

PLANNING COMMISSION

PRELIMINARY MINUTES

PUBLIC HEARING & REGULAR MEETING

September 20, 2016

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Alan Isaacson
Norm Vanasse

Logan Nicoll

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Jason Rasmussen

Adam Sayres - LPC-TV

Lisha Klaiber, Recorder

PUBLIC HEARING #1

TOWN and VILLAGE OF LUDLOW ZONING & FLOOD HAZARD REGULATIONS

1. Open

- A. Alan Couch opened the 6:00 p.m. All members present.
- B. Alan Couch advised that pursuant to the provisions of Title 24, Chapter 117, §4442, of the Vermont Statutes Annotated, the Planning Commission for the Town and Village of Ludlow will conduct a public hearing for the residents, taxpayers and interested persons in the Town and Village of Ludlow on the 20th day of September, 2016 at 6:00 p.m., in the Town Hall Conference Room to hear comments on the "Plan."
- C. Alan Couch advised that the Planning Commission has been working on Land Use and Energy Sections of the Municipal Plan.
- D. Alan Isaacson advised that at the suggestion of Logan Nicoll, the Planning Commission added the State maps on possible renewable locations within Ludlow. He said that he thinks this is a bad idea. The state recently passed a new law on Renewable Energy and if, in the Town Plan, you say that certain locations are potential sites for renewable energy projects that is where they will may be located. If we put the state maps in the town plan, potential developers will refer to those sites.
- E. Logan Nicoll said that he disagrees. He said it is information.
- F. Alan Isaacson said that this board did not check those locations to see if we agreed with all of the sites listed that the state said are okay.
- G. Logan Nicoll said they are just being identified as ideal locations.
- H. Alan Isaacson disagreed. He said the state may consider those maps as places the town approves of as potential locations.
- I. Logan Nicoll repeated that we are just updating information.
- J. Rose Goings said that two weeks ago, she and Alan Isaacson attended a seminar on this. If it is included in the town plan, it stands as a location for a project. She agreed with Alan Isaacson. She said we need to look very carefully at the maps to see what locations are on them and what places we may or may not want to have new projects. She suggested this be further discussed under the grant agenda item.

- K. Alan Isaacson said that he agrees with the few sentences that Planning Commission proposes to include in the Land Use section. He does not want to act on the Energy Section until the board reviews the state maps.
- L. Logan Nicoll said it is the point of the town plan to convey information.
- M. Alan Couch said the town plan looks out 5 to 10 to 20 years and if we include something in the town plan, it will be considered for future projects
- N. Alan Isaacson said if it is in the town plan, and a developer goes to the PSB, they will look at the maps and say that we included the locations as available sites.
- O. Alan Couch agreed with Alan Isaacson.
- P. Logan Nicoll said we can't modify state maps.
- Q. Alan Isaacson said we can remove locations where we don't want large renewable energy projects.
- R. Rose Goings said we could include, in the grant, creating our own maps. You should have the power to choose where you want projects, not the state. You should be able to say what places in town where you do not want projects. This is our chance to apply for a grant to review the Energy Section.
- S. Alan Isaacson asked for Jason Rasmussen's comments.
- T. Jason Rasmussen said that the state passed Act 174. Part of this act adds to the state planning goals. He advised the board to go back and look at the Energy Chapter. He said they need to do a lot more homework if they want to qualify for Substantial Deference. They must meet the threshold requirements. They need to be more specific.
- U. Terry Carter suggested tabling this discussion until we discuss the grant.
- V. Alan Isaacson said he is okay with the additional language added to the Land Use section, but not with the Energy section.
- W. Norman Vanasse said that wind companies pick the best locations for wind towers and those locations may not be what Ludlow wants.
- X. Alan Isaacson said the new law will help us if we want to fight or modify proposed projects.
- Y. Logan Nicoll said he still disagrees and still wants to include the maps. They are data, they are facts. He said they don't encourage people to put their projects in particular locations.
- Z. Alan Couch said that he does not want the town to be at risk for projects that we don't want.
- AA. Alan Isaacson said that other people interpret it differently from Logan Nicoll. He asked why not wait until we review the maps. The maps say that these are potentially good locations. This board has not looked at the maps and he does not want to go ahead with the changes to the Energy Section until the board reviews the maps.
- BB. Terry Carter suggested that they table this until they look at the maps.
- CC. Jason Rasmussen said that the town plan already encourages renewable energy projects and the maps show potentially good locations. If presented this way, it is a concern. You need to have very specific language.
- DD. Terry Carter said they should review the language in the Energy section.
- EE. Alan Isaacson said they could make reference to the maps in the section, but if included, people may interpret this as where we approve of locations.
- FF. Alan Couch said he does not want the town to get burned again like the Barker location. He agreed that the town plan already included encouraging renewable energy projects.
- GG. Alan Isaacson said the law has changed. This board has not looked at the maps. He said they should look at the maps and see if we agree with the locations on the maps. We should choose the places where we would want projects.
- HH. Alan Couch said the board should take the time to look at the maps.
- II. Rose Goings said that she and Alan Isaacson went to the recent seminar. The town plan is very important and what you put in the town plan is part of what Act 250 will look at if we deny a project and it is appealed. She said the board should be very careful what they put in the town plan. She said they need to look at the maps, before putting them in, to determine locations

where we would want these projects. She said that is the reason we are applying for this grant, to review the energy section. We need to look at the maps first and be cautious.

- JJ. **MOTION by Terry Carter and seconded by Norman Vanasse to approve the proposed changes to the Land Use section of the town plan. Motion passed unanimously.**
- KK. Alan Isaacson also recalled that the ANR has not set the rules for Substantial Deference and the Regional must update the Regional Plan before the town can revise the Energy Section of the plan.

2. Close Public Hearing

- A. Alan Couch closed the hearing at 6:21 p.m.

PUBLIC HEARING #2

TOWN OF LUDLOW ZONING & FLOOD HAZARD REGULATIONS

1. Open

- A. Alan Couch opened the 6:22 p.m. All members present.
- B. Alan Couch advised that pursuant to the provisions of Title 24, Chapter 117, §4442, of the Vermont Statutes Annotated, the Planning Commission for the Town of Ludlow proposes to adopt an amendment to the Town Zoning and Flood Hazard Regulations. The Planning Commission will conduct a public hearing for the residents, taxpayers and interested persons in the Town of Ludlow on the 20th day of September, 2016 at 6:22 p.m., in the Town Hall Conference Room to hear comments on the “Regulations.”
- C. Alan Isaacson said the board added language to the District Standards for the RC1 and RC2 districts. He said they also asked Jason Rasmussen to revise the maps, changing the part of RC1 on Mountain Road to Mountain Recreation District.
- D. Rose Goings advised that Ted Reeves, from Okemo, is in favor of the change to Mountain Recreation from RC1 for that portion along Mountain Road.
- E. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the amended Town of Ludlow Zoning and Flood Hazard Regulations, with language added to District Standards for RC1 and RC2, the change for the portion of RC1 on Mountain Road to the Mountain Recreation District with assorted maps. Motion passed unanimously.**
- F. Alan Isaacson asked if they should include in the motion to send it to the Select Board.
- G. Rose Goings said they could make the motion at the end of the 3 hearings.

2. Close Public Hearing

- A. Alan Couch closed the hearing at 6:25 p.m.

PUBLIC HEARING #3

VILLAGE OF LUDLOW ZONING & FLOOD HAZARD REGULATIONS

1. Open

- A. Alan Couch opened the 6:26 p.m. All members present.

- B. Alan Couch advised that pursuant to the provisions of Title 24, Chapter 117, §4442, of the Vermont Statutes Annotated, the Planning Commission for the Village of Ludlow proposes to adopt an amendment to the Village Zoning and Flood Hazard Regulations. The Planning Commission will conduct a public hearing for the residents, taxpayers and interested persons in the Town of Ludlow on the 20th day of September, 2016 at 6:26 p.m., in the Town Hall Conference Room to hear comments on the “Regulations.”
- C. Alan Isaacson said the changes to the Village zoning are to add the District Standards language to the Village Residential Commercial District.
- D. **MOTION by Terry Carter and seconded by Norman Vanasse to approve the changes to the Village of Ludlow Zoning and Flood Hazard Regulations, as presented. Motion passed unanimously.**

2. Close Public Hearing

- A. Alan Isaacson said they should send the changes to the Land Use Section of the town plan to the Select Board and Village Trustees, but hold the energy section.
- B. Logan Nicoll said he would personally, send them both.
- C. **MOTION by Alan Isaacson and seconded by Terry Carter to forward the changes to the Land Use Section (Ch.10) of the town plan and the changes to the District standards section of the Village Residential Commercial District of the Village Zoning and Flood Hazard Regulations to the Trustees. Motion passed unanimously.**
- D. **MOTION by Alan Isaacson and seconded by Logan Nicoll to forward the changes to the Land Use Section (Ch.10) of the town plan and the changes to the District standards section of the RC1 and RC2 Districts of the Town Zoning and Flood Hazard Regulations to the select Board. Motion passed unanimously.**
- E. Alan Couch closed the hearing at 6:30 p.m.

