

PRELIMINARY MINUTES

**VILLAGE OF LUDLOW
BOARD OF TRUSTEES**

REGULAR MEETING

6:00 PM

Tuesday March 1, 2016

BOARD MEMBERS PRESENT:

Bob Gilmore, Chairman

David Rose

Richard Harrison

BOARD MEMBERS ABSENT:

STAFF:

Frank Heald

Rose Goings

OTHERS PRESENT:

Lucy Bell

Julie Nicoll

Bev Stepp

Alan Couch

Logan Nicoll

Phil Stratman

Chuck Craig

Scott Stearns

Ed McEneaney – LPCTV

Rev. Tom Deibler

1. **Call to Order**

- A. Chairman Bob Gilmore, called the regular meeting to order at 6:01 p.m., all members present.

2. **Approve Minutes from Previous Meetings**

- A. David Rose advised the minutes to be approved are from the regular meeting of February 9, 2016 and the special meeting of February 18, 2016.
- B. **MOTION by David Rose and seconded by Richard Harrison to approve minutes from the meetings of February 9, 2016 and February 18, 2016 as submitted. Motion passed unanimously.**

3. **Comments from Citizens**

- A. There were none.

4. **Consider Request for 3rd Wounded Veteran's Walk/Run**

- A. Bob Gilmore advised that a letter had been received from Sara Stryhas for approval to sponsor the third 5K/10K run on May 28, 2016. Approval has been given by Chief Billings for the event.

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- B. **MOTION by David Rose and seconded by Richard Harrison to approve the request from Sara Stryhas to hold a 5K/10K run made to benefit wounded soldiers on Saturday, May 28, 2016 as presented. Motion passed unanimously.**
5. **Consider Coin Drop Request RE: Project Graduation**
- A. Bob Gilmore advised that Project Graduation does an annual coin drop.
- B. Frank Heald advised that the Project Graduation people have requested a coin drop on Saturday, May 14, 2016 from 10:00 a.m. to 2:00 p.m. He said that American Legion has already requested a coin drop in April. He added that this has been done for several years and approval is recommended.
- C. **MOTION by David Rose and seconded by Bob Gilmore to approve the Project Graduation Coin Drop for Saturday, May 14, 2016 from 10:00 a.m. to 2:00 p.m. Motion passed unanimously.**
6. **Review Changes to Ludlow Municipal Plan Consider Public Hearing**
- A. Rose Goings advised that the Planning Commission has drafted changes to the Energy Section of the Municipal Plan. She said that they have updated the landscaping and screening sections as well as changed references to CVPS to Green Mountain Power. References to Wind Power have been changed to Renewable Energy Sources. This would now include solar projects. She noted that Alan Couch and Logan Nicoll, Planning Commission members are also here tonight.
- B. Alan Couch said that other than the changes mentioned by Rose Goings, there are no substantial changes.
- C. Logan Nicoll said these changes were actually brought on by the Barker Road Solar project. The Planning Commission started to review the Municipal Plan, with the intent to “beef up” this section to support possible future changes to the zoning regulations. This section will now be for all renewable energy projects, not just wind.
- D. Frank Heald advised that there are bills in the legislature on siting of these projects and asked if the Planning Commission will have to revise the town plan or if the changes will cover us in the future. He referred to the Bennington decision.
- E. Rose Goings said that the Planning Commission also changed Section 260.2 in the Town and Village zoning regulations. This is for Site Plan Approval by the DRB.
- F. Logan Nicoll said that Jason Rasmussen has not been at the last few Planning Commission meetings and there are still some questions for him.
- G. Alan Couch said the Planning Commission did address siting more stringently in the zoning regulations.
- H. Rose Goings said if the Trustees move to approve this, a public hearing could be warned for their next meeting.
- I. **MOTION by David Rose and seconded by Richard Harrison to proceed to a public hearing for changes to the Municipal Plan for the Village. Motion passed unanimously.**
- J. Alan Couch asked if the date would be April 5, 2016.
- K. Frank Heald said yes.
7. **Discuss Mountain Sewer Collection System**

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- A. Frank Heald advised that a preliminary engineering study was done by Otter Creek of the Okemo Mountain Sewer Collection System. It was prompted by the manhole failure a few years ago. It made us question the whole system. The preliminary study is an overview with recommendations and includes the mountain system from Jackson Gore to the new South Face property. We should check the flows from the mountain down and how the lines are affected from Mountain Road down, looking at the line sizes and pitches. He advised that he will get back to the board with more information.
 - B. Bob Gilmore agreed that this was a good idea.
 - C. Frank Heald said we need to know the impact of the pumping systems and where the shut-offs are for the lines down from the mountain.
8. **Review Changes to Village Zoning & Flood Hazard Regulations & Consider Public Hearing**
- A. Rose Goings advised that the changes are to Section 260.2 Site Plan Review and deal with landscaping and screening. She said that by state law, all commercial projects must have the same review standards and that solar projects could not have different standards. She said that the proposed changes were suggested by Jason Rasmussen. The changes have been made to both the town and village zoning regulations for all commercial projects. Rose Goings continued, noting that another change was made to the definition to RETAIL USE. She said that the maximum per floor square footage was limited to 5,000 square feet.
 - B. David Rose asked where the 5,000 square foot number came from.
 - C. Rose Goings said one of the Planning Commission members.
 - D. David Rose said that there are existing businesses that have square footage greater than 5,000 square feet and he would hate to see them handcuffed if they wanted to expand. He noted that the current cap on square footage is based on lot sizes.
 - E. Alan Couch said that the discussion was prompted by the problem Chester has with Dollar General. The Planning Commission wants to prevent big box stores from coming to Ludlow. He advised that car dealerships are not included in this. The Planning Commission thought that the 5,000 square feet limit would prevent this from happening in Ludlow and also prevent stores that are not in the character of the town from moving in.
 - F. David Rose asked Shaw's or Rite Aid or LaValley's would not be able to expand. He said that he cannot support this proposed change. He said it would not be good for jobs or the tax base.
 - G. Alan Couch said that this was not unanimously agreed upon by Planning Commission members, but that they decided to try it. There was some dissention among the Planning Commission members.
 - H. Bob Gilmore said that there is an unwritten damper of our small population. We are on the 4th busiest highway in the state and the 5,000 square foot limit may turn some good businesses away.
 - I. Alan Couch said that, as a citizen, he agrees with Bob Gilmore and David Rose. He added that Ludlow does not have the demographics or land area to support big box stores.
 - J. Bob Gilmore noted that even Mc Donald's could not get in. He said that the change would be more negative in the future.
 - K. Logan Nicoll said this issue was controversial for the Planning Commission, but we don't want to see big box stores. We thought the 5,000 square foot limit was okay. We don't like the Benson's building and it is not in the character of the area. We want to avoid similar structures in the future. He asked if the trustees had any suggestions.
 - L. David Rose said Benson's looks great. He said they went through the permit processes. He added that there is no space in the Village for big box stores.

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- M. Logan Nicoll said there is plenty of room if someone purchased multiple, adjacent properties. We want to write something around that notion to prevent big box stores. We don't want to wait until a company has already started the process to build. We don't want something like the Dollar General in Chester. We want to encourage small businesses with smaller owners.
 - N. Richard Harrison said that Bensons did a good job.
 - O. Rose Goings said the Planning Commission also discussed Design Review, so a project would be reviewed based on appearance, but that was discussed several years ago and was not well received.
 - P. Bob Gilmore said Bensons was compelled by GM to expand or lose their dealership.
 - Q. Logan Nicoll said that car dealerships are excluded from this.
 - R. Bob Gilmore said that he does not see a big box store coming into Ludlow. He agrees with David Rose and does not want to prevent someone from expanding.
 - S. Frank Heald asked what the Trustees want to do, go forward with a public hearing or send this back to the Planning Commission.
 - T. David Rose asked what will happen if we send it back to the Planning Commission.
 - U. Alan Couch said the Planning Commission could rework it or drop it. He said that maybe they could find a happy medium.
 - V. Rose Goings noted that the Planning Commission did have some differences of opinion.
 - W. Bob Gilmore said this change would also discourage growth at Okemo Market Place. He said he can't support it and the consensus of the trustees is to send it back to the Planning Commission.
 - X. **MOTION by David Rose and seconded by Richard Harrison to move the changes to Energy Section 260.2 in the Village Zoning Regulations to public hearing and to send changes to the definition of RETAIL USE back to the Planning Commission. Motion passed unanimously.**
9. **Consider Updates to Village Ordinance Prohibiting Drug, Tobacco & Vaping Paraphernalia Establishments & Further Prohibiting Marijuana Dispensaries**
- A. Rose Goings advised that also included in the packets was a draft of the newly updated ordinance. The biggest update is about vaping and marijuana dispensaries, the rest of the ordinance already is on the books. This was prompted by the new store in town that some people are not happy with. She added that store would be grandfathered.
 - B. Frank Heald noted that there is a fair amount of concern about the proposed state bills to legalize marijuana. He added that the existing ordinance is pretty cumbersome. He said that the Planning Commission and law enforcement worked together on the revised ordinance. It could be adopted by this board with permissive referendum.
 - C. Bob Gilmore asked how this ordinance would be affected if the state does legalize marijuana.
 - D. Frank Heald said the purpose of the ordinance is not to have a marijuana dispensary in the town. Many people feel that it would not fit the image that we want for the town. If stores are prohibited before the state legalizes marijuana, the ordinance may hold after. We will check with legal counsel to make moderately sure if ordinance is legal. We would also like to know what the majority of the town wants. The police and BRACC are in favor of the ordinance.
 - E. Rev. Tom Deibler asked to be on the record and expressed his opinion that he is adamantly opposed to legalization of marijuana and agrees an article about the harmful effects done to people by marijuana.

- F. Bob Gilmore agreed that there is enough positive evidence that it is helpful for medical use for the ill or dying, but that for general use he is totally opposed to its legalization. He said we do counseling at school against it. It is also against the image that Ludlow wants to project and would draw a seedy element.
- G. David Rose said the ordinance is a good thing. He asked if this could be incorporated into the zoning regulations as a not permitted use.
- H. Rose Goings said we will talk to counsel about it, but said we do need the ordinance. If added to the zoning regulations, it may have to be added as a permitted use in one district.
- I. Alan Couch said that he thinks that the legislature is allowing towns to zone against dispensaries.
- J. Logan Nicoll noted that in Colorado, towns can opt out of dispensaries.
- K. Frank Heald said that there is also a companion ordinance for the town, but that the Select Board will not have its next regular meeting until April and would possibly act on the ordinance in May.

10. **Review & Authorize Village Wastewater Planning Study Agreement with Aldrich & Elliott Water Resources Engineers**

- A. Frank Heald advised that there have been no major or repairs to the treatment plant since the headworks project. The plant was built circa 1971. We think that we should have the plant reviewed, as a whole.
- B. Chuck Craig advised that some of the motors are over 20 years old.
- C. Frank Heald said that today, there is an emphasis on energy efficient motors. We would like to engage Aldrich and Elliott to do an analysis and make recommendations for a 1 to 5 year phased improvement plan. We have already discussed chemical storage locations. It makes sense to do a full engineering workup. The study would be about \$15,000.
- D. **MOTION by David Rose and seconded by Richard Harrison to approve and execute the Waste Water Planning Study Agreement with Aldrich and Elliott for the lump sum of \$14,900.00 as presented. Motion passed unanimously.**

11. **Other Business**

- A. **Sewer**
 - i. Frank Heald advised that Chuck Craig had prepared a graph showing how the last major rain event had bumped out the hydraulic capacity of the plant. He noted that generally April would be the high points, except for September 2011, right after Irene. There is concern about the syphon down Mill Street. The pipes are transite and the man holes are brick or block. The infiltration along the river may be more than we should have. We want to be sure to look at that line. He said that years ago, there was root infestation by the Timber Inn and it was bored out. We should also look at that section. We will do the camera work.
 - ii. David Rose noted that this would be after the water table drops.
 - iii. Frank Heald said they won't spend a ton of money on it, but it is an important part of the line.
 - iv. Chuck Craig said that if anyone has any questions, his door is always open.
 - v. David Rose said he may come down for a visit.
 - vi. Frank Heald said the engineers will spend a day when they come for the study and he will let the board know when that will happen.

12. **Set Date for Next Meeting**

- A. The next regular meeting is set for Tuesday April 5, 2016 at 6:00 p.m.

13. **Sign Warrant Orders**

- A. David Rose advised that warrant orders have been signed.

14. **Possible Executive Session/Personnel/Contracts**

- A. Frank Heald advised that an Executive Session is not needed.

15. **Adjourn**

- A. **MOTION to adjourn by David Rose and seconded by Richard Harrison. Motion passed unanimously.**
B. Meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lisha Klaiber

Robert Gilmore, Chairman

David Rose

Richard Harrison