

**PLANNING COMMISSION
PRELIMINARY MINUTES**

REGULAR MEETING

March 30, 2010

6:00 p.m.

MEMBERS PRESENT:

Fred Glover, Chairman	Alan Couch	Rose Goings
Terry Carter	Christine Fuller	Norman Vanasse

MEMBERS ABSENT:

Steve Stengel

OTHERS PRESENT:

Mike Doran	Jason Rasmussen	Duncan Love – LPC TV
Peggy Martin	Sarah Martin	

1. Call to Order

- A. Fred Glover, Chairman called the meeting to order at 6:00 p.m.
- B. Fred Glover advised that Phil Dunwoody had submitted his resignation.
- C. Rose Goings advised that appointments are coming up soon and if member terms of office are expiring, please write a letter if they are interested in continuing.
- D. Alan Couch advised that he had already submitted his letter.
- E. Norman Vanasse said that he would like to continue as representative to the Regional Planning Commission.
- F. Fred Glover said they would probably have the re-organizational meeting at the April meeting.

2. Roll Call by Recording Secretary

- A. All members present except Steve Stengel.

3. Approve Minutes

- A. The minutes to be approved are from the regular meeting of January 19, 2010.
- B. **MOTION by Christine Fuller and seconded by Terry Carter to accept the minutes from January 19, 2010 as written. Motion passed unanimously.**

4. Comments from Citizens

- A. Fred Glover advised that a petition had been submitted from Sarah Martin that had 91 voter signatures and advised that this board can accept and acknowledge the petition this evening.
- B. Terry Carter read the petition that asked for a change in the zoning regulations to allow a doggy day care and kennel at 74 Fox Lane in the town Residential Commercial District.
- C. Sarah Martin advised that they wish to start a Doggie Day Care with kennel services.
- D. Fred Glover said that this board would need to warn a public hearing on the petition.
- E. Sarah Martin said that they want to open a Doggie Day Care and kennel that would be cage-less and kennel-less. Dogs would be temperament tested and must be spayed or neutered and be current on all shots. They would be separated by size. They would also offer grooming, pick-up and drop-off services. They would be open from 7:00 a.m. to 7:00 p.m., and would also have an

- attendant present 24-hours per day.
- F. Christine Fuller asked about zoning in the district.
 - G. Rose Goings said it is Residential Commercial and Doggie Day Care is not a permitted or conditional use.
 - H. Christine Fuller asked how close the nearest neighbors would be.
 - I. Peggy Martin said the closest house is a rental that is not occupied. The golf course is there, but there are okay with the idea. There is a tree line, creek and another tree line. There is a real estate office that is also okay with the idea.
 - J. Sarah Martin said they want to make it easier for people coming off the mountain.
 - K. Terry Carter said that there are no real close neighbors.
 - L. Rose Goings agreed. She added that veterinary clinics are a conditional use in the district.
 - M. Fred Glover advised that Title 24 § 4441.g discusses changes to zoning regulations. The Planning Commission must pass the petition on to the Select Board with its recommendations and opinions in a timely manner. He thinks that would be by the next meeting. They must also provide a correct definition. He is concerned about spot zoning.
 - N. Peggy said that the reason they limited the location was to make sure that someone living on Pleasant or High Streets might not be permitted to open a similar business in a more residential area.
 - O. Fred Glover said that if it were approved as a permitted use, it would be more of a concern.
 - P. Rose Goings said that you may not zone one piece of property.
 - Q. Alan Couch explained that a permitted use allows anyone in a district to open that type of business. For a conditional use, location, neighbors and noise would all be considered. The town would consider each application separately.
 - R. Rose Goings said that would correct and if it were added to the Residential Commercial District, it would be added across the board. She added that they would need to add specifications and definitions for Doggie Day Care. They would have to make sure it meets the requirements of the area. There would be concerns about noises and smells. Sarah Martin is asking for a specific area in the petition.
 - S. Alan Couch said that they should change the petition to make it a conditional use in the Residential Commercial District. He does not agree with spot zoning.
 - T. Peggy Martin asked about a kennel that used to be on East Lake Road.
 - U. Rose Goings said that was there before the current zoning regulations were put into effect and it was grand-fathered.
 - V. Fred Glover said that the way the petition is written, this board would have to say that the petition looks like a change that would make spot zoning and this board cannot do that. They would be better off requesting Doggie Day Care as a conditional use.
 - W. Rose Goings said they would need to re-write the petition and include definitions.
 - X. Fred Glover said that they should decide to put in permitted or conditional use.
 - Y. Alan Couch suggested that they put it in as a conditional use.
 - Z. Fred Glover suggested tabling this to the next meeting.
 - AA. Terry Carter said they would be more successful if they re-submitted it as a conditional use because the town plan is against spot zoning.
 - BB. Rose Goings offered to help with definitions.
 - CC. Christine Fuller suggested they go on the Internet to see how petitions should be formatted.
 - DD. Alan Couch said that in his opinion, they should make the change as a conditional use for the entire RC District, otherwise if they picked a certain location it would be like creating a new district.
 - EE. Fred Glover agreed that they would not be allowed to do spot zoning.

5. **Presentation on Fluvial Erosion by SWCRPC**

- A. Jason Rasmussen advised that Regional received a grant and hired consultants to do Phase II Geomorphic Assessment of the Black River and Tributaries in Ludlow and the surrounding towns. It shows erosion potential for the Black River and tributaries. It shows what is happening to the river with respect to the flood plain and erosion. The study was on the Black River from south of the lakes through Ludlow and south. He indicated on drawings, places where the river is not flowing correctly. He cautioned that deforestation has added to flooding and sediment and dams have restricted the natural flow of the river. He said that 84% of the Ludlow portion of the Black River has been straightened, mostly by man, and it speeds the flow of the river, adding to the potential for problems downstream. There has been more channelization and the flood plain is getting lost. There are also berms and armors. He added that the river is getting deeper in certain spots and that creates a potential for undermining of the banks and walls. This should be monitored over the course of time. Some of the buffers are less than 25 feet wide and the norm is 50 feet. There are sections of the river that have lost their access to the flood plain. There is some concern about the area where the Branch Brook comes into the Black River. They should try to give it more room to let it find its own balance. There is also the same concern by Winery Road.
- B. Terry Carter asked who owns the land there.
- C. Jason Rasmussen said it might be private. They should try to advise the landowners of the problems. The following Town and Watershed Strategies were suggested:
 - i. Zoning and Planning Operations
 - ii. Fluvial Erosion Hazard Overlay Districts
 - iii. Education/Outreach –river sites
 - iv. Low impact development
 - v. Improved road and driveway maintenance
 - vi. Improved maintenance and replacement of bridges and culverts
- D. Jason Rasmussen continued, saying that the town should encourage lower impact designs at the headwater areas. He noted that he had heard that West Hill Road and Commonwealth Avenue might need drainage work. He advised the board that a Better Back Roads Grant is available and the Lake Rescue Association and town did get a small grant to help with water quality issues and try to mitigate road sedimentation. He said that this information might be added to the Natural Resources section of the town plan.

6. **Town Plan Updating**

NOTE: TERRY CARTER RECORDS CHANGES ONTO A DRAFT OF THE TOWN PLAN.

- A. Rose Goings handed out binders that she compiled for work on the town plan.
- B. Rose Goings advised that she needs an updated version of the Introduction.
- C. Jason Rasmussen said that he and Rose Goings had worked on the formatting and tried to get everything that has been done, to date, into the same format.
- D. Rose Goings said that after this document is reviewed, she would create an updated, clean copy. She will also include a document that shows the changes, because the last time they did the Zoning, the Select Board members wanted to be able to compare the original to the changes.
- E. Fred Glover said that the board needs to go over all of the drafts that they have worked on and he wanted to know what sections they had not worked on.
- F. Jason Rasmussen said they had not worked on the Introduction.
- G. Terry Carter said they had and she would email it to Jason Rasmussen.
- H. Rose Goings said Land Use, Local Economy, Utilities, Energy and Natural Resources had not been done.
- I. There was some discussion on which chapters had been emailed and it was decided that Jason Rasmussen would email Terry Carter everything he has and she would email him everything she has. A new, document would be created that contained all of the work done to date.

- J. Jason Rasmussen said that not much work was done on the last 4 sections. Land use should be left to the last.
- K. Fred Glover suggested leaving the Introduction to the end, also.
- L. Christine Fuller suggested that since Jason Rasmussen and Terry Carter did not have the same copies, it would be better to wait until everyone has the same document to proceed.
- M. Fred Glover asked how they would like to proceed when the documents have been reconciled?
- N. The consensus was to start at the beginning (after the Intro.) and proceed section by section.
- O. Rose Goings suggested that the board review each section and then maybe have a specialist come in to talk about specific sections. She used the energy section as an example. She said they would apply for a Municipal Planning Grant and hire consultants.
- P. Fred Glover suggested they ask Loran Greenslet to come in to talk about utilities.

7. **Other Business**

- A. Planning Commission Future Work
 - i. Fred Glover asked what is in line for the Planning Commission after they complete the town plan.
 - ii. Rose Goings said that there are always things for the Planning Commission to work on. They could look at the zoning regulations and places where definitions are needed, there should be revisions to the Flood Hazard Regulations, Local Act 250 issues. They could look at the zoning districts. She said they could look into Downtown Village Center programs for village beautification. She added they could look into reviewing work started on the bike path and maybe find new routes.
- B. Copies of Fairlee, Londonderry and Aspen Town Plans
 - i. Members received copies.
 - ii. Christine Fuller asked if there were anything of particular interest to Rose Goings in any of these plans.
 - iii. Rose Goings said they are all different and suggested members look over them for ideas.
- C. Planning Grant Resolution
 - i. Rose Goings explained that this is a resolution to apply for a Municipal Planning Grant.
 - ii. Fred Glover read the resolution.
 - iii. **MOTION by Alan Couch and seconded by Norman Vanasse to authorize the necessary steps required to apply for the Municipal Planning Grant.**
 - iv. Jason Rasmussen advised that the Regional Planning Commission expects that about \$18,000 to \$20,000 will be made available to the region and only Ludlow and one other town are applying. He suggested that they add a request for some money for experts to come in to make presentations as part of their grant application.
 - v. Rose Goings said it only require some changes in the wording.
 - vi. Alan Couch and Norman Vanasse accepted the addition of wording for expert consultants to the grant application.
 - vii. **Motion passed unanimously.**

8. **Adjourn**

- A. **MOTION by Christine Fuller and seconded by Norman Vanasse to adjourn the meeting. Motion passed unanimously.**
 - i. Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Lisha Klaiber