

**PLANNING COMMISSION
MINUTES**

**PUBLIC HEARING AND
REGULAR MEETING**

April 30, 2013

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Logan Nicoll
Norman Vanasse

OTHERS PRESENT:

Phil Carter
Rose Goings

Jason Rasmussen

Lisha Klaiber, Recorder
Michelle Stinson – LPC-TV

1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:02 p.m.

2. ROLL CALL BY RECORDING SECRETARY

- A. All members Planning Commission members present.

NOTE: Jason Rasmussen maintains a master file for the Flood Hazard Regulations and records changes as the board makes them.

3. OPEN PUBLIC HEARING ON FLOOD HAZARD REGULATIONS

- A. Alan Couch opened the Public Hearing at 6:03 p.m. and asked for any comments or questions.
- B. Phil Carter voiced concerns regarding the Fluvial Erosion Areas. He said that if it is possible to have the areas mapped, it should be done. It would be the responsible thing to do. He said that if the town issues permits with the knowledge that the river course could change, we should advise the applicants of that possibility. They should know upfront. He used the Evening Song CSA as an example of how the river changed course and totally ruined their land.
- C. Alan Couch agreed that the information should be given out to applicants.
- D. Phil Carter said that years ago, FEMA was not around. Now, they are involved in the process and may weigh in down the road. The DRB needs to have as much information as possible about the fluvial areas. He also voiced concern about the people living downstream from a structure (or items) that float down the river onto their property.
- E. Jason Rasmussen said that there is some information available. He added that the state now refers to these areas as River Corridors. They have mapped the main stem of the Black River, but not most of its tributaries. He said that these proposed regulations include a 50-foot setback from all streams not mapped by FEMA.

- F. Phil Carter said that if you have a river corridor mapped and the river moves, does that affect the designated flood plain.
- G. Jason Rasmussen said yes. He said that when the course of the Williams River in Chester changed, that made the maps no longer correct. There is no mechanism to immediately update maps. He added that there are a lot of changes going on at the state level. This will be an issue at Act 250 proceedings and must be clearer in town plans.
- H. Phil Carter said that if there are changes to the floodways and flood plains, it also affect insurance. We need to build maps into the process and do what we can now.
- I. Jason Rasmussen said that representatives from the ANR were here a couple of months ago said that they could map the Fluvial Erosion areas along 2 of the tributaries in Ludlow.
- J. Alan Couch said that we should get something out to the public.
- K. Terry Carter said we could do it with the zoning maps.
- L. Jason Rasmussen said that the number 1 priority is to clarify the flood regulations.
- M. Phil Carter said that FEMA is getting involved and that before the DRB issues permits, they want the state to sign off first. This will be an issue, but we need to do something now.
- N. Jason Rasmussen said that Rose Goings sent out the proposed regulations and that Sasha Pealer (ANR) reviewed and made some suggestions and some “do it” changes. He referred to the Check List and said that Sasha Pealer recommends Fluvial Erosion be added.
- O. Rose Goings said we would need to have the areas mapped.
- P. Jason Rasmussen said that could be addressed when the board finishes the Zoning Regulations.
- Q. Logan Nicoll said it would be logical to adopt the proposed draft of the Flood Hazard Regulations now and add Fluvial later.
- R. Jason Rasmussen said it may be better to wait and have the tributaries mapped. He continued with another suggestion from Sasha Pealer, that they add "on the ground measurements shall be used for boundary determinations” to the comment regarding 50-foot setbacks.
- S. The board agreed with this.
- T. Jason Rasmussen indicated other suggestions for changes or additions to language and the board agreed. He said that with these changes, the regulations will definitely meet (or exceed) minimum requirements and that they can send them to the Select Board.
- U. Rose Goings said the board cannot do the Fluvial Erosion section as they do not have the necessary information. They can send this draft to Sasha Pealer and with an explanation of time constraints for not adding the Fluvial Erosion information to them.
- V. Jason Rasmussen said that the changes made tonight will not affect the Written Report that was sent out. He will insert the changes made tonight.
- W. Rose Goings when she receives the completed draft, she will send it to Sasha Pealer and Ned Swanberg and wait for their comments. Then she will set up a hearing with the Select Board and the Trustees. The board will move forward with the Fluvial Erosion section later.
- X. Jason Rasmussen said they could make up a brochure on Fluvial Erosion Areas to have at Town Hall and also put the information on the town website. He said that Fluvial Erosion can be added to the Flood Hazard Regulations at a later date.
- Y. **MOTION by Terry Carter and seconded by Norman Vanasse to proceed with the changes as suggested by Sasha Pealer with the exception of Fluvial Erosion Areas and send the draft to ANR for review and then to proceed with the Public Hearing with the Select Board and Trustees. Motion passed unanimously.**

4. **CLOSE PUBLIC HEARING**

- A. **MOTION by Logan Nicoll and seconded by Terry Carter to close the public hearing. Motion passed unanimously.**

5. **OPEN REGULAR MEETING**

- A. Alan Couch opened the regular meeting at 6:45 p.m.

6. **APPROVE MINUTES**

- A. The minutes to be approved are from the meeting of March 28, 2013.
- B. **MOTION by Terry Carter and seconded by Logan Nicoll to approve the minutes from March 28, 2013 as presented. Motion passed unanimously.**

7. **COMMENTS FROM CITIZENS**

- A. There were none.

8. **WORK SESSION - ZONING REGULATIONS**

- A. Rose Goings said that she would like to discuss how the board wants to proceed with the Zoning Regulations. They discussed inviting Loran Greenslet to discuss the Aquifer Protection Area and wells and well protection. They also discussed inviting people from the Lake Rescue Association to discuss the lakes. Should there be a town ordinance to protect the lakes, or should it be in the Zoning Regulations.
- B. Jason Rasmussen said that the state is considering stream or lake buffers if towns have not done anything, but that is not clear.
- C. Rose Goings suggested waiting until June or July to do the lakes as the people from the association will probably be up by then. They could ask Loran Greenslet to the May meeting. She added that she wants to discuss staircases to the lakes and the 50 foot setback. They are considered structures and therefore not allowed. But, normal waterside structures such as boathouses and docks are allowed. There is also a question about retaining walls.
- D. Jason Rasmussen asked about the sign ordinance, Village Zoning and Zoning maps.
- E. Rose Goings said that the board had also started to discuss the possibility of adding and RC II District near Rod and Gun Club Road.
- F. Terry Carter recalled that they also discussed this for East Hill Road.
- G. Jason Rasmussen said that he would type up these discussions from previous meetings and have them for the next meeting.
- H. Alan Couch suggested that Rose Goings ask Loran Greenslet if he would be able to put together a ½ (or so) hour presentation. He also asked board members to think about some questions for Loran Greenslet and get them to Rose Goings.
- I. Jason Rasmussen asked about the sign ordinance.
- J. Rose Goings said that she has some concerns about this and it is not urgent at this time.

9. **OTHER BUSINESS**

- A. Next meeting May 21, 2013 at 6:00 p.m. Loran Greenslet will be invited to that meeting.

10. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Logan Nicoll to adjourn this meeting.
Motion passed unanimously.**
- B. Meeting adjourned at 6:57 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse
