

PLANNING COMMISSION

PRELIMINARY MINUTES

REGULAR MEETING

January 19, 2016

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Alan Isaacson
Norm Vanasse

Logan Nicoll

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Paul Faenza
Brigid Sullivan

Ed McEaney – LPCTV

Lisha Klaiber, Recorder

1. CALL TO ORDER

A. Alan Couch called the meeting to order at 6:01 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 December 15, 2015.

B. **MOTION by Alan Isaacson and seconded by Norman Vanasse to approve the minutes December 15, 2015 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none

NOTE: ALAN COUCH CHANGED THE MEETING AGENDA TO ALLOW DISCUSSION OF ORDINANCE EARLIER IN THE MEETING TO ACCOMMODATE GUESTS.

5. DISCUSSION OF ORDINANCE AGAINST MARIJUANA, VAPORING, TOBACCO

A. Rose Goings advised that this item was brought to her attention and it was suggested that there may be a need for a town ordinance. There is an ordinance in the village already. They changed the ordinance to cover vaping and marijuana dispensaries. They looked at a copy of the Weathersfield ordinance. The Select Board, Frank Heald and Officer King are in favor of an

- ordinance and Officer King wrote the original ordinance. She introduced Paul Faenza and Brigid Sullivan who are representing BRACC.
- B. Alan Couch asked if the zoning regulations prohibit headshops.
 - C. Rose Goings said no and neither does the original ordinance.
 - D. Alan Isaacson said the original ordinance is weakly worded. It was not strong enough to stop the vaping store. He added that Bruce Schmidt wanted the Planning Commission to look to prevent marijuana sales if it is legalized. The Select Board will discuss this at their next meeting.
 - E. Logan Nicoll said he looked over Officer King's ordinance. He said the entire Select Board is interested in this and want to address it before it becomes a problem.
 - F. Alan Isaacson said he thought they will need separate ordinances for the town and village.
 - G. Rose Goings said there are separate ordinance books for the town and village.
 - H. Alan Isaacson said the ordinances can be the same, just worded for the town or the village. He said the ordinance limits sales space to no more than 1' x 4'. He said he is nervous that we will find out that the problem is bigger than we think. We need to think far ahead, not to react after a situation occurs.
 - I. Alan Couch said he understands about marijuana dispensaries and drug paraphernalia, but there is a fine line to vaping supplies. He asked why they want to include nicotine delivery systems. He said that vaping oils are not regulated by the Federal government.
 - J. Brigid Sullivan said that many users of vaping systems are using hashish oils in the vaping pipes.
 - K. Alan Couch said the device can be used to smoke hashish oils, but vaping is very popular and eventually the Federal government will regulate the amount of nicotine oils in the devices. Still, nicotine is not smoking and he does not want to disenfranchise a whole part of the population in the event that marijuana may become legal.
 - L. Paul Faenza said that e-cigarette devices use nicotine fluids; it is like smoking without tobacco. He said that he is speaking for the youth. Tobacco rates had dropped off and now, with the e-cigarettes, kids are getting addicted to nicotine and starting to take up smoking again. The FDA has no regulations for e-cigarettes at all. They can buy e-cigarettes at many of the local stores and they are manufactured by the tobacco companies. They come in all flavors, geared to kids. The tobacco companies are trying to get young people to start by getting them addicted to nicotine. It also affects the young brain development. He said he is not worried about adults; he is worried about the kids.
 - M. Terry Carter said there are marijuana dispensaries in Colorado and you need an ID to even get into the store. It is strongly regulated.
 - N. Paul Faenza said 85% of legal marijuana buyers in Colorado are from out of state. He said that hashish oil can be used in e-cigarettes and if marijuana is legalized, hashish will be in the e-cigarettes.
 - O. Alan Isaacson said this is a family oriented town and they are not appropriate in this town.
 - P. Logan Nicoll said that Bruce Schmidt said it does not represent the character of the town. He said that e-cigarettes supposedly can be used to quit smoking and you can buy them in the local shops, but to have an entire store dedicated to vaping is not in the character of the town.
 - Q. Norman Vanasse said what happens to our ordinance if the state legalizes marijuana.
 - R. Logan Nicoll said it would depend on the way the law is written.
 - S. Paul Faenza said in Colorado, there has been a rise in "under the influence" tickets and fatalities. He said that Sgt. King has tests to see if someone is under the influence of marijuana and then can get a warrant for blood tests.
 - T. Alan Isaacson said the Colorado law has provisions to allow towns not to sell it. We want to be ahead if Vermont legalizes marijuana.
 - U. Brigid Sullivan said the police feel that there are not enough experts available for every traffic stop. There are not enough Drug Recognition Experts (DRE).
 - V. Paul Faenza said that the DRE program is recognized in the courts.

- W. Alan Isaacson said if the state legalizes marijuana; we can prevent stores from opening, provided the legislature gives us that option.
- X. Paul Faenza said much like smoking, it could not be allowed in parts of town.
- Y. Alan Isaacson said we need to review and comment on the ordinance that prohibits smoking in certain areas in the town and village.
- Z. Alan Couch said we need to pay close attention to do it right the first time.
- AA. Alan Isaacson asked if we want to send the ordinance to the Select Board and Trustees for review.
- BB. Alan Couch said yes; let's get their input upfront, before we put a lot of work into it, only to have it changed. Let's get their suggestions and comments upfront.
- CC. **MOTION by Alan Isaacson and seconded by Norman Vanasse to send a version of the amended Town and Village ordinances to the Select Board and Trustees, respectively for comments and approval. Motion passed unanimously.**

6. SOLAR SITING

- A. Rose Goings said we were supposed to get information from Jason Rasmussen, but she thought we had finalized this and sent it to Jason Rasmussen for comments.
- B. Alan Couch said we started with the Cornwall regulation and adapted it for Ludlow.
- C. Rose Goings said we were supposed to change the town zoning Section 260.
- D. Alan Isaacson said we would also need to change the town plan. We will need to hold a public hearing before sending it to the Select Board and Trustees. We did change the Energy section and send it to Jason Rasmussen and he updated some of the figures in it. We can schedule the public hearing for our next meeting.
- E. Rose Goings said it would be easiest to do the town and village in one meeting, opening two separate public hearings.
- F. Alan Isaacson said the town plan is done; we just need to schedule our public hearing.
- G. Rose Goings said we would then have to prepare a report to describe the changes to the town plan and send it, by certified mail, to neighboring towns. We can schedule the public hearing for our next meeting.
- H. Logan Nicoll asked to have Potential Energy maps included.
- I. Alan Isaacson said there is no additional value in those maps over what is there now.
- J. Logan Nicoll said it is nice to include maps as appendices.
- K. Alan Isaacson said he would add the maps.
- L. Rose Goings asked about the Section on Site Plan Review.
- M. Alan Isaacson said he made the changes the board had discussed.
- N. Rose Goings said we were going to send it to Jason Rasmussen, but she has not heard anything from him.
- O. Alan Isaacson said he would resend the section to all members and Jason Rasmussen. The information came from the Interim Bylaw.
- P. Rose Goings said she would check with Jason Rasmussen to find out if he is available on February 23rd for the next meeting.
- Q. **MOTION by Terry Carter and seconded by Alan Isaacson to reschedule the next regular Planning Commission from February 16, 2016 to February 23, 2016. Motion passed unanimously.**
- R. **MOTION by Logan Nicoll and seconded by Terry Carter to schedule the public hearing for Site Plan Approval changes for the Town Zoning Regulations and to schedule the public hearing for Site Plan Approval changes for the Village Zoning Regulations for February 23, 2016. Motion passed unanimously.**

7. **BIG BOX STORES**

- A. Terry Carter said she had received some information from Jason Rasmussen.
- B. Alan Couch said there were 2 attachments from the Windsor Zoning Bylaws.
- C. Alan Couch said it spoke about the character of the town and that could be applicable to Ludlow.
- D. Alan Isaacson said that it seems to be more of a town plan issue than a zoning issue.
- E. Terry Carter said it is a good idea because of the Dollar General issue in Chester. Dollar General's regular stores are about 7,000 square feet and the markets are 16,000 square feet. Windsor has short district standards; 2,400 square feet per floor with a maximum square footage of 7,200 square feet. She said maybe we should say 6,500 square feet maximum.
- F. Rose Goings said that we have a lot coverage maximum square footage and they can't build larger than that amount.
- G. Terry Carter said it could happen – look at Benson's.
- H. Alan Isaacson said he is not against Benson's size as much as what it looks like.
- I. Alan Couch said it would be possible if someone bought up a bunch of adjoining properties. It may not be economically feasible and there are no demographics to support it and there is not a large enough population. The point is, if we write up something, we have to word it the right way.
- J. Rose Goings said it is geared by lot coverage maximum and Benson's has 6+ acres.
- K. Terry Carter said she would exclude something like Odyssey or Tygart. She would prefer to see small shops.
- L. Logan Nicoll said he would rather see something like Tygart than the design of Bensons.
- M. Terry Carter said we have no limitations on square footage.
- N. Alan Couch said we have to be careful on the wording.
- O. Terry Carter said we can do something like Windsor, but make 6,500 square feet the maximum.
- P. Logan Nicoll said Windsor is 2,400 square feet per floor.
- Q. Terry Carter said okay, word it the way Windsor's is written.
- R. Rose Goings asked if Terry Carter's complaint is really the size or the appearance.
- S. Terry Carter said the size. She said that at this point, she just wants to limit square footage. She does not want to get into Design Review.
- T. Alan Couch asked if the board is all on the same page.
- U. Logan Nicoll said we should add limits to the town and village Commercial districts.
- V. Terry Carter said also, the Residential Commercial districts.
- W. Logan Nicoll asked where we want to put these limits and maybe they should be stricter in Residential.
- X. Rose Goings said we need to worry about the definition of Retail Use that tells what you can build. We need to fix that definition first. She suggested they add the square footage limits to the definition of Retail Use; it is already in the district standards. They also need to decide on the limits for the town and village.
- Y. Norman Vanasse said use the same numbers for both.
- Z. Logan Nicoll said the Windsor numbers are okay for the village.
- AA. Alan Isaacson said based on the Village Residential Commercial standards lot coverage maximum, someone would need multiple lots. He added that even Rite Aid is bigger than 2,400 feet. He feels that it is more about the appearance than the actual size.
- BB. Logan Nicoll said this would encourage more small businesses, not large ones.
- CC. Alan Couch said we need to be very careful how this is worded and not just react to it.
- DD. Logan Nicoll asked what characteristics we want for the town, small businesses or large.
- EE. Alan Isaacson said he really doesn't want big box stores, but this isn't the way to do it. He said it's not the size; it's what it looks like.
- FF. Alan Couch said small stores are not economically feasible.
- GG. Terry Carter disagreed.

- HH. Alan Isaacson said 2,400 square feet is too small.
- II. Logan Nicoll asked what Alan Isaacson would suggest.
- JJ. Alan Isaacson said 5,000 to 6,000 single store maximum footprint.
- KK. Logan Nicoll said people could build bigger buildings but subdivide into multiple spaces.
- LL. Alan Isaacson asked what if a 5,000 square foot store was built with the character of the town. He said people could buy two lots and put up a large building with a firewall between them, making it two separate buildings.
- MM. **MOTION by Terry Carter and seconded by Logan Nicoll to add to the definition of Retail Use be added to the Zoning Regulations for both the town and village that a retail construction shall not exceed 5,000 square feet. Motion passed unanimously.**
- NN. **MOTION by Terry Carter and seconded by Logan Nicoll that the amended definition of Retail Use for the Town and Village be added to the draft and the public hearing for these change be scheduled for the public hearings on February 23, 2016. Motion passed unanimously.**

8. **OTHER BUSINESS**

- A. Next meeting – February 23, 2016.
- B. Public hearings for Site Plan Approval Changes for the Town Zoning Regulations and Site Plan Approval changes for the Village Zoning Regulations will be held at the meeting on February 23, 2016. Also, the Public Hearing for changes to the definition of Retail Use in the Town Zoning Regulations and the Public Hearing for the changes to the definition of Retail Use in the Village Zoning Regulations will be held on February 23, 2016.

9. **ADJOURN**

- A. **MOTION by Terry Carter and seconded by Logan Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:22 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson