

**PLANNING COMMISSION
PRELIMINARY MINUTES**

REGULAR MEETING

July 21, 2009

6:00 p.m.

MEMBERS PRESENT:

Fred Glover, Chairman
Terry Carter

Alan Couch
Phil Dunwoody

Christine Fuller
Norman Vanasse

MEMBERS ABSENT:

Steve Stengel

OTHERS PRESENT:

Britta Galimi

Bernard Pelletier

Duncan Love – LPC TV

1. Call to Order

- A. Fred Glover called the meeting to order at 6:00 p.m. Roll call by Recording Secretary – all members present except Steve Stengel.

2. Work on Town Plan Update

- A. Fred Glover advised that April Harkness had arrived at Town Hall after the meeting of June 16th had been adjourned. She had maps that should drive sections of the new town plan. She will come to the meeting on August 5th and hopefully work on the town plan after the public hearing for the re-adoption of the existing town plan. It was decided to re-adopt the existing town plan, rather than to update it in sections.
- B. Norman Vanasse advised that Springfield and Chester are also in the process of re-adopting their existing town plans.
- C. Alan Couch said that he would like to see a copy of Springfield's town plan. He also noted that the new Ludlow town website is missing documents, specifically the town plan and zoning regulations.
- D. Fred Glover said that he had spoken to April Harkness and he thinks that it would be better to work on the town plan update with the people from Regional Planning present for input.

3. Other Business

A. Planning Director Position

- i. Norman Vanasse asked if there was an update on suggestions that Rose Goings be appointed Planning Director. Her input is needed at these meetings.
- ii. Fred Glover said that he had spoken to Frank Heald about expanding Rose Goings'

position to include Planning Responsibilities. Frank Heald had also told him that he would take the matter up with the Select Board. He added that, lately, there seems to be a breakdown in communication and it would be helpful to have her here. He will ask Pam Cruickshank how to get the Planning Director position on an agenda for a Select Board meeting.

B. Drive-Up Window Vote

- i. Alan Couch said that the vote for the drive-up window was defeated by a tight margin. People have expressed their concern on how this type of situation could be prevented in the future. He suggested prohibiting gas stations outside the village limits. This would discourage sprawl and keep business in the village. He thinks the Planning Commission should work on this.
- ii. Norman Vanasse asked where the village line is.
- iii. Fred Glover said near Panarello's.
- iv. Alan Couch said that he would like to see the rules more definite and clearer. This change should also include Route 100, not just Route 103.
- v. Phil Dunwoody said that Vermont is not a population growth state. They need to make sure the small downtown districts do not disappear.
- vi. Christine Fuller said that she has also been approached by people who are concerned about situations like the drive-up window happening again. They want some protection against it.
- vii. Fred Glover said they were protected by zoning and the town plan, but you can't prevent petitions.
- viii. Phil Dunwoody said that the Planning Commission might have done a better job of relaying that it was not an "anti-McDonalds" campaign. It was about sprawl and local businesses. He noted that after he had explained this to some people, they changed their minds and voted against the petition. He also felt that a lot of the "yes" votes were also due to misunderstandings. People were worried that if they voted against the petition, the gas tanks at the old Jiffi Mart location would not be removed. He said that federal law says they must be removed. People also thought that Champlain Oil was going to build them a park, not just give them the property and leave it at that.
- ix. Christine Fuller said that at the public hearing, one Select Board member said that the Planning Commission was weak in its recommendation to the Select Board regarding this petition. We should be stronger in the future.
- x. Terry Carter said that one Select Board member had told her that the Planning Commission dealt too much with spot zoning. That individual did not have any suggestions.
- xi. Christine Fuller said that Mark Gauthier did a good job, at the public hearing, referencing parts of the town plan that were in conflict with the petition.
- xii. Fred Glover said that it seemed to him that the commission had followed the report format. One thing that he found disturbing was the need for affordable food in town. There are people who can't afford to eat out.
- xiii. Phil Dunwoody said the Planning Commission's job is to give a report, not opinions.
- xiv. Alan Couch said the petition should have been clearer. It was vague, yet also narrow. It should have had more specifics.
- xv. Phil Dunwoody said that spot zoning is an issue in town, but also with the state.

C. Town Residential Commercial Zoning Change

- i. Fred Glover noted that although not listed on tonight's agenda, at a special meeting on June 11, 2009, the Planning Commission had requested a public hearing to amend the zoning regulations for Section 460, Town Residential Commercial District, Conditional Use #28, Auto Service Station, by removing the reference to Route 103 and to change the definition in Article 7 – Definitions, Auto Service Station to read, “ An establishment at which motor vehicles are serviced, which may or may not include state inspections.” This information was passed on to Rose Goings who warned the hearing for this evening, but was left off the agenda. Britta Galimi had a copy of the warning email from Rose Goings.

OPEN PUBLIC HEARING FOR CHANGES TO SECTION 460, TOWN RESIDENTIAL COMMERCIAL DISTRICT, CONDITIONAL USE #28 AND ARTICLE 7 –DEFINITIONS

1. Fred Glover opened the public hearing at 6:38 p.m. There were no comments from the public.
2. Phil Dunwoody asked if the board might want to consider limiting that to Route 100 and Route 103 and not other streets in the district.
3. Fred Glover noted existing similar businesses on Andover Street and North Hill. These would be grand fathered. He added that since the Planning Commission had moved to have this hearing, they would need to have another one to change the motion.
4. **MOTION by Christine Fuller and seconded by Norman Vanasse to pass the proposed change on to the Select Board as follows: To propose amending the zoning regulations for Section 460, Town Residential Commercial District, Conditional Use #28, Auto Service Station, by removing the reference to Route 103 and to change the definition in Article 7 – Definitions, Auto Service Station to read, “ An establishment at which motor vehicles are serviced, which may or may not include state inspections.” Motion passed.**
5. **MOTION by Christine Fuller and seconded by Terry Carter to close the public hearing. Motion passed unanimously.**
6. Public hearing closed at 6:46 p.m.
7. Terry Carter said that she would email this to Rose Goings.

D. Open Meeting Law

- i. Fred Glover said that he had thought the board could go into Executive Session to discuss their report for the drive-up window, but had been mistaken. He distributed the Open Law document for the board's information.

E. Planning Commission Rules of Procedure

- i. Norman Vanasse noted the following changes required:
- ii. Page 1 – Article 5.1 – Time of meetings should be changed to 6:00 p.m. and day of meeting changed to third Tuesday.

- iii. Page 3 – Article 5.4 – Start Time should be changed to 6:00 p.m. and the reference “The Commission shall not begin considering any matter on the agenda not yet under consideration by the hour of 9:00 p.m.” The hour of 9:00 p.m. should be changed to 8:00 p.m.
- iv. **MOTION by Christine Fuller and seconded by Alan Couch to re-adopt the Planning Commission Rules of Procedure with changed indicated above. Motion passed unanimously.**
- v. Lisha Klaiber volunteered to revise the document.

F. Next Meeting

- i. Christine Fuller said that the next meeting is the public hearing on August 5, 2009 to re-adopt the town plan. April Harkness from Regional said that she would be there that evening and would also like to work on the Town Plan update that night. Christine Fuller suggested that evening also be the regular meeting for August.
- ii. Norman Vanasse said he would be on vacation that week and not be at the meeting.
- iii. Fred Glover asked Terry Carter to email Rose Goings to make August 5, 2009 the regular meeting for August and to add Town Plan update to the agenda.
- iv. Phil Dunwoody said he would also like to have the board look at future changes to the zoning regulations with the intent of keeping businesses in the Village.

4. **Approve Minutes**

- A. The minutes to be approved are from the regular meeting of June 16, 2009.
- B. **MOTION by Christine Fuller and seconded by Norman Vanasse to accept the minutes from June 16, 2009 as written. Motion passed unanimously.**

5. **Adjourn**

- A. Norman Vanasse noted that the Open Meeting Law does not require signatures on minutes from meetings. He suggested that signature block on future Planning Commission minutes be eliminated. He said that they have not been signed in quite a while.
- B. Phil Dunwoody said that minutes were actually signed in the past. They are now posted on the web and reviewed at accepted by the board at later meetings.
- C. General consensus to eliminate signature block from minutes.
- D. **MOTION by Christine Fuller and seconded by Norman Vanasse to adjourn the meeting. Motion passed unanimously.**
- E. Meeting adjourned at 7:11 p.m.
- F. Next meeting will be Wednesday August 5, 2009 at 6:00 p.m.

Respectfully submitted,

Lisha Klaiber