

SELECT BOARD, VILLAGE TRUSTEES AND PLANNING COMMISSION

TUESDAY, November 19, 2024

5:30 P.M.

Special Meeting

HEALD AUDITORIUM

Zoom Link: Planning Commission Agenda and Docs – November 19, 2024

Meeting ID: 999 9677 06407

Passcode: 428636

SELECT BOARD MEMBERS PRESENT

Brett Sanderson, Chairman

Justin Hyjek

George Tucker, Jr.

Scott Baitz

Noah Schmidt

TRUSTEES PRESENT:

Justin Hyjek, Vice Chairman

Julie Nicoll

TRUSTEES ABSENT:

Bob Brandt, Chairman

STAFF:

Brendan McNamara

Jarrod Jowdy

Fire Chief Ben Whalen

PLANNING COMMISSION MEMBERS PRESENT:

Terry Carter

Jean Strong

Judy Pullinen

Ted Stryhas

PLANNING COMMISSION MEMBERS ABSENT:

Ryan Silvestri

OTHERS PRESENT:

Eric Alden

Sal Marattoli

Jason Rasmussen

Allison Hopkins

Steve Meyers

Serenity Wolf

Jay Lushinks

Alice Nitka

Brian

Judy Luchinks

Sarah

I. Call To Order

1. Brett Sanderson opened the meeting at 5:36 p.m. He opened with the Pledge of Allegiance.
 - All Select Board members present.
 - Trustees - Bob Brandt absent.
 - Planning Commission - Ryan Silvestri absent

II. Consideration of any Changes, Additions or Removals to the Agenda

1. Brett Sanderson advised that no changes were needed

III. Short Term Rental Regulation: Planning Commission will present their researched approach to this issue

1. Terry Carter said that she had sent copies of the results of the survey that the Planning Commission had done in the past. A committee had been formed to research a Short Term Rental Registry and when present to the boards, those regulations were not passed. Considering the recent fire at Trailside, this issue has resurfaced. The Planning Commission has been working with the Regional Planning Commission. Regarding the survey that was done, post cards were sent to voters in the village and the survey was posted on the town website. We received 297 responses. Of those responses, 82% were from homeowners, 18% from renters and 35% part time or non-residents. The survey consisted of these questions:
 - a. What effect do short term rentals have on the Village of Ludlow?
 - i. 20% positive
 - ii. 50%+ negative
 - iii. Less than 5% - no effect
 - iv. Less than 20% - not sure
 - v. Less than 5% - no opinion
 - b. Should Ludlow establish a registry for short-term rentals?
 - i. Slightly under 60% - yes
 - ii. 20%+ - no
 - iii. 10%+ - not sure
 - iv. About 5% - no opinion
 - c. If yes, should Ludlow charge an annual fee to register a short-term rental?
 - i. About 82% said yes
 - ii. Just under 10% said no
 - iii. Just under 10% said not sure
 - iv. About 1% said no opinion
2. Terry Carter continued and asked the boards if they want the Planning Commission to move forward with looking at a Short Term Rental Registry? She said someone suggested lock-boxes, and the Fire Marshall said that wasn't necessary. There would be no restrictions on Long Term rentals. Rentals with over 8 occupants would have special regulations. Short term rentals are commercial businesses and average about \$570/night. There are fewer homes left in Vermont and there have been changes in the residency numbers. She would rather see short term rental registry fees than increases in taxes.
3. Judy Pullinen said that the ideas presented to the boards by the Planning Commission were a draft and the Planning Commission is willing to change them. It is important to have regulations.
4. Noah Schmidt said it is important to look at what the goal is - safety, character of the area, tax revenue? This seems to focus on what the renters can't do - make noise - what about the homeowners. It should be the same for all. We need to make sure that people are safe.
5. Brett Sanderson said this is about Safety and regulations are the best way to achieve that. We can limit the penalties. Units should be inspected by the Fire Marshall every 2 years to ascertain that the fire systems are working properly.
6. Noah Schmidt said that Granicus does that scan through listings and larger occupancy numbers are flagged and cross-referenced with town records. For occupancies of over 8, we may want

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- the fire Marshall to inspect. We can have people self-certify. Safety is first. There are ways to incorporate revenue into housing.
7. Terry Carter said that other towns have the Fire Marshal inspect every 4 years. She asked Chief Whalen if he could do the inspections.
 8. Ben Whalen said that at this time, Ludlow does not have a memorandum of understanding with the state. There is a potential for that in the future.
 9. George Tucker said that the bigger problem is occupancies of 9 or more people.
 10. Chief Whalen said there are filters for rentals of over 9 and there are about 1,000 in Ludlow. There are several hundred rentals of 20+ persons. Occupancies of 8 or less, are less risk; 9 - 16 more risk and over 16 people even more risk.
 11. George Tucker, Jr. said that the unit at Trailside had 16 people. That is high risk.
 12. Noah Schmidt said that Granicus said there were 800 - 1,200 STR in the town of Ludlow.
 13. Steve Meyers asked if the boards have considered saying that rental units can't have fireplaces. He asked who would be responsible Air B&B, the rental agent or the owner. Would the owners be responsible. What about Jackson Gore and Winter Place. They are all different and it's very complicated.
 14. Scott Baitz said many people are converting wood fireplace to propane and electric. We don't have the right to tell people they can't have fireplaces. He said that 700+ units have fireplaces.
 15. Terry Carter asked if the boards want the Planning Commission to take another look at a Short term rental registry.
 16. Consensus of the boards was yes.

IV. Introduction of Mount Ascutney Regional Planning Commission: Housing Study

1. Alison Hopkins said they have looked at existing conditions in Ludlow and projected housing needs. She said that in 2022, there were 1,190 year round residents - 722 owner and 468 renters with an average of 2.14 persons per unit.
2. Jason Rasmussen said that now, 84% are non-homesteaders. The key is affordability and availability for year round occupancy. There is a lack of homes for the workforce. Of this, 21% are short term rentals. He added that the number of persons 65+ is on the increase. He said the data comes from VHFA. He said that the median household income in Vermont is \$49,213, Home cost is \$420,833 and Affordable housing is \$146,000. Median Rent is \$2,000 and affordable rent is \$1,200. He said that Ludlow may be higher in housing costs and lower in income. This is all using the 30% measurement. Ludlow is higher than the Windsor County rates.
3. Steve Meyers asked about acreage costs.
4. Jason Rasmussen said they did not look at that. He said that VT Act 47 - The Home Act - allows for municipalities to change density, lot size parking. Ludlow has done this including the new Village Residential 2 District, and Senior housing in all districts.
5. Terry Carter said that the new Village Plan that was effective 9/23/2024 also allows duplexes in all districts including the Preservation district. 50%+ of the homes in Ludlow are single family homes.
6. Jason Rasmussen said that the data demonstrates that we have problems. In 2023, we hired the SE Group to do a sustainability analysis and a mapping tool. This will indicate where housing development is best suited based on infrastructure: water, sewer, sidewalks and where there are environmental constraints: floodways, river corridors, conservation areas, and steep slopes. We need jobs and public transportation. We need affordable rental units for the work force. He said that the State also passed ACT 181. This act grants the Vermont Housing and Conservation Board an assignable right of first refusal for privately owned age-restricted properties and

requires owners of privately owned age-restricted properties to provide notice of rent increases and also required Regional Planning Commissions to update their plans and Land Use Maps. We are working with the Windham and Windsor Housing Trust. The Village Center will get an automatic designation in 2 year. The Regional plan is in place and will work with the towns on their maps, including the surrounding areas. If those areas meet the requirements, they will get the designation, which will also allow some ACT 250 exemptions. He said there are different tiers: 1A - exempt, 1B - Ludlow is here. ACT 250 allows for affordable developments of 50 units on 10 acres or less. Towns have the choice of tiers. Tier 2 allow no ACT 250 exemptions.

7. Noah Schmidt asked if there are any specifics if Ludlow is facing a housing shortage because of 2nd homes.
8. Jason Rasmussen said there is no data, but he thinks this is mostly true. He added that there are provisions in the Home Act or Act 181 that override town zoning regulations.
9. Alison Hopkins said we are developing tools to update the survey, and put an action plan together.. We will create a local housing committee. We will look into rental rehabilitation and have a guide to home sharing. We will research funding sources.
10. Jason Rasmussen added, economically, we need subsidies, look into town lands and tax credit programs.
11. Noah Schmidt asked what is the best way to build more housing or deed restricted developments.
12. Jason Rasmussen said developers always consider first if the project will make money. There may be subsidies for building affordable housing. How to make this cost feasible: accessible units, senior housing and smaller levels.
13. Eric Alden Comments
 - The state hasn't invested in housing
 - Character of the town comes up often. Most people don't know what it is
 - No one wants change
 - Vermont/Ludlow has an aging population
 - Vermont/Ludlow has a low median income
 - There are no jobs
 - The focus should be on building
 - You will not have work force housing without density
 - Housing, Families, Jobs
 - Don't be afraid of Change
14. Justin Hyjek agreed with Mr. Alden. He said change is inevitable answer should not have knee-jerk reactions to change. He added that the Character is "small town-ness."

V. Neighborhood Development Areas – Zoning Requirements for the Application Mapping

1. Jason Rasmussen said that Regional will be working with the Planning Commission to prepare for the application. The Neighborhood Development Area program builds on this tradition by providing special permit and tax incentives for communities and developers that commit to building mixed-income housing within and adjacent to designated. The Neighborhood Development Area designation encourages municipalities and/or developers to plan for new and infill housing in the area within walking distance of its designated downtown, village center, new town center, or within its designated growth center and incentivizes needed housing, further supporting the commercial establishments in the designated centers. Areas eligible for designation must be within a neighborhood planning area defined as an area surrounding an

existing state designated area, extending a 1/4 mile from village centers, and new town centers, and a 1/2 mile from downtowns (and areas within designated growth centers).

The Building Patterns

Jason Rasmussen said that The Building Patterns portion has a checklist of 10 items and to qualify, a town must meet 8 and at this time, Ludlow does meet 8, but a few could be strengthened. He said that it deals with density and setbacks.

Complete Streets

Jason Rasmussen said if the Village wants to apply for the Complete Streets, they need to meet 5 of the 10 criteria. Is it worth pursuing? This part includes:

- Extending streets into new developments
- Sidewalks
- Water/Sewer
- Narrower Streets
- Underground utilities
- Prohibiting Cul-de-sacs
- Bike paths
- Landscaping

2. Terry Carter said the Planning Commission would have to change the Zoning Regulations quickly in order to apply. It expires in 2027. It does suspend Act 250 within the 1/4 mile of the village center. She asked the boards if they want the Planning Commission to pursue this.
3. Jason Rasmussen said why not. There Act 250 benefit exemptions, fee reductions and it opens up the financing options.
4. Justin Hyjek said he does not like the idea of narrower streets or no cul-de-sacs.
5. Noah Schmidt said it says “narrow as possible.”
6. Jarrod Jowdy said we have to consider the EMS vehicles first.
7. George Tucker, Jr. asked what areas may this work for.
8. Terry Carter said Okemo Heights
9. George Tucker, Jr. said it is already hard to get up there with a fire truck.
10. Justin Hyjek said we qualify for Building Patterns.
11. George Tucker, Jr. said we may be able to get 3 more without putting other things in jeopardy.
12. Justin Hyjek said who would enforce or facilitate it.
13. Terry Carter said it would go into the Zoning Regulations and then to the DRB.
14. Jason Rasmussen referred to the map and asked where and how they would put the new streets - even with “narrow as possible.”
15. Noah Schmidt said we do want housing, but with the requirements, it is worth it
16. Jason Rasmussen said this would ease Act 250 and may open up financial opportunities for housing. It may be worth pursuing.
17. Steve Meyers asked if this would be public or private.
18. Jason Rasmussen said a partnership of public and private. He added that the state would give us the “sentences” to add to our zoning regulations. He said he thinks the Planning Commission should move forward with Complete Streets.
19. Judy Pullinen said it requires sidewalks. That is not as hard as it seems. New developments are required to put in sidewalks. We have regulations in place for bike. What about High or Pleasant Streets?
20. Judy Lushinks said Pleasant Street is too narrow, particularly by the pedestrian bridge.
21. Judy Pullinen said she still thinks it’s possible.

22. Justin Hyjek said we need to move forward. We should add underground utilities. We don't need another survey.
23. Terry Carter asked if the consensus is to move forward.
24. **MOTION for the Trustees by Justin Hyjek and seconded Julie Nicoll to authorize the Planning Commission to move forward to address the requirements for the Complete Streets portion of the NDA. Motion passed unanimously..**
25. **MOTION for the Select Board by Noah Schmidt and seconded Scott Baitz to authorize the Planning Commission to move forward to address the requirements for the Complete Streets portion of the NDA. Motion passed unanimously.**
26. Justin Hyjek asked if this includes Affordable Housing.
27. Jason Rasmussen said it is not in the by-laws.
28. Justin Hyjek asked if we can include it.
29. Jason Rasmussen said yes.
30. Noah Schmidt said not to limit it to affordable housing.
31. Steve Meyers said what does get built is the \$600,000 home.
32. Justin Hyjek asked about State or federal lands?
33. Jason Rasmussen said what has been built in Windsor is the \$500,000 unit.
34. Ted Stryhas said you can't possible build for less than \$500,000. You would need big subsidies. Even \$400,000 with a \$50,000 median income is not reachable.
35. Justin Hyjek said we can try to support the Planning Commission.
36. Ted Stryhas said at this point in time, this is what we have. It's common sense.
37. Jason Rasmussen said it will take multiple regulations and incentives, but you can at least try.
38. Eric Alden said affordable housing is built in other areas. If I build 10 units, 20% of them must be affordable and the state determines which of those 10 will be the affordable ones. The town can set the guidelines. It's about density.
39. Terry Carter said the regulations already stipulate 15% must be affordable. It's a state requirement.
40. Jason Rasmussen said the Home Act has inclusionary zoning. In Ludlow, developments of 10 or more units, 15% of them must be affordable.
41. Judy Lushinks said at past meetings, no one mentioned the 15%.

VI. **Adjourn-**

1. **MOTION by George Tucker, Jr. and seconded by Scott Baitz to adjourn this meeting. Motion passed unanimously.**
2. Meeting closed at 7:08 p.m.

Respectfully submitted,
Lisha Klaiber

SELECT BOARD

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Noah Schmidt

Scott Baitz

George Tucker, Jr.

Justin Hyjek

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