

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

**SPECIAL MEETING
TUESDAY, JULY 16, 2024**

5:00 P.M.

HEALD AUDITORIUM

**Village Trustees Special Meeting - July 16, 2024 Zoom Link
Password: 255344**

TRUSTEES PRESENT:

Bob Brandt, Chairman Justin Hyjek Julie Nicoll

STAFF:

Jarrold J

PLANNING COMMISSION MEMBERS PRESENT:

Terry Carter Jean Strong Ryan Silvestri

OTHERS PRESENT:

Eric Alden Pat Pullinen
Abby Childs

I. Call To Order

A. Bob Brandt called the meeting to order at 5:00 p.m. He led the Pledge of Allegiance

II. Consideration of Any Changes, Additions or Removal to the Agenda

A. There were no changes to the agenda

III. Section 220-Zoning Permit

A. Terry Carter said that the Planning Commission had reworked this section after the June trustees' meeting. They added a \$10,000 threshold. She said that Chris Callahan reviewed it. He proposed the following language:

“A permit shall be required for any of the following interior alterations.

1. Increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage and winterizing or otherwise enclosing a porch).
2. Installation of an additional kitchen.
3. Change in use
4. Home Occupation

5. Increase or decrease in the number of bedrooms or units
 6. Any interior construction costing, or valued at, \$10,000 or more.
- B. Justin Hyjek asked what if it is a closet turned into a bathroom.
 - C. Ryan Silvestri said that water/sewer is based on number of bedrooms so unless the change exceeded the \$10,000 threshold, the owner could do it. He said that there are properties that are doing \$100,000 renovations and not letting the town know, but that affects the town's CLA. There are others that have non-conforming lots that are finishing the barns and increasing the non-conformity. There are others that use their homes for business. They may be using their dining room, but are claiming a larger portion of the home for business on their taxes. The business portion is considered non-residential and taxed at a lower rate. He said that he likes Chris Callahan's language. He said this should also be added to the town zoning regulations.
 - D. Terry Carter said that the Planning Commission can add it to the town's regulations, but tonight she would like to see the Village regulations moved to a public hearing.
 - E. Justin Hyjek said he will discuss this with the Select Board at their next meeting.
 - F. Ryan Silvestri said that he emphatically stresses that this should be added to the Town regulations. He said there are over 150 condos in the town and this is more important in the town.
 - G. **MOTION by Julie Nicoll and seconded by Justin Hyjek to accept the changes to Section 220 as per the language as proposed by Chris Callahan. Motion passed unanimously.**

IV. Lot Coverage in All Districts of Village Bylaws

- A. Terry Carter said that at their June meeting, the Trustees changed the lot to 20%. She said that Martha Harrison of the Regional Planning Commission (MARC) has told her that the new definition of lot coverage includes house, sheds, barns, driveways. She suggested that the trustees may want to discuss this by specific district.
 - 1) Section 410-Preservation District
 - a) Changed density from 10,000 square feet to 8,712 square feet. (state reg.) Changed the amount of area to develop from 12% to 65%. In June, the Trustees lowered this to 20%
 - b) Bob Brandt said that we do need to have green space. However, with sheds and driveways being included, 20% coverage would make a very small house.
 - c) Terry Carter said that MARC did a study of the Homestyle and almost the whole lot is covered.
 - d) Justin Hyjek asked if MARC has visited Ludlow.
 - e) Terry Carter said yes. They wanted us to use the increase.
 - f) Ryan Silvestri said lot coverage includes non-permeable. He said at 20% all of the existing parcels in the Preservation District would be non-conforming. He said the whole point is to increase the opportunity for more housing. He said that 20% is too restrictive. He said lot coverage is very important. He said at 20%, contractors will not consider it.
 - g) Terry Carter said it was at 12%.
 - h) Julie Nicoll asked if the increase in housing is meant to be affordable for people to live here or it is for 2nd home owner to use for Air B&B.

- i) Ryan Silvestri said it is to allow development and create a volume of houses. There is not enough housing in Ludlow. He added that there are incentive to build in areas that are on town water and sewer.
- j) Julie Nicoll asked are we creating needed housing or more Air B&B? She said that Ludlow is different from other towns in Vermont.
- k) Ryan Silvestri said it is similar to other resort towns.
- l) Justin Hyjek said that with a minimum lot size of 8,712 square feet at 20% that leaves only 1,742 square feet for development including pavement, sheds and driveways.
- m) Eric Alden said if you want affordable housing, you have to have more density. People won't build if it is overly restrictive. You can control the type of building, including a certain percentage of building must be affordable. He said that in other towns, sheds are not included in the coverage.
- n) Justin Hyjek said that this town needs more housing and he likes the idea of not including sheds under a certain size.
- o) Terry Carter read Section 290 of the State Regulations:
 - Section 290-Affordability Requirement
 - A minimum of 15% of all units developed (rounded) as part of a housing project MUST be affordable.
 - All areas served by both municipal sewer and water infrastructure, affordable housing development, including mixed-use development, may exceed density limitations for residential developments by an additional 40%, and may exceed height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.
- p) Bob Brandt said that his lot is ¼ acre and probably about 50% of that is covered. He said we can increase it from 20%.
- q) Justin Hyjek said that larger units can exceed to limit by 40%. He said there are incentives for larger development. He said that 20% is low and suggested 60 to 65%.
- r) Julie Nicoll said they should consider why the Preservation District was created. She said that the people who lived in that area, voted to have the Preservation District. It was to preserve the core. She said if locals could benefit, she would be more willing to change. She said we are blind if we pretend that locals will benefit. She added there is only one vacant lot that she knows of in the Preservation district.
- s) Eric Alden said without density, no one will build. These restrictions do not allow for development.
- t) Justin Hyjek said that if we could say that 50% of the development has to be affordable. He said that he has a front lot, paving, a barn in the back equates to about 80% of his lot.
- u) Julie Nicoll said she's fine with 20% for the Preservation District. We need to think about Preservation.
- v) **MOTION by Justin Hyjek and seconded by Julie Nicoll to increase the lot coverage in the Preservation District from 12% to 45%.**
- w) Justin Hyjek asked if this will really make a difference.
- x) Ryan Silvestri said for an apartment building they would be able to use 85% of the lot to build – it won't make the cut. They would still need parking. He said that a 40 unit building will not be for short term rentals. Why build units just for seasonal and then need someone to take care of scheduling the rentals.
- y) Justin Hyjek said that some 2nd home owners afford the homes by renting them out.

- z) Jean Strong said that 45% is a compromise. She said there are other places in town where developers can build – that would be more suitable. There are other places in the Village that are on the municipal water/sewer.
 - aa) Justin Hyjek said they could make higher percentage for density in other places and have it lower in the Preservation District.
 - bb) Bob Brandt said that Julie Nicoll is more concerned about single family homes that would take up that space, but they wouldn't be eligible for the additional 40%.
 - cc) **Motion passed unanimously.**
- 2) Section 420-Village Residential and Section 425 -Village R2 (Andover Street) Districts
- a) Terry Carter noted that the density is at 8,712 square feet. The Planning Commission changed the Lot coverage was changed to 75%, from 30% (non-residential) and 50% (residential). She said at the June meeting, the Trustees wanted it back to 50/30.
 - b) Justin Hyjek said they would be eligible for the additional 40% bonus. He suggested keeping it at 50/30. He said there is not much non-residential.
 - c) Terry Carter said only Tony's automotive station.
 - d) Justin Hyjek asked if those areas are on the municipal water/sewer.
 - e) Bob Brandt service is available, but some people chose not to connect.
 - f) Terry Carter said she recommends 50% for both residential and non-residential.
 - g) Ryan Silvestri said he agrees with 50% for both.
 - h) **MOTION by Justin Hyjek and seconded by Julie Nicoll to change lot coverage in Sections 420 and Section 425 to 50% coverage – removing the non-residential difference. Motion passed unanimously.**
- 3) Section 430-Village Res/Com
- a) State regulations required us to add multi-unit dwelling (4 or fewer), accessory dwelling unit and structures to permitted uses. She said the lot coverage in the Village Res/Com District was at 50% residential and 30% non-residential.
 - b) Ryan Silvestri said that on most of Main Street, lot coverage is greater than 75%.
 - c) Julie Nicoll asked about Prospect Street and Smith Street.
 - d) Ryan Silvestri said that Smith is all and Prospect is residential.
 - e) Justin Hyjek asked about water/sewer.
 - f) Ryan Silvestri said it is available.
 - g) Justin Hyjek suggested getting rid of the non-residential allotment. He said that MARC recommended 75%.
 - h) Bob Brandt said 75% - that is where we want the development.
 - i) Justin Hyjek asked if district lines can be re-drawn.
 - j) Terry Carter said yes, with assistance from regional.
 - k) Ryan Silvestri said the only way would be if it was with a contiguous district, otherwise it may be considered spot zoning and that is not legal. All of Prospect Street is in Village Residential. The other side of the river is RC.
 - l) **MOTION by Justin Hyjek and seconded by Julie Nicoll to set the lot coverage for the Village RC District at 75% and remove the separate designation for non-residential. Motion passed unanimously.**

