

PLANNING COMMISSION

PRELIMINARY MINUTES

REGULAR MEETING

June 19, 2018

MEMBERS PRESENT:

Alan Couch, Chairman

Alan Isaacson

Logan Nicoll

MEMBERS ABSENT:

Terry Carter

Norm Vanasse

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Aaron Galley

Ed Mc Eneaney-Okemo Valley TV

Jason Rasmussen

Lisha Klaiber, Recorder

1. CALL TO ORDER

- A. Alan Couch called the meeting to order at 6:03 p.m.

2. ROLL CALL BY RECORDING SECRETARY

- A. All Planning Commission members present, except Terry Carter and Norm Vanasse.

3. CONSIDERATION OF ANY CHANGES, ADDITIONS OR REMOVALS TO THE AGENDA

- A. Alan Isaacson asked to add an item – Grant Discussion to the agenda.
B. **MOTION by Alan Isaacson and seconded by Logan Nicoll to add Agenda Item #8A – Grant Discussion to the agenda. Motion passed unanimously.**

4. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of May 15, 2018.
B. **MOTION by Alan Isaacson and seconded by Logan Nicoll to approve the minutes May 15, 2018 as amended. Motion passed unanimously.**

5. COMMENTS FROM CITIZENS

- A. Aaron Galley asked if the town is going to talk to Vail about its purchase of Okemo.

- B. Alan Couch said that Scott Murphy had spoken to people at Stowe and their responses were very favorable, Vail is a good resident and employer. He added that the town will talk to the people from Vail.
- C. Logan Nicoll said it would be Scott Murphy to have those discussions.
- D. Alan Isaacson advised that the deal is still pending.
- E. Aaron Galley said the town should re-assert that Ludlow is a town and will work together with Vail, but is not part of the resort.
- F. Logan Nicoll added that we also don't want 2 villages. He said the language in our Vision Statement can help reinforce that.

6. TOWN & VILLAGE ZONING REGULATIONS

- A. Alan Couch said that at the last meeting, Phil Carter had brought up the ambiguities and inconsistencies in the definitions and uses in the zoning regulations, specific to drive-in, drive-ups, drive-throughs, retail use, retail service and professional service.
- B. Alan Isaacson asked Rose Goings if both the Select Board and the Trustees scheduled public hearings for Interim Zoning to temporarily suspend drive-ins, drive-ups and drive-throughs.
- C. Rose Goings said that both boards wanted this resolved quickly and the Select Board said they would give the Planning Commission 6 months to fix it.
- D. Logan Nicoll said that Bruce Schmidt said that if this is not completed in 6 months, he will make a motion to rescind the Interim Zoning.
- E. Rose Goings asked the board what they want to do and what their thoughts were after the meetings with the Select Board and Trustees. She noted that both boards had members for and against interim zoning and drive-ins, drive-ups and drive-throughs. This board has discussed keeping fast food out and allowing banks and pharmacies.
- F. Logan Nicoll asked if this board would be able to get the results from the past town votes on fast food.
- G. Rose Goings said in 2009, 700 people voted and there was a 10% margin against fast food.
- H. Logan Nicoll said that a woman made a comment at the June or July Select Board meeting that there had also been a vote 8 years before. Can we get information about a previous hearing?
- I. Alan Isaacson said he does not recall the previous hearing. The intent has been to keep out fast food drive-ins, drive-ups and drive-throughs. We were surprised by the pharmacy and the DRB did not think it fit within the regulations. He asked if this board can exclude fast food totally or have to do it by each district. He said the information he received was vague.
- J. Jason Rasmussen said he thinks they potentially could.
- K. Alan Isaacson said that Manchester has a different type of zoning and asked what it is.
- L. Jason Rasmussen said that Bennington and Brattleboro also have different zoning. He asked if a gas station is a drive-through.
- M. Logan Nicoll said they are already a permitted use.
- N. Alan Isaacson said they are defined and the regulations say where they may be located.
- O. Jason Rasmussen said some towns spell it out by zoning district.
- P. Alan Isaacson asked if that is spot zoning.
- Q. Rose Goings said that the Preservation District already says No drive-ins, drive-ups and drive-throughs.
- R. Jason Rasmussen said they need to consider different uses; drive-in theater, restaurants, banks, pharmacies. He said that some towns prohibit them, others limit them by district. He said that some towns list banks drive-ups as a conditional use. He said that Manchester has form based code zoning. He said that this board can do pretty much what it wants, but you must spell it out clearly. You can say no to drive-ins, drive-ups and drive-throughs restaurants, and allow banks.

- S. Alan Couch asked if you say no to drive-up food service, what about Dunkin' Donuts and coffee. Would that be allowed?
- T. Logan Nicoll said it seems like the Select Board and Trustees are hesitant to say no, outright. He said we can't write our language until after the public hearings.
- U. Alan Isaacson said if a drive-up is done such as in Manchester where the location and design are not glaring, maybe it would be okay. The design of the McDonald's in Springfield would not be okay. Maybe more subtle designs would be okay.
- V. Alan Couch said that most fast food companies want drive-ups. There is nothing in our zoning that prevents them from opening a store but their corporate policies want drive-up service.
- W. Jason Rasmussen said that there are also gas stations with convenience stores and drive-up restaurants like the one in Chester. This is being seen more frequently.
- X. Alan Isaacson said it still looks like people don't like it. If the Dollar General looked more low key, maybe they would have less opposition. He added that the Select Board and Trustees in Ludlow have been against Design Review.
- Y. Rose Goings asked if drive-ins, drive-ups and drive-throughs could be allowed only in certain areas.
- Z. Alan Isaacson said certain uses could be allowed and others not allowed. He asked if a kiosk for coffee in Shaw's Plaza (just for discussion, he said it is in the flood plain) would be okay.
- AA. Logan Nicoll said possibly banks, pharmacies and the electric company would be okay because they are professional services.
- BB. Jason Rasmussen said that they should consider changes to the definition of professional service. He said that some towns just call them offices.
- CC. Alan Isaacson suggested removing the phrase "but not limited to" from the definition and add pharmacy.
- DD. Alan Couch said maybe they could expand the list.
- EE. Rose Goings said that she forwarded a new definition of "professional service."
- FF. Jason Rasmussen asked what is and what is not a professional service. Is it more of an office? He said a pharmacy is more retail.
- GG. Alan Isaacson said that a pharmacist is a profession.
- HH. Jason Rasmussen said other towns go by district and are more specific, but that is problematic, because you can't list everything. He added that you also can't use "such as."
- II. Alan Isaacson suggested adding "any licensed professional."
- JJ. Jason Rasmussen said that it is almost impossible to nail it down to every profession you want or don't want, but you can get rid of some of the ambiguity.
- KK. Alan Isaacson said he could see a 'drive-up laundry service.' He said this board can give opinions, but we won't know if it is legal until the DRB has a problem.
- LL. Rose Goings said we can have the town attorney review this.
- MM. Jason Rasmussen asked what the board wants – no drive-ins, drive-ups and drive-throughs or to hide where they are located.
- NN. Logan Nicoll asked if they would have to adopt form based code.
- OO. Jason Rasmussen said no. He said the Springfield has an "access management overlay." He said the first thing this board needs to do is decide what it wants.
- PP. Alan Isaacson said without reeking of spot zoning, we need to define what we want. He said that he does not have a problem with drive-up pharmacy, but does understand the problem with the wording. He does not think the intent was to exclude it.
- QQ. Logan Nicoll said that this board did put through zoning regulations without definitions and no one else noticed it. He noted Retail Use and Retail Service.
- RR. Alan Isaacson said this board needs professional help with this. He added that no matter how good you are, you will still miss something.
- SS. Logan Nicoll said we need definitions for drive-through and maybe keep drive-in separate. He used the examples of movies and A&W restaurants where you are served and stay in the car.

- TT. Alan Isaacson said for purposes of regulating where, do you need to split districts or limit it to RC only.
- UU. Jason Rasmussen said in whatever districts that allow restaurants you could add “no drive-ins, drive-ups and drive-throughs.” Windsor does something similar.
- VV. Rose Goings agreed; saying to spell out wherever restaurants and bars are allowed, add “no drive-ins, drive-ups and drive-throughs.”
- WW. Alan Isaacson asked about home occupations if they have drive-up service. There was a person selling equipment from his home.
- XX. Rose Goings said he had a shop in his garage.
- YY. Jason Rasmussen said someone will always try to push the boundaries. You need to focus on normal stuff.
- ZZ. Logan Nicoll said it makes sense to add “no drive-ins, drive-ups and drive-throughs” to the end of restaurant/bar. The town did vote against drive-in restaurants. He asked if people would be open to a drive-in movie.
- AAA. Alan Isaacson said if you just exclude them with restaurants or bars, you would be open to drive-in movies.
- BBB. Jason Rasmussen said you need to define drive-through and add “for purposes this also includes drive-in and drive-up.”
- CCC. Rose Goings said they need to clean up the definitions and clean up the height discrepancy in the Village Residential that is also under Interim Zoning.
- DDD. Alan Isaacson asked if they are removing all “but not limited to” references.
- EEE. Rose Goings said that Phil Carter asked for the regulations to be clear and precise. However, some of those references should stay.
- FFF. Alan Isaacson said that the ones that should be removed are mostly in the definitions.
- GGG. Jason Rasmussen said it is best to provide examples to explain what something means, but lawyers can always argue the point.
- HHH. Alan Isaacson said that Phil Carter suggested cross-referencing definitions.
- III. Jason Rasmussen said that the definition in the regulations of “professional service” is similar to the definition of “professional office” that is in the Planning reference book, and would be the same if they remove everything from “but not limited to” and what follows it.
- JJJ. Alan Isaacson said that Retail Use is defined.
- KKK. Rose Goings added that in the uses, Retail Service is used.
- LLL. Alan Isaacson suggested making it Retail Use/Retail Service in the definitions.
- MMM. Jason Rasmussen said that Retail Store is used in village zoning.
- NNN. Rose Goings said it also needs to be changed in the village zoning.
- OOO. Alan Couch asked if they need to add a definition of Retail Store.
- PPP. Rose Goings said they should have a definition for every conditional use.
- QQQ. Alan Isaacson said he would try to fix the tables in the district standards and send it to Rose Goings and Jason Rasmussen to review.
- RRR. Rose Goings said they will get more feedback at the public hearings.
- SSS. Logan Nicoll said the Select Board scheduled the hearing on August 6th.

7. TOWN PLAN

- A. Vision Statement Final Draft Approval
- i. Alan Isaacson said that he thought that the draft that Jason Rasmussen had sent was good.
- B. Municipal Facilities Inventory
- i. Jason Rasmussen said he would like to discuss this at the next meeting.
- ii. Logan Nicoll said he liked the addition of Municipal Facilities.

- iii. Alan Isaacson commented that Community would encompass Housing, Education and Employment.
- iv. Jason Rasmussen said he is trying to put them all together.
- v. Alan Isaacson said that details and data could go in the Appendix.
- vi. Jason Rasmussen said that is his intent. He will dive into the next few chapters.
- vii. Alan Isaacson suggested Jason Rasmussen do Community next. He asked what Jason Rasmussen considers "Landscape."
- viii. Jason Rasmussen said natural and scenic resources. He said he would do Community next.'
- ix. Alan Isaacson suggested Plan for Future next.
- x. Jason Rasmussen said there are a lot of recommendations and we need to pare them down to make it more manageable.

8. AFFORDABLE HOUSING

- A. Alan Isaacson said that he attended a meeting with the Windham/Windsor Housing Trust. They spend most of their time with Windham and are trying to figure out what is going on in Windsor. They asked if they could make a presentation to us. He said he thought a pizza party would bring more people from town. He said that the school situation is a symptom of the problem. The biggest issue is that the community is starting to dissipate. We need to get more people involved. There is a huge portion of the town that is out-of-staters. He said that he will not be here in August, so the choice for the meeting would be July or September. The people from the Trust would prefer July.
- B. Rose Goings said that if Alan Isaacson is not going to be here in August, we should do July. She said that Terry Carter should be back in July. She added that since Alan Isaacson was here for the meeting yesterday with them, he should be here for the presentation.
- C. Logan Nicoll said that his anniversary is July 17th but he should be able to make the meeting. He said it would help with the town plan.
- D. Alan Couch said to shoot for the meeting in July.
- E. Rose Goings said she would get a letter in the paper, get flyers and let Okemo Valley TV know.
- F. Jason Rasmussen said he would coordinate with the people from the trust.
- G. Alan Isaacson asked Rose Goings to invite the people on her email list. He added that housing is only part of the issue, employment is also.
- H. Aaron Galley added also education.
- I. Alan Isaacson asked Rose Goings to list it on the Front Porch Forum.

8A. GRANTS DISCUSSION

- A. Alan Isaacson said that he read the Chester grant application and final report. It was professionally done and well presented. He said Ludlow needs more community support to qualify for a grant like this and he still feels that we need professional help mapping out where we are going.
- B. Jason Rasmussen said there are other grants, but you should consider a steering committee and do need more community support. He encouraged them to apply for that grant; the deadline is in September or October. He added that the grant project in Chester brought the community closer together. It was a valuable process.
- C. Alan Isaacson said he thinks the businesses in Chester wanted change and spear-headed the process.
- D. Aaron Galley said there are people in Ludlow who might help, but they need to be persuaded.

9. **OTHER BUSINESS**

A. Town and Village Consolidation

- i. Alan Isaacson said that maybe they should look into consolidating the town and village. He said that the impediment was village trash collection, but that has stopped.
- ii. Logan Nicoll said there are a lot of separate entities, but it could be explored. They should do a survey first.
- iii. Rose Goings said they should start with the Select Board and Trustees, the Electric Department and the Water Commissioners. This has been brought up several times and they won't do it.
- iv. Alan Isaacson said the line really isn't there anymore.
- v. Alan Couch suggested coming up with a list of pros and cons and get an argument with evidence to support it.
- vi. Alan Isaacson said he does not see any compelling reason to keep them separate and have separate town and village clerks. It has no benefit anymore.
- vii. Jason Rasmussen asked if money would be saved and would it be more efficient.
- viii. Alan Couch said it is worth looking into.
- ix. Alan Isaacson said people who live in town also get sewer and electric. He said the lines are blurred. It said it is an administrative nightmare and does not need to exist.
- x. Rose Goings said the homes on the mountain are on the sewer also. She said they could bring it up to the Select Board at their next meeting.

B. Howard Barton, Jr.

- i. Logan Nicoll asked for a moment of silence in memory of Howard Barton, Jr.
- ii. Alan Couch said with his passing, the town lost an incredible asset.
- iii. Logan Nicoll said it is definitely a tough loss for all.

C. Next meeting, July 17, 2018.

10. **ADJOURN**

- A. **MOTION by Logan Nicoll and seconded by Alan Isaacson to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:34 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson