

**PLANNING COMMISSION
MINUTES**

REGULAR MEETING

March 28, 2013

MEMBERS PRESENT:

Alan Couch, Chair	Logan Nicoll
Terry Carter	Norman Vanasse

OTHERS PRESENT:

Rose Goings	Lisha Klaiber, Recorder
Jason Rasmussen	KP Whaley – LPC-TV

1. **CALL TO ORDER**

A. Alan Couch called the meeting to order at 6:03 p.m.

2. **ROLL CALL BY RECORDING SECRETARY**

A. All members Planning Commission members present.

3. **APPROVE MINUTES**

A. The minutes to be approved are from the meeting of February 19, 2013.

B. **MOTION by Norman Vanasse and seconded by Logan Nicoll to approve the minutes from February 19, 2013 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

A. There were none.

NOTE: Jason Rasmussen maintains a master file for the Flood Hazard Regulations and records changes as the board makes them.

5. **DISCUSS FLOOD REGULATIONS**

A. Jason Rasmussen said that he had sent 2 emails regarding suggestions from Sasha Pealer and Ned Swanberg from the ANR regarding the draft regulations. She also suggested that the board review State Model #4. Jason Rasmussen said referred to the onscreen copy of Model #4 and the highlighted differences between Models #4 and #5. Model #4 goes over and above #5 in that it also regulates fluvial erosion (also called river corridor.) It would add the

- Fluvial Erosion Zone to the Flood Plain and the Flood Way. It would show where the river moves over time and would prevent people from building in those areas.
- B. Terry Carter asked if those areas are mapped.
 - C. Alan Couch asked how many properties would be affected by this.
 - D. Logan Nicoll said that Sasha Pealer indicated that if the town regulated these additional areas, it would be eligible for higher FEAM relief rates.
 - E. Terry Carter said it would be somewhat irresponsible of this board not to try to protect these areas.
 - F. Rose Goings asked if a study had been done.
 - G. Jason Rasmussen said that they have done a study of the main stem of the Black River, but not for all of the small tributaries. They could establish setbacks there. They may be mapped in a year or so. The state has no requirement for towns to add this.
 - H. Jason Rasmussen said that more towns are starting to do it. Cavendish is looking into it. On the state level, they are starting to offer incentives to do it.
 - I. Alan Couch said the state is not responsible for erosion. It is okay on private properties. It is worth looking into it and to see how many properties it affects.
 - J. Jason Rasmussen said that we would be able to get a better map. He added the areas in the erosion zone to the matrix he had previously created for Model #5 of the Inundation regulations and indicated the differences, showing it to add restrictions. The permitted and conditional uses are similar to those in the floodway.
 - K. Alan Couch asked about exemptions.
 - L. Jason Rasmussen said they would be agriculture, forestry and recreation.
 - M. Jason Rasmussen said that the Erosion Hazard Areas would be wider and more restrictive. He suggested that this board may want to consider adding this in the future. He said that the board may want to adopt the draft of the regulations as they have previously discussed them. They could add the fluvial erosion areas at a later date.
 - N. Terry Carter said they should consider the fluvial areas, especially after the damages done by Irene. She said that the river needs a chance to meander.
 - O. Alan Couch said that he would not want to see more restrictions on what people may do with their land. He wants to protect the people.
 - P. Logan Nicoll said that based on changes in the climate, flood devastation will possibly happen more often and the regulations need to be updated.
 - Q. Terry Carter said she would like to see a better map first.
 - R. Jason Rasmussen said that the board could start the process to adopt the initial draft or wait to see if they want to add fluvial erosion.
 - S. Logan Nicoll said that the board was almost done with the original model #5 update and could start the adoption process now.
 - T. Jason Rasmussen said they draft is reasonably complete. They could possibly add a 50 foot setback from streams.
 - U. Rose Goings said that they do not currently have a setback for streams.
 - V. Logan Nicoll said it makes sense to add it as they are prone to hazards in 100 year events.
 - W. Alan Couch asked where the streams have meandered in other events and if 50 feet is too much?
 - X. Jason Rasmussen said that Sasha/Ned have suggested they may want to look at a buffer. Will it create hardships?
 - Y. Alan Couch said that 50 feet would be okay for homes.
 - Z. Rose Goings mentioned sheds.
 - AA. Logan Nicoll said that things kept in sheds or garages may also float down rivers, including the sheds.
 - BB. Terry Carter said that septic tanks and propane tanks also float down streams and rivers.

- CC. Rose Goings said that this would also create a lot of non-conformities.
- DD. Jason Rasmussen said that existing structures would be grandfathered. He also added that accessory buildings less than 500 square feet need not be elevated, but must provide minimal resistance to water.
- EE. Jason Rasmussen asked about including language about DRB decisions, saying that the DRB should consider state comments in their decisions.
- FF. Rose Goings said this should be added.
- GG. Jason Rasmussen said that he would have a final draft that the board could review at their next meeting.
- HH. Terry Carter said that people should be advised that the place they want to build may not be good to build on. They should be provided with maps and information.
- II. Rose Goings said the property should either be mapped and included on the zoning maps, or not included.
- JJ. Terry Carter said she would like to see that as a compromise. She does not want to hurt the property owners, but they should be provided with good information.
- KK. Norman Vanasse said that people should be provided with information before they buy the land.
- LL. **MOTION by Logan Nicoll and seconded by Terry Carter to adopt State Model #5 as amended over the last three meetings and pending an update with definitions and changes as discussed at the Planning Commission meeting on March 28, 2013.**
- MM. Jason Rasmussen said that the board could then start the final adoption process.
- NN. **Motion passed unanimously.**
- OO. Jason Rasmussen asked if the board would prefer to keep this as a separate document or make it part of the Zoning Regulations.
- PP. Rose Goings said it would be okay to keep it separate for now and when the board has completed the update of the Zoning Regulations to combine them.

6. OTHER BUSINESS

- A. Ludlow Bike Path Hearing
 - i. Jason Rasmussen advised that there would be a public hearing for the Bike Path on April 11, 2013 at 5:00 p.m. at town hall. The town has received a grant for a study to create a bike path from the Park N' Ride by the fire station to connect with Jackson Gore, and Buttermilk Falls.
 - ii. Rose Goings said before the path would be started, they would also have to go through Flood Hazard Review.
 - iii. Terry Carter asked if it would connect with the Jackson Gore Nature Trail.
 - iv. Jason Rasmussen said it would definitely connect with the base area, but he is not sure about the trail. There will be issues crossing Route 103 and they learned from the previous attempt to create a bike path south of the village, that they need to stay as far away
- B. Next Meeting
 - i. April 16, 2013.
 - ii. The board discussed holding a public hearing for the Flood Hazard Regulations at the next meeting.
 - iii. Rose Goings said she would check the amount of time needed for warning the hearing and let the board know. This may change the date of the next meeting.

7. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Logan Nicoll to adjourn this meeting.
Motion passed unanimously.**
- B. Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse
