

**PLANNING COMMISSION
PRELIMINARY MINUTES**

REGULAR MEETING

March 15, 2011

MEMBERS PRESENT:

Christine Fuller
Terry Carter

Alan Couch
Steve Stengel

Norman Vanasse

MEMBERS ABSENT:

Fred Glover

OTHERS PRESENT:

Christian Avard
Ethan Gilmour
Mark Kenney

Andrea Lehtonen
Julie Nicoll
Mary Jane O'Hara

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

1. **Call to Order**

A. Christine Fuller called the meeting to order at 5:30 p.m.

2. **Roll Call by Recording Secretary**

A. All members present, except Fred Glover. Terry Carter arrived at 5:37 p.m.

3. **Approve Minutes**

A. The minutes to be approved are from the meeting of February 15, 2011.

B. **MOTION by Steve Stengel and seconded by Norman Vanasse to approve the minutes from February 15, 2011 as presented. Motion passed unanimously.**

4. **Comments from Citizens**

A. Christian Avard introduced himself. He is from THE RUTLAND HERALD and will be covering Ludlow.

5. **Request from Mark Kenney to discuss possible changes to the Preservation District in the Village of Ludlow**

- A. Mark Kenney read a letter (see attached) into the record stating his reasons why funeral homes should be added as a conditional use in the Preservation District.
- B. Andrea Lehtonen said that she owns property across the street from the proposed location for the funeral home. While she agrees that it is definitely a professional business, there are other professional services that are also not included as conditional uses for the Preservation district. One of these is Veterinary clinic. The Springfield Hospital withdrew their application to use the OMS space for a health care facility when the opposition was so strong. She does not feel that they should prey upon peoples' feelings in order to change the district uses. As she understands the procedure, in order to change the district regulations, this would be subject to a public hearing and the Select Board may approve the application or put it to public vote.
- C. Christine Fuller said that this board would send its recommendations to the Select Board and the Select Board would hold a public hearing.
- D. Andrea Lehtonen said that she would like to speak at that hearing.
- E. Mary Jane O'Hara said that in its previous uses, there would be 8 to 10 cars maximum parked there. This would be a huge business with 100's of people at one time. There is no comparison. She added that retail businesses are not allowed in the Preservation District and they would be selling funeral supplies.
- F. Terry Carter said they would be selling coffins and that all of their activities would be on premises.
- G. Mark Kenney said that he had 3 big funerals in Ludlow last year. There were 40 cars in 2-3 hours. The other funerals held the services at the churches or cemetery. He said that he spoke to Doctor Miller and a rough estimate of numbers of cars annually for the medical practice was 15 cars per day times 5 days per week times 52 weeks per year, averaging 3,900 cars per year. Basing his estimate on 3 large funerals per year time 40 cars, he estimates 120 cars in 52 weeks. The funeral home in Chester is at the intersection of Routes 103 and 11 and they have had no traffic incidents.
- H. Andrea Lehtonen said the traffic there was insignificant when it was a doctor's office. She is concerned that this will be a slippery slope and can Ludlow have an effective Preservation District is anyone who wants to start a business there can get the regulations changed. When they were first putting the regulations together for the Preservation District, funeral homes were discussed as a conditional use and rejected. It would be destructive to the district to allow this.
- I. Mary Jane O'Hara asked Mark Kenney what is the address of the funeral home in Chester.
- J. Mark Kenney said 35 Depot Street.
- K. Mary Jane O'Hara said that it is located on Depot and Route 11, not Route 103. She said that Meadow and Mill Streets hold more cars. She said the change in activity would be 30-40-50 times more than Doctor Miller's practice.
- L. Terry Carter asked how many parking spaces there are.
- M. Mark Kenney said 16.
- N. Terry Carter asked where the other cars would park.
- O. Mark Kenney said people would be asked to park on Meadow Street. They would set cones up on Main Street to keep people from parking there and there would be someone outside to direct people to parking.
- P. Terry Carter asked if it's true that there has to be parking within 500 feet.
- Q. Mark Kenney said they would not have parking for the rest of the cars.

6. **Town Plan Updating**

- A. Chapter 8
 - i. Jason Rasmussen said that he had done a rough draft for Chapter 8 and added some data from the Vermont Renewable Energy Atlas. He said that he had gotten some of the numbers

- when he met with Ludlow Electric. He said that new data for heating use was not available. He asked the board how they wanted to proceed with this chapter.
- ii. The board decided to read through the rough draft and make comments or changes as they went along. Jason Rasmussen will make the changes to the master on his computer.
 - iii. Christine Fuller noted that there is an energy seminar this week at the River Valley Technical Center in Springfield from 9-3 on Saturday. It is free to all. She said that she had attended one of these seminars and found it to be very informative and helpful. She would like to see one held in Ludlow.
 - iv. Jason Rasmussen referred to tables included at the back of the draft.
 - v. The board decided that they would like to see those tables embedded in the copy.
 - vi. Terry Carter said that she would like to see a map of the Class areas for the Potential Wind Development areas.
 - vii. Steve Stengel said he would like to include some historical data about the dams.
 - viii. Jason Rasmussen said that the Goals section is not complete, but that he did make some suggestions.
 - ix. Christine Fuller said that Brian Shupe had told them that they need to be more specific with their goals than the current town plan is.
 - x. Terry Carter suggested adding enforcement of State Standards for Construction into the zoning regulations.
 - xi. Jason Rasmussen asked where they want to go with the goals.
 - xii. Christine Fuller asked if any other towns are using LED for streetlights.
 - xiii. Jason Rasmussen said there are some. He said that you would first need to inventory all of the street lights and determine if any could be turned off. You would then replace the remaining bulbs with LEDs.
 - xiv. Christine Fuller asked if the bulbs would work when covered with snow.
 - xv. Jason Rasmussen said that VTRANS is now using 80-90% LEDs and Burlington does not have a problem with them. He said that he spoke to Howard Barton and Howard Barton told him that the Electric department may start to consider LEDs. Not only do they save on electricity, but since they last longer it cuts down on replacement costs and labor to replace the bulbs cost.
 - xvi. Christine Fuller said the goals should encourage people, not require them.
 - xvii. Terry Carter would like to see formation of an Energy Committee as a goal.
 - xviii. The board agreed that would be a goal.
 - xix. Christine Fuller said that the board would continue with this chapter next month after Jason Rasmussen has made the changes made tonight.
 - xx. Jason Rasmussen said he would also like to start Land Use and Implementation next month. He will get drafts of them to the board before the next meeting. He would like to see this fairly complete in 1-2 more meetings.

7. Other Business

- A. Discussion regarding changes to Preservation District
 - i. Initially the board considered going into Executive Session and Terry Carter made a motion, seconded by Norman Vanasse to go into Executive Session. The board discussed requirements for Executive Session and decided that this should be addressed at a regular meeting. Motion and second were withdrawn. The board decided that they would like to wait until the April meeting to discuss this when Chair Fred Glover would be in attendance.
- B. Next Meeting
 - i. Next meeting will be on April 19, 2011 at 5:30p.m.

8. **Adjourn**

- A. **MOTION by Steve Stengel and seconded by Terry Carter to adjourn the meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:52 p.m.

Respectfully submitted,

Lisha Klaiber

Fred Glover, Chairman

Christine Fuller

Terry Carter

Steve Stengel

Alan Couch

Norman Vanasse

Town of Ludlow Vermont
Planning Commission Meeting

March 15, 2011

I would like to ask that the Ludlow Planning Commission make General Homes in the list of Conditional Uses in the Preservation District.

I submitted an application for a change of use to the Lever Home on Main Street, to permit a General Home. At the meeting with the Development Review Board on January 10, 2011, the issue was discussed. In the Notice of Decision that I received, under the Circumstances of Law, #2 states that the building is not allowed to be a General Home, but a Nonconforming Use.

However, under Ludlow Zoning Regulations, Section 11.0 Conditional Uses, Professional Services are allowed. As the Planning Commission is aware, the regulations specifically allow under Conditional Uses: Professional Service, Doctor, Lawyer, Accountant, Dentist, Land Surveyor, Insurance Agency, Photography Studio, or Real Estate Office, or similar uses. I'd like to give you my perspective of why General Homes should be included in this category.

General Homes offer Professional Services.

- General Directors are regulated through the Federal Trade Commission and the Vermont Secretary of State. I am licensed through the state of Vermont as a General Director and Real Estate Agent. As one of the highly regulated state professions, General Directors need to establish themselves as respectful and ethical business, similar to Doctors, Dentists, Accountants and Lawyers.
- In the same respect as an Architect, Land Surveyor or Real Estate Office, General Directors provide a service that is regional and local.
- Along with Insurance Agencies, General Homes offers services for alternative individuals and to assist individuals in financing or financing needs.
- Along with Photography Studios, General Homes offers services to residents, their families, friends, neighbors and community members.
- Additionally, General Homes offer specific services that need to be made accessible to every resident, and delivered with respect and integrity.

General Homes are a similar use to those listed in the regulations: Doctor, Lawyer, Architect, Accountant, Dentist, Land Surveyor, Insurance Agency, Photography Studio, or Real Estate Office.

According to the Ludlow Zoning Regulations, the purpose of the Ludlow Preservation District is to maintain the general character and architectural integrity of this area of town, while allowing appropriate future land use and development, and community services, accomplished through review by the Development Review Board. I would like to make two points that address the goals of this district.

Special Character and Architectural Integrity

The special character and architectural integrity of the building will continue to be maintained. In fact, the integrity of the building is what is attractive and important to a Federal Home Administration tenant because of a neighbor, family or community member close by to include within a building of integrity and respect.

Allowing Community Services

The case of the Federal Home integrity is based on community services directly. The Federal Home provides respectful and dignified services for all members of the community. Federal Homes do not rely on fees for the services being provided, including of special services and sales of special services to direct customers. Its success is based on being in the community for the long term. Building relationships in the community, being a part of the community is essential to a Federal Home.

The goals of the Preservation District are to provide a high quality of Federal Home, create a Federal Home should be allowed within the District.

I respectfully ask the Planning Commission to include Federal Homes under the Professional Services of the District and to permit the Preservation District of Lowell.

Thank you for your time and consideration.

Mark J. Kestary