

**PLANNING COMMISSION  
MINUTES**

**REGULAR MEETING**

August 20, 2013

**MEMBERS PRESENT:**

Logan Nicoll, Vice Chair      Norman Vanasse  
Terry Carter

**MEMBERS ABSENT:**

Alan Couch, Chair

**OTHERS PRESENT:**

Natalie Fisher                      Anne Wingate                      Lisha Klaiber, Recorder  
Rose Goings                          Frank Wingate                      Noah Schmidt – LPC-TV  
Jason Rasmussen

**1. CALL TO ORDER**

A. Logan Nicoll called the meeting to order at 6:03 p.m.

**2. ROLL CALL BY RECORDING SECRETARY**

A. All members Planning Commission members present, except Alan Couch.

**3. APPROVE MINUTES**

- A. The minutes to be approved are from the meeting of July 23, 2013.  
B. **MOTION by Terry Carter and seconded by Norman Vanasse to approve the minutes from July 23, 2013 as presented. Motion passed unanimously.**

**4. COMMENTS FROM CITIZENS**

A. There were none.

**5. ALL HAZARDS MITIGATION PLAN, JOHN BROKER-CAMPBELL**

- A. Rose Goings advised that John Broker-Campbell was not able to attend tonight's meeting to discuss the All Hazard Mitigation Plan. He would be at the next meeting.  
B. This item tabled until the September meeting.

**6. ZONING BYLAW AMENDMENTS – LAKES DISTRICT**

A. Rose Goings advised that the Lakes Association would be at the next meeting. They are having a meeting this coming Friday to discuss the questions that this board sent to them.

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- B. Frank Wingate advised that he is a member of the Lakes Association, but is here tonight only as an individual and not representing the board. His opinion is that they need to find a balance that would maintain good water quality with rights of property owners. The Shoreline Bill has already passed the House and will probably pass the Senate next year, with some revisions. Municipalities may administer the Shoreline Zoning if they have “reasonable” shoreline protection measures in place. The bill will not replace effective town shoreline zoning. It is his opinion that Ludlow should pass its own ordinance prior to the State passage of the Shoreline Protection Bill. Most people would prefer to deal with the town than the state. Sediment running into the lakes must be reduced. Existing structures and properties may be grandfathered. They may also want to require amounts of vegetation to prevent erosion. The Ludlow 50-foot setback works well. If that were changed to 100 or 250 feet, existing small lots would be severely limited. In a study, 50 towns were considered to have sufficient shoreline protection in place and 10 of those have 50-foot setbacks. He expressed his appreciation for the town’s help with the Association’s Ecosystems Grant.
- C. Logan Nicoll thanks Frank Wingate for his input and said that he is looking forward to having the Association’s representatives at the next meeting.
- D. Norman Vanasse said that he is always concerned about where we get our water and where does the sewage go.
- E. Terry Carter asked if sewage is going into the lakes.
- F. Frank Wingate said that he doesn’t think so. He added that some people had to redo their septic systems after Irene. The Association may test for e-coli again. He added that Lake Rescue water turns over 12 times in volume per year and this is a high turnover rate.
- G. Natalie Fisher said that no soaps sold in Vermont contain phosphates, and that the vegetation may be due to plant fertilizers.
- H. Frank Wingate said that the state checks for phosphates and clarity.
- I. Terry Carter asked about invasive plant species.
- J. Frank Wingate said that Lake Rescue had a small bit of milfoil a few years ago and the association hired divers to pull it out by the roots. Star Lake spends about \$30,000 per year to dredge the lake and Lake Fairlee spends about \$130,000. The Association spends about \$1,000 per year for Lake Rescue and Lake Pauline. The last time they has milfoil was in 2003.
- K. Norman Vanasse said they should test for e-coli.
- L. Frank Wingate said they are planning to.
- M. Anne Wingate said that they did test after Irene and it was clear.
- N. Frank Wingate said there is a lot of sediment and sand in the reeds.
- O. Terry Carter asked about Japanese Knotwood. It is an invasive plant that grows above the water and must be cut back every month.
- P. Frank Wingate said that BRAC (Springfield group) is working on that.
- Q. Anne Wingate said that Irene took vegetation from the banks and that caused erosion.
- R. Jason Rasmussen said that he checked with VLCT and they said that it is Okay to leave 2-family dwelling as a conditional use.
- S. Rose Goings explained that 2-family dwellings are only allowed if there is 40,000 square feet available per unit, unless previously grandfathered. She said that she thinks that they should leave it as a conditional use because there are many things to look at. She said that one of the questions the board asked the association about is the 40,000 square foot minimum lot size.
- T. Frank Wingate said he personally does not want smaller lots.
- U. Rose Goings said that 40,000 square foot must also include well and septic system.
- V. Natalie Fisher said that she agrees with the 40,000 square foot and 50-foot setback.
- W. Frank Wingate advised that around September 4<sup>th</sup>, the association has contracted a dredger to haul about 1,200 cubic feet of sediment from the lake. It will be about a three week process. The sediment will be bagged and taken up to the cemetery.
- X. Jason Rasmussen said that “reasonable” water quality provisions may sometimes allow grass to grow.
- Y. Frank Wingate said that the state has something in its regulations about stairs.
- Z. Natalie Fisher said that the best practice is not to have the stairs go straight down, but to be more gradual with treads with gravel between them. There should be some vegetation more substantial than grass planted, something like blueberries with better roots.
- AA. Natalie Fisher said that fish food grows where the water is shallow, near the shoreline and that needs to be protected. If people make changes to the property that adds to impervious surfaces, they may need to create more buffers.
- BB. Norman Vanasse asked about docks and boat houses.
- CC. Frank Wingate said that docks are regulated by the state and may go out 50-feet into the lake with 500 square feet maximum area.
- DD. Jason Rasmussen said that Ludlow’s current zoning allows for one, 1-story boathouse and normal water facilities.
- EE. Natalie Fisher asked if the lot is non-conforming, would they need a variance.
- FF. Rose Goings said no.

- GG. Jason Rasmussen said that he would check about shorter lengths for docks.
- HH. Anne Wingate said that some people have more than one dock.
- II. BOARD members generally wanted to know what, if any authority, they have over dock size.
- JJ. Jason Rasmussen asked about stairs to water.
- KK. Natalie Fisher said they should consider stone steps instead of pressure treated wood that has chemicals.
- LL. Anne Wingate said that newer pressure treated wood is okay to use.
- MM. Jason Rasmussen asked about decks within the 50-foot setback.
- NN. Rose Goings said that decks are part of the structure and should be in the setback.
- OO. Terry Carter said that people with homes on the banks have stairs to the water with landings.
- PP. Rose Goings said they may also want to consider limiting tree cutting.
- QQ. Natalie Fisher said that any changes to structures or footprint would trigger the new laws, other changes may be grandfathered.
- RR. Frank Wingate said it would be unfair to owners on Lake Rescue if docks were limited by the town to 10 feet when others in the state may be up to 50 feet. The state owns the lakes.
- SS. Anne Wingate asked about stone walls at the edge of the water to prevent erosion.
- TT. Rose Goings said that so far, they are not allowed in Ludlow because they would be considered a structure and therefore not allowed within the setback.
- UU. Jason Rasmussen said maybe they could be added as erosion control.
- VV. Frank Wingate said that some of the steep banks could use them to stop erosion. There are a lot of waves on Lake Rescue because of the boats and they cause under-erosion.
- WW. Natalie Fisher said that one consequence of stone walls is that the heat up and change the temperature of the water and that affects fish food like. They would need vegetation to back it up.
- XX. Terry Carter asked if there are any boat regulations.
- YY. Frank Wingate said that jet skis are not allowed. He added that the State Water Police are also on the lakes for safety checks. There is no limit to horsepower or hours of boating.
- ZZ. Logan Nicoll again thanked them for coming in and giving their input.
- AAA. Rose Goings said that she expects that more people from the association will be at the next meeting.

## 7. OTHER BUSINESS

- A. Municipal Planning Grant
  - i. Rose Goings advised that there is a new Municipal Planning grant possible and she would like to board to make a motion to allow Alan Couch to sign the grant.
  - ii. Jason Rasmussen added that the grant would be for flood regulations – to make them easier for people to understand the process, where their property is in relation to flood areas and to create a checklist for the permit process. It would also include training for the board and drafting language for flood resiliency language and new erosion hazard areas from the state.
  - iii. **MOTION by Terry Carter and seconded by Norman Vanasse to authorize Alan Couch to sign the Municipal Grant application for flood regulations and permit process, checklist for prospective property owners, and training as indicated. Motion passed unanimously.**
- B. Next meeting September 17, 2013 at 6:00 p.m.

## 8. ADJOURN

- A. **MOTION by Norman Vanasse and seconded by Terry Carter to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:07 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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