

PLANNING COMMISSION

PRELIMINARY MINUTES

July 20, 2021

**6:00 PM
Zoom Meeting**

PHYSICAL LOCATION: HOWARD BARTON JR, CONFERENCE ROOM
37 Depot Street, Ludlow, VT

Join Zoom Meeting

<https://us02web.zoom.us/j/87458218464?pwd=djJDQIBGbFRqWINIRtdyRzLzWXR5UT09>

Meeting ID: 874 5821 8464

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Dial by your location

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MEMBERS PRESENT:

Alan Couch, Chairman

Terry Carter

Ryan Silvestri

MEMBERS ABSENT:

Ted Stryhas

Phoebe Tucker

OTHERS PRESENT:

Eric Alden

Jason Rasmussen

Eric Chattergee – Okemo Valley TV

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Alan Couch called the meeting to order at 6:02 p.m. He advised that the Electronic Meeting Guidelines have been rescinded by Governor Scott. He said that as per the Open Meeting Laws requirement that there be a physical location for the meeting, he is at the Town Hall.

II. ROLL CALL

1. Alan Couch did a roll call of the board. All members are present, except Ted Stryhas and Phoebe Tucker. He noted that there is a quorum.

III. CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA

1. None were needed.

IV. **APPROVE MINUTES**

1. Alan Couch advised that the minutes to be approved are from the meeting of June 15, 2021.
 - a. Terry Carter noted that item VII (2) (e) on page 7, she did not say that she would be in Waterbury; she said she is in Waterbury (on June 15th.)
 - b. **MOTION by Terry Carter and seconded by Ryan Silvestri to approve the minutes from June 15, 2021 as corrected. Motion unanimously.**

V. **COMMENTS FROM CITIZENS**

1. There were none.

VI. **REVITALIZE THE VILLAGE OF LUDLOW**

1. Alan Couch said the board will continue working on the grant for the revitalization of the Village, Supplemental Standards.
2. Jason Rasmussen shared his screen on Supplemental Standards (copy below) and said that the Outside Dining/Curbside Pickup is a work in progress. He added that the town does have a Vendor Ordinance regarding outside cooking.

SUPPLEMENTAL STANDARDS

1. Outside Dining or Curbside Pickup. Retail businesses and restaurants in this District may utilize space outside of their building for outside dining or curbside pickup orders. However, the outdoors space must be located entirely on private property (on-premise) or, if on or adjacent to a municipally-maintained sidewalk, it must meet the following standards:
 - a. Businesses must maintain a 5-foot wide pedestrian path of travel on the sidewalk clear of obstructions at all times.
 - b. Outside dining or curbside pickup operations shall not intrude on pedestrian corner clear zones, nor interfere with curb ramps or driveways.
 - c. At no time can curbside activities obstruct emergency facilities including, but not limited to, emergency vehicle access, no parking zones, fire hydrants or fire escapes.
 - d. The number of outside dining cannot exceed XX% of the number of permitted inside seats.
 - e. Outside seating areas must provide fencing around the tables.
 - f. No permanent fixtures may be placed within the public right of way. Any furniture and fencing must be removed from the public right of way daily at the close of business.
2. Pickup Windows. The addition of a walk-up, pedestrian oriented pickup window for any business in this District is exempt from needing a zoning permit provided it is not used by motor vehicles and it meets all applicable standards for curbside pickup.

3. Jason Rasmussen said that items A through F are the proposed standards.
4. Ryan Silvestri asked if 5' is the minimum for ADA compliance.
5. Jason Rasmussen said it is the average minimum, and could possibly go to 4', with a passing area of 5' x 5' every 200 feet.
6. Alan Couch said that 5' is good. He said that he is not sure that every space can comply. They will need help in the future when we talk about redoing the sidewalks.
7. Jason Rasmussen said that most of the standards are 5'. He said that in front of Blue Sky, it is more like 8'.
8. Alan Couch asked about fencing between the 5' and the ROW.
9. Ryan Silvestri asked if the fence would be 5' after the tables.
10. Jason Rasmussen said that they need to maintain the primary use of the space as a sidewalk and they can't intrude on that. He read the standard for Emergency access and said the curbside dining cannot block emergency access. He then went on to Standard D regarding limiting the number of tables and asked if it should be limited.
11. Terry Carter said she does not think it should be limited. She said we are trying to help the local businesses.
12. Alan Couch said that the limit on the number of tables for inside dining is based on Fire-Safety codes and there has to be a specific distance between tables. He asked if that should be translated to outdoor dining.
13. Terry Carter said that Rose Goings has said that the total number of inside and outside dining tables may not exceed the total permitted tables. Terry Carter asked why this is in place.
14. Alan Couch said possibly for fire-safety reasons. We need to look into it and decide what we want to do. He said that he is not sure that we should limit their ability to serve. He added that they should also look into the distances between tables – as long as they are not crowding or infringing into the ROW. We need to look into the state rules.
15. Jason Rasmussen asked if they are exempting outside dining as long as it is not infringing into the ROW. He asked shouldn't we allow for additional seating if they change their permit. He asked if they should consider separate seating regulations for indoor and outdoor dining.
16. Alan Couch said it should be based on space, and how an indoor capacity and an outdoor capacity.
17. Ryan Silvestri said that Main and Mountain has more private property and can put more tables. He said that as long as a property meets standards A, B and C should there be limits. At what point does it reach "Event" numbers and there is a separate permit for events. He added that DJ's can't put that many.
18. Alan Couch said DJ's could put tables outback and have their employees park elsewhere.
19. Jason Rasmussen suggested that they consider, "the total number of outside seating available or inside seating cannot exceed the total permitted seating, except as long as it meets the standards.
20. Ryan Silvestri said that some restaurants have a large number of inside seats, but no available outside seating and other have a smaller number of inside seating, but large number of outside seating available.
21. Alan Couch asked if it is limited by square footage.
22. Jason Rasmussen said it is usually based on the size of the restaurant. He said that a small building may have more space outside for seating.
23. Terry Carter said this is about trying to help the businesses.
24. Alan Couch said that setting up tents had been for special – one-time events, like weddings.
25. Ryan Silvestri asked if they want to put a cap on the number of seats.
26. Alan Couch said based on square footage.
27. Ryan Silvestri said we need to look at what point the number of people requires a special event permit.

28. Jason Rasmussen asked about outside dining with awnings, is a permit needed, if it meets setback and parking requirements.
29. Terry Carter said that Mama's had to get a permit.
30. Alan Couch asked about the noise ordinance after 10:00 p.m.
31. Terry Carter said they could add language that a business complies with the standards above and all other town ordinances.
32. Alan Couch said these are good ideas; we need to look at noise, square footage for tables and Vermont Fire-Safety standards.
33. Jason Rasmussen said he will continue to work with Rose Goings and bring this back for next month's meeting. He then referred to standard "E" about fencing around tables to separate dining area from sidewalk.
34. Terry Carter said we need to spell out what the fencing is. She said that in Hanover, they put up barricades and it lessens the parking.
35. Jason Rasmussen said they have parklets, he is talking about sidewalks.
36. Alan Couch said fences should be on the premises – in the 5 feet. They need to separate the dining area from the sidewalk where people walk. It doesn't have to be fencing.
37. Ryan Silvestri suggested that they provide a partition to define the dining area.
38. Alan Couch said that Mr. Darcy' and Sam's set up nice planters and canopies. The businesses need to separate the dining area from the pedestrian and/or driving space.
39. Jason Rasmussen referred to standard "F."
40. Alan Couch said they should be removed if they extend beyond the setbacks. That goes along with the partitions.
41. Ryan Silvestri said that would only apply to places using the sidewalk, not on private property.
42. Jason Rasmussen referred to item #2 – Pick-up windows. He said that there had been concern that they may be construed as "drive-up" windows.
43. Alan Couch said that on rainy days, the Hatchery puts up a tent that is wide enough to go from the building to the curb.
44. Jason Rasmussen said that would be covered under Item #1.
45. Ryan Silvestri asked if we are permitting awnings over the windows.
46. Alan Couch said that would be covered under the zoning regulations or part of the sign ordinance. We could possibly revisit this in the future.
47. Jason Rasmussen said they cannot block the sidewalk.
48. Alan Couch said if they are temporary, it is okay. He thinks it is covered under the sign ordinance.
49. Ryan Silvestri asked if the awning has a footprint – as it is not on the ground.
50. Jason Rasmussen said he will ask Rose Goings about both. He asked about possibly limiting or prohibiting outside merchandise displays. Do you want to limit or prohibit r allow if it is not blocking the sidewalk.
51. Terry Carter said that would hurt Aubuchon's.
52. Ryan Silvestri said they should have the same opportunities as the restaurants.
53. Alan Couch agreed. He said that Aubuchon's has always done it and never impeded traffic. If any other businesses want to do it, they should be allowed, as long as they adhere to the same standards as the restaurants.
54. Terry Carter said that Aubuchon's gave up some parking, by using their side area for merchandise.
55. Alan Couch said that years ago, the area manager told Aubuchon's to put a chain across their driveway, but the store manager disagreed.
56. Terry Carter said she is not sure if businesses should be allowed to use their parking spaces. We need parking in town.

57. Jason Rasmussen asked about grilling outside and asked if that is covered under the Vendor Ordinance.
58. Alan Couch said that years ago, there was a hot dog/ice cream truck in back of the financial office (next to Shaw's parking lot.) He had a summer permit. Alan Couch said that temporary vendors are covered under short-term permits.
59. Terry Carter said that food carts need permits.
60. Ryan Silvestri suggested no cooking in the public ROW.
61. Alan Couch said that the American Legion gets a permit for their chicken cookout fund raisers in the summer.
62. Jason Rasmussen said there is a vendor ordinance.
63. Alan Couch said they should look into this and talk to Rose Goings and Scott Murphy.
64. Ryan Silvestri said that grills in the public ROW may pose safety issues.
65. Jason Rasmussen said he will talk to Rose Goings.
66. Alan Couch said that the Legion sets up the grills in the parking spaces and people can still walk on the sidewalk.
67. Ryan Silvestri said that is not on the public ROW.
68. Jason Rasmussen said that he deleted the section on demolition of historic buildings as requested by Rose Goings. He said that we are not encouraging it, but people don't need a permit to demolish it.
69. Ryan Silvestri said they probably still need a permit to demolish a building.
70. Jason Rasmussen said they will work on signage at next month's meeting.
71. Ryan Silvestri suggested they also look at density standards and 50% lot coverage. He said that may be contradictory to what they are trying to accomplish.
72. Jason Rasmussen said it does limit use of space. He will talk to Rose Goings about it, possibly it is too low.
73. Ryan Silvestri suggested 75%.
74. Alan Couch said if it meets the setback perhaps people should be able to use more of their lot. They still would need parking.
75. Terry Carter said we don't want to limit parking.
76. Jason Rasmussen said it could be a patio.
77. Terry Carter asked if there is any place downtown where this would apply.
78. Alan Couch said if someone were to buy two lots and merge them.
79. Jason Rasmussen said there are already a number of lots where the coverage is over 50%.
80. Ryan Silvestri mentioned the possible demolition of the repair garage at the Shell station and said that is a large lot.
81. Terry Carter said if there are already buildings on a lot, it would be a change of use.
82. Ryan Silvestri said we could consider this for next month.
83. Jason Rasmussen said he would talk to Rose Goings about it. He asked what is working or not working with the sign standards.
84. Alan Couch it is good to highlight the changes. He is good with what we have. He added that years ago, we went through the zoning regulations and he thinks we have covered things. He asked board members to look over the sign regulations in the next few weeks, to talk about them at their August meeting.
85. Terry Carter said that she does not want to get rid of the rules pertaining to internally lit signs.
86. Jason Rasmussen asked about changeable LED message boards.
87. Terry Carter said that Justin and Eliza did want to use changeable signs, but their sign is nice.

VII. OTHER BUSINESS

1. Rescinded Electronic Meeting Guidelines
 - a. Alan Couch said that Governor Scott did lift the Electronic Meeting guidelines and we are back to the open meeting rules. We need to have a physical location for meetings. He said that we usually don't have people come to our meetings and we can decide, month to month about whether to have ZOOM meetings. He said that he is going to email Logan Nicoll about this. He said that we did have technical issues tonight. He said that he is at town hall tonight to fulfill the physical location requirement. He asked board members to email him with their comments. He will email Logan Nicoll about having hybrid meetings. He said that he thinks that it makes it more convenient for others to participate.
 - b. Terry Carter said we could take turns being at town hall.
 - c. Alan Couch said it is no big deal for him to be there.
 - d. Ryan Silvestri said that lots of towns are struggling with getting back to in-person meetings. They would need different equipment to have hybrid meetings.
 - e. Alan Couch said that he understands that there is an investment in electronic infrastructure that is needed. He said that White River Jct. does hybrid meetings.
2. Next meeting August 17, 2021 at 6:00 p.m. Alan Couch will be at town hall.

VIII. **ADJOURN**

1. **MOTION by Ryan Silvestri and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
2. Meeting adjourned at 7:07 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Ted Stryhas

Terry Carter

Phoebe Tucker

Ryan Silvestri