

**PLANNING COMMISSION
MINUTES**

REGULAR MEETING

July 23, 2013

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Logan Nicoll
Norman Vanasse

OTHERS PRESENT:

Mike Doran
Rose Goings

Jason Rasmussen
Ted Reeves

Lisha Klaiber, Recorder
Michelle Stinson – LPC-TV

1. CALL TO ORDER

A. Alan Couch called the meeting to order at 6:03 p.m.

2. ROLL CALL BY RECORDING SECRETARY

A. All members Planning Commission members present.

3. APPROVE MINUTES

A. The minutes to be approved are from the meeting of June 18, 2013.

B. **MOTION by Terry Carter and seconded by Norman Vanasse to approve the minutes from June 18, 2013 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none.

5. ZONING BYLAW AMENDMENTS

A. Rose Goings advised that John Broker-Campbell was not able to attend tonight's meeting to discuss the All Hazard Mitigation Plan, nor were the representatives from the Lakes Association. She said that she and Jason Rasmussen had focused on the lakes district.

B. Alan Couch asked if Rose Goings would invite the Lakes group to attend the August meeting.

C. Jason Rasmussen began by reviewing House Bill H.526 which was proposed at the last legislative session. The bill had passed the House, but not the Senate. A summer study committee, The Vermont Lake Shore land Protection Committee was formed to review the bill. They are considering regulations to restrict impervious surfaces and he is not sure what the intent actually is. The committee is holding hearings in various towns throughout the state. This would be a different approach than the current Ludlow Zoning Regulations. Currently Ludlow has a minimum 50 foot setback from the lake. That may change.

D. Terry Carter asked how that was measured.

- E. Rose Goings said the regulations are unspecified.
- F. Jason Rasmussen said usually 50 feet on a straight plane from the shore.
- G. Rose Goings said the Lakes Association wanted to discuss this bill and how Ludlow would deal with it if passed.
- H. Alan Couch agreed that this board needs input from the Association.
- I. Norman Vanasse said he is concerned with fresh water and sewage.
- J. Terry Carter said that some bad things, such as lawn mowers, floated into the lakes after Irene.
- K. Alan Couch said that this bill would not be able to control that.
- L. Norman Vanasse said he is also concerned with leach fields.
- M. Jason Rasmussen said that the original bill contained requirements for buffers of tall grasses and trees. The new approach deals with impervious surfaces. The idea is to protect the water.
- N. Terry Carter asked about how to protect against invasive species.
- O. Jason Rasmussen said that sometimes you can get rid of them, but that depends on the regulations. Ludlow does not have a buffer provision in the regulations.
- P. Terry Carter said that some people terrace down to the lakes.
- Q. Jason Rasmussen said that at the last meeting the board also discussed Normal Water Facilities and that they are allowed within the 50 foot setback. This is boat houses and docks. The regulations need to clarify what this means. We suggested possibly making them conditional uses through the DRB or permitted by Administrative Review.
- R. Logan Nicoll said that he likes the idea of having some control over what people build on the lakes.
- S. Rose Goings said that without a permit requirement, there is no means of control.
- T. Alan Couch suggested that the requirement could be to have the applicant go through the Zoning Administrator. She would be able to look at the plans and project. This would mean the applicant would not have to go to the DRB in most cases.
- U. Terry Carter asked if they should include something about size of the structure.
- V. Jason Rasmussen suggested that they treat docks separately.
- W. Logan Nicoll said it would be hard to control the square footage of a dock.
- X. Terry Carter asked, referring to the reference in the current regulations, how a high water mark is determined.
- Y. Jason Rasmussen said that the current regulations do not have a definition for high water mark and said he would get a definition for them.
- Z. Terry Carter agreed that docks and boathouses should be treated separately.
- AA. Logan Nicoll said that possibly they should limit docks to 50 square feet.
- BB. Jason Rasmussen said that he would like to hear input from the lakes association.
- CC. Alan Couch said the length should not exceed 10 feet into the lake.
- DD. Jason Rasmussen asked about floating docks and the bouncy things that are not connected to the shore.
- EE. Terry Carter said that they might be allowed because the bottoms of the lakes are very muddy and people need docks. She added that the board does not want to stop people from having fun.
- FF. Jason Rasmussen said that they could be exempt.
- GG. Alan Couch suggested letting that go for now.
- HH. Jason Rasmussen asked about stairs from the house to the lake. He asked if they wanted to include some standards for them.
- II. Alan Couch suggested leaving some things to interpretation.
- JJ. Logan Nicoll said that stairs could get out of hand.

- KK. Michelle Stinson suggested having them permitted so you would know what they are planning to do.
- LL. Jason Rasmussen said you would want people to have access to the lake, but not go to excesses.
- MM. Logan Nicoll asked how stairs fit in with the impervious stipulations.
- NN. Jason Rasmussen said the intent is not clear; wood, stone.
- OO. Rose Goings said that stairs should be clarified. People might go from stairs to decks to stairs to the shore.
- PP. Jason Rasmussen said people may make landings and where do you draw the line between landings and decks. There could be a square footage limitation there.
- QQ. Alan Couch suggested looking at regulations in other towns with lakes. He suggested the towns around Lake Sunapee.
- RR. Jason Rasmussen said he could do that.
- SS. Logan Nicoll asked if the Lakes Association has any of their own rules. He asked if the current zoning regulations have restrictions.
- TT. Jason Rasmussen said that they allow for boat houses and docks, but stairs and square footage for docks are new. They also have not dealt with decks.
- UU. Alan Couch suggested sending a list of questions to the Lakes Association for their input.
- VV. Rose Goings said she would do that.
- WW. Jason Rasmussen referred to the draft regulations and asked if the board wanted to add the item about minimizing impacts to minimum waterfront setbacks.
- XX. Alan Couch said that he likes the idea, but the wording needs to be tweaked.

6. OTHER BUSINESS

- A. New Energy Code
- i. Rose Goings explained that the State Senate has passed a law that says that the Zoning Administrators have to ascertain that buildings have a Certificate of Energy Compliance before issuing Certificates of Occupancy. This is already in effect. She added that this must also be added to the Zoning Regulations.
 - ii. Jason Rasmussen added that towns have to get a certificate stating that structures are built to code and that Zoning Administrators must provide information to applicants about this.
 - iii. Rose Goings said that it has not been the usual practice for zoning administrators to get into codes and some of the zoning administrators are not comfortable with this.
 - iv. Jason Rasmussen said that even though it is in effect, towns have not been given the necessary information from the state.
- B. Select Board Request
- i. Rose Goings said that at their last meeting, the Select Board was asking questions about the possible changes to the Zoning Regulations.
 - ii. Jason Rasmussen said that he would be able to send them an updated draft, showing the possible changes. He suggested going to the Select Board meeting with the Zoning map that this board has marked up, so the Select Board members could see where the changes are. He would be able to send them the map before the meeting.
 - iii. Terry Carter asked when the Select Board meeting is scheduled.
 - iv. Rose Goings said August 5th at 7:00 p.m. She said taking the map would be good so the Selectmen could see where the changes are and what the reasons are for the changes.

- v. Norman Vanasse said he is always worried about septic and leech fields.
- vi. Terry Carter asked how the town deals with septic and leech fields.
- vii. Rose Goings said that the town does not. That is handled by the state.
- C. Jason Rasmussen said that since he had been expecting John Broker Campbell and also people from the Lakes Association, he had not completed the changes from the last meeting.
- D. Notes from Previous Meeting
 - i. Ted Reeves said that he had marked up exhibits from the last meeting and wanted to make sure that the board would be discussing that.
 - ii. Jason Rasmussen said that he has those exhibits and is working on them.
- E. Next meeting August 13, 2013 at 6:00 p.m.

7. **ADJOURN**

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

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse