

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

September 14, 2009

MEMBERS PRESENT:

Phil Carter, Chairman	Richard Harrison	Linda Petty
Troy Adams	Julie Nicoll	Rose Goings, Zoning Administrator

OTHERS PRESENT:

Richard Corsetti	Mike Lorraine	Alston Springer
Larry Cross	Aurilla Manning	Michelle Stinson, LPC TV
Mike Doran	Ted Reeves	Lisha Klaiber, Recorder

SPECIAL MEETING - REORGANIZATION

1. **CALL TO ORDER**

- A. Meeting opened at 5:55 p.m. by Chairman Phil Carter and roll call was taken. All board members present.

2. **ELECTION OF CHAIRPERSON**

- A. **MOTION by Julie Nicoll and seconded by Richard Harrison to elect Phil Carter as chairman. Motion passed unanimously.**

3. **ELECTION OF VICE-CHAIRPERSON**

- A. **MOTION by Linda Petty and seconded by Troy Adams to elect Julie Nicoll as vice-chairperson. Motion passed unanimously.**

4. **ELECTION OF CLERK**

- A. **MOTION by Richard Harrison and seconded by Julie Nicoll to elect Rose Goings as clerk. Motion passed unanimously.**

5. **APPOINTMENT OF RECORDING SECRETARY**

- A. **MOTION by Julie Nicoll and seconded by Troy Adams to appoint Lisha Klaiber as recording secretary. Motion passed unanimously.**

6. **DESIGNATION OF NEWSPAPER OF RECORD**

- A. Previous newspapers of record were THE VERMONT JOURNAL and THE RUTLAND HERALD (as back-up).
- B. **MOTION by Richard Harrison and seconded by Julie Nicoll to keep this the same. Motion passed unanimously.**

7. **ESTABLISH MEETING DATES AND TIMES**

- A. Previous DRB meeting schedule was to hold regular meetings at 6:00 p.m. on the second Monday of each month, with the fourth Monday at 6:00 p.m. as alternate meeting day (holidays) Also, alternate time for meetings is at 7:00 p.m.
- B. **MOTION by Julie Nicoll and seconded by Linda Petty to keep the schedule the same. Motion passed unanimously.**

8. **ADOPT RULES OF PROCEDURE**

- A. Phil Carter advised that the DRB has, in the past, adopted a set of Rules of Procedure. He asked if anyone had any changes or suggestions. There were none.
- B. MOTION by Julie Nicoll and seconded by Linda Petty to re-adopt the Rules of Procedure as written. Motion passed unanimously.

9. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by Richard Harrison to adjourn this special meeting. Motion passed unanimously.**
- B. Meeting closed at 6:02 p.m.

REGULAR MEETING

1. **CALL TO ORDER**

- A. Meeting opened at 6:02 p.m. by Chairman Phil Carter. All board members present.

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR LOUIS AND JOCELYN MISANTONE**

- A. Phil Carter advised that this hearing was recessed from the July 13, 2009 meeting due to parking issues between the applicants and neighbor. A letter was received today, dated September 10, 2009, from Matthew Birmingham, advising that the issues have not been resolved and requesting further recess of this hearing until the October meeting.
- B. **MOTION by Linda Petty and seconded by Troy Adams to recess this hearing until the meeting on October 26, 2009. Motion passed unanimously.**

3. **RE-OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**

- A. Phil Carter advised that this hearing is for an application for an amendment to a Planned Unit Development permit to allow for the demolition of a dilapidated barn (Ranta farm) in the Jackson Gore Recreational District. Property address is 156 Jackson Gore Road. This hearing was recessed from the meeting of June 8, 2009 and July 13, 2009 for status of the barn and other information the board requested. He reminded all who spoke at the previous meeting that they are still under oath. There were no new people wishing to speak at this hearing.
- B. Ted Reeves advised that last Thursday, "mother nature" took over and there was a substantial collapse of the barn. He called Rose Goings and Frank Heald. Frank Heald inspected the barn and sent a letter to Okemo that the barn is a threat to public safety and should be removed as soon as possible. The barn was razed and the debris will be removed as soon as possible,

- C. Phil Carter said that Frank Heald did what needed to be done.
- D. Ted Reeves said that he had sent in pictures of the collapse.
- E. Phil Carter said that Okemo had submitted the restoration information previously requested by the DRB.
- F. Ted Reeves said that Okemo had followed up with “The Barn People” and Historic Preservation and they had submitted cost estimates to renovate.
- G. **MOTION by Linda Petty and seconded by Troy Adams to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter advised that the agenda order would be changed as follows:

4. **OPEN THE PUBLIC HEARING FOR RICHARD CORSETTI**

- A. Phil Carter advised that this hearing is for an application for to amend a Conditional Use permit to increase seating and have outside service. Property is located at 82 Andover in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 83-15309-CU, Amendment #2. Posted in the Town Hall bulletin boards August 25, 2009, advertised in THE VERMONT JOURNAL on August 26, 2009, and the abutting property owners were notified on August 24, 2009. She added that the packets include the newspaper article, Fire Prevention report, photos, letters from Melvin Fink, lease agreement, Notice of Violation, Project Review sheet and letters regarding Water/Sewer.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He asked the applicant to provide a brief overview as the board will not be able to move forward tonight due to outside circumstances. There is court litigation between the owner and applicant. The applicant may begin the process tonight and the hearing will be recessed. All information submitted will still be in evidence.
- D. Richard Corsetti explained that he wants to increase the seating from 15 to 21, by adding seating on the outside porch. He submitted pictures showing proposed seating and all of the renovations he had done. He would also like to have lawn seating in the future. The hours of operation would be from 12:00 p.m. to 6:00 p.m. There would be a tent, tables and a fence. There would be 3 tables on the porch, with 2 seats each.
- E. Phil Carter asked about long-range plans for the rooms.
- F. Richard Corsetti said there are 6 rooms and an apartment in the front. He would like to have them for vacation rentals. There will be no permanent residents or long-term rentals or leases.
- G. Phil Carter advised that when the amendment to the permit is issued, what is said at these hearings is what will be considered. He would have to come back again to change the permit.
- H. Linda Petty noted that the drawing shows 4 tables on the porch.
- I. Richard Corsetti said that was an error. It will be 3.
- J. Phil Carter said that the board would need to see corrected drawings later on. He asked when Richard Corsetti thought the litigation would be resolved.
- K. Richard Corsetti said October.
- L. **MOTION by Richard Harrison and seconded by Julie Nicoll to recess this hearing until the October 26, 2009 meeting. Motion passed unanimously.**
- M. Phil Carter said that if the litigation issues are not resolved, the hearing could be recessed again.

5. **OPEN THE PUBLIC HEARING FOR ALSTON AND REGINA SPRINGER**

- A. Phil Carter advised that this is an application for a conditional use permit to establish a retail business in the existing barn on the property. The property is located at 111 Route 100 North in the Town Residential Commercial District.

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- B. Rose Goings advised that this is application 214-02-CU, Amendment #1. Posted in the Town Hall bulletin boards August 25, 2009, advertised in THE VERMONT JOURNAL on August 26, 2009, and the abutting property owners were notified on August 24, 2009.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Alston Springer advised that he wants to sell antiques, used furniture, gift items, collectibles and jewelry from his barn and 2-bay garage. The hours of operation would be from 8:00 a.m. to 8:00 p.m., seven days per week. He has parking for about 20-25 cars. He would put up signs on the road indicating "NO PARKING ON ROUTE 100" and directing people where to park. He would also be selling Adirondack chairs on the lawn. He currently has a sign of 2' by 4' that he would like to expand to 4' x 4'. It would be lit with a light on a timer. The light would go off at 8:00 p.m. He would also like to have drop down signs of what he is selling. At Christmas, he would like to sell trees and wreaths.
- E. Phil Carter noted that he would also be using the upstairs space in the garage.
- F. Alston Springer said that it would total about 1,961 square feet of retail space.
- G. Phil Carter said he would need 11 parking spaces. He asked about any other lighting.
- H. Alston Springer said Christmas lights.
- I. Rose Goings advised that there had been complaints last year about the Christmas lights interfering with vision of drivers.
- J. Phil Carter advised that no one might have lights that interfere with traffic or disturb neighbors.
- K. Rose Goings asked about the hours of operation and lighting at Christmas.
- L. Alston Springer said the same as other times.
Troy Adams asked about traffic flow, where would the main entrance be.
- M. Alston Springer indicated the main entrance on pictures.
- N. Julie Nicoll asked about outside egress for the upstairs level.
- O. Alston Springer said there was a door, but it is kept locked.
- P. Richard Harrison asked about fire extinguishers.
- Q. Alston Springer said he would get them.
- R. Richard Harrison asked about battery operated smoke alarms.
- S. Alston Springer said that he would also get them.
- T. Rose Goings advised that Scott Adnams from Fire Prevention had visited the site and found no problems.
- U. Phil Carter suggested minimum of one fire extinguisher per room.
- V. Alston Springer said okay.
- W. Richard Harrison suggested having outside lights shine down.
- X. Alston Springer agreed.
- Y. Larry Cross said that he had been concerned about parking on Route 100 North, but that had been addressed.
- Z. Phil Carter noted that Chief Billings did require the condition that there be no parking on Route 100 and signs directing where to park.
- AA. Troy Adams said that Mr. Springer would need to get together with Rose Goings to discuss what are the sign regulations.
- BB. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**
6. **OPEN THE PUBLIC HEARING FOR GILL TERRACE RETIREMENT APARTMENTS II**
- A. Phil Carter advised that this hearing is for an application for to amend a Conditional Use permit to expand the parking lot at the Gill Terrace Retirement Apartments. Property is located at 9 Gill Terrace in the Village Residential Commercial District.

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- B. Rose Goings advised that this is application 1055-04-CU, Amendment #1. Posted in the Town Hall bulletin boards August 25, 2009, advertised in THE VERMONT JOURNAL on August 26, 2009, and the abutting property owners were notified on August 24, 2009.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Michael Lorraine advised that the new building was completed in November 2006 and there were 20 parking spaces for 36 apartments. They need more spaces and more retired people are keeping their cars than expected. He referred to a plan to and showed where the new spaces would be located. He advised that the 2 spaces that were apart would be moved adjacent to the rest. They will also have to amend their Act 250 permit.
- E. Phil Carter referred to the fire lane that accesses the back of the original buildings and note that it does not wrap around. Access is also available by paved parking area.
- F. Michael Lorraine advised that the fire lane is still required because of the drainage ditch.
- G. Phil Carter noted that both existing fire lanes would remain as is.
- H. Julie Nicoll asked about plantings.
- I. Michael Lorraine said that would reutilize lilac bushes. They are grouped at the top of the berm.
- J. Julie Nicoll suggested more plantings to block car lights.
- K. Richard Harrison asked about the water problem. During the last storm, water ran down Commonwealth.
- L. Michael Lorraine said that he checked the prints. There was an existing catch basin and it was capped.
- M. Richard Harrison said the older Gill Terrace waters flow down the hill.
- N. Phil Carter asked if this were storm specific or all of the time.
- O. Aurilla Manning said all of the time. The erosion is very noticeable and the catch basin can't handle the water.
- P. Phil Carter asked where her property is located.
- Q. Aurilla Manning said 17 Commonwealth. She said that 2 years ago, she brought the erosion to someone's attention, but nothing was done.
- R. Phil Carter asked who owns the property that the bank is located on.
- S. Richard Harrison said Gill Home.
- T. Phil Carter said that he thought that engineering studies had been done for the original permit. He asked that the old records be checked for the Storm Water Erosion Control Plan. Was the plan followed correctly and who signed off on it. It should have been certified engineers. He said that the DRB relies on the statements of professional engineers. This should not be happening. It may be a design flaw or clogged catch basins. We need to look at this event. The system should be able to handle the water.
- U. Richard Harrison asked if it would be better not to pave the parking lot.
- V. Michael Lorraine said that for ADA it must be paved.
- W. Phil Carter said that he would like the engineering reports from the original permit and to have someone from Gill Home and Gill Terrace also here for the next hearing. He asked when Michael Lorraine could arrange this.
- X. Michael Lorraine said as soon as possible because they would like to have this done before winter and they still need to get back to Act 250.
- Y. **MOTION by Julie Nicoll and seconded by Linda Petty to recess this hearing until October 26, 2009. Motion passed unanimously.**

7. **OTHER BUSINESS**

- A. Richard Harrison suggested that the board might benefit from seeing the lake properties from the lake itself. He will try to arrange it.
- B. Rose Goings said that it would have to be a warned meeting. She will take care of it.

8. **REVIEW AND APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed and approved are from July 13, 2009.
 - i. Page 2 – R – clarification – Troy Adams was concerned about how to maintain that bridge in the winter and also contamination of the stream from salt.
 - ii. Phil Carter asked if the question on page 2, item W about the number of handicapped spaces, was answered. No one recalled it being answered.
 - iii. Phil Carter asked if there had been reconciliation between the 160 persons vs. 150 persons listed by the state and town respectively. Rose Goings it would be resolved in the decision by upgrading the water/sewer to 160.
 - iv. Phil Carter advised that on page 3, item CCC Hw should read He
 - v. Phil Carter noted that on page 3, item GGG, “become and exit...” should be “become an exit...”
 - vi. Phil Carter asked the intent of item III on page 3. Troy Adams had pointed out the under past managements, the handicap entrance had been the lower level and people were used to that.
 - vii. Phil Carter asked about page 4, item 3H- what was asked about April Hensel. Rose Goings had asked if April Hensel had been informed about the barn situation.
 - viii. Page 5, item HH – “comparison to for...” should read “comparison for...”
 - ix. Page 7, Item S – “meting” should be “meeting.”
 - x. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes of July 13, 2009 as corrected. Motion passed unanimously.**

9. **DELIBERATIVE SESSION**

- A. Phil Carter asked if they would like to go into Deliberative Session.
- B. **MOTION by Troy Adams and seconded by Phil Carter to enter into Deliberative Session. Motion passed unanimously.**
- C. Board entered Deliberative Session at 7:09 p.m.

Respectfully submitted,
Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

Troy Adams

Linda Petty

Richard Harrison