

**PLANNING COMMISSION**

**PRELIMINARY MINUTES**

**PUBLIC HEARING &  
REGULAR MEETING**

September 15, 2015

**MEMBERS PRESENT:**

Alan Couch, Chair  
Terry Carter

Alan Isaacson  
Norm Vanasse

Logan Nicoll

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Marie Caduto  
Jason Rasmussen

Barbara Ruiss  
Peggy Stratman

Ed McEaney - LPC-TV  
Lisha Klaiber, Recorder

**PUBLIC HEARING**

**TOWN OF LUDLOW ZONING & FLOOD HAZARD REGULATIONS**

**1. Open**

A. Alan Couch opened the 6:00 p.m. All members present.

**2. Town of Ludlow Zoning and Flood Hazard Regulations (Amended)**

- A. Alan Couch advised that the Planning Commission has been working on the zoning regulations for a while. The purpose is to bring the Ludlow Zoning and Flood Hazard into conformity with the town plan. Additionally, the Planning Commission needed to bring the regulations into compliance with all new state statutes, including Shoreland Protection. The regulations also represent direction that the commission feels that the town should be moving in coming years.
- B. Alan Isaacson advised that there is also an introductory Executive Summary that will also go to the Select Board. This will advise the Select Board of the changes made and give them an overall recap of the document.
- C. Logan Nicoll said that what has been prepared seems right and will address the concerns generally brought by Bruce Schmidt. Logan Nicoll said that he thinks the Select Board will be happy. He said that he had told the Select Board that there would be a public hearing tonight on the regulations and asked them to look over the document before their next meeting.
- D. Alan Isaacson said he will send the document to Pam Cruickshank if the Planning Commission approves the document tonight and decides to send it to the Select Board. He asked when the amended regulations would become law.
- E. Jason Rasmussen said he thinks that happens when the Select Board warns their hearing, but would verify tomorrow.

- F. Alan Couch asked for comments from citizens. There were none.
  - G. **MOTION by Alan Isaacson and seconded by Terry Carter to approve the amended Town of Ludlow Zoning and Flood Hazard Regulations, as amended, with assorted maps and to forward the document to the Select Board for their actions. Motion passed unanimously.**
3. **Close Public Hearing**
- A. Alan Couch closed the hearing at 6:06 p.m.

**REGULAR MEETING OF THE LUDLOW PLANNING COMMISSION**

1. **CALL TO ORDER**
- A. Alan Couch called the meeting to order at 6:07 p.m.
2. **ROLL CALL BY RECORDING SECRETARY**
- A. All Planning Commission members present.
3. **APPROVE MINUTES**
- A. The minutes to be approved are from the meeting of August 18, 2015.
  - B. Alan Isaacson said that he had made some changes that had been approved by Terry Carter and Alan Couch.
  - C. Terry Carter said she would redistribute the minutes, with changes included.
  - D. **MOTION by Alan Isaacson and seconded by Terry Carter to approve the minutes August 18, 2015 as corrected. Motion passed unanimously.**
4. **COMMENTS FROM CITIZENS**
- A. Barbara Ruiss said that she is attending the meeting to get an education on how the town operates.
5. **GRANT BROOK CLASSIFICATION PRESENTATION BY MARIE CADUTO**

- A. Marie Caduto advised that she is the DEC Watershed Coordinator for this area and concerned mainly with all surface waters in the area. The department is in the process of going through classifying surface waters based on what they are used for. She explained that there are 3 classes: A1, which is ecologically the most pristine and purest; A2 which is used for drinking water and can be found in reservoirs, streams, lakes, etc. and B which is all other waters. The department is looking at Class A2 waters to possibly reclassify them to A1 or B. If a reservoir level can be manipulated up or down and with chemicals it would stay. You can't use chemicals in A1 or B. Every surface water over 2,500 feet in elevation is A1 in Vermont and they are usually headwaters. Development in A1, the watershed, is carefully regulated, and you can't have an in ground waste disposal over 1,000 GPD in A1. She said that currently, the Grant Brook is A2. She said that B waters can be manipulated a little, and are basically fishable, swimmable and drinkable with treatment. Waters are being monitored and aquatic habitats are also being monitored for fish and bugs. If the Grant Brook is reclassified to A1, it will provide more protection for the water. She said it is probably discharging into the Aquifer and A1 would give more protection to the water supply.
- B. Alan Isaacson advised that single family homes are in that area and septic permits are regulated by the state.
- C. Terry Carter said that this board discussed reclassifying Grant Brook to A1 at its last meeting.
- D. Logan Nicoll asked if that would limit our ability to treat the water. Are there any disadvantages.
- E. Marie Caduto said you do treat well water and she can't imagine any reason why you would need to treat Grant Brook.
- F. Alan Isaacson asked if there are any other area waters that we may want to reclassify.
- G. Marie Caduto referred to a map and indicated A1, A2 and B waters. She said that the Coleman Brook and Okemo Brook are waters of concern. She said that Coleman is stressed from runoff from the ski area, but does not know why Okemo Brook is not testing well. She said that Sanders Brook, and Jewel Brook are in good shape and you may want to consider upgrading them. She said that the DEC is monitoring Coleman and Okemo Brooks more frequently.
- H. Terry Carter said that she is in favor of upgrading Sanders and Jewel Brooks.
- I. Alan Isaacson said if we let them reclassify Jewel and Sanders to A1, the state would then take care of proposed development there for septic.
- J. Marie Caduto indicated locations where the DEC does various studies on fish, wildlife and chemicals. She also showed the board the website, advising them to GOOGLE Vermont Natural Resources Atlas or VT ANR ATLAS. She walked the board through various parts of the site, including Lakes Scorecard and Shoreland information. She suggested they upgrade Sanders and Jewel Brooks, as well as Grant Brook. She said that the board needs to send her a letter and tell her what they would like to reclassify,
- K. Alan Isaacson said that Frank Heald has said that he would like to reclassify Grant Brook. He suggested this board suggest to him that they also reclassify Jewel and Sanders.
- L. Terry Carter asked about Lovejoy Brook and Williams.
- M. Marie Caduto said that small withdrawals are okay, but large ones are not. Vermont wants to make sure our waters stay clean. She said they could apply to reclassify Grant, Sanders, Jewel, Lovejoy and Williams.
- N. Alan Isaacson asked if this has to go to the Select Board.
- O. Rose Goings said that she doesn't think so.
- P. Logan Nicoll said he thinks the Select Board would be in favor of protecting our waters.

- Q. Alan Isaacson suggested trying to get this on the agenda for the next Select Board meeting and to ask them to warn a public hearing.
- R. Rose Goings said that Frank Heald is out of town and she doesn't think it will get on the agenda.
- S. Logan Nicoll asked what happens if the town is in favor of the upgrades.
- T. Marie Caduto said they would have to write up a letter to her and she would write up a petition to the state describing the request. She said she would send the petition to this board before filing it with the state.
- U. **MOTION by Alan Isaacson and seconded by Terry Carter to ask the Select Board to approve the reclassification of Grant Brook, Sanders Brook, Jewel Brook, Lovejoy Brook and Williams Brook to Class A1. Motion passed unanimously.**

6. **RIVER CORRIDOR**

- A. Jason Rasmussen said that he, along with others, had met with Gretchen Alexander to regarding revising the River Corridor map.
- B. Alan Isaacson said that he had also attended the meeting and they discussed the new state regulations for river corridors. He said that they told her that we think that some of the places included by the state in the river corridor are "over the top." John Broker Campbell was also there. Alan Isaacson said they discussed areas where there are concrete walls on either side of the river. They agreed to change them. However, if we want more changes, we have to adopt their map in to our zoning regulations. We are not ready to do that. He said that his thought is to identify the areas we would like to see changed, on a map, and send it to them with our reasons.
- C. Logan Nicoll said that their map also does not conform to their own guidelines; it crosses Route 103 and high embankments.
- D. Alan Isaacson said we need to identify those areas and send it back to Gretchen Alexander advising her that these areas do not meet the state criteria and please adjust accordingly.
- E. Jason Rasmussen said that the map was a statewide effort and not all areas were field surveyed. If we indicate areas in question and explain on the map and send it to Gretchen Alexander, maybe that would be helpful. We could identify the valley walls and rock outcroppings, as well as the roads. She said they did the state roads, not the town roads. They may have missed some.
- F. Marie Caduto said that may be the policy, but it may not be what the river will do.
- G. Alan Couch said they could identify spots in the village that are contained by roads and properties. No matter what the river does, the people will rebuild.
- H. Jason Rasmussen said the River Corridor is for Act 248 and Act 250 review. The state does not want people building closer to the river.
- I. Marie Caduto said the further away from the river, the lower the insurance rates and higher the possible payments from FEMA in the event of a major flood.
- J. Barbara Ruiss asked what the river corridor is.
- K. Marie Caduto said the definition is where we expect the river will mover over time.
- L. Alan Isaacson added that the state wants to reduce development in those areas.
- M. Alan Couch said the state includes Smith Street, but there are concrete walls there.
- N. The board reviewed the river corridor map, commenting on various areas.
- O. Alan Isaacson said there is nothing on either side of Jewel Brook, except at the bottom by Main. He added that in the village, it does not make sense to do anything other than where the river is right now. He added that no matter what happens, we will rebuild places where they are.

- P. Jason Rasmussen suggested listing places where the river cannot move.
- Q. Marie Caduto agreed, suggesting concrete walls, ledges and roads. She said that where the river can move is the river corridor and that can't be changed by the board.
- R. Alan Isaacson said from Shaw's to the Walker Bridge on the north side and on the south bank. He said the Mill is there and that building won't move.
- S. Rose Goings said Shaw's flooded, but also didn't move.
- T. Alan Isaacson said there was nothing from the Ellison Apartments to IGA.
- U. Terry Carter said we need to canoe or kayak down the river to know where the concrete structures are.
- V. Jason Rasmussen said list them and eventually they may get changed.
- W. Alan Isaacson said they should ask Gretchen Alexander to review from Shaw's to the Walker Bridge.
- X. Jason Rasmussen said also to mark up the map.
- Y. The board indicated areas in question on the map.
- Z. Jason Rasmussen said he would communicate this to Gretchen Alexander and report back to this board.
- AA. Rose Goings said she would be able to meet with Gretchen Alexander again.

7. **OTHER BUSINESS**

- A. There was none.
- B. Next meeting – October 20, 2015.

8. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Logan Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:12 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