REGULAR MEETING OF THE LUDLOW PLANNING COMMISSION

1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:30 p.m.

2. ROLL CALL BY RECORDING SECRETARY

- A. All Planning Commission members present.

3. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of July 19, 2016.
- B. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the minutes July 19, 2016 as corrected. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

- A. There were none.

5. **ENERGY UPDATE – RPC/MPG**

- A. Alan Couch said this would be a grant for the Energy Section.
- B. Rose Goings said it is Municipal Grant time and Jason Rasmussen has also told her that the Regional Planning Commission also has money. She would like to apply for a grant to work on the Energy section of the town plan. We may possibly be able to do our own maps.
- C. Jason Rasmussen said that this is an annual funding program and may be used for town plans, budget planning and infrastructure. The program has been changed, and you may apply for grants up to \$20,000, but that any grant over \$8,000 will include a local match. When you apply, you have to prove that the costs for the request are reasonable. There are priorities that are funded such as revitalization of Village Centers or to resolve inconsistencies in town plans to the State Plan. You can apply for grant to “beef up” the energy section of the town plan.
- D. Alan Isaacson added to bring our plan into compliance with Act 174.
- E. Jason Rasmussen said that over the next 6 months, Regional will be working on the Regional Plan. We will look at what does the plan need to do to meet the threshold for Substantial Deference. We hope to have the state rules for this from the ANR by the end of the fall. This board can look at the state maps for optimal solar or wind projects and proximity to the grid and transmission lines. You can add local concerns, priorities and specific locations. If you apply, you will probably hear by December or January and can start work in January or February.
- F. Terry Carter asked if the town could take on its own solar or wind projects.
- G. Jason Rasmussen said he is not aware of any small electric companies like Ludlow’s that are doing this.
- H. Terry Carter asked where we would start with this.
- I. Alan Isaacson said probably the electric company.
- J. Terry Carter asked if that could be part of the grant. She asked if Jason Rasmussen could help with this.
- K. Jason Rasmussen said yes. He said that applications are due by October 31. The Select Board must sign off on this and they meet October 3rd. We will need the Planning Commission to vote on this and get it to the Select Board for their next meeting. He said if the cost of services exceeds \$10,000, it would have to go out to bid. You would need to authorize Rose Goings and me to proceed with the application. He said he would send a link to them or they could Google Vermont Municipal Grant Program.
- L. Terry Carter asked if town wide WIFI is part of energy. She said that some towns have their own broadband.
- M. Jason Rasmussen said no.
- N. **MOTION by Alan Isaacson and seconded by Terry Carter to authorize Jason Rasmussen and Rose Goings to proceed with the preparation of the application for the Municipal Grant and t authorize Alan Couch to review and sign the application for up to \$7,500. Motion passed unanimously.**

6. **OTHER BUSINESS**

- A. Town/Village Town Plan
 - i. Jason Rasmussen said it is his understanding that the town and village have always had a joint plan, but separate zoning. Has there been any thought to separate plans.
 - ii. Alan Isaacson said that originally, the Village had trash pickup and the town did not, and that is why they were kept as separate entities.
 - iii. Terry Carter said that many years ago, the town voted not to merge the town and village.
 - iv. Jason Rasmussen asked if there should be separate plans.

- v. Alan Couch said there are pros and cons, but it is food for thought.
 - vi. Logan Nicoll asked if it would help with the Village Center designation. He asked about other towns with villages.
 - vii. Jason Rasmussen said some towns/villages have separate plans and zoning and others do not.
 - viii. Alan Isaacson said the Energy Section is vastly different for the town and village.
 - ix. Jason Rasmussen said that to separate them would be hard to do within our budget.
 - x. Alan Isaacson said they could merge the zoning regulations and just add the village districts as additional districts. He said you would still have to go to the Trustees and Select Board for approval.
 - xi. Logan Nicoll said he would like to see what other towns with similar situations are doing.
 - xii. Alan Isaacson said to do this; the board would really have to update the town plan and said that when this was done in the past, the board met weekly.
- B. Meeting on Village Center Designation
- i. Alan Isaacson advised that he, Jason Rasmussen and Rose Goings will be going to Montpelier on Monday to meet with the people who approve Village Centers. We need their approval for our extension to the Village Center Designation. They have denied part of our request.
 - ii. Rose Goings said that they said it was too large. We did get approval for parts of Depot Street, up to the trestle, and Main Street up to the old Bensons. Now included are the Andrie Rose, some ski clubs, Downtown Grocery, Greg Mauriello's building, Depot Street Gallery and Wine and Cheese Depot. She said that Phil Carter helped with some great photographs.
- C. Next meeting – October 18, 2016.

7. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson