

**PLANNING COMMISSION
PRELIMINARY MINUTES**

SPECIAL MEETING

September 14, 2010

MEMBERS PRESENT:

Christine Fuller, Vice Chair	Alan Couch	Norman Vanasse
Terry Carter	Steve Stengel	

MEMBERS ABSENT:

Fred Glover

OTHERS PRESENT:

Rose Goings	Jason Rasmussen	Brandon Briere – LPC-TV
John Boerher		Lisha Klaiber, Recorder

1. **Call to Order**

A. Christine Fuller, Vice Chairman called the meeting to order at 5:00 p.m.

2. **Roll Call by Recording Secretary**

A. All members present, except Fred Glover.

3. **Approve Minutes**

A. The minutes to be approved are from the regular meeting of August 31, 2010.

B. **MOTION by Norman Vanasse and seconded by Terry Carter to approve the minutes from August 31, 2010 as presented. Motion passed unanimously.**

4. **Comments from Citizens**

A. There were none.

5. **Town Plan Updating**

A. Natural Resources – Section 3

- i. Christine Fuller asked if anyone had reviewed this draft that had been emailed.
- ii. Terry Carter said that she and Steve Stengel had worked on this section and were familiar with it.
- iii. Christine Fuller said that she had reviewed the draft dated 9/9/10 and found no changes on page #1.
- iv. Jason Rasmussen said that the board had already reviewed most of this chapter and most of the changes that he had made were to incorporate suggestions made by Rebecca Pfeiffer.
- v. Rose Goings said that she and Jason Rasmussen would be meeting around 10:00 a.m., tomorrow, in her office to go over chapters already reviewed and to incorporate new suggestions. They would like to put things together and button up those chapters. Anyone who can make it is invited to join them,
- vi. Christine Fuller said she might try to be there.

- vii. Jason Rasmussen asked the board how they want to refer to Ludlow Mountain or Okemo Mountain.
- viii. Norman Vanasse said that it is Ludlow Mountain on the state maps.
- ix. General consensus to use Ludlow Mountain.
- x. Christine Fuller referred to page 2, ¶ 2 and the corresponding graph. The language refers to the percentage of forest area in the region and the graph indicated Ludlow acreage.
- xi. General consensus of the board to make the section Ludlow specific and change the language to indicate the correct Ludlow acreage percentage.
- xii. Jason Rasmussen noted that he had indicated a question regarding the farm bill.
- xiii. Rose Goings said that she was not able to locate references to that bill. She asked if it could be the Forest Legacy Bill.
- xiv. Terry Carter said it is the Forest Legacy Bill.
- xv. Christine Fuller referred to page 3 and asked what large tracts of agricultural lands meant.
- xvi. Jason Rasmussen asked the board if and how they would like to deal with the protection of agricultural lands. He advised that it is state policy to conserve quality soils for future potential farming. He added that this could also include scenic lands. He said that certain project would fall under the domain of Act 250 and would be protected there. However, not all projects fall under Act 250 and are not protected. He asked the board if they want to protect those lands.
- xvii. Alan Couch said that possibly they could just say to conserve agricultural lands.
- xviii. Terry Carter said they need to be more specific.
- xix. Rose Goings agreed that they need to be more specific. According to a recent Vermont Supreme Court decision in the JAM Golf case, the court said that the South Burlington town plan was unconstitutionally vague. She added that the town plans can no longer consider the intent; they need to be more specific.
- xx. Alan Couch said that he thinks that the zoning regulations need to be more specific and the town plan somewhat specific.
- xxi. Rose Goings said that there are specific things in the zoning regulations and that the regulations must conform to the town plan. The town plan is not just for guidance any longer. It now should be the laws. The DRB must be able to fall back on the town plan. One example is that our town plan does not have a good definition of “historical significance.” It is too vague.
- xxii. Jason Rasmussen said that he is trying to flush out vague areas in the town plan and make them more specific. You will need to name scenic areas and identify agricultural lands. They should be mapped. People reading the town plan should know what you are trying to protect.
- xxiii. Christine Fuller asked him to define large tracts of land.
- xxiv. Jason Rasmussen said it is land that is farmable. Act 250 says it is prime agricultural soils. You have the opportunity now, to define what you want to protect and set lot sizes.
- xxv. Steve Stengel said it would be to save rich soils for future generations.
- xxvi. Rose Goings said that if a proposed project is less than what falls beneath the Act 250 limits, Act 250 would not protect it.
- xxvii. Steve Stengel suggested that they refine the maps of the areas in Ludlow that they would like to protect.
- xxviii. Jason Rasmussen said they could refine the maps and the definitions to include large parcels or scenic ones.
- xxix. Rose Goings said they could identify large, undeveloped parcels. She advised that they do have a grant to work on maps.
- xxx. Jason Rasmussen said they could create maps of locally important agricultural soil areas with number and dates.
- xxxi. Christine Fuller asked about page 4, bullet #2 and suggested that the wording should be easier to understand. She suggested, “seek public and private funds for conservation of agricultural lands. She asked about page 5 and the wording development plans must be stamped by a licensed engineer according to Vermont Stormwater manual.

- xxxii. Rose Goings said the DRB takes recommendations from the project engineers who do stamp the drawings. She added that the projects must go to the state for the actual permit. She said that you would have to hire an engineer who understands the stormwater manual. She said that the state has many departments that review projects.
- xxxiii. Alan Couch said that in theory, the state makes sure that all projects conform to state regulations.
- xxxiv. Rose Goings said that the DRB requires that applicants produce all required state permits before granting local permits.
- xxxv. Jason Rasmussen said that towns may also adopt their own local regulations – in addition to the state regulations. These regulations could cover projects that do not fall under the state’s regulations (small projects.)
- xxxvi. Rose Goings suggested that on page 5, ¶ 1 under Stormwater, the last line should say that the Ludlow Development Review Board requires erosion control and stormwater management plans as part of the local development review process.
- xxxvii. Christine Fuller that she had no changes on page 6.
- xxxviii. The board discussed how to change the wording about the location of the flooding so as not to name specific businesses. Jason Rasmussen will make the changes.
- xxxix. Rose Goings suggested that on page 6 ¶ 3, they remove the sentence that refers to dam failure.
- xl. Christine Fuller said that she saw no changes to be made on page 7.
- xli. Rose Goings asked about the mill on Mill Street and the possibility that with regard to its location in the floodplain, they may not be able to develop that property.
- xl.ii. Jason Rasmussen said that he will check on the status of that property. He added that there is a grant program to buy properties like that one that may not be able to be developed.
- xl.iii. Christine Fuller asked about the classes of wetlands.
- xl.iiii. Jason Rasmussen said that Classes 1 and 2 are mapped and 3 is not mapped.
- xl.v. Rose Goings said that when someone comes in with a proposed projects in the wetlands, she tells them to contact the Vermont Corps of Engineers. If there is a potential problem with the project, the corps will come to look at the site.
- xl.vi. Jason Rasmussen said that under Recommendations on page 8, he incorporated the suggestions made by Rebecca Pfeiffer.
- xl.vii. Christine Fuller said it was well done. She suggested they leave the Earth and Mineral Resources section as written. She said that all of the changes on page 11 has been previously reviewed. She asked about page 12 and asked if they need to make a new section.
- xl.viii. Jason Rasmussen said that the state now requires a section on Scenic and Historic Resources and he will draft it for them.

B. Utilities

- i. Rose Goings said that this section is not complete.
- ii. Jason Rasmussen said that he is waiting for input from some other departments.
- iii. Christine Fuller asked about ¶ 1 and 2.
- iv. Jason Rasmussen said he does not know why they were included in this section.
- v. General consensus to move these to the Introduction section.
- vi. Rose Goings said that they are waiting for information from the fire department and electric department. She said that the armory has already been added and they will remove the cell tower.
- vii. Christine Fuller suggested that the board review this early draft dated 9/14/10 and any drafts that come in before the next meeting.
- viii. Jason Rasmussen said that they should concentrate on the sections that have specific notes from him.

6. Other Business

A. Agenda for Next Meeting

- i. Next meeting is scheduled for October 19, 2010 at 5:30 p.m.
- ii. Rose Goings advised that she would like to discuss the JAM Golf Court case and what it means to Ludlow. They need an official wildlife plan and new definitions that agree with the Vermont State Statutes Annotated. They need to specify the character of an area. There is a list of words they need to avoid, such as “may” and “where feasible” and “the DRB may require.”
- iii. Christine Fuller said they would include JAM Golf and Utilities on the agenda for the next meeting.
- iv. Terry Carter asked Jason Rasmussen that if it is possible he have a draft of the chapter on Scenic and Historic Resources for the next meeting.
- v. Jason Rasmussen said he would work on Utilities first. He suggested that they may want to bring in some experts for JAM Golf or the Energy Section.
- vi. The board agreed that it would be good to have an expert for the energy section.
- vii. Christine Fuller suggested that if they do bring someone in for the energy section, they may want to send that person what they already have and have the person review it. The person could then come to the board with suggestions.

B. Sign Regulations

- i. Rose Goings advised that she has been working on suggestions for the sign regulations or possible ordinance. She has spoken to several business owners and most of them feel that the existing rules are causing hardships to their businesses. The current regulations were written in 1972. She spoke to Troy Adams, a sign maker and they have discussed how to make the rules better for the businesses and town. They need to come up with something unique for Ludlow. She said that she has always had trouble with the signs and regulations are harder to enforce than ordinances. It is not our goal to violate businesses, but they have to find a way to be fair to people who do not like the sandwich boards, off premise signs or signs in the ROW. She said that if she receives complaints – either from business owners or citizens, she tells them to come to a meeting or write letters with suggestions or comments.

7. **Adjourn**

- A. **MOTION by Norman Vanasse and seconded by Terry Carter to adjourn the meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:50 p.m.

Respectfully submitted,
Lisha Klaiber

Fred Glover, Chairman

Christine Fuller

Terry Carter

Steve Stengel

Alan Couch

Norman Vanasse