

PLANNING COMMISSION

MINUTES

PUBLIC HEARING FOR VILLAGE ZONING AND FLOOD HAZARD REGULATIONS AND PUBLIC HEARING ON SUBDIVISION REGULATIONS AND

REGULAR MEETING

January 20, 2015

MEMBERS PRESENT:

Alan Couch, Chair	Alan Isaacson
Terry Carter	Logan Nicoll

MEMBERS ABSENT:

Norman Vanasse

OTHERS PRESENT:

Rose Goings	Gary MacIntyre	Lisha Klaiber, Recorder
Marty Fino	Dan Potter	Luke Chrisinger – LPC-TV
Gary Joseph	Jason Rasmussen	

PUBLIC HEARING FOR VILLAGE ZONING AND FLOOD HAZARD REGULATIONS

- A. Alan Couch called the public hearing to order at 6:00 p.m.
- B. Alan Isaacson noted that he had gone through the town regulations and noted that eleven definitions that Jason Rasmussen had noted in them, were not in the village zoning regulations. He asked the board if they would like him to copy the definitions in the town regulations into the village regulations. These definitions are:
 - i. bedroom
 - ii. BOCA Standards
 - iii. Kitchen facilities
 - iv. brown field
 - v. building
 - vi. Certificate of Occupancy
 - vii. Change of Use
 - viii. Miniature golf
 - ix. Existing small lot
 - x. net metered
 - xi. essential services
- C. Logan Nicoll said that as long as they are the same as the town's, it would be okay to add them.
- D. Terry Carter said they need to be consistent.
- E. Alan Couch said he agrees that they should be consistent and added to the village regulations.
- F. **MOTION by Terry Carter and seconded by Logan Nicoll to copy the above definitions from the town regulations and to add them to the village regulations. Motion passed unanimously..**

- G. **MOTION by Alan Isaacson and seconded by Logan Nicoll to close the public hearing for the Village Zoning and Flood Hazard Regulations and to pass the regulations on to the Village Trustees. Motion passed unanimously..**
- H. Alan Couch closed that public hearing at 6:05 p.m.

PUBLIC HEARING FOR SUBDIVISION REGULATIONS

- A. Alan Couch called the public hearing to order at 6:05 p.m. He asked if anyone had any comments. There were none.
- B. **MOTION by Logan Nicoll and seconded by Terry Carter to close the public hearing for the Subdivision Regulations and to pass them on to the Select Board. Motion passed unanimously..**
- C. **MOTION by Alan Isaacson and seconded by Logan Nicoll to close this hearing. Motion passed unanimously..**
- D. Alan Couch closed that public hearing at 6:07 p.m.

REGULAR MEETING OF THE PLANNING COMMISSION

1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:08 p.m.

2. ROLL CALL BY RECORDING SECRETARY

- A. All members Planning Commission members present, except Norman Vanasse.

3. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of December 16, 2014.
- B. **MOTION by Terry Carter and seconded by Alan Isaacson to approve the minutes from December 16, 2014 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

- A. Alan Couch wished everyone a Happy New Year.

NOTE: Alan Isaacson maintains the master files on his computer and notates suggestions and possible changes as they are discussed.

5. ZONING BY LAW REGULATIONS

- A. Review Shoreland Protection information with Dan Potter from Regional Planning Commission

- i. Jason Rasmussen referred to a map and said that it had been drawn up with changes months ago. Work on it was put on hold until after the state passed the new law. The board needs to revisit whether they want to have local control or leave it to the state. He introduced Dan Potter from Regional.
- ii. Dan Potter said that the state had passed the new law about 6 months ago and asked how things are going.
- iii. Alan Couch said that the Ludlow lakes are unique. He said that, originally the board wanted to have local control. They need to review the requirements and he is still on the fence. There have not been many issues with state control so far.
- iv. Logan Nicoll said that people from the Lakes District are here. He said that he has heard that the state control seems to function well and permits are not hard to get and do not take a long time. The board was concerned about time and costs to property owners.
- v. Gary MacIntyre said that he is here to express his personal opinions and not those of the Lakes Association. He said that he feels that the town should maintain some control and have some control left to the state. Locally, we should handle the bulk and leave enforcement, slopes calculations, cleared areas and tree counts to the state. He suggests that the town adopt most of the state regulations. People would still apply to the town for permits and there would be a check list. If submitted to the state, they may rubber stamp it. He suggested that non-conforming lots should be made legal with descriptions and surveys recorded in the town records. He said that he had to get a survey when he wanted to add a deck to his house.
- vi. Marty Fino said that he represents the Lakes Association and the board of the association does not have an opinion at this time. He said that they would like the permit process to be addressed in the quickest, easiest and least expensive way. He addressed Gary MacIntyre and asked about tree counts.
- vii. Gary MacIntyre said that would be part of the survey. He said that surveys are required in Ludlow. People would ask for a variance on the non-conforming lot and make it a legal procedure. They would need a legal description of what is on the lot and file for a variance on the existing conditions. Then, they would file for a variance on the changes they want to make.
- viii. Alan Isaacson said that surveys are not required. He said the standards do not address side yard and road setbacks. He added that non-conforming lots are always non-conforming. It is the existing condition. He said if people want to make changes, they need a permit.
- ix. Gary MacIntyre said if you change the footprint, the town requires a survey.
- x. Rose Goings said the town does not require a survey.
- xi. Gary MacIntyre said he was required to get one. He said that to sell the property, he needed a CO for the deck.
- xii. Alan Isaacson said there is nothing in the regulations about surveys.
- xiii. Gary MacIntyre asked if Alan Isaacson is saying that he did not need a survey.
- xiv. Logan Nicoll said the town does not require a survey.
- xv. Gary MacIntyre said it might make it easier.
- xvi. Alan Isaacson said that he has a concern about how you would control tree count.
- xvii. Gary MacIntyre said that the state says that the neighbors would tell.
- xviii. Alan Isaacson said people would say that the tree was sick.
- xix. Dan Potter said that model bylaws from VLCT include a requirement for certification from a forester before cutting a tree down, but the state is still relying on neighbors.
- xx. Alan Couch asked Dan Potter if he has a copy of the VLCT model.

- xxi. Dan Potter said he does, but did not prepare one for tonight. He added that the town of Greensboro has created their own regulations.
- xxii. Marty Fino said that he has not heard of anyone having a problem with the state. He asked if anyone knows how long it takes the state.
- xxiii. Rose Goings said usually a couple of weeks. People send in their applications and the state will send a representative for a site visit.
- xxiv. Terry Carter asked Rose Goings what her role in the process is.
- xxv. Rose Goings said that she provides tax maps, she meets them at the site and does her site visit at the same time to get things going at the town level. She said that things are working really nicely and the people at the state are helpful and easy to work with.
- xxvi. Alan Isaacson asked about the difference in the time process now that the state has taken over.
- xxvii. Rose Goings said that in the past, the process would have been quicker. However, with what the state does, she does not think she could do it any faster at this time. She said it is involved and there would be a learning curve. She said it is very time consuming.
- xxviii. Dan Potter said the state has a 30 day period for the permit process and a 15 day period for smaller project registration. If they do not respond in the 15 day period, the application is automatically approved. Information about application process for permits is on the ANR website.
- xxix. Rose Goings said that a permit came in today from an engineer at the state and they said to post it. She does not know what posting is required.
- xxx. Alan Isaacson said probably the same as when we post information.
- xxxi. Rose Goings said we post in 5 places; the town hall bulletin board, the town clerk's bulletin board, Berkshire Bank, the post office and THE VERMONT JOURNAL.
- xxxii. Dan Potter said he does not know about the posting.
- xxxiii. Rose Goings said it is not in the handbook. She said that if Ludlow does not assume control, does the board want to tweak the existing regulations.
- xxxiv. Alan Isaacson said at a minimum, look to see if there are any conflicts between our regulations and the state's. If there are no conflicts, leave it as it is and add wording that state permits are required in the Lakes District.
- xxxv. Jason Rasmussen said that they want to look into local control, Regional can help.
- xxxvi. Alan Isaacson said that his opinion is that we should make sure that there are no conflicts and have the state deal with the details of the act. If there are no problems with the state, it would probably be better.
- xxxvii. Terry Carter said that she hopes that the state has a way to notify abutting property owners.
- xxxviii. Alan Isaacson said people would still have to have town permits.
- xxxix. Rose Goings said that abutters are not notified unless an application needs to go to the DRB. If it does not go to the DRB, a "P" sign is posted on the property and people have 15 days to file an objection.
- xl. Marty Fino said that many of the homeowners on the lakes are not full time residents and may not see the signs.
- xli. Terry Carter said she would like to have abutters notified on all applications.
- xlii. Gary MacIntyre said that the town regulations should meet the state requirements, that way the town won't get sued.
- xliii. Alan Isaacson said if the state administers as well as enforces, it takes the responsibility off Rose Goings.
- xliv. Gary MacIntyre said it would limit town liability.

- xliv. Alan Isaacson said they could put wording in the Ludlow regulations that explains what Ludlow does and what the state does.
- xlvi. Marty Fino asked if the fees that Greensboro charges are comparable to the state fees.
- xlvii. Dan Potter said the fee is \$125 for a permit for the state, but he does not know the registration fee.
- xlviii. Rose Goings said that the town fee is \$.10 per square foot of improved area, plus a \$60 base fee.
- xlix. Jason Rasmussen said that he and Dan Potter will review that state regulations and the town regulations at the office.
 - l. Marty Fino said it is a good idea to notify abutters by mail.
 - li. Gary MacIntyre suggested that all town attorneys, real estate agents and surveyors also be notified about what people may and may not do. Anyone who has an interest in changes being made to a property. There should be public notice.
 - lii. Rose Goings said that people have to be responsible to check things out before they purchase a property. She added that in almost every area in the country, permits are required. There is no excuse for not checking.
 - liii. Alan Isaacson said that because a building permit is not required in Vermont, people misunderstand.
 - liv. Rose Goings said that 2-family homes require wastewater and Fire Marshal permits, also. She said that people think that they don't need any permits. People have to take the responsibility and find out what the town requires. Every time we have to deal with violations, it costs the town and taxpayers money.
 - lv. Alan Isaacson asked about the West Hill Dam area.
 - lvi. Logan Nicoll asked about putting it into Municipal Conservation.
 - lvii. Rose Goings said that her understanding is that they would need to ask the Select Board about that. There are only two places in Municipal Conservation and they are the Little League Field (Sportsmen's Park) and the Wastewater Treatment property. These can never be changed. They need to talk to the Select Board. She said that the Little League Field (Sportsmen's Park) is owned by the town and the Wastewater Treatment Facility is owned by the Village.
- lviii. Logan Nicoll said that the Select Board wants to know what the Planning Commission thinks about state or local control. The Select Board thought that they might leave it as it is until it becomes a problem and then review. Basically, they want whatever makes it easiest for the people of Ludlow.
 - lix. Alan Isaacson asked the size of the West Hill Dam area.
 - lx. Rose Goings said 70 acres.
 - lxi. Alan Isaacson said he is not sure if there are 250 foot distances from all neighboring property lines. He asked if it could be put into Municipal Conservation and how we would protect it.
 - lxii. Dan Potter said that the neighbors that are closer than 250 feet would be grandfathered, but that no further encroachment or development would be allowed.
 - lxiii. Rose Goings said that would be a problem if a neighbor wanted to build something on their property.
 - lxiv. Alan Isaacson said he would like to isolate the West Hill Dam property.
 - lxv. Dan Potter asked if the board wanted to remove it from the state control by putting it into Municipal Conservation. He said that he and Jason Rasmussen would look into it.
 - lxvi. Alan Isaacson said we could also look into it, but we don't know the distances from the body of water.

- lxvii. Jason Rasmussen said that the map shows only 2 Municipal Conservation properties and asked why there are not any others.
- lxviii. Alan Isaacson said he thinks we should move the West Hill Dam area to Municipal Conservation so they don't have to deal with the shoreland protection rules. He also suggested Dorsey Park because it is also town property.
- lxix. Jason Rasmussen said there may be issues about vegetation management and still other unanswered questions.
- lxx. Alan Isaacson said the Army Corps of Engineers clear cut all around the dam. He said that it is also a problem that it is more than 10 acres.
- lxxi. Jason Rasmussen said they would look at West Hill and Tiny Pond. They would not have a major impact on the state regulations.
- lxxii. Alan Isaacson said it would have a major impact on Ludlow regulations. They are small, but odd balls.
- lxxiii. Jason Rasmussen said they would look into them.
- B. Location of Tucker Pit
 - i. Rose Goings explained that Tucker Pit is located across from the Jackson Gore entrance, where Carrera & Sons owned the little building. It is currently an Okemo Maintenance Garage. She added that there is a lot of land back towards Butter Milk Falls.
- C. Match Zoning District descriptions to map
 - i. Alan Couch said the board needs to make sure that they are specific about zoning district boundaries.
 - ii. Alan Isaacson said they need to match the descriptions to the map. He also asked if that was really what we meant.
 - iii. Jason Rasmussen recalled that Ted Reeves had advised that the description for the Jackson Gore District had not been correct.
 - iv. Alan Isaacson said that they need to make sure that written descriptions match the map. He noted that in every district standard, there is a notation that the map is the final arbiter of the district; maybe they should consider just using the maps.
 - v. Jason Rasmussen suggested possibly using GIS mapping. He said that many of the districts don't follow parcel boundaries.
 - vi. Alan Isaacson said before they consider taking written descriptions out, they should make sure the maps have what we want, nothing more, or nothing less. He said that the property descriptions were there in the 2005 revision and before that in the 1990 ones.
 - vii. Rose Goings asked why they would put in that amount of work if they are going to remove the descriptions and just use the map.
 - viii. Jason Rasmussen said that they may work with the parcel mapping company.
 - ix. Alan Isaacson noted that if a parcel is located in 2 districts, the more stringent regulations apply.
 - x. Gary Joseph said that some lot sizes are not correct.
 - xi. Rose Goings said that would be tax mapping. The notation ACC stands for acres calculated and there is no survey. The notation AC stands for acres with a survey.
 - xii. Jason Rasmussen said the old meets and bounds are hard to work with and not great. He added that it takes time and money to go through the maps.
 - xiii. Alan Isaacson asked Jason Rasmussen if he would get a map for the next meeting.
 - xiv. Rose Goings said she has one from Jason Rasmussen.
 - xv. Jason Rasmussen said he would bring another available for marking up.
 - xvi. Alan Couch said they would put it on the agenda for the next meeting.

- xvii. Alan Isaacson said they would go through each district to make sure it is correct. He added that they should also go over the Ridgeline Overlay.
 - xviii. Rose Goings added that they should also go over the overlay for the Flood Areas.
 - xix. Jason Rasmussen said they certainly can, but the FEMA Flood Insurance map is the regulatory map, but it is hard to read. The digital is easier, but not always correct and it may not be worth the effort.
- D. Junkyard Ordinance
- i. Rose Goings advised that the town does have a Junkyard ordinance and that they are allowed in the Industrial District.
 - ii. Alan Isaacson said he would like to see a copy.
 - iii. Rose Goings said it is on the website.
 - iv. Alan Couch said that the Select Board does that.
 - v. Rose Goings said this board can make suggestions to the Select Board.
 - vi. Alan Isaacson said if they are not allowed in the town, then they should be removed from the Industrial District.
 - vii. Rose Goings said she would get a copy for the next meeting. She said there is a Vacant Building ordinance in the village, but not in the town. She said that the bike path also comes up every year.
 - viii. Alan Isaacson said they should bring the Vacant Building ordinance up to the Select Board, before it becomes an issue in the town. He asked Rose Goings to get a copy of that ordinance.
 - ix. Logan Nicoll said that the Junkyard Ordinance says that people need a permit to run a junkyard and people must apply to the Select Board and the state for a license. We need to have one district where they are allowed.
 - x. Rose Goings said they would also have to go to the DRB as well as the Select Board and the state.
 - xi. Alan Couch said they would look at the Ridgeline and Summary overlays for the next meeting.
 - xii. Alan Isaacson said the map should be the priority for the next meeting.
 - xiii. Rose Goings suggested they hold off on the Sign Ordinance.
- E. Discuss Ridgeline areas – next meeting
- F. Check summary overlay for map – next meeting
- G. Make sure all definitions are the same as in the village regulations – next meeting
- H. Look at definitions section. There are titles without definitions
- I. Sign ordinance – hold off
- J. RC1 and RC2
- K. Dan Potter asked how and when does he follow up?
- L. Alan Isaacson said that he would send Dan Potter his current version of the town regulations.
- M. Jason Rasmussen said they would have their comments back by the next meeting.
- N. Terry Carter asked about a definition for Municipal Conservation District.
- O. Alan Isaacson said it is in Section 420.
- P. Rose Goings noted that there is no purpose listed for the district.
- Q. Terry Carter volunteered to look up a definition for Municipal Conservation District in other towns regulations.
- R. Jason Rasmussen said that there is no purpose or any standards listed for that district and if they are going to add to it, you will need to add purpose and standards.

6. **OTHER BUSINESS**

- A. Next Meeting
- i. Alan Couch said the next regular meeting would be on February 17th.
 - ii. Rose Goings suggested switching it to February 24th or February 10th.
 - iii. Next Special Planning Commission meeting February 10, 2014 at 6:00 p.m.

7. **ADJOURN**

- A. **MOTION by Alan Isaacson and seconded by Terry Carter to adjourn this meeting.
Motion passed unanimously.**
- B. Meeting adjourned at 7:29 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson