

PLANNING COMMISSION

PRELIMINARY MINUTES

REGULAR MEETING

November 17, 2015

MEMBERS PRESENT:

Alan Couch, Chair
Logan Nicoll

Alan Isaacson
Norm Vanasse

MEMBERS ABSENT:

Terry Carter

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Luke Chrisinger - LPCTV

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.

3. APPROVE MINUTES

A. The minutes to be approved are from the meeting of October 20, 2015.

B. **MOTION by Alan Isaacson and seconded by Logan Nicoll to approve the minutes October 20, 2015 as presented. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none

5. SOLAR SITING – MUNICIPAL PLAN AND TOWN & VILLAGE ZONING REGULATIONS

A. Alan Isaacson advised that the public meeting about the solar project on Barker Road was well attended and the overall response to the project is negative.

B. Logan Nicoll said that he had some conversations with people after the meeting and did not think that the tones were as negative.

- C. Alan Isaacson said that his advice to the Select Board is to try to negotiate with Ranger Solar and try to tell them what the town wants. He said that the landscape architect had said that he will take input from the town and present it to Solar Ranger, but cannot guarantee what Ranger will do. He added that he has a copy of the Cornwall ordinance for solar screening modified for use in Ludlow and will send out the revised on to the board members. Based, on Act 56, the ordinance allows towns to specify what screening is needed. However, it also has to be specified in the zoning regulations. Screening regulations have to be the same for all parts of town (or village) where screening is required.
- D. Rose Goings said it would have to be specified in all districts.
- E. Alan Isaacson said you also have to specify what needs to be screened.
- F. Rose Goings said it would apply to any commercial project and she does not know if it is needed in the town and village regulations.
- G. Alan Isaacson asked about retail businesses.
- H. Rose Goings noted that Benson's was required to provide screening.
- I. Alan Isaacson said that you can't just say commercial. He did add that the Ranger project is considered industrial scale, so you could leave commercial out and just say industrial. He added that all similar types of uses in the town have to have the same regulations. He said we should talk to Jason Rasmussen.
- J. Alan Couch said no matter what we do, there will be people in town with questions as to what we are doing and why.
- K. Alan Isaacson said we can't single out solar projects and we have to be careful in the wording.
- L. Rose Goings said that the project may not have an undue adverse effect on the area.
- M. Alan Isaacson said we should send our revision of the Cornwall ordinance to Jason Rasmussen.
- N. Rose Goings agreed.
- O. Alan Couch asked if the state has any recommendations.
- P. Rose Goings said we looked at the VLCT comments.
- Q. Alan Isaacson said we should push this over to Jason Rasmussen and ask him where to put it in the zoning regulations and for what uses.
- R. Alan Couch indicated we have to say what the Planning Commission wants for the town, what districts and what type of screening.
- S. Rose Goings suggested doing interim zoning to get it passed as soon as possible. The Select Board can approve it on an interim basis, adding that she has a copy of the procedure for interim by-laws.
- T. Alan Isaacson asked if you can do interim zoning without putting it in the town plan first.
- U. Rose Goings said she asked, but has not received an answer on that from Jason Rasmussen.
- V. Alan Isaacson said that there was an application in Newark for a project, but the application was not filed correctly. In the interim, before the contractor had a chance to refile with the PSB, Newark passed a regulation that would not allow the project. The PSB didn't agree with it and they are now in court. He said that the more specific we are in the town plan, the better off we are to fight it. He suggested that Ludlow needs to negotiate with Ranger before they file with the PSB, which is supposed to be by the end of November.

6. GRANT BROOK UPDATE

- A. Rose Goings advised that she is still waiting for Maria Caduto to get approvals from her supervisors to allow changing Grant Brook to A1, and if it makes sense to go with reclassifying the other streams.
- B. Alan Isaacson recalled that the board had voted to change the Grant Brook to A1 at their last meeting.
- C. Rose Goings advised that they are still waiting to hear back from Maria Caduto

7. RIVER CORRIDOR UPDATE

- A. Alan Isaacson said that Gretchen Alexander said that nothing had been done yet. They are looking at the geomorphic data and will review the corridor information again.
- B. Rose Goings said it is a slow process because there is lots of data. She will continue to work with them and Jason Rasmussen is involved.

8. VILLAGE CENTER

- A. Rose Goings said they started the process to extend it from Shaw's to the firehouse. She said that Jason Rasmussen submitted parts of the application, but it is not complete. She is waiting to take pictures when the snow is here. It will look better with more cars and shoppers. She said that Jason Rasmussen asked her and Frank Heald about setting up a meeting with Rich at the Department of Commerce. She thinks that Jason Rasmussen is worried that the area being extended is not focused on the actual Village Center and may not be approved. She said that Frank Heald wants to apply anyway. We are still filling out the application.
- B. Alan Couch said that he understands why it may not be considered part of the village center, but it would be good for that section of town.
- C. Rose Goings said they would continue with the process.

9. OTHER BUSINESS

- A. Select Board Informational Meeting on Proposed Changes to Town Zoning Regulations
 - i. Alan Isaacson advised that he and Rose Goings had attended the Select Board's informational meeting on the town zoning regulations and two things came up. He said he had changed some of the wording. In the Outdoor Recreation definition, it was requested that "similar activities and uses" be replaced with "but not limited to..." There were also questions raised about Accessory Structures. One reason was it is listed as a permitted use but the definition indicates that they must be built with the primary use. There was concern on the part of the Select Board about whether or not a person could construct a garage prior to building a primary residence on their property. There was also discussion about whether a person could construct a garage as the main building, or only building on a property. Accessory Structures are permitted uses in some of the districts.
 - ii. Rose Goings said that if a person has a very large barn or garage on their property and no house, the neighbors may appeal it. It is a gray area.
 - iii. Logan Nicoll said that the Select Board wants to allow a garage without a house.
 - iv. Rose Goings said it is okay with her, but needs to be clarified.
 - v. Logan Nicoll asked if they add Accessory Structure.
 - vi. Alan Isaacson said he thinks that Accessory Structure was added to the definitions because it came from the definitions from the state in the new Flood Hazard Regulations.
 - vii. Rose Goings suggested removing Accessory uses.
 - viii. Logan Nicoll said that if Accessory Structure, Building or Use is permitted, then you can build it.
 - ix. Rose Goings said fine, but will it hold up in court.
 - x. Alan Isaacson said that the issue is the definition disagrees with the fact. If it is a permitted use, it can be built.
 - xi. Alan Couch said that some people think that if you have the property, they can build a barn or garage to store their "toys."

- xii. Rose Goings said there is a problem with the definition. If you look around Ludlow, you will notice that there are not a lot of garages. It was never considered a permitted use in the past.
- xiii. Alan Isaacson said it was in there for a long time.
- xiv. Rose Goings said that Fred Glover does not think it is allowed. She said she will talk to Jason Rasmussen about getting a new definition for Accessory Structure and Accessory Use and Building.
- xv. Logan Nicoll said we need to find out if a garage can be the principal use of a lot.
- xvi. Alan Isaacson said we would have to include it as a permitted use.
- xvii. Rose Goings said if you permit a garage first, you have a year to start construction of the house, but there is no limit on when the house has to be completed. She said that Alan Isaacson suggested that they add something to say that an accessory structure may be constructed prior to the principal use or building. She will send it to Jason Rasmussen for his opinion.

B. Select Board Public Hearing on Town Zoning Regulations

- i. Alan Isaacson advised that the Select Board would hold its public hearing for the changes to the town zoning regulations on Monday, December 7, 2015 at 7:00 and urged the other members of the Planning Commission to attend.

C. Next meeting – December 15, 2015.

10. **ADJOURN**

- A. **MOTION by Logan Nicoll and seconded by Alan Isaacson to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse

Alan Isaacson