

PLANNING COMMISSION

MINUTES

REORGANIZATIONAL MEETING AND REGULAR MEETING

July 22, 2014

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Alan Isaacson
Logan Nicoll

Norm Vanasse

MEMBERS ABSENT:

Norm Vanasse

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Jason Rasmussen
Marty Fino

Jerry Latta
Mary Jane O'Hara

Lisha Klaiber, Recorder
Michelle Stinson- LPC-TV

SPECIAL MEETING – REORGANIZATION

1. CALL TO ORDER

A. Meeting opened at 5:58 p.m. by Chairman Alan Couch.

2. ROLL CALL BY RECORDING SECRETARY

A. All members present except Norm Vanasse.

3. ELECTION OF CHAIRPERSON

A. MOTION by Alan Isaacson and seconded by Logan Nicoll to elect Alan Couch as chairman. Motion passed unanimously.

4. ELECTION OF VICE-CHAIRPERSON

A. MOTION by Terry Carter and seconded by Alan Isaacson to elect Logan Nicoll as vice-chairperson. Motion passed unanimously.

5. ELECTION OF CLERK

A. MOTION by Logan Nicoll and seconded by Alan Isaacson to elect Terry Carter as clerk. Motion passed unanimously.

6. ELECT PAPER OF RECORD

- A. Alan Couch advised that the previous newspapers of record were THE VERMONT JOURNAL and THE RUTLAND HERALD (as back-up).
- B. **MOTION by Logan Nicoll and seconded by Terry Carter to keep THE VERMONT JOURNAL as paper of record and THE RUTLAND HERALD as backup. Motion passed unanimously.**

7. **ELECT RECORDING SECRETARY**

- A. **MOTION by Terry Carter and seconded by Alan Isaacson to appoint Lisha Klaiber as recording secretary. Motion passed unanimously.**

8. **ADOPT RULES OF PROCEDURE**

- A. Logan Nicoll asked initiated a motion about Roberts' Rules of Order.
- B. Rose Goings advised that the board has separate rules of order and that she had emailed them last week.
- C. Alan Isaacson asked about the section that says that the majority of members must be residents. He asked if that means that non-residents may be on the board and vote. He asked if that included second home owners.
- D. Alan Couch said that people would be appointed by Select Board approval.
- E. Alan Isaacson said that he thinks that VT law states that if only one person applies for a position, and no others, that person must be appointed. He expressed his concern that a person with little interest in Ludlow may be appointed to the board and not show up for meetings.
- F. Rose Goings said that she thinks that the section that says a majority of members must be residents is taken from state statutes. She said that she will write to the law center at VLCT.
- G. Terry Carter suggested tabling the vote on this item.
- H. Alan Couch said they can accept it and amend it later.
- I. **MOTION by Terry Carter and seconded by Logan Nicoll to adopt the Rules of Procedure. Motion passed unanimously.**

9. **ADJOURN**

- A. **MOTION by Alan Isaacson and seconded by Terry Carter to adjourn the special meeting. Motion passed unanimously.**
- B. **Alan Couch adjourned this special meeting at 6:08 p.m.**

REGULAR MEETING

1. **CALL TO ORDER**

- A. Alan Couch called the meeting to order at 6:08 p.m.

2. **ROLL CALL BY RECORDING SECRETARY**

- A. All members Planning Commission members present, except Norman Vanasse.

3. **APPROVE MINUTES**

- A. The minutes to be approved are from the meeting of June 17, 2014.
B. **MOTION by Logan Nicoll and seconded by Alan Isaacson to approve the minutes from June 17, 2014 as presented. Motion passed unanimously.**

4. **COMMENTS FROM CITIZENS**

- A. Mary Jane O'Hara asked if, in the future, a meeting is cancelled, it be advertised on the website and new meeting date listed with it.
B. Alan Couch asked about having this done.
C. Rose Goings said she would discuss it with Pam Cruickshank.

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

5. **ZONING BY LAW AMENDMENTS**

- A. LAKES DISTRICT – ACT 172
- i. Rose Goings said that this will go along with later municipal grant discussions but we need to delegate more work on the regulations and to apply for another grant. On July 31st, she and Frank Heald will be attending a training workshop to measure trees and grids to comply with this new law. It is being held by the Shoreland Protection Agency and all are welcome. We will need to decide if we want to undertake these tasks. We have received our first permit application to redo at the Fishing Access Area.
 - ii. Marty Fino asked who has the authority in the interim.
 - iii. Rose Goings said both state and local; applicants must meet ours for the by-laws and also comply with the state's new law.
 - iv. Jason Rasmussen said that we added buffer language in the spring and what we drafted at that time does not meet state standards and does not include all of the bodies of water that the state includes. We need to update that and decide if this board wants to undertake local control.
 - v. Rose Goings said that at this training we will experience how the state will handle permits and how to do the measurements and grids that are required.
 - vi. Terry Carter said that this board's decisions will be contingent upon that training workshop.
 - vii. Rose Goings said it will also be contingent upon a grant for additional work.
 - viii. Alan Isaacson said that he went to a workshop on how to administer the new law. He asked Jason Rasmussen what other towns are doing.
 - ix. Jason Rasmussen said that most other towns have ponds, but they are not the same as Ludlow. Weathersfield and Windsor have some, but neither is looking at local delegation. They said it is the state's law. He added that the law is very complex and if Ludlow proceeds, there is a lot of detail. There is more about grandfathering.
 - x. Alan Isaacson asked how they will deal with people who cut trees at night.

- xi. Rose Goings said that would be state enforcement. If Ludlow takes over, we would have to enforce it. She added that it does not sound like many other towns are taking it on. She added that Ludlow is different and we don't have much bare land on the lakes.
- xii. Alan Couch said that it would be a very large undertaking. He said that Ludlow is unique in this area. He added that, personally, he thinks we would want to oversee the lakes if it is feasible.
- xiii. Terry Carter asked how homeowners find out about the new regulations from the state.
- xiv. Marty Fino said the Lakes Association sent out an email and Susan Warren from the state will be coming to a meeting.
- xv. Alan Couch asked if the state sent out anything to homeowners.
- xvi. Alan Isaacson said people won't know if the law has changed.
- xvii. Rose Goings said that she thinks she will put something in the paper from the Planning and Zoning Department and on the website.
- xviii. Logan Nicoll said that the state includes West Hill Dam in this act.
- xix. Alan Isaacson added, Lake Pauline, Lake Rescue, Tiny Pond and the dam.
- xx. Marty Fino said that the association did a survey and most people would prefer local control.
- xxi. Jason Rasmussen said that he has a modest understanding of the new law and there is a 100 foot buffer for new lots, twice what Ludlow has. He added that VLCT has a model ordinance and we could work from there.
- xxii. Marty Fino said that the state law says people may build out to the side.
- xxiii. Rose Goings said they would still have to meet Ludlow setback standards.
- xxiv. Jason Rasmussen said there was a court case and they cannot increase the degree of nonconformance.
- xxv. Jerry Latta asked, if someone wants to start a project on the lakes, where they begin.
- xxvi. Rose Goings said they would go to the state first and if the state okays the project, they would come to us.
- xxvii. Jason Rasmussen suggested starting with Jackie Carr, the permit specialist in the state's Springfield ANR Office.
- xxviii. Mary Jane O'Hara asked if the state has CD's for the training sessions.
- xxix. Rose Goings said she does not know.
- xxx. Alan Isaacson said the ANR website does have fact sheets on their website.
- xxxi. Jason Rasmussen said that most of the work we did on this will have to be scrapped and restarted.
- xxxii. Alan Couch said we need to revamp ours, since the law has passed. We will wait until after the training session on July 31st to see what is involved.

B. SIGN REGULATIONS

- i. Jason Rasmussen said that he made the changes that the board discussed at the last meeting.
- ii. Alan Couch said he looked over them today.
- iii. Jason Rasmussen said he highlighted the new items.
- iv. Alan Isaacson said the when he reviewed them; he focused on the highlighted items.
- v. Jason Rasmussen said he added a definition of Poster and Indoor Window Signs. He said that some towns exempt indoor window signs if they are 1 foot or more away from the window. It is hard to administer. He also added definitions for banner, and flag signs. He said they had discussed one exempt banner not to exceed 15 square feet.
- vi. Alan Isaacson suggested going to some owners to make sure that 15 square feet covers it.
- vii. Jason Rasmussen said the definition says attached to the building.
- viii. Mary Jane O'Hara asked if that is one per business or building.
- ix. Alan Isaacson said business.

- x. Terry Carter agreed.
- xi. Jason Rasmussen asked about free standing signs in the Village Residential and Preservation districts.
- xii. Alan Isaacson asked if that what one per building or business.
- xiii. Jason Rasmussen said one sign could list all of the business names.
- xiv. Rose Goings asked if they want to allow free standing signs in the Preservation District, it is against the standards for that district.
- xv. Alan Couch said there are different rules for the Preservation District.
- xvi. Alan Isaacson said that rules for the Preservation District were not meant to restrict business, but to make the district architecturally consistent.
- xvii. Jason Rasmussen said that at present, they are only allowed in the Village Residential Commercial District. He asked if the free standing signs would be permanent or installed.
- xviii. Alan Couch said one per lot and they could put numerous business names on the sign. He mentioned that if every business at Shaw's area had separate free standing signs, there would be a lot of signs.
- xix. Alan Isaacson suggested changing the chart to 1 for non-residential. He mentioned Hammond Hall.
- xx. Rose Goings said that they have an owners' association that has sign rules.
- xxi. Jason Rasmussen referred to the chart and said it shows the district, sign size allowance and number of signs. It shows one free standing and one on the building in the Village RC.
- xxii. Mary Jane O'Hara said if a building is set back far, they may need a free standing sign.
- xxiii. Alan Isaacson said they need to clarify the chart regarding free standing and signs on the buildings that are non-residential.
- xxiv. Mary Jane O'Hara asked if both signs would be part of the allowable square footage.
- xxv. Alan Isaacson said that Village RC is the only place where there are 2 signs and neither can exceed 15 square feet.
- xxvi. Rose Goings said if someone is allowed 2 signs and one is less than 15 square feet, like 10 square feet, can the other be 20 square feet.
- xxvii. Jason Rasmussen said that the current maximum square footage for non-residential in the Village RC is 30 square feet.
- xxviii. Rose Goings said they could allow a bigger sign on a bigger building.
- xxix. Alan Isaacson suggested removing the word EACH from the chart.
- xxx. Alan Couch said that the chart is confusing with the footnotes.
- xxxi. Rose Goings said the idea is not to take away from the businesses, but to give them options.
- xxxii. Logan Nicoll suggested saying 30 square feet maximum total that would cover 2 signs or one big one.
- xxxiii. Jason Rasmussen asked about sandwich signs and one per lot.
- xxxiv. Rose Goings said they could list several business names on one sign. She added that we don't want a proliferation of signs.
- xxxv. Alan Isaacson said that the businesses would have to coordinate sign usage. It will come up.
- xxxvi. Terry Carter said what if they all have sales on the same day.
- xxxvii. Logan Nicoll said if they each had a separate sign, it would create cluster and blockage of sidewalks. He said to limit it to one per lot. It may hurt some, but it would be better than one per business.
- xxxviii. Jason Rasmussen suggested the size not to exceed 24" x 48" and asked how that would relate to total maximum signage.
- xxxix. Alan Isaacson asked if that would be taken from the 15 square feet.
- xl. Rose Goings said yes.

- xli. Mary Jane O'Hara asked if 4 businesses used one sandwich sign, would that be calculated from each business allowance.
- xlii. Jason Rasmussen said that in the RC, they are allowed 2 signs, one free standing and one on the building. What about the one sandwich sign per lot?
- xlili. Alan Couch said if a business has 2 signs, do they really need a sandwich sign, also.
- xliv. Jason Rasmussen asked about OPEN and SALE flags.
- xlv. Rose Goings said they have a choice of two, sandwich, hanging, flush mounted, free standing.
- xlvi. Alan Isaacson asked who would police this.
- xlvii. Rose Goings said that people actually come to her with other businesses' violations.
- xlviii. Jason Rasmussen asked how they want this to be written.
- xlix. Logan Nicoll said 2 signs is enough, sandwich and one other or two others, not three. They may also have a sign in the window.
 - 1. Rose Goings said that window signs are exempt.
 - li. Alan Isaacson said that this has to be appropriate and consistent. He said that Tina's has a sandwich sign.
 - lii. Terry Carter said that the board was trying to help people.
 - liii. Alan Couch said that he does not have a problem counting the sandwich sign in the calculations
 - liv. Alan Isaacson said that the sandwich sign should be taken in every night. He added that it should not be counted in the calculations because it is temporary.
 - lv. Mary Jane O'Hara asked about Lamere Square.
 - lvi. Alan Isaacson said they must meet the Group Sign limits.
 - lvii. Rose Goings said it would be too much to allow 3 signs and a flag.
 - lviii. Alan Couch said to leave the 50 square foot for group signs.
 - lix. Alan Isaacson asked how that would be administered.
 - lx. Jason Rasmussen asked about hours for sandwich signs. He suggested signs be removed by 10 p.m. and may be put out at 7 a.m.
 - lxi. Alan Couch said it should be based on business hours.
 - lxii. Terry Carter asked Rose Goings if she polices it.
 - lxiii. Rose Goings said yes, when she sees a violation, she will call the people first, before issuing a Notice of Violation.
 - lxiv. Alan Couch said 10 to 7 works for him.
 - lxv. Logan Nicoll said that this accomplishes it, allowing people a grace period for prep time.
 - lxvi. Jason Rasmussen asked about signs on roofs.
 - lxvii. Alan Couch said that the existing ones are grandfathered.
 - lxviii. Alan Isaacson asked about name changes.
 - lxix. Rose Goings said if they change a name or owners, they would have to conform to new rules. It if it is the same, exact sign, it would be okay.
 - lxx. Jason Rasmussen asked if the board wants roof signs.
 - lxxi. Alan Isaacson said no, but how do you define it. Shaw's may not be a roof sign.
 - lxxii. Jason Rasmussen asked about soffit signs.
 - lxxiii. The board generally agreed that they do not want new roof signs, but existing signs are grandfathered.
 - lxxiv. Jason Rasmussen read the definition of business flag, OPEN, SALE and they agreed one is exempt.
 - lxxv. Alan Couch asked about feather flags that are on poles sticking out of the ground.
 - lxxvi. Logan Nicoll said like at the Farmers' Market.
 - lxxvii. Rose Goings said that the Farmers' Market is exempt because it is agricultural.
 - lxxviii. Terry Carter said that 2 may not be enough.

- lxxix. Alan Isaacson asked about other businesses with similar type signs, like Outback, Cassandras and Odyssey.
- lxxx. Rose Goings said that Odyssey and Knight's Tubs had off premises signs and she called them and they removed them right away.
- lxxxi. Terry Carter asked about inflatable signs.
- lxxxii. The board did not want them at all.
- lxxxiii. Jason Rasmussen noted that posters in the draft are the same as in the current regulations. He said that he made sure that all of the signs they have discussed have definitions.
- lxxxiv. Terry Carter asked if they could forward this on now.
- lxxxv. Rose Goings said no, it is part of the entire document and would have to wait until the regulations were done.
- lxxxvi. Jason Rasmussen said they would need to review the entire document.
- lxxxvii. Alan Isaacson asked about the definition for "other uses" in the Preservation District.
- lxxxviii. Jason Rasmussen said he would get to it for the next meeting. He added that he would like to complete the work on these regulations at the next meeting.

6. REVIEW AND APPROVE FLOOD HAZARD FORMS

- A. Rose Goings explained that since Irene, there are new state flood requirements and we need to create forms. We need to step up. This is particularly important with regard to 50% substantial improvement. We should look at the forms next week.
- B. Jason Rasmussen said that there is a worksheet that is very detailed from FEMA for guidance for calculating substantial improvement. FEMA wants details and once the costs near 40%, they want more detail. He thinks this may just be for larger projects.
- C. Alan Isaacson said they only use the forms in the Flood Zone. It is up to FEMA.
- D. Jason Rasmussen said that he thinks that FEMA relies on the towns to administer them.
- E. Alan Isaacson asked what if a person does the work himself. Can they leave out those costs?
- F. Rose Goings said no. They have to put in labor at the going rate.
- G. Jason Rasmussen said that the same would go for materials. If someone gave a person the materials, they would still have to count it at current costs.
- H. Rose Goings said they do need to simplify the forms. At 40% people need to prove costs and that's when they would use the forms. We must scrutinize projects over 40%.
- I. Jason Rasmussen asked the board members to look over the forms.
- J. Terry Carter suggested making up a simpler form for smaller projects.
- K. Jason Rasmussen said the forms would also be a check list for the DRB review.

7. OTHER BUSINESS

- A. Town Flood Hazard Regulations
 - i. Rose Goings advised that the Select Board has approved the Town Flood Hazard Regulations.
- B. Village Flood Hazard Regulations
 - i. Rose Goings advised that at their meeting on July 2, the Trustees discussed the Village Flood Hazard Regulations. They changed the setback to 15 feet. They will hold their public hearing for the Flood Hazard Regulations on August 5th. She said that she will not be able to attend the public hearing and asked board members to try to attend. She said that Jason Rasmussen will be there.

- C. Discuss Municipal Planning Grant
 - i. Rose Goings said that this would have to file for the grant by September and asked the board if they want to file for a grant.
 - ii. The board wants to file for a grant.
- D. May/Shall/Will
 - i. Mary Jane O'Hara asked the differences.
 - ii. Logan Nicoll said that the board has been changing Mays and Wills and Shoulds to shalls.
 - iii. Alan Isaacson said that with SHALL, people do not have an option. They must do what it calls for.
 - iv. Jason Rasmussen said it is sometimes more relevant to town plan use.
- E. Next meeting is on August 19, 2014.

8. **ADJOURN**

- A. **MOTION by Alan Isaacson and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:42 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson