

# PLANNING COMMISSION

## MINUTES

### REGULAR MEETING

May 20, 2014

#### MEMBERS PRESENT:

Alan Couch, Chair  
Terry Carter

Alan Isaacson  
Logan Nicoll,

#### MEMBERS ABSENT:

Norman Vanasse

#### STAFF PRESENT:

Rose Goings

#### OTHERS PRESENT:

Marty Fino  
Gary MacIntyre  
Mary Jane O'Hara

Jason Rasmussen  
Frank Wingate

Lisha Klaiber, Recorder  
Patrick Cody – LPC-TV

#### 1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:01 p.m.

#### 2. ROLL CALL BY RECORDING SECRETARY

- A. All members Planning Commission members present, except Norman Vanasse. Board members welcomed returning member, Alan Isaacson

#### 3. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of April 15, 2014.  
B. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the minutes from April 15, 2014 as presented. Motion passed unanimously.**

#### 4. COMMENTS FROM CITIZENS

- A. There were none.

***NOTE: Jason Rasmussen maintains the master files on his computer and notates suggestions and possible changes as they are discussed.***

## 5. ZONING BY LAW REGULATIONS

### A. LAKES DISTRICT

- i. Jason Rasmussen said that the House and Senate passed a compromise bill, but it hasn't been signed into law yet. It is on the state website and is 59 pages long. It will become effective on July 1, 2014 and has a number of provisions. Shoreline protection includes a 250 foot buffer from the water level back. ANR must adopt rules and implement them by January 1, 2015. There is a provision for municipal delegation for towns that have already adopted their own regulations. If a town does adopt their own regulations, they must be similar to or more stringent than the state regulations. Ludlow has until January to get things in place.
- ii. Alan Couch asked the board if they want to have our own regulations. He said that Ludlow regulations are pretty well developed. He asked if we want to have local control.
- iii. Terry Carter said she would not want Ludlow regulations to be more stringent than the states.
- iv. Logan Nicoll said if we want to have local control, and they have to be similar or stricter than the states, he is not sure that we may want to undertake this. People will have to go through permitting process with the town and state.
- v. Jason Rasmussen said there is a lot in the bill that passed. He read the standards. He asked if the town wants to take this on as there is a lot in there. There are also impervious surface regulations and 20% or steeper slopes have to be free of impervious surfaces.
- vi. Alan Isaacson asked how the town would administer or supervise it.
- vii. Jason Rasmussen said that if Ludlow regulations are in effect before the state's, ours can remain in effect. If our regulations are less stringent than the state's, both are considered. There are some exemptions for pre-existing conditions.
- viii. Marty Fino said that his understanding is that the state regulations are more lenient in additions to the sides for existing structures, if mitigation steps are taken for run-off.
- ix. Alan Isaacson asked if the DRB wants to administer this or let the state handle it.
- x. Logan Nicoll said that it would be helpful to have a local document to spell out the rules. He is not sure we need another 30 page document.
- xi. Terry Carter said she would like to see a side to side comparison of our rules to the state's.
- xii. Rose Goings said that ours is only 2 pages and just for zoning. She added that she would prefer local control.
- xiii. Terry Carter agreed, saying it would be easier for homeowners to have local control.
- xiv. Jason Rasmussen said they could sift through the bill and compare.
- xv. Frank Wingate said in addition to the stipulations about the 20% impervious surfaces, there are also detailed stipulations about trees. There is a number of trees required for every 25' x 25' plot and people may not be able to cut trees if less than that number. Also, people may not be able to cut saplings under 3 feet. He said that paths to the lake would be limited to 6' wide.
- xvi. Terry Carter asked who would count the trees or saplings.
- xvii. Alan Couch said it would be worth comparing the state and local regulations.
- xviii. Terry Carter said that she wants to make sure that nothing that we want included is left out.
- xix. Mary Fino asked about fees. Would the town add to the state fees?
- xx. Jason Rasmussen said that he has not heard anything yet.
- xxi. Rose Goings said it also depends on if the application has to go to the DRB.
- xxii. Jason Rasmussen said that state registration fee is \$100 and permit fees are \$125 plus 50¢ per square foot of impervious surface.
- xxiii. Gary Mac Intyre said the registration fee is for minor things, not big projects. He said that the state also talks about certifying people around the state to go around to projects and inspect. He thinks that Rose Goings or someone else in Ludlow would have to be certified.
- xxiv. Alan Couch said that it seems like the board would prefer local control.

- xxv. Jason Rasmussen said that they don't have much time left on the grant that covers his time.
- xxvi. Terry Carter suggested adopting the state regulations and adding ours in to it.
- xxvii. Jason Rasmussen said we could scrap our newer language. He added that we have to look into grandfathering situations.
- xxviii. Alan Isaacson asked if Regional is doing anything regarding this bill.
- xxix. Jason Rasmussen said that they have not discussed it as they have been waiting for the state to pass a bill,
- xxx. Alan Couch said that at their next meeting, they should compare and contrast Ludlow and state regulations.
- xxxi. Logan Nicoll suggested seeing if they could paraphrase anything.
- xxxii. Alan Isaacson asked if Jason Rasmussen had a pdf of the state regulations and could email them to him.
- xxxiii. Jason Rasmussen said yes. He noted that the first 20 pages of the bill are cross outs.

**B. PRESERVATION DISTRICT**

- i. Jason Rasmussen said that he moved the design guidelines from Appendix A and incorporated them into the district regulations. These guidelines help the DRB administer applications. They describe the purpose, scope and activities allowed.
- ii. Alan Isaacson said that when the Preservation District was developed, we tried to consider design review, but the DRB did not want it. We tried to maintain the character of the area, while not requiring a permit for everything.
- iii. Jason Rasmussen said they still need to clarify which changes require design review.
- iv. Alan Isaacson said the intent was to allow upkeep and repairs without causing a hardship to the property owner.
- v. Rose Goings said that the DRB has not had many problems with people not maintaining the character of the area. She added that window replacement should be within the character of the area.
- vi. Jason Rasmussen said when the DRB needs to look at a project. If they are changing out windows or when it affects the standards.
- vii. Rose Goings noted that on page 34 it says that the DRB review is not required for replacement of doors or windows within the existing opening.
- viii. Alan Isaacson said that design review does not really exist.
- ix. Rose Goings suggested calling it Standard Conditional Review.
- x. Jason Rasmussen said that permitted use applications go to the Zoning Administrator and conditional use applications go to the DRB. He added that some of the guidelines in the appendix were inconsistent with the district zoning regulations. He asked the board if they want DRB review for all changes to the exteriors.
- xi. Rose Goings said this is a special district and should have additional review to make sure that people are following the standards. It should go to the DRB. If a building is to be demolished and rebuilt, it should go to the DRB.
- xii. Jason Rasmussen said that demolition does require DRB review.
- xiii. Rose Goings said that we have not had any until the current hearing before the DRB. If someone wanted to demolish a historic structure, they need to go to the DRB for that and then get a permit to build a new structure.
- xiv. Jason Rasmussen asked if they wanted to move 1-family homes to conditional uses.
- xv. Terry Carter suggested they also move upgrades.
- xvi. Rose Goings said the leave Agricultural and Forestry in permitted uses. She added that Accessory Building should also be moved to conditional.
- xvii. Jason Rasmussen asked if they wanted to add to personal uses.

- xviii. Rose Goings said that a recent application for personal uses did not go through. She suggested adding Barbershop.
- xix. Terry Carter said that the existing barbershop is grandfathered.
- xx. Rose Goings said that they should also look at maximum lot coverage. The current regulations say the footprint cannot exceed 2,500 square feet, not to include accessory buildings. The DRB thought accessory buildings were not included, and she would like to clarify this as it has caused problems.
- xxi. Alan Isaacson said it should be based on lot size.
- xxii. Rose Goings said that for larger lots there is the 12% max coverage.
- xxiii. Alan Isaacson asked about the big brick building by Sikorsky.
- xxiv. Rose Goings said they cannot add to it.
- xxv. Board had a general consensus that the guideline should be 12%/not to exceed 2,500 square feet total footprint.
- xxvi. Logan Nicoll asked about the size of accessory buildings.
- xxvii. Rose Goings said we don't have that.
- xxviii. Logan Nicoll said that the guideline should include accessory buildings, but we may add to the total coverage.
- xxix. Alan Couch said that maximum lot coverage should include accessory buildings.
- xxx. Logan Nicoll agreed that any accessory structure should be included in the lot coverage.
- xxxi. There was general agreement that accessory buildings should be included in maximum lot coverage.
- xxxii. Alan Couch asked the board if they want to increase maximum lot coverage.
- xxxiii. Logan Nicoll said they do not want to allow behemoth structures in the Preservation District.
- xxxiv. Jason Rasmussen said that if a building burned down, and the building had been a non-conforming structure, they can rebuild, within one year, within the same footprint.
- xxxv. Mary Jane O'Hara asked if they could change the location.
- xxxvi. Rose Goings said the new structure can be moved to be conforming, but it would lose the grandfather status and must then meet all current standards. She asked if the board wanted to remove "personal uses."
- xxxvii. Terry Carter said yes. She added that one point of contention for the spa was additional traffic.
- xxxviii. Jason Rasmussen said they need clarification of professional services.
- xxxix. Terry Carter asked about a florist.
  - xl. Logan Nicoll said they need to have low traffic uses.
  - xli. Mary Jane O'Hara said that the Manchester laws limited the number of people.
  - xl.ii. Alan Isaacson said the building was once used as a doctor's office and they had more than 10 cars.
  - xl.iii. Rose Goings said they may open a legal can of worms if they tried to limit the number of cars.
  - xl.iiii. Terry Carter said leave "personal uses" there and let the DRB decide. We need to define it.
  - xl.v. Alan Isaacson said "professional services" has a definition.
  - xl.vi. Mary Jane O'Hara said someone did not want retail.
  - xl.vii. Rose Goings said the spa wanted to sell lotions.
  - xl.viii. Mary Jane O'Hara said the spa would have UPS and laundry trucks causing extra traffic.
  - xl.ix. Alan Isaacson said retail is listed separately in other districts and not permitted in the Preservation District. He added that you cannot limit UPS deliveries to businesses if UPS deliveries are allowed to houses.
    - 1. Terry Carter suggested that what Mary Jane O'Hara was trying to say was personal uses may increase noise and traffic in the neighborhood.

- li. Jason Rasmussen said this needs to be clarified. He said to leave this for now and he would get definitions for professional services and personal services. He asked about the design guidelines and asked if they wanted them listed as they are or put into a chart.
  - lii. Terry Carter said in a chart, in one spot, to make sure nothing was contradictory.
  - liii. Logan Nicoll said it would be too bulky for a chart, leave it in a list.
  - liv. Alan Isaacson suggested putting maintenance in allowed and upgrades in conditional.
  - lv. Logan Nicoll said that small, \$200-\$300 jobs should not have to go the DRB.
  - lvi. Jason Rasmussen noted that maintenance with similar materials is allowed.
  - lvii. Terry Carter suggested putting Solar Panels and Wind turbines in.
  - lviii. Logan Nicoll said that is in the town plan.
  - lix. Alan Isaacson said they would not be in character with the district.
  - lx. Logan Nicoll suggested putting them in as a conditional use and having the DRB look at them before the project was allowed.
  - lxi. Alan Couch said the board should look into that.
  - lxii. Jason Rasmussen said that he added some items from Appendix A to the zoning regulations in the main document.
  - lxiii. Rose Goings said they also need to add the Flood Hazard Regulations to the village zoning.
  - lxiv. Jason Rasmussen noted that there are 3 documents that are used for historic determination, the National Register, the State Register and the VT Historic Sites and Structures. Which one or ones does the board want to use.
  - lxv. Rose Goings said all 3, because not all will apply.
  - lxvi. Alan Isaacson suggested the document be checked for “should” and “shall.”
  - lxvii. Jason Rasmussen said he would go through and check.
- C. Sign Regulations
- i. Rose Goings said that the sign regulations are not ready for discussion. She added that she would like board opinions on freestanding signs.
  - ii. Terry Carter asked Rose Goings her opinion.
  - iii. Rose Goings said that all businesses already have signs that are allowed. Some have freestanding signs that they leave out all the time. That should be included in the total allowed square footage.
  - iv. Alan Isaacson said that the proposed draft has OPEN signs as excluded and asked if that was what the board wanted
  - v. Rose Goings said that she is not ready to discuss this. She said that off premise signs are not allowed by the state. She wants the board to consider what should be allowed in the square footage.
  - vi. Alan Isaacson asked how and who enforces this.
  - vii. Rose Goings explained that we send a certified warning letter and people have 7 days to remove the violation. Sometimes people put the signs back out after they remove them. She says she also calls people and try to work it out. She said that things have gotten better.
  - viii. Terry Carter said that the board did discuss making it into an ordinance.
  - ix. Rose Goings said the board did decide to leave it in the regulations.
  - x. Alan Isaacson said that temporary signs are not well defined in the regulations and should be.
  - xi. Rose Goings said that is still a work in progress.
  - xii. Alan Isaacson asked if there ever was a sign ordinance.
  - xiii. Rose Goings said it was never passed.
  - xiv. Alan Isaacson asked if he would get a copy of the proposed ordinance.
  - xv. Rose Goings said she would look for one. She continued saying that there are some signs that pre-exist the sign regulations and that if people wish to change their signs, the new signs must

conform to the current regulations. Rose Goings said that she would like to complete work on the regulations at the June meeting.

6. **OTHER BUSINESS**

- A. Next meeting is on June 17, 2014.

7. **ADJOURN**

- A. **MOTION by Logan Nicoll and seconded by Alan Isaacson to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:49 p.m.

Respectfully submitted,

Lisha Klaiber

---

Alan Couch, Chairman

---

Logan Nicoll

---

Terry Carter

---

Norman Vanasse

---

Alan Isaacson