

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

January 10, 2011

MEMBERS PRESENT:

Phil Carter, Chairman
John Boehrer

Richard Harrison
Julie Nicoll

Linda Petty
Rose Goings, Zoning Administrator

OTHERS PRESENT:

Andrew Becker
Bruce Boedtke
Angelo Chiari
David DeBaie
Mike Doran
Phil Dunwoody
Christine Fuller
James Fuller

Mark Kattalia
Mark Kenney
Andrea Lehtonen
Brian
Greg Mauriello
Kevin Murtagh
Martin Nitka
Mary Jane O'Hara

Bernie Pinard
Ted Reeves
Doug Sheehan
Larry Slason
Herb VanGuilder
Jim Woolfrey
Michelle Stinson, LPC-TV
Lisha Klaiber, Recorder

1. **CALL TO ORDER**

- A. Meeting opened at 6:00 p.m. by Chairman Phil Carter. All board members present. Phil Carter advised that the applicants for the recessed Timber Creek II hearing have graciously agreed to allow other hearings to proceed before them. They will be heard last.

2. **OPEN THE PUBLIC HEARING FOR ANGELO CHIARI AND CYNTHIA DILLWORTH**

- A. Phil Carter advised that this is an application to consider a gas pump for snowmobile use only at the existing Ludlow Country Store. Property is located at 471 Route 103 South, in the Residential Commercial District of the town.
- B. Rose Goings advised that this is application 335-11-CU. Posted in the Town Hall bulletin boards December 14, 2010, advertised THE VERMONT JOURNAL on December 21, 2010, and the abutting property owners were notified on December 20, 2010.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Angelo Chiari advised that he wishes to install a 1,000-gallon skid tank to snowmobile fuel, only.
- E. Phil Carter asked where it would be located.
- F. Angelo Chiari said 50 feet from the property line and 50 feet from the building. It would be double walled and fireproof and approved by the State of Vermont. The double lining would be filled with cement.
- G. Phil Carter asked how the pump operates.

- H. Angelo Chiari said it would be an electric pump and operated from inside the store. It would have a calibrate-able head as required by the state.
- I. Phil Carter asked how it would be secured at night.
- J. Angelo Chiari said that it would be locked and all accesses would be closed.
- K. Phil Carter asked how snowmobiles would access it.
- L. Angelo Chiari said that they would come through a path in the back of the property. Access would be off Bixby Road.
- M. Phil Carter asked if that were a spur off the VAST trail.
- N. Angelo Chiari said yes, VAST 127.
- O. Phil Carter asked if that trail ends at this property.
- P. Angelo Chiari said yes.
- Q. Richard Harrison said that garages have ancillary systems and asked if this one would.
- R. Angelo Chiari said no, that it is not required by the state. He said that he would have four 50 (he did not recall what this was) fire extinguishers there.
- S. Phil Carter asked if he would have NO SMOKING signs posted.
- T. Angelo Chiari said he would have adequate signage and fire extinguishers.
- U. Richard Harrison asked who would pump the fuel.
- V. Angelo Chiari said he would be the only one pumping the fuel.
- W. Linda Petty asked if the hours of operation would be the same as the store.
- X. Angelo Chiari said yes. They would not be open for fuel after hours.
- Y. **MOTION by Linda Petty and seconded by John Boehrer to close this hearing.**
Motion passed unanimously.

3. **OPEN THE PUBLIC HEARING FOR MARK J. KENNEY**

- A. Phil Carter advised that this is an application to allow a Funeral Home in the Ludlow Preservation District. Property is located at 70 Main Street.
- B. Rose Goings advised that this is application 179-01-CU, Amendment #1. Posted in the Town Hall bulletin boards December 14, 2010, advertised THE VERMONT JOURNAL on December 21, 2010, and the abutting property owners were notified on December 20, 2010.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He advised that the board would first hear testimony from the applicant or agent, after which, the board would ask questions or make comments. When the board is done, he would open this to concerns from the floor. He said that everyone would have a turn and asked that they remain orderly and respectful.
- D. Mark Kenney advised that he is aware that the biggest concern may be parking. He said that he is purchasing the business and the Chester property. The Ludlow property on Meadow Street will not pass inspection. It will be left and probably sold as residential. They would like to move the Ludlow facility to 70 Main Street. They will not be preparing the deceased there, that will continue to be done at the Chester building. This property will be used to meeting with families for arrangements, religious services and calling hours. There were only 30 funerals in Ludlow and only 3 traditional. The most time that people would generally spend on the property would be 5-7 hours. There have been 15 religious services. The office hours will be 9:00 a.m. to 4:00 p.m. Monday through Friday (funeral hours are different.) There is parking for 16 cars and 2 handicapped spaces. There is room for them to line up a procession in the lot. Overflow

parking, as it has been in the past, would be at the library and the old mill lot on Mill Street. The Meadow Street location is right behind this location. He will run a shuttle from Mill Street. He understands that parking on Main Street is unacceptable and cones will go out front to stop people from parking there. There will always be someone out front (during a funeral) who will wear orange vest and carry a flashlight to help pedestrians. He has spoken to Chief Billings about large funerals and the chief said that his officers may be busy, but that they could contact the sheriff's office.

- E. Phil Carter asked how they would know, in advance, if a funeral were going to be large.
- F. Mark Kenney said that well-known people from town would probably have large funerals. If it were unexpected, they have always dealt with it.
- G. Richard Harrison asked about parking at the library.
- H. Mark Kenney said they do not actually have a permit to park there, but that people have always parked there in the past or on Mill Street at the lot.
- I. Richard Harrison asked if they would do snow removal.
- J. Mark Kenney said yes. He said that he had contacted the Secretary of State's office and they consider this to be a professional occupation. He understands that there are regulations for the Preservation District.
- K. Phil Carter advised for the record, that Mark Kenney had submitted, as evidence, copies Vermont State Rules of the Board of Funeral Services and professional and other licenses. Also included is a copy of the Federal Trade Commission Subchapter D – Trade Regulations – Part 453 – Funeral Industry Practices. He asked about evening hours.
- L. Mark Kenney said that he carries a license as a director and embalmer and there are heavy state regulations imposed on them.
- M. Phil Carter asked about evening hours.
- N. Mark Kenney said usually visiting goes from 6:00 to 8:00p.m., but the latest could go to 9:30p.m. He generally will not throw people out, adding that usually there are only a few close relatives there that late.
- O. Phil Carter asked about outside lighting and changes to the building.
- P. Mark Kenney said there is one inside wall that would be removed, returning the building to its original formation. There would be no outside changes expect for a minor change to the metal handrail. He has not been there at night, but would want to have the lighting the way it is at Meadow Street.
- Q. Linda Petty asked if the exterior lights would only be on when someone was there.
- R. Mark Kenney said yes.
- S. Julie Nicoll asked if there would be any other uses for the space, like offices or upstairs apartments.
- T. Mark Kenney said none. He added that the building is now residential commercial. He has heard from the police and ambulance departments and there is no significant impact, but for large events, they would use the police or sheriff's department. Parking would all be on the same side of the street and he does not want people to park on
- U. Meadow or Mill Streets. He added that he is an abutter and would be the caretaker of the Meadow Street property. He said that he will have a 15-passenger van to shuttle people.
- V. Phil Carter asked how out-of- area people would know where to go for parking. He said that if someone is coming up Route 103, they may not know where to go.
- W. Mark Kenney said he would have people out there to direct them and park cars.
- X. Phil Carter asked where they would direct people if the library lot was full.
- Y. Mark Kenney said to the Mill Street lot.

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- Z. Phil Carter asked if Mark Kenney had anything from the library allowing usage. He asked what the library hours are.
- AA. Mark Kenney said no. He said he does not know, but that calling hours would be after 5:00 p.m.
- BB. Phil Carter said that people may be on Main Street if there is no agreement with the library.
- CC. Richard Harrison asked about using the Sikorski lot.
- DD. Mark Kenney said that he spoke to them and they do not want people parking there because of insurance. He also spoke to someone at the Grumman club, but has not heard back. He said that it is safer to use the van than to have people crossing the street. You would also need a crosswalk for that.
- EE. Phil Carter said that the regulations state that parking must be within 300 feet of the door. Will this meet that criteria.
- FF. Mark Kenney said no.
- GG. Linda Petty asked about steps from the Meadow Street property.
- HH. Mark Kenney said that realistically it would be hard to maintain a walkway there. After the purchase goes through, they would have to get rid of that building, but people could park there and walk around.
- II. John Boehrer asked that if the parking spaces around the building were full, would there still be room to turn-around.
- JJ. Mark Kenney said yes. They could also double up cars back there. He said that they have always managed.
- KK. Richard Harrison said that the letter from the fire chief says that a 12-foot lane must be kept open all the way around the building.
- LL. Andrea Lehtonen said she would like to present materials to the board and had sent a brief of objections to Rose Goings. This was updated after she received copies of Mark Kenney's papers. She also submitted her Finding of Fact. She said that she is an attorney, licensed and is representing herself and is agent for Bernard Pinard, who is attorney-in-fact for Rachel Pinard. She owns the property at 75 Main Street and Rachel Pinard owns 73 Main Street. She said that they do not like what has happened to Main Street in the past and was pleased when they passed the Preservation District regulations. She said that funeral homes are not allowed in the Preservation District by permitted or conditional use. She said that Vermont State Statutes govern zoning and trump local zoning regulations. If it is not listed as a use, they are not even entitled to have a hearing and the Zoning regulations do not list funeral home as a use in the Preservation District. It is however, listed as a use in 2 other districts. She referred to a proposal from Richard Harrison that was submitted by Richard Harrison when the town was planning the Preservation District and what should and should not be allowed. Funeral Homes were listed on that document, but not included in the Preservation District. She understands that Mark Kenney said that this is a professional business, but it does not share similar characteristics such as small business and it does have public gatherings. It was not considered as appropriate.
- MM. Phil Carter explained that that was not a process of the DRB and had nothing to do with this board. The Planning Commission writes the zoning regulations and the DRB interprets them.
- NN. Andrea Lehtonen said that State Law does not allow the DRB to change regulations and this hearing should not have been allowed.

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- OO. Rose Goings said that reason this was allowed was that it could fall under conditional use as a professional service. We do not have a definition in the zoning regulations for professional service. Mark Kenney had the right to prove to this board that funeral homes are a professional service.
- PP. Andrea Lehtonen repeated that it is excluded. It is not a similar use and not small scale. She agreed that Mark Kenney is a licensed professional, but added that an auctioneer is also licensed.
- QQ. Rose Goings said that Andrea Lehtonen asked why this hearing was allowed and that she responded.
- RR. Andrea Lehtonen said that is like getting in the back door. She repeated that funeral homes are not permitted or conditional uses. She referred back to the worksheet drafted by Richard Harrison.
- SS. Phil Carter explained that that was a worksheet, only.
- TT. Andrea Lehtonen said it is evidence that funeral homes were discussed and considered. It was not a mistake that they were not included. She said that the DRB would be changing the law by allowing this.
- UU. Phil Carter said that the board understands her arguments.
- VV. Phil Dunwoody said that he was on the Planning Commission at the time they were drafting the regulations for the Preservation District. It is actually not a Preservation District, but a design control district and called Preservation District by the community. This is to allow decisions concerning the district by the community, not the state. His understanding this that any changes to this District would require a public vote.
- WW. Jim Fuller said that 85% of the residents of the village voted to approve the Preservation District. When Springfield Hospital wanted to use the OMS property for the health center, the residents voiced their opinion and the hospital voluntarily changed the location. This could go to a vote and twice the people in the district have voted to keep the district as it is. VSA24 §4473 prohibits the board from altering the regulations.
- XX. Mary Jane O'Hara said that VSA 24 §4414 describes residential care homes with a limit of 8 residents and child care with 6 plus 4 part time. This situation would have 50-70 people in that building. There is not enough parking and an overburden of the property. It is a beautiful building but the wrong location for this. Her home is next door and this would generate a lot of traffic and noise and the amount of people would be extraordinary. The retaining wall in the yard is cracked and would not hold long. The noise factor is bothersome to her.
- YY. Andrea Lehtonen said that there is a lot of traffic on Route 103 now and cited statistics from the Municipal Plan. She said that she could not imagine standing out there to direct traffic.
- ZZ. Mary Jane O'Hara said that she has 5 pages of comments that she would like to present.
- AAA. Phil Carter said that the board will accept the documents but prefers to see the evidence before they discuss it.

NOTE: It was noted that Mary Jane O'Hara had arrived at this meeting after Phil Carter swore in witnesses.

- BBB. Phil Carter administered the oath to Mary Jane O'Hara.
- CCC. Mary Jane O'Hara asked if the board would prefer for her to redo the list and then present it to them.

- DDD. Phil Carter said it would be better to redo the list in a professional manner and give the list to Rose Goings. If the board decides to close this hearing tonight, they will not use this evidence.
- EEE. Mary Jane O'Hara said that she had previously submitted other evidence that she would like to go over. She referred to pictures of the supporting wall that is cracked and a letter from another neighbor.
- FFF. Phil Carter said that in order to expedite this, he advised that there is a problem with the retaining wall in the back of the property and that the board is aware of this problem. The retaining wall makes the back of the property level and parking is in the back of the house in the location where Mark Kenney said the cars could double up.
- GGG. Mary Jane O'Hara said that there are sink holes there and they tried to fix them with Macadam but that did not work. The water still flows over. They tried putting in bags of cement for the water to flow through, and that did not work.
- HHH. Phil Carter asked Mark Kenney if he is aware of the condition of the wall.
- III. Mark Kenney said no.
- JJJ. Mary Jane O'Hara said that you cannot see that wall from the Meadow Street building. She said that past owners (prior to Dr. Miller) had contacted Bushey Garden Center for plans to fix it, but it was never done and that when Dr. Miller purchased it, she told him about the wall and he tried to fix it.
- KKK. Phil Dunwoody asked if there would be any changes to the lawn in the front.
- LLL. Mark Kenney said he may remove some ugly bushes.
- MMM. Herb Van Guilder said that he compliments Mark Kenney on the plans to upgrade the property and advised that long ago, there had been a funeral home across the street. Working with the cemetery commission, he is aware of the traffic for a funeral and Kenney has always done an excellent job with the traffic at the cemetery.
- NNN. Phil Carter said that this board has a good picture of the property and the objections .
- OOO. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing. Motion passed unanimously.**
- PPP. Mary Jane O'Hara said that she objects.
- QQQ. Phil Carter said that the board has enough information to make its decision.

NOTE: PHIL CARTER ASKED TED REEVES IF THE OKEMO HEARINGS COULD BE OPENED AND DISCUSSED AT THE SAME TIME. TED REEVES SAID THAT WOULD BE FINE.

4. **OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**
5. **OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**
- A. Phil Carter advised that the first hearing is an application to amend the PUD allowing for the creation of a 9-lot subdivision. The subdivision is to facilitate the transfer of ownership of developed facilities to CNL. The property is located at Jackson Gore Road in the Jackson Gore Recreational District.
- B. Phil Carter advised that the second hearing is for Local Act 250 Review of the application to amend the PUD allowing for the creation of a 9-lot subdivision. The subdivision is to facilitate the transfer of ownership of developed facilities to CNL. The property is located at Jackson Gore Road in the Jackson Gore Recreational District

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- C. Rose Goings advised that this is application SUB11-002. Posted in the Town Hall bulletin boards December 14, 2010, advertised THE VERMONT JOURNAL on December 21, 2010, and the abutting property owners were notified on December 21, 2010.
- D. Rose Goings advised that this is application 336-11-Act 250. Posted in the Town Hall bulletin boards December 14, 2010, advertised THE VERMONT JOURNAL on December 21, 2010, and the abutting property owners were notified on December 21, 2010.
- E. Phil Carter administered the oath to all wishing to speak at these hearings.
- F. John Boehrer advised that he is an employee of Okemo and would recuse himself from these hearings.
- G. Ted Reeves said that last summer Okemo did similar subdivision at the Golf Course and snowmaking pond. He explained that as a result of the 2008 deal with CNL, Okemo sold some assets and leases them back from CNL. Okemo retains certain property with the right of future development. He referred to the drawing and advised that the areas in white are owned by the Jackson Gore Home Owners Associations and include the Inn, Adams, Bixby and the site of the future Coolidge House. Okemo will retain the properties shown in green and the property in yellow will go to CNL. There are no new developments planned and no new changes to the Master Plan. This is moving lot lines. There will be no changes to the 51 acres denoted at density land and this will have no impact on that land. The following is a list of the lots and acreage.
- i. Lot A –Ice House 1.60 acres to CNL
 - ii. Lot B – 2.79 acres – to CNL
 - iii. Lot C – 67.60 acres - Okemo
 - iv. Lot D – 27.06 acres - Okemo
 - v. Lot E – Spring House – 1.12 acres - CNL
 - vi. Lot F - Maintenance (SSB) Building – 2.43 acres - CNL
 - vii. Lot G – 11.40 acres to CNL
 - viii. Lot H – 0.55 acres to CNL
 - ix. Lot I – 2.64 acres to CNL
- H. Ted Reeves continued, addressing the Act 250 elements
- i. Educational Services – This project does not include any residential construction and will not result in an increase in student enrollment.
 - ii. Municipal Services – This project will impose no additional burdens on municipal services, including fire, ambulance, police, and solid waste disposal, water supply, and sewage disposal or road maintenance. Roads are already existing and there will be no new access points.
 - iii. Conformance to Town Plan – the Municipal Plan was cited along with the Zoning and flood Hazard Regulations. The proposed subdivision is in accordance with the zoning district designation.
- I. Ted Reeves asked if approved, that the board would authorize the chair to sign the Mylar.
- J. Phil Carter clarified that the Jackson Gore District is a PUD and within the district they need to reconcile the land holding to the new parent company and that all existing permits will follow the land.
- K. Ted Reeves recounted that there will be no changes to the permit conditions and this is just a legal change of ownership. Okemo will operate and use the facility and will still be responsible for it.
- L. Richard Harrison asked if Okemo would still do the maintenance .

- M. Ted Reeves said yes.
- N. Phil Carter said that even if there is a falling out with CNL, they are still bound by the permits.
- O. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter advised that these three hearing had been opened and addressed concurrently at the December meeting.

- 6. **RE-OPEN THE PUBLIC HEARING FOR TIMBER CREEK AT OKEMO II, LLC, et al**
- 7. **RE-OPEN THE PUBLIC HEARING FOR TIMBER CREEK AT OKEMO II, LLC, et al**
- 8. **RE-OPEN THE PUBLIC HEARING FOR TIMBER CREEK AT OKEMO II, LLC, et al**

- A. Phil Carter advised that these hearings are an application for a planned unit development (PUD) to be reviewed concurrently for conformance with the subdivision regulations, conditional use approval and site plan approval. Property is located at Trailside Road in the Mountain Recreation and Town Residential districts. Property owners are Trailside Investment Company, LLC and West Hill Partners, LLC. These hearing were recessed from the meeting on December 13, 2010. He advised that the DRB had received a letter from the Regional Planning Commission voicing concerns about traffic .He asked if Attorney Slason and Attorney Nitka had seen this correspondence.
- B. Larry Slason said that he had.
- C. Marty Nitka said that he had not.
- D. Phil Carter said that he would like to start with this letter from Regional.
- E. Phil Carter reminded all who had spoken at the last hearing that they are still under oath and administered the oath to all new people wishing to speak at this hearing.
- F. Larry Slason said that he would like to start with some housekeeping left from the last hearing. He distributed items to be placed in the project notebooks. The Ability to Serve letter from the Superintendent of Schools. a 2-page dated January 10, 2011, from VHB regarding testing of wells in the winter and a 2-page letter from Stantech that summarizes data concerning the Traffic Impact Study and which will be used as a guide tonight. He said that David DeBaie would address the concerns voiced by Jason Rasmussen of the Regional Planning Commission. He added that the applicants have no objection to an independent Traffic Study and added that theirs had been done within the Vermont guidelines and an independent Traffic study would come to the same conclusions.
- G. Andrew Becker said that there are 2 important questions regarding traffic. They are safety of the road in the winter and traffic control. He said that the neighbors had spoken about the steepness of the road and it is impossible to make that road flat and straight. He has walked and driven the road and said that David DeBaie said that the road is physically suitable to support the traffic. Winter maintenance, plowing, sanding and salting should be done early and continue through the night. Frank Heald and Ron Tarbell told him that the town prioritizes road maintenance and other road get done before this one. West Hill Road is not their first response. He advised that he will provide supplemental first response to this road, to be controlled by Ron Tarbell. Ron

Tarbell will decide when and what will be done. Mr. Becker said that if he can supplement maintenance, it will make the road physically more suitable and safer. This maintenance would begin when they start building units and will end when there are enough units and tax income for the town to change the priority of that road. If the priority is not changes, supplemental maintenance would continue. They would concentrate on that road. There would be a traffic control officer at the intersection of West Hill Road and Route 103. He has spoken to Mike Doran (Okemo) and Chief Billings. Chief Billings wants to retain control and coordinate traffic control. Timber Creek will provide the support personnel to be guided by Chief Billings.

- H. Richard Harrison suggested that they should widen the corners to make it safer and pave all the way to Trailside.
- I. Andrew Becker said that Ron Tarbell does not want it widened because people would only go faster and make it more unsafe.
- J. Richard Harrison said it has not been paved in a while.
- K. Andrew Becker said it needs to be re-lined.
- L. Marty Nitka said that the Trailside Master Association has fiduciary responsibility and he wants to make sure that their concerns are met.
- M. Phil Carter said that the board will let everyone have their say. It could get technical on who is an interested party.
- N. Marty Nitka said that any input from Frank Heald, Chief Billings or Ron Tarbell should come directly from them.
- O. Larry Slason said that Andrew Becker is stepping up to the plate to make sure that the road is safe. He is committing to providing supplemental maintenance.
- P. Marty Nitka said that he appreciates that, but the plans really need to be fleshed out more.
- Q. Larry Slason said that the DRB would impose conditions.
- R. David DeBaie said that he has been a traffic engineer for many years.
- S. Larry Slason asked David DeBaie if, in his professional opinion West Hill and Trailside Roads can safely handle the additional traffic from this project.
- T. David DeBaie said the roads are safe and said that he has provided statistical data to back it up. He added that there are two key points to keep in mind. People must drive at sensible speeds. There should be posted speed signs and weather advisory speeds. There should be signs for curves and grade. The second is that there should be early and continuing maintenance in weather events. He said that he provided 2 pages of references at the last meeting. He said that he can address the concerns in Mr. Rasmussen's letter.
 - i. Item #1 - Conditions of Timber Creek I project – David DeBaie advised that was a separate project and he does not have a response to any specific traffic conditions. He said there were 15 lots in Timber Creek I
 - ii. Item # 2 - TIS indicates 210 units – David DeBaie said there would be 208 units, they rounded off for the study. There will be no lock-out units
 - iii. Item #3 - They used ITE (Institute of Transportation Engineers) standards for trip generation. They used .69 trips as a conservative number. The ITE rate for recreational homes is .36. They used .69 because of knowledge from previous Okemo projects based on local data. The CCC(Comfortable Carrying Capacity) is based on lifts. The lifts here are not available to the public and the CCC was not considered in this traffic study. This projects will reduce trips because people can use the lifts to get to Okemo and not go to Route 103.

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- iv. Phil Carter said that there is a road that cuts across and you would not have to go down to Route 103.
 - v. Item #3A - Timber Creek I has only one unit built.
 - vi. Item #3B - David DeBaie said they have a very solid base for trip generation and checked their work by putting counters out on Trailside Road during peak winter weekends. The actual number was .66 – very close to the .69 we used in our study.
 - vii. Rose Goings asked if units are to be seasonal or year round?
 - viii. David DeBaie said both.
 - ix. Item #3C - Their study did not include deliveries or employees because they would not be traveling during peak times. It would have insignificant effect.
 - x. Item #3D - Friday evening traffic – David DeBaie said that they looked at Friday evenings and were encouraged by VTRANS that they were not as significant as Sunday nights. People arrive at different times on Friday nights. There would also not be traffic coming down Route 103.
 - xi. Phil Carter said that Saturday nights have not been mentioned.
 - xii. David DeBaie said that they have looked at Okemo's numerous counts and the key times are Sunday nights between 4:00 to 5:00 p.m. He added that Mr. Rasmussen was asking questions for all circumstances and there is not as much traffic heading south on Friday or Saturday nights.
 - xiii. Item # 3E - Since this project will be gated and the gates will be closed, there will be no new vehicle trips and the CCC can be excluded here.
 - xiv. Phil Carter asked if the Trailside residents will be able to use this project?
 - xv. David DeBaie said if they ski Okemo, they may ski down, but they may not drive into the project. They could also walk through the woods.
 - xvi. Mark Kattalia said that the Trailside condos are on both sides of the road and they go through Sachem or to the base lodge.
 - xvii. Phil Carter said this will not facilitate getting Trailside cars off the road.
 - xviii. Item # 4 – Roadway too narrow in sections – David DeBaie said they looked at the town and state standards and find that the travel way meets the standards.
 - xix. Phil Carter said he would like to see a letter from Ron Tarbell verifying this.
 - xx. Andrew Becker said he would get one.
 - xxi. David DeBaie said that the ADT is the average daily traffic and the AADT is the annual average daily traffic and goes throughout the year. It applies to the seasonality of trips. There is a clear difference with Trailside and West Hill. VTRANS relies on the ADT. He feels that Jason Rasmussen's opinion is overly conservative and inappropriate.
 - xxii. Marty Nitka said that Jason Rasmussen may want you to use peak ski season months because the problems are always in the winter.
 - xxiii. David DeBaie said it is important to recognize where the numbers are being used. It relates to the pounding the road takes and that is accounted for better with the ADT. Greater shoulders protect the roadway better. When you look at what the road can handle, you look at the DHV.
 - xxiv. Larry Slason said that Section 6.5 in the appendix refers to Table 6.3 regarding lane and shoulder widths and standards for new construction. This is an existing roadway.
 - xxv. Phil Carter said that he has tried to read the traffic study and finds it very involved. He said that what this board needs to know is, during the peak hours of ski season, what are the impacts of this project on the road. What needs to be done to mitigate

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- it. It is a small road. There are 208 units that are going to be built. What are the issues, what do we need to do to mitigate the impacts and what do we need to do to protect the road.
- xxvi. David DeBaie said that we could triple the traffic on Trailside and it would still be within acceptable guidelines. It seems that it comes down to safety and there needs to be sensible speeds and warning signs. There also needs to be timely and continuing maintenance in storms. We need to look at the delays at the intersection of West Hill and Route 103.
- xxvii. Phil Carter said that the applicants have discussed with Chief Billings coordination of traffic control. This board would like to see a letter from Chief Billings to outline the process. Also, EMS vehicles come out onto West Hill Road. How will they be addressed and given priority. We need to know a plan for this.
- xxviii. David DeBaie said that with the existing conditions at West Hill, you can only get out when there is a gap in the traffic. When the Chief deems it necessary, there will be an officer there to control the traffic and they would be able to stop the flow in one direction and bring out several vehicles at a time.
- xxix. Phil Carter said this board needs something from the Police Department. They must address EMS vehicle movement out of the facility and onto Route 103.
- xxx. David DeBaie said that it is the same way today. There is no one the EMS driver can rely on to get them out. With an officer there, it would help.
- xxxi. Phil Carter said that this board needs to know from Chief Billings what his plans for this will be.
- xxxii. Andrew Becker said this would be an additional person.
- xxxiii. Phil Carter said if this is not coordinated with the other officers, it would cause more of a mess. We need to have it coordinated and we need a plan and clarification.
- xxxiv. Item #5 – David DeBaie said that the roads would meet town standards.
- xxxv. Item #6 – Working with the existing road – David DeBaie said that there needs to be signs about grades and curves. The thickness of the surface is part of maintenance.
- xxxvi. Phil Carter said that when the building construction is taking place, there will be lots of trucks and heavy equipment and that will pound the road.
- xxxvii. David DeBaie said they will take an inventory of the road before construction.,
- xxxviii. Phil Carter asked if need be, who pays for re-building the road after construction. This board will need to know that.
- xxxix. Item #7 –Crash Data - Jason Rasmussen’s letter says that information is incomplete. David DeBaie said they got their information from VTRANS and most of the crashes were due to driver excessive speed.
- xl. Marty Nitka asked if they had spoken to the local police about it.
- xli. David DeBaie said no, they got their information from VTRANS and VTRANS gets it from the local police. This information is all reported accidents or incidents.
- xlii. Phil Carter said that at the last hearing we discussed tows and that there are more incidents than what is reported.
- xliii. Richard Harrison said that we don’t have any control over the traffic. Last weekend it was backed up all the way up to Grahamsville.
- xliv. David DeBaie said that he has been a traffic engineer since the 1970’s and when it snows, he knows to plan at least 3 times the normal amount of travel time.
- xlv. Marty Nitka asked what the prevailing traffic speed on Trailside is.

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- xlvi. David DeBaie said it is not posted.
 - xlvii. Phil Carter said West Hill is 25 mph.
 - xlviii. David DeBaie said there is not much warning up there.
 - xlix. Item #8 – bus stop – David DeBaie said it would be considered.
 - l. Marty Nitka asked how that would help mitigate the traffic.
 - li. David DeBaie said a bus would move more people. He thinks that Jason Rasmussen is being more general about transit.
 - lii. Andrew Becker said that he spoke to Okemo about additional shuttle runs, but that he had not considered a municipal bus.
 - liiii. Item #9 – Site Distances – David DeBaie said that they covered site distances extensively. They identified 335 feet on all but one approach. The southern most driveway for someone coming up the hill – it needs more consideration. The site distance is not as great. The only time there would be consequences would be when someone is turning left. They do have sufficient site distances.
 - liv. Item #10 – VTRANS LOS policy – David DeBaie explained that the Level of Service – is a measure of delays at intersections. He said that beyond overall, they identified all of this in the appendix. Traffic engineers identify delays at unsignaled intersections. The delays are due to the amount of traffic on the main road.
 - lv. Item #11 – Friday evenings – David DeBaie said they did look at that and identified the volume.
 - lvi. Item #12 – “Build” Sunday Peak hour traffic – David DeBaie said they did evaluate West Hill Road, Depot Street, Pond Street, Route 103 down to Cavendish and Chester as directed by VTRANS and the impact was not significant.
 - lvii. Item # 13 – Chester Count – David DeBaie said that the historic count is at the “T” intersection and that is where they did their count as directed by VTRANS.
 - lviii. Item #14 – Independent Review – David DeBaie said that it is the prerogative of this board to have an independent review. He said that he has worked with VTRANS and used Okemo counts and work done by Bruno Associates. He knows what needs to be mitigated. He will address West Hill, Trailside and traffic control issues.
 - lix. Marty Nitka asked if the mitigation steps in this copy are different from the original.
 - lx. David DeBaie said that the last 2 bullets are new and more specific.
 - lxi. Marty Nitka asked how cone placement on Route 103 will help with mitigation.
 - lxii. David DeBaie said that it would provide a left turn lane and allow northbound traffic to continue. He added that cones would also slow the traffic.
 - lxiii. Marty Nitka noted that they would temporarily be adding a lane.
 - lxiv. Julie Nicoll noted that there are already a lot of cones and wondered if this would only make matters worse.
 - lxv. Marty Nitka said that the cones by Shaw’s make it impossible to get out of that parking lot.
 - lxvi. Richard Harrison said that fire apparatus needs to be able to get through there and the cones can’t be there.
 - lxvii. Larry Slason said that Chief Billings is going to coordinate this.
 - lxviii. Phil Carter said it may help move cars faster heading north, but southbound will be worse.

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- lxix. David DeBaie said that the cones will identify a portion of the road for turning there and an officer would not have to pay as much attention to the northbound traffic and could focus on the southbound traffic.
- lxx. Julie Nicoll said that it would back up to Shaw's and create more of a hazard.
- lxxi. David DeBaie said they identified the likely queue lane and it is adequate.
- lxxii. John Boehrer said that if Chief Billings is going to make a plan, we should wait for that plan.
- lxxiii. Phil Carter agreed and said he would like to wait for a more definite plan from the chief.
- lxxiv. Richard Harrison said that the fire equipment would not go around the cones.
- lxxv. Rose Goings said that she received information from Suzanne Cole and she wants to present it to the board. She and some others are proposing that they move the access to this project to Route 100. She would like to present this at the February meeting. This would alleviate the traffic problem.
- lxxvi. Larry Slason said that the applicants do not own land there and the proposal is purely theoretical and speculation. We have no ability to implement it.
- lxxvii. Phil Carter said that he agrees with Mr. Slason, unless there is a clear ROW. We will entertain discussion about this only if they have a deed for the land or a ROW in place.
- lxxviii. Mark Kattalia noted that at the last meeting they said the figures are based on 145 cars, but there is parking for 400 cars.
- lxxix. David DeBaie said that parking spaces and number of trips is unrelated. Parking spaces do not generate trips, number of dwelling units does. The number of parking spaces is dictated by town regulations. VTRANS does not use the number of spaces.
- lxxx. Mark Kattalia asked if there could be 400 cars.
- lxxxi. David DeBaie said yes.
- lxxxii. Mark Kattalia said there is also a problem coming off the hill on Saturday nights.
- lxxxiii. David DeBaie said that they will mitigate whenever Chief Billings says to.
- lxxxiv. Marty Nitka asked how traffic control at West Hill and Route 103 would alleviate traffic and improve traffic flow.
- lxxxv. David DeBaie said that it does. Police officers can do an effective job and identify and create breaks in traffic. They do a better job than a traffic light.
- lxxxvi. Marty Nitka said sometimes there are no breaks in the flow of traffic. He does agree that Police officers do better jobs than traffic lights.
- lxxxvii. David DeBaie said at the access road the officers stop one flow and start another. This creates gaps and you can get more cars through.
- lxxxviii. Phil Carter said that the board needs to hear from Chief Billings on how this can be coordinated. Once past the Okemo access road, people generally felt that the worst of the traffic was over. This project will make another big stop.
- lxxxix. David DeBaie said that the police officers can make it work.
- xc. Julie Nicoll said that there are other stops and it is not feasible. You need to do a study from Rutland.
- xc. David DeBaie said they would be improving the situation at West Hill and that if left, uncontrolled, it would be worse.
- xcii. Phil Carter said that there needs to be mitigation. Chief Billings needs to synchronize the traffic control movement and if it is not synchronized, it will be worse.

- xciii. Marty Nitka asked if there would be 2 lanes going south on Route 103.
- xciv. David DeBaie said there are 2 lanes at it they would be a reasonable amount associated within that LOS.
- xcv. John Boehrer said that based on traffic on Sunday afternoons during ski season, 145 cars more would not make much difference.
- xcvi. Marty Nitka said if you are coming down the hill, you will notice the difference, but coming from Grahamsville, you will not notice the difference.
- xcvii. David DeBaie said it would be better at West Hill with an officer.
- xcviii. Larry Slason said he would like to wrap up tonight with Bruce Boedtger and look at the Ludlow Waste Water and sewer capacity.
- xcix. Bruce Boedtger said that the facility has a design capacity of 1,050,000 GPD and that as of 12/31/10, they are using 365,000 GPD. There are 470,000 uncommitted reserves, 100,000 reserved for the village, 50,000 reserved for affordable housing. There would be 1.5 times what it needed for timber Creek II. There is ample capacity. The size of all of the lines is more than adequate to accommodate the project. The revenue generated for the village would be \$540,000 in allocations and \$940,000 in hook on fees and no infrastructure upgrades would be needed.
- c. Julie Nicoll asked how this might affect residential sewer rates.
- ci. Bruce Boedtger said it should just be on the plus side.
- cii. Richard Harrison said that we don't just go and give this much to any development. Why should the village tie up all of this sewerage? It would be better on taking this project in phases. He does not think that Ludlow should commit to this.
- ciii. Larry Slason said there would be contracts and safeguards for the community.
- civ. Phil Carter asked if they have a commitment from the Trustees.
- cv. Bruce Boedtger said no.
- cvi. Phil Carter said that the Trustees will make the determination and that this board takes testimony from people on the other boards and this board abides by their decisions. Anyone concerned with this should go to the Trustees meeting to voice their concerns and not here. We will not supercede decisions made by other boards. This is a matter for the Trustees. He added that he would like to try to get as much done at the next meeting, including storm water and erosion control. He said that he would entertain a motion to recess. He advised a regular meeting is not scheduled in February and he would like to set up a meeting primarily for this hearing.

U. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until February 16, 2011 at 6:00 p.m. Motion passed unanimously.**

9. **OTHER BUSINESS/COMMENTS FROM CITIZENS**

- A. There were comments from citizens.
- B. Rose Goings said there is a pending issue with Ranta and she will email the board what Chris Callahan sent to her.
- C. Phil Carter said that he would like to schedule a Deliberative Session.
- D. Rose Goings said she would email board members to check dates and set something up.

10. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the December 13, 2010 meeting.
- B. Phil Carter noted the following corrections:
 - i. Page 1, 2B – Valley View Drive “ahs” – should read “has”
 - ii. Page 3G – the question was asked if Luigi Valente rents to 2 entities. There was a response that he rents to 2 entities.
 - iii. Page 8 – Items xxx and zzz – both have “id” instead of “is.”
 - iv. Page 9, ffff – no activity “is” should read “if.”
 - v. Page 9, mmmm – should read, “testing of wells within 2,500 foot radius...”
- C. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes of December 13, 2010 as corrected. Motion passed unanimously.**

11. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by Linda Petty to close this meeting. Motion passed unanimously**
- B. Meeting closed at 9:48 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison