

**PLANNING COMMISSION
MINUTES**

REGULAR MEETING

September 17, 2013

MEMBERS PRESENT:

Alan Couch, Chair	Logan Nicoll,
Terry Carter	Norman Vanasse

OTHERS PRESENT:

Bill Bruno	Rose Goings	Ann Rose
Pam Bruno	Gary MacIntyre	Lisha Klaiber, Recorder
Doris Eddy	Jim McCall	Duncan Love – LPC-TV
Marty Fino	Jason Rasmussen	

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 members Planning Commission members present.

3. APPROVE MINUTES

- A. The minutes to be approved are from the meeting of August 20, 2013.
- B. Rose Goings noted that on item 6NN it should read decks are not allowed....
- C. **MOTION by Terry Carter and seconded by Norman Vanasse to approve the minutes from August 20, 2013 as corrected. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none.

5. ZONING BYLAW AMENDMENTS – LAKES DISTRICT

- A. Rose Goings advised that a letter had been received from John Eckel in which he opined that Bill H526 is not appropriate for Ludlow and we need something more amenable to Ludlow.
- B. Norman Vanasse said that Mr. Eckel is concerned about siltation.
- C. Alan Couch said that the rules do not address the sources of the sedimentation. He also said that, in his opinion, a 250 foot setback is not good.

- D. Marty Fino said that the Ecosystems grant looks at three major tributaries that go into the Black River and lakes. The Lakes Association has met with Plymouth, Ludlow, ANR and AOT. The Association agrees that the sediment coming down into the lakes is a problem.
- E. Norman Vanasse said that sedimentation is a natural process, but how do you control it.
- F. Marty Fino said that it goes back over 100 years and weakens the banks. The dam on Reading Pond burst and the sediment went from Echo Lake to Lake Rescue.
- G. Norman Vanasse said that little trees by the lake could hold back more sediment.
- H. Jim McCall said that the ANR published recommendations for Riparian Buffer Zones and Jim McCall's property was used as an example. He suggested that board members review the publication.
- I. Marty Fino said that it not only mentions sediment, it also includes fish food. He said that phosphorous helps algae growth and builds sediment.
- J. Gary MacIntyre said that he is representing himself and not the association. He has been an architect for 40 years and has attended many hearing for wetlands conservation, health regulations, EPA, DRB and many more. He has learned that you always need to ask for more than you want and that people cheat. They need more regulations. This board needs to figure out what regulations are needed and what to stop. Ludlow has the opportunity to propose its own regulations, but we need those regulations to be something that the state will approve. The mission should be for the preservation and enhancement of water quality in the Lakes District. The current regulations make no mention of the Federal Inland Wetlands Water Course Act. Federal setbacks from lakes are 50 feet, but it is called a buffer zone and should be left natural. State law also calls for 50 feet buffer zones. It is important to the quality of the water in the lakes. He said they should consider planting vs. cuttings. He said that many of the lots in the lakes are less than ½ acre and cannot be subdivided. They should not allow clear cutting, wood stairs to the lakes, boat houses and buildings should be set back 65 feet. They should prune existing trees and replace trees that have been cut down. He is personally in favor of compromises. What can we give to the property owners and what will they give towards making the lakes better. He also voiced concern about future lots created by knocking down existing buildings. Do they lose their grandfather status? He is mentioned about pervious and non-pervious and said that he did not see much of a problem here. A pervious buffer zone would absorb runoff to the lakes. He said that board could consider rechargers that collect water off roofs and put the water back into the ground and not have it become surface water. His opinion was for the town to allow non-conforming lots some leeway with decks and driveways if they add buffer areas. He was concerned about enforcement of zoning regulations. He was concerned about communication regarding permit procedure information and suggested changing permit names to make them clearer for applicants. He said that the Lakes Association published a booklet and suggested that the Zoning Regulations for the Lakes District be included in the booklet. He said that docks are controlled by the state. Boathouses are considered structures and not allowed in the buffer zone. The Ludlow regulations say that they may go out 10 feet into the lake, but the state owns the lake. It would also require excavation of the shore. There are only 3 now. He then said that stairs are also considered structures and not allowed in the buffer zone. He said that people have gone for years without stairs and use landscaping designs to get to the lake.
- K. Rose Goings said that there have not been any applications for boathouses in the last year.
- L. Alan Couch said that the board has been trying to get information on that from the state.
- M. Gary MacIntyre said that if Ludlow is going to bypass the state regulations with regulations that are better suited to Ludlow, we have 1 ½ years to complete them. He said that these are his ideas and something for the board to consider.
- N. Alan Couch said that he had made good points about boathouses and docks.

- O. Jim McCall said that 50 communities have zoning regulations regarding shoreline protection, and asked if this board would contact any of them. He added that H526 mentions “best practices” and it would be good to survey other communities.
- P. Alan Couch said that board has discussed that, and added that they will also look at Lake Sunapee in NH.
- Q. Jim McCall said that he is also not representing the association, but just himself. He said that he does not agree with all that Gary MacIntyre said. He said that minimalism is a good idea and that you have to be able to enforce regulations. The most important this is the health of the lake.
- R. Marty Fino said that sediment adversely affects that lake and comes down from the 3 tributaries to the Black River to the lakes. It is clogging Fishing Access. The biggest problem is sediment and buffers are a good idea, but he cautioned the board not to go too far. People could have shrubs as they do a good job and do not have to have trees.
- S. Alan Couch said that he agrees that you do need to ask for more than you need, but he does not want to overburden property owners. He agrees that, upstream, Plymouth needs to help out and regulate their properties.
- T. Marty Fino said that the Lakes Association is proactive. He thinks that they look for grants to improve back roads, they implemented a milfoil program and the lakes have been rid of it for over 10 years. The town needs to work with other towns to improve the lakes. He recalled that Patch Brook Road has blown out several times and the materials go into the lakes from that and the repairs. He speaks for the Lakes Association that has 140 members, about ½ of the property owners on the lakes and a recent survey of those members showed, 68-2 that they favor local regulations over state regulations. They recognize that this is a unique lake and that H526 is meant for larger lakes. The smaller lakes generally have smaller lots and one size fits all regulations do not fit. They need to be more relaxed if the owners provide buffer zones to mitigate runoff and grandfathering to continue.
- U. Alan Couch said that we need to be more specific.
- V. Marty Fino said that we can’t demand existing home owners to put in 50 foot buffers. The association educates its owners on the importance of buffers and the ANR said that for buffers to be effective, 15% of the owners have to do something. They also have to educate realtors.
- W. Gary MacIntyre said that when he becomes a realtor, he would go around to home owners and talk to them.
- X. Alan Couch said that this board is impressed with the work done by the association with the invasive species remediation.
- Y. Marty Fino said that was paid for by home owners.
- Z. Terry Carter said that from what Natalie Fisher said, it sounds like the association is not getting much support with voluntary buffers.
- AA. Alan Couch mentioned that this board has started to discuss trampolines on Lake Pauline and since they are temporary, they will not regulate them at this time.
- BB. Doris Eddy said that her property is a perfect example of a buffer zone.
- CC. Bill Bruno suggested the need to pave Ellison Lake Road with catch basins on the sides. He said the roads get bad in mud season, rains and in the winter.
- DD. Jason Rasmussen said they could look at paving, but that adds oil, salt and grid. He added that that is for the town highway department, not zoning.
- EE. Gary MacIntyre said that they should allow grandfathering and building additions with some compromises for buffers. The town needs to prepare its regulations or the state will. They need to consider lots, runoff, setbacks and pervious/impervious.
- FF. Marty Fino said that setbacks from the lakes are buffers.
- GG. Alan Couch said that in his letter, John Eckel voiced concern about passage of H526.

- HH. Ann Rose said that the lake is in pretty good shape at this time. This board needs to pass rules that property owners can live with. Lake property values are high now, but if regulations become too hard, values will decrease.
- II. Jason Rasmussen asked the board how they wish to proceed. The town has a 50 foot setback and there is general support for buffers, but should apply to existing properties.
- JJ. Norman Vanasse said he is strongly in favor of buffers.
- KK. Terry Carter said that she is not in favor of exchanges.
- LL. Logan Nicoll said that he is not in favor of bartering for buffers and asked how they would police it. What if a person was given a permit with, saying they would put in a buffer and after the building was completed, they did not put in the buffer. He added that they can't just have a Shoreline Ordinance. They will need the state to approve what they propose.
- MM. Jason Rasmussen said there are some signs of opposition to H526 at the state, but it is still difficult to tell whether or not it will pass.
- NN. Alan Couch said that this board needs to develop the town regulations as soon as it can and to the best of its ability.
- OO. Logan Nicoll said they need to address things and get in front to consider climate changes also. He added that some houses on the lakes are non-conforming and due to age, may not last.
- PP. Rose Goings said that there are places on the water that have been there, but new structures have to meet current regulations and the 50 foot setback from the lake includes decks and stairs. One problem is that we don't have anything about buffers in the regulations or planting trees to replace ones that have been removed.
- QQ. Alan Couch asked about the house on Red Bridge Road that fell down.
- RR. Rose Goings said that the owners can repair it, but they can't just build a new one unless they build in conformance to current regulations.
- SS. Norman Vanasse suggested asking Alice Nitka and John McCormack to come to a meeting to discuss this.
- TT. Terry Carter said that they may have some sense about H526.
- UU. Alan Couch said that the board needs to prepare regulations that fit Ludlow regardless of that bill.
- VV. Jason Rasmussen said that they have a diminishing budget. Perhaps, he can draft language for buffers and standards and options. He asked the board if they preferred to use "buffer" or "setback."
- WW. There was general consensus to use buffer.
- XX. Jason Rasmussen said he could prepare language showing them side by side. He also said he could show other towns that are working on this.
- YY. Logan Nicoll asked if any other towns make the buffer size relative to the lot size.
- ZZ. Jason Rasmussen said no, but they do make them relative to the slope of the land. He asked about possible waivers for existing lots/
- AAA. Logan Nicoll said he would like to see maps of the lots.
- BBB. Terry Carter suggested looking at the listers' maps.
- CCC. Jason Rasmussen said he would like to finish this revision of the regulations and that they could be changed later if needed.
- DDD. Terry Carter asked if all state regulations are based on sedimentation.
- EEE. Jason Rasmussen said more on buffers.

6. **OTHER BUSINESS**

- A. October 7th Select Board Meeting
 - i. Terry Carter mentioned that meeting and that Planning Commission members should go.
 - ii. Rose Goings said they would be discussing the draft changes to the zoning regulations to date and the proposed new Flood Hazard Regulations.
- B. Next regular Planning Commission meeting October 15, 2013 at 6:00 p.m.

7. **ADJOURN**

- A. **MOTION by Logan Nicoll and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:11 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse