

## PLANNING COMMISSION

### PRELIMINARY MINUTES

#### REGULAR MEETING

April 15, 2014

#### MEMBERS PRESENT:

Alan Couch, Chair  
Terry Carter

Logan Nicoll,  
Norman Vanasse

#### STAFF PRESENT:

Rose Goings

#### OTHERS PRESENT:

Marty Fino  
Gary MacIntyre  
Linda Petty

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. He advised that there is still an opening for one more member.

#### 3. APPROVE MINUTES

A. The minutes to be approved are from the meeting of March 18, 2014.

B. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the minutes from March 18, 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. FLOOD HAZARD REGULATIONS

- A. Rose Goings advised that an application had come forward for a permit and there needs to be some clarification or wording in the Flood Hazard Regulations.
- B. Jason Rasmussen advised that some things were added to the chart for items that require a permit. Expansions that change the footprint would need a permit and that new additions or expansions would need to be elevated. He said that the definition for “substantial improvement” was also changed. He said that the definition change was really just a clarification, removing “after date of adoption of these bylaws.”
- C. **MOTION by Terry Carter and seconded by Norman Vanasse to accept the changes to the current draft of the Flood Hazard Regulations as indicated by Jason Rasmussen. Motion passed unanimously.**

## 6. ZONING BY LAW REGULATIONS

- A. LAKES DISTRICT
  - i. Rose Goings said that she had sent copies of HB526 to board members and that they were asked to review them to be able to make comments tonight. However, the state bill is not complete and this board really can't review the bill until the state has completed it.
  - ii. Jason Rasmussen said that the House and Senate both passed separate bills that are different. There is a committee that was formed to try to resolve the differences and merge the 2 bills into one. The new bill could be more restrictive than what we have seen to date. The committee should have completed the work in the next couple of weeks.
  - iii. Gary MacIntyre said that at the last meeting he had volunteered to do a comparison of the current bill to the Ludlow regulations. He presented a comparison of the current Senate bill to the Ludlow regulations. He said that there are some overlaps on where the authority rests with the state or at town level. He also thinks that there are some things missing from the Senate bill that may appear in applications for permits. He presented charts showing various lot sizes, house coverage area, setbacks from lakes, as well as sides and backs of property lines and distance from road. He noted that the state bill includes impervious surfaces and that the state setback from the lake is 100 feet and Ludlow's is 50 feet. The state bill would allow for a 6-foot wide path to the lake that could include steps, landings and platforms. It also would allow clearing of up to 250 square feet in back of a 25 foot setback. He said that smaller lots would need variances for additions with mitigation steps included.
  - iv. Marty Fino said that any expansions would have to occur to the back, away from the lake.
  - v. Gary MacIntyre said yes. He said that expansions to the side would include significantly more expense. He discussed house size with respect to maximum lot coverage percentages and suggested that the board consider grading that percentage according to lot size. He also indicated how the state may require a certain amount of tree coverage. He said that whatever is currently on properties may stay, but new additions or development would fall under the new laws. He would like to see the town have its own regulations in place.
  - vi. Marty Fino asked if the Senate bill mentions giving control to the towns.
  - vii. Gary MacIntyre said that town would have to apply for it.
  - viii. Marty Fino said that the Senate bill is more explicit and that the House bill leaves more to ANR.
  - ix. Gary MacIntyre agreed that the Senate bill is more restrictive, but does not mention run off to the lakes from roads or driveways that are at higher elevations.
  - x. Alan Couch thanked Gary MacIntyre for his work and the information he provided.
  - xi. Gary MacIntyre suggested that this board may want to add some of the things proposed in the state bills into our draft.

- xii. Frank Wingate said that the state may have completed their work and pass a joint bill by this board's May meeting.
  - xiii. Jason Rasmussen said that is possible because the Legislature wants to be done by May.
  - xiv. Frank Wingate noted that the House and Senate bills have two different effective dates.
  - xv. Alan Couch said that he does not think that the state will take Ludlow's best interests into consideration.
  - xvi. Marty Fino said that many people are concerned about what the permit fees will be.
  - xvii. Frank Wingate said that the Senate bill would like for town regulations to be as strict as the state regulations.
  - xviii. Jason Rasmussen suggested that this board sit on this for the next couple of weeks.
  - xix. Alan Couch agreed.
  - xx. Logan Nicoll said that he would rather know what the state regulations are going to be before going any further.
- B. VILLAGE ZONING
- i. Alan Couch said that he looked at the draft of the Village regulations that Jason Rasmussen had sent and they are very similar to the town regulations.
  - ii. Jason Rasmussen said that he transferred the town wording to the village where applicable. He suggested that the board start with Article 4, the Preservation District. He added that there were no changes made to the zoning district boundaries.
  - iii. Rose Goings said that she has some issues with the Preservation District. In a recent permit application that went on to become a court case, that was dropped, we have "similar uses" in our regulations and we need to be more specific or remove that those words. We need to grandfather or add uses. This was the case for the spa.
  - iv. Alan Couch agreed that "similar uses" is too vague.
  - v. Terry Carter suggested grandfathering existing uses.
  - vi. Rose Goings said that one intent was to maintain the integrity of the building character.
  - vii. Terry Carter said that there is a spa in the Preservation District behind the Baptist Church.
  - viii. Mary Jane O'Hara said that in the case of home occupation, state law says that only 25% of the building may be used as the business portion.
  - ix. Rose Goings agreed that there are specific state laws. She also suggested that anything that produces a lot of traffic, such as the funeral parlor, is not a good idea in the Preservation District.
  - x. Linda Petty requested that they stay away from retail uses in the Preservation District.
  - xi. Mary Jane O'Hara said that the applicants for 70 Main testified that they would have 14 employees and that the board should do something about parking spaces.
  - xii. Rose Goings said that there is a requirement for a certain number of spaces per business in the village and restaurants are required to have 1 space per every 150 square feet of seating. She added that there are also no sign regulations in the Preservation District. She added that the sign at 70 Main preexisted the Preservation District. She suggested adding Ski Club to the uses.
  - xiii. Mary Jane O'Hara said that Ski Clubs are good occupants.
  - xiv. Rose Goings suggested adding Ski Clubs to Tourist Home. She also suggested that anything that requires Fire Marshal approval should be under conditional use. Rose Goings also said that there is an addendum to the Preservation District in the appendices and it should be moved to the main part of the regulations. It concerns activities that require design review and guidelines.
  - xv. Terry Carter said that she would like to add something about people who let their houses become eyesores in the Preservation District.
  - xvi. Mary Jane O'Hara said that Manchester has guidelines for keeping new building or renovations in line with the ages of the houses in the area.
  - xvii. Jason Rasmussen said that Burlington has guidelines for replacement of demolished buildings.

- xviii. Mary Jane O'Hara said that Manchester has a regulation for the number of people a business can have at one time.
- xix. Alan Couch said that the board would review the Preservation District at the next meeting. He added that people who live there are concerned about not being able to do anything to their homes. This board cannot make it too burdensome for the people who live there.
- xx. Jason Rasmussen said that Windsor has design guidelines for permitted and conditional uses. They have a design review board that reviews proposals and makes suggestions to the Planning Office.
- xxi. Terry Carter asked Jason Rasmussen to bring a copy of them to the next meeting.
- xxii. Rose Goings noted that the Preservation District is not a Historic District and that the regulations are less restrictive in the Preservation District.
- xxiii. Alan Couch said the intent is to maintain the character of the area without being a burden to the people who live there.
- xxiv. Mary Jane O'Hara said that if people demolish an historical building, they should rebuild with the same type architecture in all districts.
- xxv. Rose Goings said that Ludlow does not have design control. They should rebuild in the same footprint.
- xxvi. Alan Couch said that you can't legislate peoples' tastes in buildings. He said he does not know where the town should draw the line.
- xxvii. Jason Rasmussen said that when they started the Preservation District, Ludlow was not ready for design control.
- xxviii. Alan Couch said that when people are going to rebuild, they could ask their neighbors about the design or go to the DRB.
- xxix. Jason Rasmussen said that there are different types of zoning based not on use, but on structure, placement on the lot, and height. These are very detailed regulations.
- xxx. Norman Vanasse said that the town wanted the character of the area maintained in the Preservation District.
- xxxi. Mary Jane O'Hara was concerned about rooflines and snow falling onto others' properties.
- xxxii. Jason Rasmussen said that some towns have more detailed guidelines and you could include roof guidelines.
- xxxiii. Jason Rasmussen advised that Article 5 is the same as in the town regulations.
- xxxiv. Terry Carter asked if the village regulations are ready to go to the Trustees.
- xxxv. Jason Rasmussen said, no, they still have to review the Preservation District.
- xxxvi. Logan Nicoll asked about sign regulations.
- xxxvii. Rose Goings said they would be part of the zoning regulations.
- xxxviii. Jason Rasmussen advised that he had made modest changes to the Subdivision definitions, using the same definitions as in the zoning regulations. He said that certain standards refer to protection of fragile features and he added some definitions. He said that he proposed some changes to "Lot" definition and asked the board to review this for the next meeting. He also said that the board had determined peaks to be considered for ridgelines, but had not defined actual ridgelines.
- xxxix. Terry Carter said she would like to define the ridgelines.
- xl. Jason Rasmussen said that some towns do it by mapping them and some by distance from the peaks.

## 7. OTHER BUSINESS

- A. Alan Couch advised board members that for the next meeting, they would review the Preservation District, sign regulations, ridgelines and Lot definition.
- B. Rose Goings said that she would like more clarification included in the sign regulations.
- C. Logan Nicoll said he would like to take into consideration the complaint about signs made by Tina Rosen.
- D. Next meeting is on May 20, 2014.

8. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Logan Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:26 p.m.

Respectfully submitted,

Lisha Klaiber

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Alan Couch, Chairman

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Logan Nicoll

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Terry Carter

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Norman Vanasse