

PLANNING COMMISSION

MINUTES REGULAR MEETING

March 17, 2015

MEMBERS PRESENT:

Alan Couch, Chair
Terry Carter

Alan Isaacson
Norm Vanasse

MEMBERS ABSENT:

Logan Nicoll

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Jason Rasmussen
Gary McIntyre

Dianne Johnson - LPC-TV
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 Logan Nicoll.

3. APPROVE MINUTES

A. The minutes to be approved are from the meeting of February 10, 2015.

B. **MOTION by Alan Isaacson and seconded by Terry Carter to approve the minutes from February 10, 2015 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none

5. MUNICIPAL PLANNING GRANT – Flood Resiliency

A. Rose Goings advised that the town has been approved for this grant.

- B. Jason Rasmussen said that the grant is for a Flood Resiliency Plan on what to do in the future to minimize threats and damages dealing with flood related issues. This is a required element in the new town plan and must be added. It includes River Corridor Protection Areas. He referred to a map and indicated the flood hazard areas, flood way (more restrictive), flood plain (also referred to as Flood way fringe (new development is difficult and building must be elevated.) The stream buffer areas in the town are now 50 feet and 15 feet in the village. He said that 1% of all of the combined land in the town and village is in the floodway, 2% is in the flood plain and 1% is in the stream buffer zone. He said that in the town and village, 43 units are in the floodway, 151 units are in the flood plain and 4 existing units are in the stream setback areas. He referred to a new map that shows the Fluvial Erosion Hazard Zone, now referred to as the River Corridor Protection Area. The map was developed by the ANR and shows where the rivers may go, where they may change course and sandbars. References to this map and the map must be added to the town plan. It shows the areas that are at risk and describes what the town is going to do about them. He pointed out the stream meander belt and noted the added 50 foot buffer on either side of the river. This is modified by state highways, rock outcroppings and geological areas. It is a first step and can be changed. There is no town requirement to regulate this. It affects Act 250 and Act 248 projects and river corridor rules will apply. It is to allow no further encroachment in the area. Any new development would be outside the area, but some development would be allowed in the village. Building to be no closer to the river than it is. There are about 273 structures in that area and it is more than the flood zones.
- C. Alan Couch asked if the state is saying this is different from the floodway.
- D. Jason Rasmussen said yes. This is for the risks of eroding banks or houses falling in the river, such as what happened after Irene. The state is trying to prevent more similar type damages.
- E. Alan Couch asked if this is the state's version of FEMA.
- F. Jason Rasmussen said slightly different.
- G. Alan Couch said a big storm may change the river.
- H. Terry Carter asked if this would affect the bike path.
- I. Jason Rasmussen said no, the bike path is on the other side of Route 103. He said that properties with Act 250 permits should be made aware of this. He said that ANR will develop rules and procedures. He said that certain land uses are exempt, but river corridor rules will apply.
- J. Alan Couch said that this may pertain to his property. He added that FEMA says that his property is in the flood zone and flood insurance is required. He asked if this would affect people in the Fluvial Erosion Zone.
- K. Jason Rasmussen said there are structures in that zone, but to his knowledge, they are not required to get flood insurance.
- L. Alan Isaacson asked how this would affect our clearances, do we care, and is there anything the landowner can do to reduce the risk.
- M. Jason Rasmussen said that Jewel Brook is now in the River Corridor Protection Area.
- N. Alan Isaacson said that this board added buffers of 15' in the village and 50' in the town.
- O. Jason Rasmussen said the intent is for no new encroachment, but that for existing properties, infill is acceptable. He said that if a project pertains to Act 250, it may need engineering.
- P. Alan Isaacson asked if our zoning regulations are affected.
- Q. Jason Rasmussen said they may not be, but that the town plan must address it and describe what we are going to do about it.
- R. Terry Carter said that they are probably doing this because of the huge flood that we had and the flooded roads and damages caused by it and the river did change course.

- S. Jason Rasmussen said the town and village can ask the ANR to change the map if they want to explore narrowing the blue bar.
- T. Alan Isaacson asked the purpose of the grant.
- U. Jason Rasmussen said to investigate the area, what to do about it and possibly change the map.
- V. Alan Isaacson asked the time frame.
- W. Jason Rasmussen said the document should be done by mid-May.
- X. Alan Isaacson asked if it has to go to the Trustees and Select Board.
- Y. Jason Rasmussen said no.
- Z. Rose Goings said the town plan does have to be changed.
- AA. Jason Rasmussen said if they amend the town plan for the Village Center, they can do this at the same time. There will be more work to figure out what to do about it. He said they may also want to have him come in to train the DRB, Select Board and Trustees if desired.
- BB. Alan Isaacson voiced his concerns about where the ANR drew the lines.
- CC. Alan Couch said that he does not think the river will change much.
- DD. Terry Carter said the purpose is to protect the town.
- EE. Alan Couch said that the town plan, zoning and FEMA protect the town. He added that ANR may have drawn the lines, but the river cannot go where they drew some of the lines.
- FF. Alan Isaacson said there are concrete walls on the sides of the river in some places.
- GG. Terry Carter said there may be some places where it can meander and that she respects the science of it.
- HH. Jason Rasmussen said that Springfield is trying to explore changing the map and there is a process if Ludlow wants to pursue it.
- II. Alan Isaacson suggested they have the Select Board write a letter to request changing the map.
- JJ. Jason Rasmussen said they can look on the ANR Atlas and Flood Ready Vermont sites to play with the lines and get some sense of the impact. He said he would send links.
- KK. Alan Couch said he appreciated the work, but he wonders why they should go through this if FEMA already changed the maps for the flood zones. He asked if they will also have to change the zoning regulations to go with this and incorporate this.
- LL. Rose Goings said that as she understands it, we have no choice and must include it in the town plan, but we are not required to do anything with it. It only affects Act 250 or Act 348 projects and not our zoning.
- MM. Jason Rasmussen said they must refer to this in the town plan.
- NN. Gary McIntyre asked how this compares with the FEMA maps.
- OO. Jason Rasmussen said they are not the same. FEMA is more expansive.
- PP. Gary McIntyre said if it only pertains to Act 250, why not just make reference to it in the town plan and let the state work out the Act 250 details.
- QQ. Jason Rasmussen said they could do that.
- RR. Rose Goings said that's why we have the grant, to put this in the town plan.
- SS. Terry Carter asked if they would have to amend the town plan before May.
- TT. Jason Rasmussen said not until 5 years after the last adopted revision, unless they are making other changes. He thinks they should consider doing it now.
- UU. Alan Isaacson suggested they ask ANR to come and look more closely at the affected areas.
- VV. Rose Goings said that she thinks that Frank Heald would be on board with changing the map.

- WW. Jason Rasmussen said that if they modified the map, it would relate to anything ANR does and affect Act 250. He said that he would send them the language citation for how to address the ANR to request modifying the map. He said that it must be done by the legislative bodies, the Select Board and Village Trustees. He said that if needed, he can come back to make presentations to them.

6. VILLAGE CENTER/ MUNICIPAL DEVELOPMENT PLAN

- A. Alan Isaacson advised that Rose Goings and he had met with Frank Heald to discuss expanding the Village Center's current boundaries from Governor's Inn to the bridge just past Route 100S, including Lamere Square but not Shaw's to the bridge just past the Chamber of Commerce to include Shaw's, Benson's, the Totem Pole, Killarney's and Green Mountain Plaza, but not as far as Outback. He said that at Frank Heald's suggestion, Jason Rasmussen made some notes of things that need to be changed in the town plan.
- B. Terry Carter asked why Frank Heald wants to extend the boundaries.
- C. Alan Isaacson said to allow properties to get the benefits for renovations and repairs. He said that there are 10% tax credits for historical renovations, 25% tax credits for façade and code improvements and also economic planning grants.
- D. Alan Couch asked about going east to the Preservation District.
- E. Alan Isaacson said that Jason Rasmussen feels that Village Center should be centralized to a small area where business takes place.
- F. Jason Rasmussen said that the Village Center designation is determined by the State Downtown Board. You would submit this to them and they would make the decision to allow or not. He said that he talked to a staff member at the state and some buildings that would be eligible for tax credits are left out. They could try going in both directions.
- G. Alan Isaacson said that he read that the town plan needs to indicate what our plans are before the state will accept the changes.
- H. Terry Carter asked what the minuses are.
- I. Jason Rasmussen said only if they don't accept the changes.
- J. Alan Isaacson added or if the state decides that the current designation is too large.
- K. Jason Rasmussen said it should be where the core or commerce and civic activities take place and show smarter growth principles.
- L. Alan Isaacson said that the other option would be to try for Downtown Designation, but that requires a funded board that manages it and we don't have that. It could be a business funded board.
- M. Jason Rasmussen said there was an effort about 5 years ago, but that needed the funded board and we didn't have it.
- N. Rose Goings said that we had done some of the other work needed, like Local Act 250 review.
- O. Jason Rasmussen said if Ludlow wants to proceed, the town plan must support expansion and explicitly state that it supports expanding the Village Center Designation. He suggested some wording for that.
- P. Alan Isaacson said that Jason Rasmussen had also added some suggested wording for the Flood Resiliency requirement.
- Q. Jason Rasmussen said that to update the town plan, they still need to approve it. He said he can put it together if you wish to proceed. He said that he also added a few other things that they missed on the last revision.
- R. Terry Carter asked, if they revise the town plan to include expansion of the Village Center, and the state denies it, would they have to re-revise the town plan.

- S. Rose Goings said no, because it would be done under the Recommendations section.
- T. Jason Rasmussen suggested they could also include Neighborhood or Downtown Designations, but Frank Heald was not in favor of that.
- U. Alan Couch asked if the state says no, can we appeal.
- V. Terry Carter said she would like to know what the Select Board would say.
- W. Alan Isaacson suggested they ask Logan Nicoll to discuss this with the Select Board before the April meeting.
- X. Terry Carter said she would talk to Logan Nicoll. She asked Jason Rasmussen to email copies of the town plan with the proposed changes and also the letter from Jason Rasmussen explaining the changes.
- Y. Rose Goings said the Planning Commission would discuss expansion to the Village Center Designation boundaries again at their April 21st meeting. They would be going to the April 6th Select Board meeting to discuss Flood Resiliency and Village Center expansion. They would be going to the April 7th Trustee's meeting to discuss Flood Resiliency, updates to the Village Zoning Regulations and the Village Center expansion.

7. ZONING BY LAW AMENDMENTS

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

- A. Vacant Buildings
 - i. Alan Isaacson advised that the Village has a Vacant and Dangerous Ordinance. This board had started to discuss this at an earlier meeting. He asked the board if they should suggest to the Select Board that the town adopt a similar ordinance.
 - ii. Alan Couch asked if there is reference to this in the zoning regulations.
 - iii. Rose Goings said that abandoned buildings are mentioned, but there is no ordinance like this. She said they could adapt the Village ordinance to reflect the town and submit it to the Select Board and ask them to adopt it.
 - iv. Alan Isaacson said they need an ordinance for them to be able to enforce it. He said the town should have this ordinance.
 - v. Alan Couch agreed.
 - vi. Rose Goings said this board can send it to the Select Board and suggest that they adopt it. Then, the Select Board can have a public hearing on it if they want to. She said that she will ask Pam Cruickshank to send the formatted village ordinance to Alan Isaacson.
 - vii. Alan Isaacson said he would modify it to fit the town.
- B. Proprietary Municipal District
 - i. Alan Couch said the description is precise and to the point. He likes the name suggested for the district. He said that he has looked at other towns' zoning and some towns have incorporated the town owned properties into whatever district they are located in. He thinks it is good for Ludlow to have a separate district for town or village owned properties.
 - ii. Alan Isaacson asked if there is any chance of these properties being sold.
 - iii. Rose Goings said that she can't imagine it.
 - iv. Alan Isaacson said that he only put in 3 conditional uses and no permitted uses. The conditional uses would be Public Recreation, Municipal Utilities and Flood Control.
 - v. Alan Couch asked if they wanted to change the use of the property, who would apply for the permit.

- vi. Rose Goings said the town or village.
- vii. Alan Couch said the description is “brilliant in its simplicity.”
- C. Definition for Small Scale Machinery/equipment sales
 - i. Alan Isaacson said this is allowed in the Industrial District, but there is not definition for it.
 - ii. Terry Carter suggested maybe “small scale” is based on the number of employees.
 - iii. Board members will try to find definition for the next meeting.
- D. Additional Changes
 - i. Other missing definitions
 - a) Alan Isaacson said there are other missing definitions, among which are: Enclosed Service and Repair, Private Power Generation Facility and Strip Commercial Development. There are others
 - ii. Alan Isaacson said they need to review Signs and finalize the zoning map.
 - iii. Ridgelines
 - a) Rose Goings said they need to review Ridgelines.
 - b) Jason Rasmussen showed the board a map of the View Shed Analysis and explained that it actually shows the sides, not the tops of the hills.
 - c) Alan Isaacson asked what we are thinking about protecting. Are we happy with the Ridgeline Protection Overlay District? Does the language work? Does it make sense, are the exemptions right and does the map work.
 - d) Alan Couch said he would like to go over Section 490.
 - e) Alan Isaacson asked if they are giving enough development rights.
 - f) Alan Couch said the board should review this at the next meeting.
 - g) Alan Isaacson asked Jason Rasmussen to resend the map to him.
 - h) Terry Carter asked what other towns are doing. She said she wants to protect the ridgelines.
 - i) Jason Rasmussen said the language that they based this on was from Reading. He said that each town does it differently. He said Woodstock put buffers around the ridgelines.
 - j) Alan Couch said that we should take a page from the Lowell Mountain, Irasburg wind farm lawsuit.
 - k) Jason Rasmussen said that Reading and Westminster looked at the elevations and modified their maps. They mapped out the locations. It took a lot of field work and is kind of tricky.
 - l) Terry Carter said she would like to make it about elevation.
 - m) Jason Rasmussen said you could look at the view shed from state highways. He said that one key thing is that it is hard to determine where to look, what it looks like from different vantage points.
 - n) Alan Isaacson said that the map has left out some areas and maybe overdid others. We may need to drive around and look at different places.

8. OTHER BUSINESS

- A. Rose Goings advised that today is Alan Couch’s birthday.
- B. Norman Vanasse said his birthday is in 9 days.
- C. Next meeting – April 21, 2015.

9. ADJOURN

- A. **MOTION by Terry Carter and seconded by Alan Isaacson to adjourn this meeting.
Motion passed unanimously.**
- B. Meeting adjourned at 7:31 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson