

**MINUTES**

**VILLAGE OF LUDLOW  
BOARD OF TRUSTEES**

**SPECIAL HEARING AND  
REGULAR MEETING**

**6:00 PM**

Tuesday October 1, 2013

**BOARD MEMBERS PRESENT:**

Bob Gilmore, Chairman

Richard Harrison

David Rose

**STAFF:**

Frank Heald

Rose Goings

**OTHERS PRESENT:**

Francis Broza

Alan Couch

Donald Dowling

Terry Carter

Arlene Dowling

Scott Gwynn – LPCTV

**PUBLIC HEARING**  
**FLOOD HAZARD REGULATIONS**

1. Chairman Bob Gilmore called the public hearing for Flood Hazard Regulations for the Village of Ludlow to order at 6:00 p.m.
2. Rose Goings advised that some of the members of the Planning Commission were unavailable to attend tonight's hearing. She said that the Planning Commission had held their public hearing for the regulations in April and she distributed copies of the corresponding map to the trustees. She added that Jason Rasmussen from the Regional Planning Commission was also unavailable for this hearing. She referred to page 2, item 2 of the document and said that it now includes Stream Setbacks of 50 feet. This applies only if the land is not already in the Flood Hazard Area. Flood insurance is generally not required in the area designated for stream setbacks; however some mortgage companies may require it. Also not allowed are new structures, junkyards and storage facilities and fill. Any use with an A designation is exempt. These regulations have been drafted because FEMA and the state ANR want Ludlow Flood Hazard Regulations to be stronger. They also wanted Ludlow to add a Fluvial Erosion area, but we are unable to do that at this time because the areas affected would need to be mapped and it costs a lot of money to have the study done. Fluvial Erosion areas are areas where stream or river banks have been eroded. Since we cannot add the Fluvial Erosion areas, we added the stream setbacks.
3. Frank Heald suggested adding a definition for Fluvial Erosion areas.
4. Rose Goings referred to page 4 and said that a new chart, comparing the permitted, conditional, prohibited and exempt uses in the Special Flood Hazard Areas and the Floodway. Building base flood elevation for residential structures in these areas must be 1 foot.
5. David Rose asked Rose Goings to define streams and the criteria as to why certain streams were picked.
6. Rose Goings said that all of these streams plow into major brooks or the river. The Branch Brook is one and some others are located in the Aquifer District. There is no definition for stream, yet, but it will be added. These streams were mapped by the Southern Windsor office of the state ANR.
7. David Rose said that he would have liked to have been able to see the map prior to this hearing. He asked if the 50-foot buffer is an exact number.
8. Rose Goings said that the Planning Commission opted for the 50 feet. There is also a 50 foot minimum setback in the Lakes District. This would affect people on Commonwealth and Andover, but she did not know how many properties would be affected.
9. Alan Couch said that there would be a lot of properties affected.
10. David Rose asked how the top of the stream bank is defined.
11. Rose Goings said they also need a definition for that. Usually the site engineer would determine that.
12. Bob Gilmore asked if these regulations would mean that people would not be able to build on their properties.
13. Rose Goings said they would be able to build outside of the 50 foot setback.
14. Richard Harrison said that after the storms, there was a lot of damage down there and people need to tie their outside equipment, like propane tanks to the structures. He said that Commonwealth, Bridge Street, Meadow Street and the Governor's Inn are affected.
15. Rose Goings said that they are all in the flood zones.

16. Richard Harrison said we need to do whatever we can to help people with storm damage. We need to take preventive measures – we need to prepare.
17. Bob Gilmore agreed with Richard Harrison about securing equipment and said that on page 5, item 1A, Development Standards, it refers to anchoring equipment. He asked how that would be enforced.
18. Rose Goings said that any new building in these areas would need to go before the DRB for a permit. The DRB would impose conditions on any permits and before a CO would be issued, the building would be inspected to make sure they complied with the DRB conditions. If not, no CO would be issued.
19. Bob Gilmore asked how that would be enforced with existing structures. How do we get the word out?
20. Rose Goings said that existing structures are a different story. We try to get the word out and talk to people. She said that the oil and propane companies also inform the people. Mobile homes are anchored down.
21. Bob Gilmore said it would have to be voluntary for pre-existing homes. We should raise the issue at all of our meetings, reminding people to secure outside equipment.
22. Rose Goings said that if anyone has any questions, please come into the Planning and Zoning office. If we don't have the needed information, we can and will get it.
23. Francis Broza asked if this meeting had been advertised because it will affect a lot of people.
24. Bob Gilmore said that we are obligated, but the state statute to advertise public hearings.
25. Rose Goings said it was in THE VERMONT JOURNAL which is the newspaper of record for the village.
26. Francis Broza said that he is surprised by how few people came. He added that he would like a copy of the map. He said that public hearings deserve more notice.
27. Bob Gilmore said that his view is to table this hearing for the next meeting. He said that for some people, this is the first time they have heard this information.
28. David Rose asked that since this was a warned hearing, aren't these regulations now in effect.
29. Rose Goings said that the hearing was warned 15 days ago and yes, these regulations are in effect until they are approved, denied or changed. She added that the Select Board public hearing for Flood Hazard Regulations would be on Monday, October 7<sup>th</sup>.
30. David Rose said he would like to see a definition added for stream, how stream banks are measured and is the 50 foot setback changeable.
31. Rose Goings said that she would try to have Jason Rasmussen present at the next Trustees meeting. He may be able to explain more things about the background of these changes to the Flood Hazard Regulations.
32. David Rose asked if the DRB looks back at the 100 and 500 year floods.
33. Rose Goings said they look at the flood plains. If they are not mapped, we don't look at them.
34. Referring to the map David Rose asked about Zone X.
35. Rose Goings said they do not look at Zone X.
36. Francis Broza voiced his concern that property values would be lowered and what would happen with taxes and the Grand List. This would take away use of part of people's properties.
37. Richard Harrison said that people will always rebuild in the same place after a storm.
38. Bob Gilmore noted that Andover Street is in the Flood Zone and asked if the Listers go by the area and devalue properties.
39. Rose Goings said that the properties in the Lakes District have not been devalued and they are in the Flood zones. She said that the Flood Zones, Flood Way and Flood Plains have been mapped since the 1960's. She said that Francis Broza's property is in zone AE and it has not changed.
40. Donald Dowling asked who has the authority to make these determinations, are they experienced, is it FEMA or the Army Corps of Engineers.
41. Rose Goings said that the Planning Commission worked with the ANR and FEMA. They also called in outside experts and worked with people from the Regional Planning Commission.
42. Terry Carter said that if the Trustees and Select Board approve the village and town regulations, they still have to get final approval from the state and FEMA.
43. David Rose asked that if the Trustees make changes, can the state deny those changes.
44. Terry Carter said yes. Our regulations must meet or exceed state regulations.
45. David Rose asked if the state designated the 50 foot setback.
46. Rose Goings said it was recommended. They want our regulations to go above and beyond. We already have one approval of the regulations. That is why we sent them to the Trustees and Select Board for their hearings. After they are approved, they go to FEMA.
47. Frank Heald said that if Ludlow does not comply, people may not be able to get Flood Insurance in general.
48. Bob Gilmore suggested tabling this hearing until the November meeting.
49. David Rose asked if Rose Goings could put the regulations and map on the website.
50. Rose Goings said she would ask Pam Cruickshank tomorrow.
51. Frank Heald advised that Ludlow regulations did not meet muster after Irene and need to be updated. The Planning Commission held its hearing in April and it was warned and televised. This hearing was warned also. Sometimes the only way to get conversation going is to have a hearing where people have the opportunity to come in and have a discussion. The Select Board hearing is on Monday and it will be the same basic conversation. It is hard to generate interest until people ask how the change will affect them.
52. Donald Dowling asked about the Mill Street Bridge. He would like to see the debris cleared away.

53. Frank Heald said he would have it cleared. He explained that the existing use of the bridge will not change. The town would need federal and state participation to have it replaced. It is an historic 1929 Pony Truss and cannot be removed and replaced by a simple bridge. The town has higher priority items for spending that much money. It will remain a walking bridge.
54. Arlene Dowling said the bridge is dangerous and an eyesore and devalues nearby properties.
55. Bob Gilmore asked if the town could do repairs.
56. Frank Heald said the walking path is safe and defined.
57. Bob Gilmore said that they will have more experts at the next meeting to discuss the regulations and will come up with suitable recommendations. He added that David Rose is a surveyor and familiar with much of this and that Richard Harrison is familiar with much of the entire town.
58. Richard Harrison said the town prepares for floods and needs to make sure the dams are open before the floods.
59. Bob Gilmore said they learned their lessons after Irene. He said that the new regulations are not that draconian and the village will need to comply. They will consider property values.
60. Bob Gilmore closed the public hearing for Flood Hazard Regulations at 6:43 p.m.

### REGULAR MEETING

#### 1. Call to Order

- A. Chairman, Bob Gilmore, called the meeting to order at 6:44 p.m., all members present.

#### 2. Approve Minutes from Previous Meetings

- A. Bob Gilmore advised the minutes to be approved are from the regular meeting of September 3, 2013.
- B. **MOTION by David Rose and seconded by Richard Harrison to approve minutes from the meeting of September 3, 2013 as presented. Motion passed unanimously.**

#### 3. Comments From Citizens

- A. There were none.

#### 4. Ludlow Elementary School Parent/Teacher Group 5K Fun Run Request

- A. Bob Gilmore advised that a letter had been received from Leslie Boyle for approval to sponsor a fun run on October 5, 2013 at 1:00 p.m. to start at LES and follow Main Street to High Street to Dug Road and back to the school. Arrangements have been made with Chief Billings and Frank Heald for the event. They will stay on sidewalks wherever possible.
- B. **MOTION by David Rose and seconded by Richard Harrison to approve the request made by Leslie Boyle on behalf of the LES Parent Teacher Group for a fun run on October 5, 2013 as presented. Motion passed unanimously.**

#### 5. Wounded Warrior Project 5K/10K Walk/Run Request

- A. Bob Gilmore advised that a letter had been received from Sara Stryhas for approval to sponsor a 5K/10K run on October 19, 2013 at 11:00 a.m. to start at the Legion and follow two routes designated on map provided. Approval has been given by Chief Billings for the event. They will stay on sidewalks wherever possible. The event is for the benefit of wounded soldiers. The Legion will also participate.
- B. **MOTION by Richard Harrison and seconded by David Rose to approve the request from Sara Stryhas to hold a 5K/10K run made to benefit wounded soldiers on October 19, 2013 as presented. Motion passed unanimously.**

#### 6. Radar Speed Signs - Update

- A. Frank Heald advised that he had presented a report on all 3 radar speed signs. The one at the south end of town had not been working, but was rebooted and is working again. The one at the fire station was also not working, was purged and is working again. The portable system controls are in the Cloud. The unit includes a medium resolution camera and will take a picture of a vehicle once it exceeds a preset speed limit. They would be able to ID the vehicle. The unit is not for enforcement but is designed to calm traffic. However, they will be able to see trends and if certain

vehicles are consistently speeding at the same time each day, they may position a cruiser with radar unit if needed.

- B. David Rose asked who is responsible for the traffic counts on High Street.
- C. Frank Heald said either regional or state.

7. **Schedule FY 2015 Budget Workshops**

- A. Frank Heald advised that he anticipates getting drafts to the board by December. Town budget drafts are almost complete.

8. **Other Business**

- A. Frank Heald asked board members if there is any interest in purchasing a property that is for sale on Pond Street Extension.
- B. Bob Gilmore said they may be.

9. **Set Date for Next Meeting**

- A. Next regular meeting set for Tuesday, November 5, 2013 at 6:00 p.m.

10. **Sign Warrant Orders**

- A. Warrant orders were signed.

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

- A. Frank Heald advised that an Executive Session would be needed to discuss possible property purchase.
- B. MOTION by Richard Harrison and seconded by David Rose to enter in to Executive Session. Motion passed unanimously.
- C. Board entered in to Executive Session at 6:55 p.m.
- D. Board exited Executive Session at 7:07 p.m. No action taken.

12. **Adjourn**

- A. **MOTION to adjourn by David Rose and seconded by Richard Harrison. Motion passed unanimously.**
- B. Meeting adjourned at 7:08 p.m.

Respectfully submitted,

Lisha Klaiber

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Robert Gilmore, Chairman

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David Rose

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Richard Harrison