Rose notes she gives them a happy warning first.
- **Section 243 - Rules of the PC:** Judy says the PC member count should add the alternate. Rose says we can't do that yet because our resolution hasn't been changed. Judy asked how we get the resolution amended. Rose says she can see if they can change it and get the Selectboard to change it. Judy suggests we put it in parenthesis... it seems shameful to have an alternate and move forward without it in. Ryan notes we don't technically have an alternate.
 - Ryan thinks Chris will tell us to strike it and warn a public hearing.
 - Judy says don't put it in, it's a minor thing.
- **Section 250 - DRB:** Under 250.1 Andi asks what is intended here but it's unusual that this is included. Andi asks why there are different thresholds for removing members from PC vs. DRB and it's because the DRB is quasi-judicial.
- **Section 255 - Administrative Review:** Andi questions the section saying “...in accordance with section...” and Rose says we always put that in there so people can go to the state statute to see what it says. Terry notes we thought about doing this more in this document.
 - **Update:** Andi says it should be stated “of the Act” because it is defined as this.
- **Section 260 - Conditional Uses:** Also include “of the Act”.
- **Section 260.2 - Site Plan Review → Screening Requirements:** Andi says this isn't clear to her and asks if it's during construction
 - Andi asks who is supposed to put up screening so that it can't be seen from the street.
 - Rose says if you look at 260.2, it's for conditional use approval. Unless you got a conditional use approval on your property you do not have to do it.
- **Section 260.2 - Exterior Lighting section** → Terry removed the quotes.
- **Section 261 - Nonconforming Uses:** Add “of the Act”.
- **Section 261.1 - Nonconforming Uses → Nonconforming Use Definition:** Andi asks why there are two definitions; one here and one in the definitions section. Suggest saying “as defined by...” in the definitions area. It shouldn't be defined in two places because that is asking for an issue for later. Ryan agrees and he and Judy have seen other similar issues.
 - **Update:** Change Nonconforming Uses: “is defined in Section 261.2”.

- **Update:** Do the exact same thing under Nonconforming Structure (Section 261.1)
 - **Update:** Add “as defined in Section 263.1 under Nonconforming Lots of Parcels.
- **Section 270.5 - Standards for Review:** Regarding PUDs, Andi asks if there is any land in the village that is that size. Terry suggests we keep it in there in case we are overlooking something.
- **Section 289 - #6:** The last sentence “ as the request of the PC” needs to be moved to the beginning of #7.
- **Section 290 - Affordable Requirement:** Ryan says if we go to the definitions there is an “affordable housing development” defined that contradicts.
 - Ryan notes that this says 20% and we have 40% in Section 290. He notes this is essentially an escalation clause. He suggests we remove this definition entirely and leave all of the affordable requirements in Section 290.
 - Terry asks if we add “as defined in Section 290”.
 - Ryan asks if there is a difference between affordable housing and affordable housing development.
 - Rose is unsure and would wait to speak to Attorney Callahan about that.
 - Martha added a paragraph in Section 290 - take note.
 - Rose asks if you change the one in the town, are you changing the village too?
 - Jarrod says the minimum of 15 years is not mentioned in 290. If the 15-year period is accurate it needs to be noted.
 - Judy says under #2 the developer may choose to provide 35%...etc. But the bottom paragraph says an additional 40%.
 - Ryan notes this is for only sewer etc. so it makes sense.
 - Ryan asks what “trust” exists to oversee these approved properties. There are no teeth to this at all. Rose says we don’t know how they are going to be policed or how the income wages are going to be, who is going to purchase them, and how they are not going to become Airbnbs.
 - Ryan thinks Section 290 feels incomplete and is not articulating exactly what we want. It basically says we will give you a 4th story but how will we know it is the people we want in these buildings? There is no timeline, or person to oversee, no penalty.
 - Terry says there are “commissions” that oversee affordable housing. Windsor Housing Authority oversees the Dug Road housing. Rose asks if they are owners of it, which makes the difference so they can run it and manage it.
 - The properties listed here are for own.
 - He says it is not complete and the cornerstone of our grant. We did nothing to address mixed-use buildings. He appreciates the rest of the review, but these are the things we are rushing.
 - Terry says the people who oversee our grant don’t have a problem with it. Ryan says they are consultants for us. Terry says they have the knowledge though and there is no solution. Ryan said it’s broken, and can’t be fixed. He thinks the definition should be deleted. Terry agrees. Andi doesn’t think you can remove the definition because Section 290 is the developer side. Terry says the issue is that the numbers do not match. Ryan says it is contradictory to Section 290. Terry asks how to fix this. Only Affordable Housing Development conflicts (not Affordable Housing).
 - Judy says it’s not only 20% of the unit but also a minimum of 5 units, whichever is greater. It’s not just a percentage rate to fix. Terry asks if we need it at all.
 - Ryan says it should all be in one section. Judy doesn’t think we can remove it. Andi agrees. Terry wants to fix it. Judy agrees with Ryan and that it needs further details.
 - Judy feels that we should slow down, table this item and if we are not even close we should go through more meetings to do this full review.

- Andi asks what the plan is to readdress it. Judy says she needs more information and is reluctant to say lets just go to 15% when it's so important. If we are going to change it, she wouldn't dumb it down to 15%, she would go up to 20%.
- Ryan says AH is elsewhere in the state and wants to get their language. He wants to put some deterrence in here there needs to be an oversight.
- Andi asks if we have to have all the answers before the public hearing. We can continue to make changes and it should be on our next agenda.
- This section is being tabled until we have more information.
- **Article 4: Zoning District Regulations.**
 - Andi requests for ease of comparison, can we show them in alphabetical order vs. the two lists because it would be much easier to read them? You can't tell that some of these lists are identical. Ex. on Residential Commercial under 430 there is one list that is not two columns... but if they were in alphabetical order it would be clear to see where you can do it. There is no rhyme or reason in the ordering and they don't match each other at all. Ex. Dwelling, single-unit, etc.
 - Judy thinks that is fine but let's not do it right now. Terry agrees.
 - Under Village-R we deleted lot-acre zoning minimum (page 40). The lot minimum should be a fifth of an acre and we put it at 5,000 sq. ft which is less than an 1/8 of an acre.
 - 8,712 ft. is a 1/8 of an acre and we put it at 5,000. That is not something they are going to go for. Terry wouldn't go for that either, it would double the density in the village. You could put 5 houses on an acre and now you can put 8.
 - Andi disagrees and says one lot gets an "x" amount. Terry says it is spelled out in R2 and RC.
 - Andi says if we want more housing we need more density. Terry says yes, but the Trustees do not want to go lower than a 1/4 of an acre which is what it is now. Washburn says it would ruin the village. Brandt says that is the size of my lawn. Justin Hyjek said all we are going to get is more Airbnbs and not the type of housing that we need.
 - Andi - If we have it under the Preservation District, why don't we have it under the Village?
 - Ted says we were going to 5,000 sq. ft. because we were looking for more affordable housing. We needed density.
 - Terry says the Trustees feel it will ruin the village. She asks what is it going to do on the load of water and the sewer etc. Judy says most of it is already built anyway. Ryan says let the Trustees say no. Terry thinks it would ruin the village by doubling the density.
 - Terry says we are not going to get affordable housing out of this at all. All we are going to get is more Airbnbs. Terry wants 1/8. Ryan says we should go 5,000 and let the Trustees say no to it. Terry thinks we should listen to what they would agree to it. The revisions for affordable housing could increase the floors because they have money for it.
 - Andi says there are things built in the 1800s and you can't outlaw stuff, so what do you do with some of the houses (ex. Andover Street) she wants to see it on the record changed.
 - Terry thinks it is too big of a jump.
 - Jarrod thinks Andi's house would be nonconforming and not in violation. Andi says as we keep going, everything will be nonconforming and that is a problem.
 - Judy says the building height maximum is 35 ft or 3 stories and asks about the 4th story. Terry and Ryan say it's only for affordable housing.

- Jarrod notes there is an issue of lot coverage. There is a deleted definition of lot coverage yet it still exists in the regulations and is now at 75% up from 50%. He questions where these percentages originated. He says they used to be 12%. Jarrod says they voted on the coverage expanding but nothing else on driveways and decks, but Ryan says we did cover that.
- Page 33: Additional removal of materials from an external building are a different composition... etc. Andi suggests we add back the concept of materials looking similar.
 - **Update:** It can be different materials that keep with the character of the building. “Unless the different composition is in keeping with the character of the preservation district” or do you want it to be kept in the character of the building, Andi asks.
- **Village Residential (VR):**
 - Group Home under conditional uses - says serving 9+ and in definitions, it says 8. Terry says there are two different kinds of group homes. The definition says not more than 8 persons. Judy says 8 makes more sense than 9.
 - **Update:** “As defined in 9VSA”
 - The definition that we have is wrong.
 - Judy reads off the “Group Home” definition. If it is less than 8 it looks like it is permitted and if it is more it is conditional use.
 - **Update:** Add Group Home “up to 8 persons is permitted” and “9 or more persons is conditional” in Section 420 under #17. The definition is fine, says Judy.
- **VR-2:** No notes.
- **Section 430** - Remain the character of the “village center” and Andi doesn’t think it is defined.
- **Village Residential/Commercial (R-C)**
 - Andi asks what additions or alterations mean under a permitted use. Terry says it is when you add an addition to your building. Andi says it is confusing. Why wouldn’t anything have additions or alterations? Terry agrees it is not a type of building.
 - Why are additions or alternations listed as a permitted use? Terry says you need a permit for additions or alterations. Andi asks why is it only in the R-C and not in all other districts. Rose says yes, you would need it in every district under permitted uses.
 - **Update:** Additions and Alterations under permitted use are now added in all districts.
 - **Supplemental District Standards:** Andi says we talk about a 5ft. wide pedestrian path (with signs apparently) but Andi says our sidewalks are not that big. She thinks we want to encourage.
 - 5 feet is ADA, Ryan says.
 - Terry says we added this section from COVID so that people could eat outside.
 - Andi thought if our sidewalk is less than a certain side, to lower the size. For example, there is not 5 feet left outside of DJ’s dining area. The same goes for Aubuchon, Ryan says, and is supposed to bring it in every night.
 - Andi asks if we have to require businesses to bring items in at night and do we really want to mandate that. She says there should be a new one. Terry and Ryan are okay with removing that as long as they have the ADA walkway.
 - **Update:** This section was deleted.
- Judy thinks we should adjourn and have another meeting. She thinks it is too important to rush through this. Andi agrees and thinks we are doing great work.
- We stopped at Article 5 with a revisit to Affordable Housing.

7. Motion to Accept Agreed Upon Changes and Motion to hold a Public Hearing at December’s Meeting on the modernization of the Ludlow’s Village Zoning and Flood Hazard Regulations

8. Next Month's Agenda Planning: December - Public Hearing

- Tuesday, December 19th @ 5 p.m.

9. Board Member Comments:

- N/A

10. Citizen Comments:

- N/A

MEETING ADJOURNED

Terry motioned to adjourn the meeting. Ryan seconded the motion. The meeting was adjourned at 7:15 p.m. by Theresa Gurdak-Carter. The next general meeting will be at 5:00 p.m. on Tuesday, December 19th, 2023 at the Ludlow Town Hall.

Minutes submitted by: Abigail Childs

Minutes approved by: