

**PLANNING COMMISSION**

**PRELIMINARY MINUTES**

**REGULAR MEETING**

March 15, 2016

**MEMBERS PRESENT:**

Alan Couch, Chair  
Terry Carter

Alan Isaacson  
Logan Nicoll

**MEMBERS ABSENT:**

Norm Vanasse

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Bruce Schmidt

Patrick Cody - LPC-TV

Lisha Klaiber, Recorder

**1. CALL TO ORDER**

A. Alan Couch called the meeting to order at 6:00 p.m.

**2. ROLL CALL BY RECORDING SECRETARY**

A. All Planning Commission members present, except Norm Vanasse.

**3. APPROVE MINUTES**

A. The minutes to be approved are from the meeting of February 23, 2016.

B. **MOTION by Alan Isaacson and seconded by Logan Nicoll to approve the minutes February 23, 2016 as presented. Motion passed unanimously.**

**4. COMMENTS FROM CITIZENS**

A. Bruce Schmidt advised that he is here tonight as a citizen. He voiced his concern about the Planning Commission's focus on Benson's and the current issue of big box stores and the retail definition. He said that Benson's was and is a car dealership. Business is important to Ludlow. He wants to promote business and questions limiting the size for retail stores to 5,000 square feet.

B. Alan Couch said that he appreciates Bruce Schmidt's opinions. He said that there were diverse opinions among Planning Commission members and both sides of the argument were discussed. The Planning Commission decided as a group, to send the proposed changes up to the Select Board and Village Trustees. Benson's went through the proper

procedures and is permitted. The Planning Commission has a process. Personally, he feels that Benson's is a Chevy dealer and had the proper permits and looks nice. Big box stores are a concern and we want to deal with the issue in the least prejudicial way, without going to Design Review.

- C. Bruce Schmidt said it is important to get feedback before you go further with the Select Board and any information the Planning Commission gives to the Select Board, before coming to the Select Board for discussion is appreciated. He said that his concern is that it may get to be on the verge of spot zoning. If something happens that we don't like, we react. Before these recent Planning Commission discussions, he said that he had not heard any discussions about retail size and he does not think we should limit it.
- D. Terry Carter said she has nothing against Benson's and wishes them well. She said that when she drives around the country, she sees Walmart's and K-Marts. She does not want that for Ludlow. She wants to encourage small business. She said that people come to Ludlow for shops like the Wine and Cheese Depot, not big businesses. She said that she does not want the Ludlow brand to be Anywhere, USA. She added that when the Planning Commission chairman went to the Trustees meeting, he should have supported our board decision, and it was not very chairman-like to not support us. She said that she was working upstairs at voting and couldn't make it downstairs to the Trustees meeting. She said that people want smaller businesses and she will not stop. She will try to get it on the November ballot or take it to town meeting. She does not want Ludlow to become like Springfield or Claremont. Chester is in the process of fighting the dollar store and paying to fight it. She said that she is pro-small businesses and that they would pay better living wages.
- E. Bruce Schmidt said it seemed like this all came up at the time of Benson's. They have been here for many years. He said these proposed changes should be a town-wide conversation and he hopes that more people will get involved.
- F. Alan Isaacson said that he was against the change from the beginning and does not think it is appropriate. He said that he only voted yes in order to pass it on to the Trustees and Select Board to get their opinions.
- G. Logan Nicoll said that Benson's has been brought up since the beginning, but this change would not affect them. That's where the discussion started. We changed the definition of retail use to limit big box stores from getting a foothold in town and then expanding. He said that he is concerned about Shaw's and Rite Aid expanding in the plaza and the other businesses moving out and leaving it just Shaw's and Rite Aid. He was not happy that the laundromat moved out. He recognizes that this would limit some businesses from expanding, but he can't think of any other way to keep big box stores out. He said that adjacent properties could be bought up and we would only be a few land deals away from Walmart. We did have a market for a bigger Benson's and Shaw's. He does not see how else we can do what we want.
- H. Alan Couch said this would be a good time to move onto the definition of Retail Use.

## 5. **RETAIL USE DEFINITION**

- A. Alan Couch said a couple of land deals and Shaw's and Rite Aid could take over the whole plaza and the bank, real estate and insurance company could move. He added that there is no other single property that would be big enough. He said that Retail Use is a conditional use and if something became an issue, it would still have to go to the DRB.
- B. Terry Carter said the DRB can only do what the zoning regulations say.

- C. Alan Couch said that if Ludlow had the space, a dollar store may have come here as our population is similar to Chester.
- D. Alan Isaacson said that Chester has a larger population and that Ludlow has a higher end population. He does not think they have the same demographics. He said we may have to go to Design Review.
- E. Terry Carter said no. She added that she will go past the Select Board and Trustees.
- F. Alan Couch said he would like to do more research on other towns and find a way other than design review.
- G. Logan Nicoll asked board members if they agreed that we don't want a Walmart type store.
- H. Alan Couch said we need to find a better way to define Retail Use.
- I. Alan Isaacson asked the board if they should withdraw the proposal from the Select Board.
- J. Bruce Schmidt said that he is here as a citizen and has not discussed this at a Select Board meeting. He doesn't agree with the "couple of lands deals away" premise. There are times of the year when Ludlow has a minimal population and would not support a box store. He added that nothing has attempted to come here so far. He cringes when we try to put limitations on what someone wants to do with their space. He said he wanted to come here before the Planning Commission brought it to the Select Board. It would not be fair to you after you have put in so much work on it. As a citizen, he said that he is not in favor of the definition as presently written. He would like to see other suggestions. He added that he is not sure if he would be in favor of a dollar store or not. It would give people options. He added that the building by Brew Fest will be empty soon and he encourages new businesses.
- K. Alan Couch said it had been hard for the Planning Commission to come up with something. We sent it to the other boards for suggestions. We had public information hearings, but no one came.
- L. Bruce Schmidt asked if the Planning Commission had checked other towns.
- M. Terry Carter said some had design review.
- N. Alan Couch said that design review is not always the answer. Walmart could put up a building with cedar shakes and dress it up.
- O. Alan Isaacson said we sent it to the Select Board. If they said yes, they would have a hearing. If they said no to a hearing, it would come back to us.
- P. Alan Couch asked Bruce Schmidt if the Planning Commission should send this to the Select Board, or would it not be worth the discussion.
- Q. Logan Nicoll said there would not be a reason not to send it to the Select Board.
- R. Bruce Schmidt said he would ask why it has to change. It seems to have started with Benson's and the fear that we would have a similar situation as Chester with the dollar store. He said that he does not fear that Target or Walmart would come to Ludlow. The size of Ludlow would not fit. Someone would have to have a reason for changing it.
- S. Terry Carter said maybe we should look at the town plan and send a survey out to find out what people want.
- T. Logan Nicoll asked Bruce Schmidt what the definition would stop that Bruce Schmidt wants to see. He said we don't have a year round population, but the mountain is pushing for year round activities. Last July there was a very high population. He said he doesn't think the current population goes against economy and that it would support a Walmart or dollar store. The proposed definition encourages small businesses. He said that any business in town could buy up properties and keep expanding. This definition encourages small businesses. He said that he is not anti-business, just pro-small business. What does this not allow that Bruce Schmidt wants to see?

- U. Bruce Schmidt said we have slow times of the year and he does not know what he feels about dollar stores. He would like to see what the people want. He also disagrees that a bigger Shaw's would not be good for town. He said we should not try to dictate who builds or if Shaw's or Rite Aid can expand. He said, if they do, prices may be more stable. This is a free market. He said that small businesses in town survive because they work hard and create product, and something that people want.
- V. Terry Carter said we will bring this to the Select Board as it is. If they vote against it, we will see what the people want. We want to see what they want Ludlow's brand to be.
- W. Bruce Schmidt said we would like to encourage young families and affordable housing. He said that the retired families are really great, but we need a balance in the citizenry.
- X. Terry Carter said smaller businesses would pay better wages.
- Y. Alan Couch said we will forward this to the Select Board, but he anticipates that it will not be resolved for a while. He wants to leave it on their agenda in order to get their input.
- Z. Bruce Schmidt said that this board already knows his question. He then asked if it is true that the Planning Commission decision was not really unanimous.
- AA. Alan Couch said the discussion was split, but the decision to send it up to the Trustees and Select Board for discussion was unanimous. We do have split opinions.
- BB. Rose Goings advised that the Select Board meeting will be held at 7:00 p.m. on Monday, April 4<sup>th</sup>.

**6. FUTURE BUSINESS**

- A. Rose Goings suggested putting Retail Use definition back on the agenda.
- B. Alan Couch asked if they could get in touch with Jason Rasmussen for assistance.
- C. Rose Goings said there may not be any funds available.
- D. Alan Isaacson suggested they discuss design review.
- E. Rose Goings said that Manchester has a design review board, but no DRB. They also have a Planning/Zoning Board.
- F. Alan Isaacson said that Jason Rasmussen had suggested some items if the legislation passes. He said we could also go back and look at Flood Resiliency and maps. We have not heard back from them. We could also look at brooks.
- G. Rose Goings agreed that we had not heard back about of Flood Resiliency.
- H. Alan Isaacson said if we incorporated their maps, they will look at redefining the river corridor.

**7. OTHER BUSINESS**

- A. The board thanked Bruce Schmidt for coming to this meeting.
- B. Next month's Agenda
  - i. Design Review
  - ii. Retail Use Definition
  - iii. Flood Resiliency
  - iv. Later – town plan
- C. Next meeting – April 19, 2016.

**8. ADJOURN**

- A. **MOTION by Logan Nicoll and seconded by Alan Isaacson to adjourn this meeting.  
Motion passed unanimously.**
- B. Meeting adjourned at 6:51 p.m.

Respectfully submitted,

Lisha Klaiber

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Alan Couch, Chairman

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Logan Nicoll

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Terry Carter

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Norman Vanasse

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Alan Isaacson