

**PLANNING COMMISSION**

**PRELIMINARY MINUTES  
PUBLIC HEARINGS AND  
REGULAR MEETING**

February 23, 2016

**MEMBERS PRESENT:**

Alan Couch, Chair  
Terry Carter

Alan Isaacson  
Norm Vanasse

Logan Nicoll

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Ed McEneaney - LPC-TV

Lisha Klaiber, Recorder

**PUBLIC HEARING #1**

Pursuant to the provisions of Title 24, Chapter 117, § 4384, of the Vermont Statutes Annotated, the Planning Commission for the Town and Village of Ludlow will conduct a public hearing for the residents, taxpayers, and interested persons in the Town and Village of Ludlow on the twenty-third day of February, 2016, at 6:00 P.M., in the Town Hall conference room to hear comments on the "Municipal Plan".

1. Alan Couch opened this hearing at 6:00 p.m. and advised that the purpose of the hearing is to hear public comments on proposed changes to the municipal plan.
2. Alan Isaacson advised that the proposed changes are to the Energy Section of the plan. He said that previous references to Wind Energy and facilities have been changes to Renewable Energy, covering both wind and solar. The board also added two maps, one for wind and one for solar.
3. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the changes and to forward the draft of the municipal plan, with changes as written, to the Select Board and Village Trustees.**
4. Alan Isaacson advised that he would prepare a summarizing cover letter to be forwarded to the Select Board and Trustees with the document.
5. **Motion passed unanimously.**
6. Alan Couch closed this public hearing at 6:04 p.m.

**PUBLIC HEARING #2**

Pursuant to the provisions of Title 24, Chapter 117, § 4444, of the Vermont Statutes Annotated, the Planning Commission for the Town and Village of Ludlow proposes to adopt an amendment to the Town and Village Zoning and Flood Hazard Regulations,— Retail Definition

1. Alan Couch opened this public hearing at 6:04 p.m. He explained that the purpose of this hearing is to hear comments on proposed changes to the Town Zoning and Flood Hazard Regulations and also to the Village Zoning and Flood Hazard Regulations, specific to the definition of Retail Use
2. Terry Carter said that she wants to tweak the definition because it excludes car dealerships.
3. Alan Isaacson said that Shaw's is larger than Bensons, Rite Aid is small and is unable to expand and Ludlow would not be able to have another pharmacy. Bensons will have a monopoly in Ludlow and Tygart's also larger than 10,000 square feet.
4. Terry Carter said she wants to encourage small businesses.
5. Alan Couch said we are encouraging legitimate development.
6. Alan Isaacson said what Terry Carter is probably really objecting to is Bensons' appearance. This board would have to do something about designs and that would cause other issues.
7. Alan Couch said our new definition is not fair and he has issues with it.
8. Logan Nicoll said he is pretty happy with the new definition, but that the board had come about it from a different reason. He would like to address design, but no one wants to get into Design Review. He agrees with the definition limiting the size of retail establishments and does support smaller businesses. He wants to limit chain stores like Rite Aid and Shaw's.
9. Alan Couch said there are other pharmacies within 20 to 30 minutes, but if you have a sick child, you don't want to have to go that far. He is willing to drive that far to purchase a car. He said that the demographics in Ludlow would not support another supermarket or a big box store and he can't envision a company like that trying to set up in Ludlow.
10. Terry Carter said you can't rely on what you envision. She does not want chain stores getting into Ludlow and wants to encourage small businesses.
11. Alan Couch said this is covered in the town plan.
12. Terry Carter said Chester is fighting the dollar store.
13. Alan Isaacson said he would rather see us go through the regulations, district by district, and add wording about the character of the area. Bensons does not fit into the character of the area. He noted that Shaw's and even Sunoco have fake roofs, not just flat, modern roofs.
14. Logan Nicoll said he would not allow department stores or an expansion to Rite Aid.
15. Alan Couch said we need a better definition for chain stores.
16. Terry Carter said she would like to exclude car dealerships. She does not want Ludlow to turn into "Anywhere, USA." She thinks the people who come here want to see small shops.
17. Alan Isaacson said they need a definition for Free Standing Retail. He added that many towns, including Manchester, have design review and even McDonalds must adhere to their standards.
18. Norman Vanasse said that Bensons is so plain. They have been here for many years and Odyssey got what they wanted.
19. Alan Isaacson noted that the Preservation District was created after Odyssey was built.

20. Alan Couch said he would not want to forward this to the Select Board and Trustees unless it is finished in our eyes. He said the definition of Retail Use is sketchy and ambiguous.
21. Logan Nicoll said it seems clear to him and addresses the issues that he has. He does not see why a retail establishment should exceed 5,000 square feet.
22. Alan Isaacson said that Retail Use does not include car dealerships.
23. Rose Goings said they are listed elsewhere.
24. Alan Isaacson said we don't have a definition for car dealership and service. This definition would prohibit big stores over 5,000 square feet. He said he is okay with the definition.
- 25. MOTION by Terry Carter and seconded by Logan Nicoll to approve the changes to the Town of Ludlow Zoning and Flood Hazard Regulations and to the Village of Ludlow Zoning and Flood Hazard Regulations as written and to forward them to the Select Board and Village Trustees. Motion passed unanimously.**
26. Alan Couch closed this hearing at 6:28 p.m.

### **PUBLIC HEARING #3**

Pursuant to the provisions of Title 24, Chapter 117, § 4444, of the Vermont Statutes Annotated, the Planning Commission for the Town and Village of Ludlow proposes to adopt an amendment to the Town and Village Zoning and Flood Hazard Regulations, – Section 260

1. Alan Couch opened this hearing at 6:28 p.m. He advised that the purpose of this hearing is to hear public comments on proposed changes to the Town and Village Zoning and Flood Hazard Regulations, Section 260.2.
2. Alan Isaacson advised that the changes are to the landscaping and screening requirements. The same changes will be made to both the town and village documents. He said that he would write a summarizing cover letter.
- 3. MOTION by Logan Nicoll and seconded by Norman Vanasse to approve the changes to the Town and Village Zoning and Flood Hazard Regulations, Section 260.2 and to forward them to the Select Board and Village Trustees. Motion passed unanimously.**
4. Alan Isaacson noted that the cover letter would address both changes discussed to the zoning regulations, including the definition of Retail Use and the changes to Section 260.2.
5. Alan Couch closed this public hearing at 6:31 p.m.

### **REGULAR MEETING OF THE LUDLOW PLANNING COMMISSION**

1. **CALL TO ORDER**
  - A. Alan Couch called the meeting to order at 6:32p.m.
2. **ROLL CALL BY RECORDING SECRETARY**
  - A. All Planning Commission members present.

3. **APPROVE MINUTES**

- A. The minutes to be approved are from the meeting of January 19, 2016.
- B. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the minutes January 19, 2016 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Alan Couch advised that the Select Board is placing a Local Options Tax on the agenda for Australian ballot at town meeting. He said that his personal opinion is that this should not be introduced into our town. We don't need more taxes and anyone who lives here will be affected. We don't need the extra tax burden.
- B. Logan Nicoll said that the income from the tax will go to tax abatement and paving. He said that each year, the town would vote on the use of the money. He said this was discussed at 3 Select Board meetings and only one person came in to discuss it. We will find out how people feel at town meeting.
- C. Alan Couch said that 30% of the tax revenue would go to the state. The town gets the remaining 70% and can use it for things other than Education. It can be used for infrastructure projects.
- D. Logan Nicoll said the tax would be on alcohol, meals and beverages. The funds are collected by the state and the town would get quarterly checks from the state. The Select Board does have a problem with the 30% going to the state. They think the tax will bring more money in that's not just from the people who live in town.
- E. Alan Couch said that he thinks that we will find out it is not a smart thing to do.
- F. Terry Carter said that she likes the idea...it's nice to get something out of being a resort town.
- G. Logan Nicoll said that most resort towns have a local options tax.

5. **DISCUSSION OF ORDINANCE AGAINST MARIJUANA, VAPING, TOBACCO – FINAL REVIEW**

- A. Rose Goings said that she had sent a new draft of the proposed ordinance to board members. They had just changed the way it was worded.
- B. Alan Isaacson said that Frank Heald liked the concept and principle, but had not liked the wording. Alan Isaacson said that he had rewritten it and emailed it to the board. He asked board members to review it and make comments. When this is done, we can send it to the Trustees and Select Board. People who would like a copy, can get it from Rose Goings.
- C. Logan Nicoll said it would be displayed publicly before it becomes an ordinance.
- D. Rose Goings said that Frank Heald has reviewed Alan Isaacson's draft and is okay with it. She added that BRACC is also okay with it. She would like to forward it to the Select Board and Trustees.
- E. Alan Couch said the intent is well-founded, but he does not see how we can prohibit it (if marijuana is legalized.) He added that the state prohibits vaping in the same places where smoking is prohibited.
- F. Alan Isaacson said that towns can opt out of it if it is passed by the state.

- G. Alan Couch agreed that we do need to protect our children and he is okay with forwarding the ordinance.
- H. **MOTION by Alan Isaacson and seconded by Terry Carter to approve the ordinance and to forward it to the Select Board and Village Trustees. Motion passed unanimously.**

6. **OTHER BUSINESS**

- A. Future Projects
  - i. Rose Goings asked board members to consider what future projects they wish to work on.
- B. Next meeting – March 15, 2016.

7. **ADJOURN**

- A. **MOTION by Alan Isaacson and seconded by Alan Couch to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:47 p.m.

Respectfully submitted,

Lisha Klaiber

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Alan Couch, Chairman

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Logan Nicoll

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Terry Carter

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Norman Vanasse

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Alan Isaacson