V. **Section 540: Signs/Village Bylaws**

- A. Terry Carter said this section was completely reworked and changed during the pandemic. It was worked on by the previous PC intensively. She said the Rose Goings had some issues and suggestions.
- B. Justin Hyjek said that he does have signs and will recuse himself from the vote. He said that the Shaw's sign still has VideoStop. He sees the benefit to restructure, but some of this section may be overboard.
- C. Terry Carter said that the Planning Commission did make some changes and vetoed Chris Callahan's and added not allowing vulgar or profanity. She said that Rose Goings did not want oscillating signs.
- D. Justin Hyjek said there is a lot of prohibition in this section. He thinks some signs bring life and vibrancy.
- E. Terry Carter said that state does not want signs that will distract drivers.
- F. Justin Hyjek said the gas stations have internally lit signs in the windows and are grandfathered.
- G. Abby Childs asked if there is a system to apply for signs.
- H. Justin Hyjek said yes, the Planning and Zoning office.
- I. Abby Childs said she is a graphic designer and noticed same "make-shift" signs. She would love to see the Town have someone to design signs to help people.
- J. Justin Hyjek said he would like to see aesthetically pleasing signs. He is worried about the 9 pages of sign regulations.
- K. Pat Pullinen said that the Expeditionary School would like to have an electronic sign out front.
- L. Justin Hyjek said it may be a no-go.
- M. Terry Carter said it is a school.
- N. Ryan Silvestri said that municipal properties are exempt.
- O. Terry Carter said she would like the Trustees to this for a public hearing. She said that signs may be addressed at a public hearing and changes made. We will need help from MARC.
- P. Jean Strong said that signs are very difficult - there are so many different types. Continuity and internally lit keep coming up.
- Q. Ryan Silvestri said that other towns have uniform signs because the towns provide the signs.
- R. Justin Hyjek said existing signs are grandfathered.
- S. Bob Brandt asked if a business that has a grandfathered signs sells, does the new owner have that grandfathered status.
- T. Eric Alden said that a new owner, change of use or occupancy triggers signs must conform to new regulations.
- U. Julie Nicoll noted that the Sunoco Station put in new signs that to comply.

VI. Village Bylaws: Other Issues and Concerns

- A. **MOTION by Julie Nicoll and seconded by Bob Brandt to accept the section as written. Motion passed unanimously.**

VII. Updated Village Bylaws sent to a Public Hearing

- A. Terry Carter said that she would like the board to make a motion to move the Village Bylaws as amended today to a public hearing.
- B. Ryan Silvestri said that the bylaws must follow state statutes. If the trustees do not follow state regulations, they are breaking the law. He said that some of Chris Callahan’s comments were opinion, and he was not just poking holes in the document.
- C. **MOTION by Justin Hyjek and seconded by Julie Nicoll to move the Village Bylaws as amended today, to a public hearing. Motion passed unanimously.**

VIII. Other Business

- A. Terry Carter said that Brendan McNamara asked her to look into a Junkyard Ordinance. She said that the Planning Commission does not do ordinances. We can write bylaws. She added that ordinances require police enforcement and bylaws are enforced by the Zoning Administrator.
- B. Justin Hyjek said there are procedures if an ordinance is issued.
- C. There was general consensus that this should be an ordinance not a bylaw.

IX. Adjourn

- A. **MOTION by Justin Hyjek and seconded by Julie Nicoll to adjourn. Motion passed unanimously.**
- B. **Meeting closed at 6:19 p.m.**

Respectfully submitted,
Lisha Klaiber

Bob Brandt, Chairman of Trustees

Justin Hyjek, Vice Chair

Julie Nicoll

Tuesday – July 16, 2024 at 5:00 p.m.

Summary of Changes to the Village Zoning and Flood Hazard Regulations.

Section 220-Zoning Permit

~~Added: A Permit shall be required for any interior structural alteration, including but not limited to a change in the number of bedrooms.~~ **A Permit shall be required for any interior structural alterations, that change the number of bedrooms and/or has a total cost exceeding \$10,000.**

Chris Callahan’s Proposed Language:

“A permit shall be required for any of the following interior alterations.

1. Increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage and winterizing or otherwise enclosing a porch).
2. Installation of an additional kitchen.
3. Change in use
4. Home Occupation
5. Increase or decrease in the number of bedrooms or units
6. Any interior construction costing, or valued at, \$10,000 or more.

Section 224-Expiration of Permit (State reg. change)

Land development associated with a site plan or conditional use approval shall commence within one year of the date the permit was issued. Unless land development associated with a site plan or conditional use approval has been substantially completed within two years of the date of approval, the zoning permit shall become null and void.

Section 255-Admin Review

Applicability: The Zoning Administrator is authorized to review and approve a change from an existing retail use to a different retail use within the Village R-C District.
(Changed this to streamline the permitting process, a goal of our grant)

Section 260.3 General Standards

In accordance with 24 VSA §4414(3)(D), a multi-unit dwelling project consisting of four or fewer units located in a district allowing multi-unit dwellings shall not be denied solely due to an undue adverse effect on the character of the area affected. (State reg. change)

Section 290-Affordability Requirement

We replaced this section with new language from the state that included new state regulations,
A minimum of 15% of all units developed (rounded) as part of a housing project MUST be affordable.

All areas served by both municipal sewer and water infrastructure, affordable housing development, including mixed-use development, may exceed density limitations for residential developments by an additional 40 percent, and may exceed height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

Section 410-Preservation District

Changed density from 10,000 square feet to 8,712 square feet. (state reg.) ~~Changed the amount of area to develop from 12% to 65%.~~ **The Trustees changed this percentage to 20%.** Had to move 2 unit dwellings,

multi-unit dwellings and accessory dwelling units to permitted uses to align with state regs. We chose to add Farmer's Market to permitted uses.

Added: Different materials may be used that keep in the character of the Preservation District and solar panels are allowed.

Section 420-Village Residential

State regs required us to add multi-unit dwelling(4 or fewer), accessory dwelling unit and structures to permitted uses.

Density is at 8,712 square feet .~~Lot coverage was changed to 75%~~, from 30% (non-residential) and 50% (residential)**The Trustees changed the percentages back.**

Section 425-Village R-2

We created a new district with lower density (8,712 sq. feet) that permitted and conditional uses are all about housing because several neighbors came to us wanting a change. The change would make all of Andover Street residential from Bridge Street headed south. The lot coverage we changed to 75%. The Trustees changed these percentages to 30% non-residential and 50% residential.

Section 430-Village Res/Com

We moved several conditional uses to permitted to streamline the permitting process. State regs required us to add multi-unit dwelling(4 or fewer), accessory dwelling unit and structures to permitted uses. Density is at 8,712 square feet for residential and 5,000 for commercial We kept in the Covid outdoor dining regs. The lot coverage in the Preservation District was changed to 75% from 50% residential and 30% non-residential.

Section 520-Misc. Requirements

There may be more than one principal use on a lot within the Village R-C District.

Section 530-Parking and Loading Requirements

New state regs. Required us to change:

Residential uses: . . one parking space per dwelling unit, except in areas that are located more than one-quarter mile from public parking, in which case 1.5 parking spaces per dwelling unit are required (rounded up to the nearest whole number).2.

Professional office/residence: one residential parking space, plus one additional parking space for every four hundred (400) square feet of office space.

Hotel, Inn, Motel, Tourist Home, B&B: one space per bedroom

Boarding/rooming House: one space per bedroom.

We added: Workforce Housing: As required by the DRB in required districts. In the Commercial District 1 parking spot required per bedroom.

Section 540: Signs

This section is completely reworked and changed. It was worked on by the previous PC intensively. This board tweaked a few things, added clarifying language in places. We added to the prohibited section: Repetitive flags or pennants and Signs with profanity.

Section 550.1: Noise

We added on our zoning lawyer's suggestion:

550.9- Individuals share a private right for recourse by filing a nuisance complaint with

the police or the district court.

Article 6: Flood Plain Management Ordinance

We only changed that fuel tanks would no longer have a height requirement but would still have to be securely anchored because Rose pointed out that fuel companies are refusing to fill tanks up that high. We are currently working on this entire section, updating it because it is 10 years old

Article 7-Definitions

Many were updated with state definitions, some were eliminated because they appear nowhere in the document, missing ones were added