

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*July 13, 2009*

**MEMBERS PRESENT:**

Julie Nicoll, Vice Chairman  
Troy Adams

Richard Harrison  
Linda Petty

Rose Goings, Zoning Administrator

**MEMBERS ABSENT:**

Phil Carter

**OTHERS PRESENT:**

Matt Birmingham  
Casey Crompton  
Mike Doran  
Art Garges

Ralph Michael  
George Munroe  
Bob Newsome  
Ted Reeves

Chris Rowen  
Dave Guerrero, LPC TV  
Lisha Klaiber, Recorder

1. **CALL TO ORDER**

- A. Meeting opened at 6:01 p.m. by Vice Chairman Julie Nicoll. All board members, except Phil Carter.

2. **RE-OPEN THE PUBLIC HEARING FOR ROBERT NEWSOME AND CASEY CROMPTON**

- A. Julie Nicoll advised that this hearing was recessed from the meeting of June 8, 2009 and is for an application to amend a Conditional Use Permit in the Village Residential Commercial District to open a restaurant with 150 seats. Property address is 64 Pond Street.
- B. Rose Goings said that this is application 84/85-119-CU, Amendment #3. She advised that new evidence was received on June 9th including the Ambulance Service letter and new grading, lighting and parking plans.
- C. Julie Nicoll reminded all who spoke at the previous meeting that they are still under oath and administered the oath to any new people wishing to speak at this hearing.
- D. Ralph Michael referred to the new site plan. He indicated the existing parking lot and said that it had no definition. The project requires more spaces. He indicated where the new entrance will be located on the upper level and showed the new parking lot. He said that vehicles will move through the existing parking lot to access the new one. The main lot will have 19 spaces, the mid-level lot will have 14 spaces and the new lot will have 33 spaces. That totals 66 spaces, but these spaces will be to Ludlow zoning dimensions and he believes that that will actually park about 75 vehicles. He showed the location of 2 handicap spaces near the entrance. The maximum grade will be 10%. They will keep the existing pond, and will install a new overflow device so they will be able to drain the pond. The water will flow through a grassy area between the parking lot and the stream. He referred to sheet #2 and showed new lighting. The lighting is mostly for safety and will be low mounted, down directed lights. There will be 6 new lights on the upper level and there are already some lights on the lower level, but they will be replaced to match the new lights. There will be 4 lights on the Pond Street level.
- E. Julie Nicoll asked if the path will have lights.
- F. Ralph Michael indicated lights that will provide coverage for safety.
- G. Linda Petty asked how wide is the driveway between the parking lots?

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- H. Ralph Michael said 20 feet. He shows the location of the dumpster and said it will stay there, but will be enclosed with an 8-foot high fence with white cedar trees.
- I. Richard Harrison asked if the location of the new entrance is where the snow would fall off the roof.
- J. Ralph Michael said the roof is not in that direction.
- K. Casey Crompton said the walkway is not under it.
- L. Rose Goings said there is a canopy over the entrance.
- M. Ralph Michael indicated new landscaping and a hedge by Route 103.
- N. Troy Adams asked for the location of the handicapped spaces.
- O. Ralph Michael pointed them out.
- P. Troy Adams asked about the bridge.
- Q. Ralph Michael said it will be rebuilt.
- R. Troy Adams asked how they would maintain the bridge and path in the winter because of the stream?
- S. Ralph Michael said the best way to treat the stream is with a new culvert.
- T. Casey Crompton said the path over it will be gravel. The existing bridge is not wide enough.
- U. Richard Harrison asked if they would have designated parking spaces for people picking up takeout?
- V. Casey Crompton said no.
- W. Linda Petty asked if two handicapped spaces are in the correct ratio to total number of parking spaces?
- X. Casey Crompton said if it is not, they could add a third.
- Y. Linda Petty asked about the gazebo area outside?
- Z. Casey Crompton said it used to be an outside bar area. Eventually, he would like to have outside dining there. It overlooks the pond.
- AA. Linda Petty asked if there would be outside entertainment?
- BB. Casey Crompton said absolutely not.
- CC. Troy Adams asked how they would maintain the area between the parking lots?
- DD. Ralph Michael said it would be graveled.
- EE. Troy Adams said he hoped they would not be covering the whole site in stone.
- FF. Ralph Michael indicated a ditch that would be stone lined that would dump the water out to a flat area. It would have natural plantings augmented with new ones. They would keep a buffer between the stream and the road. The pond will be able to be drained with a proper outlet device.
- GG. Julie Nicoll asked about seating inside and outside.
- HH. Casey Crompton said he would like to have outside seating in July, August and part of September. The bar would be removed and maybe have 4 to 5 tables.
- II. Julie Nicoll explained that if he includes the outside dining now, he would not have to come back for an amendment at a later date.
- JJ. Casey Crompton said if he had 5 tables outside with 4 people per table that would be 20 people. He would consider that as sort of replacement seating in the summer for the 3rd floor inside.
- KK. Linda Petty said there was a discrepancy at one time about the number of seats inside.
- LL. Casey Crompton said the state had the restaurant listed as 160 persons, while it was listed with the town as 150. He does not know the history behind that.
- MM. Linda Petty asked if he would close the 3rd floor in the summer?
- NN. Casey Crompton said that it would depend on business.
- OO. Julie Nicoll suggested that he include outside seating in this application as it would allow him the option of adding the seating in the future without amending the permit.
- PP. Richard Harrison asked how they were progressing with Labor and Industry (L&I.)

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- QQ. Art Garges said that plans were sent to Scott Adnams two weeks ago.
- RR. Rose Goings said that Scott Adnams has not responded yet to her office about the project.
- SS. Casey Crompton said that all communication with Scott Adnams, so far, has been positive.
- TT. Art Garges said that Scott Adnams did visit the building with them.
- UU. Julie Nicoll asked if they had decided the color of the outside of the building, yet?
- VV. Casey Crompton said he really does not want to say, yet.
- WW. Troy Adams said that at the last meeting, Casey Crompton had said it would not be pink.
- XX. Casey Crompton said he likes the historic yellow like on the Sirloin Saloon is Rutland, but he still does not know for sure.
- YY. Troy Adams said that if they are going to have outside dining, they will need a liquor license for that. What about music.
- ZZ. Casey Crompton said maybe soft speakers, but no live music.
- AAA. Julie Nicoll asked if all of the state applications have been submitted?
- BBB. Ralph Michael said the only one they need is the water/waste water. Storm water is not needed as it is less than one acre.
- CCC. Art Garges referred to drawing A2-1 showing the new entrance with canopy. He noted that the walls indicated by dark shading have been demolished and rebuilt. Hw showed where the two new bathrooms would be located. He said that the bar and kitchen would remain the same. He advised that drawings listed as A3 show South, East, North and West elevations. He advised that 4 windows will be removed and replaced on the south side to match the other windows. The body of the building is clapboard and requires a lot of repairs. The roof also needs repairs.
- DDD. Linda Petty asked about outside lighting.
- EEE. Art Garges referred to the "E" drawings and said there would be emergency lights at the entrances and exits.
- FFF. Troy Adams asked about the existing lower level entrance.
- GGG. Art Garges said that would become an entrance and exit only. He indicated a door on the east side drawing and said that would also be an exit.
- HHH. Casey Crompton said that Scott Adnams wanted an exit door on the east side.
- III. Troy Adams voiced concern for handicapped people saying they would be used to the lower level entrance. How would they know where to go.
- JJJ. Art Garges said they would put up signs.
- KKK. Casey Crompton agreed that there would be signs directing people where to go.
- LLL. Richard Harrison asked about the catwalk indicated on drawing A4-1.
- MMM. Art Garges showed them on the other drawing where the catwalk goes. It opens to the stage and there will be railing around it.
- NNN. Casey Crompton said that Scott Adnams told them to raise the height of the railing to make sure that it meets code.
- OOO. Richard Harrison asked if, other than the oven, there would be any open fireplaces or wood stoves.
- PPP. Casey Crompton said no.
- QQQ. Julie Nicoll asked if the dumpster is in the ROW. She recalled a concern from the neighbor and asked if it had been addressed.
- RRR. Casey Crompton said it had not been addressed. The location of the dumpster needs to be relative to the restaurant. The location where it is drawn is where it has been.
- SSS. Julie Nicoll asked if there is a ROW?
- TTT. Casey Crompton said Ralph Michael has one drawn.
- UUU. Rose Goings asked if the neighbor has a ROW over this property?
- VVV. Bob Newsome said yes.
- WWW. Rose Goings advised that a ROW may not be blocked.

- XXX. Art Garges said it is 10 feet from the property line.
- YYY. Bob Newsome said that if necessary, it could be moved.
- ZZZ. Casey Crompton said there will be an excavator on site and can make a spot for the dumpster.
- AAAA. Bob Newsome said the dumpster has to be on a plane so the pickup can get to it.
- BBBB. Art Garges said they have not addressed the sign yet.
- CCCC. Julie Nicoll said they can get that from Rose Goings. She said that they need to provide a new site plan that indicated outside dining and provide the color of the building. She asked the projected opening date.
- DDDD. Casey Crompton said around the 15th of November.
- EEEE. Richard Harrison asked about the letter from the fire department.
- FFFF. Art Garges said they already have quotes for the sprinkler system. He will call Scott Adnams tomorrow.
- GGGG. **MOTION by Richard Harrison and seconded by Linda Petty to close this hearing as of July 24, 2009 by 4:40 p.m. pending a new site plan indicating outside dining, choice of outside building color and letter from L&I. Motion passed unanimously.**

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

- A. Julie Nicoll 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. She 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. Rose Goings advised that this is application 152-00-PUD, Amendment #19.
- C. Ted Reeves advised that at the last hearing, they were asked to provide additional information. They did a file review in the town records for documents showing the quality of the building. There was a 1988 survey for the Division of Historic Preservation and picture of the barn.
- D. Troy Adams asked if there were any pictures from 1988 to the present.
- E. Ted Reeves said not in the town records or Okemo's files.
- F. Linda Petty asked if they had tried the historical society.
- G. Mike Doran said that he had called there and the woman said that she was not aware of any pictures that have been recorded or easily accessible.
- H. Rose Goings said there had also been questions about mothballing a property. She contacted the Historical Preservation people about that and provided board members with pertinent documents. She also obtained a copy of the Land Use permit. She asked about April Hensel.
- I. Ted Reeves said that he sent parallel letters to Devon Coleman and April Hensel.
- J. Rose Goings said the properties were listed on the Ludlow historic register in 1988 and on the State historic register in 1993.
- K. Richard Harrison said there is history in that property. He would like to see the building himself. He also would like to see the house and how they plan to mothball it. Plywood over the windows and locked doors are not enough. Cold weather will destroy that building.
- L. Ted Reeves noted that this application is about the barn, not the house. Okemo is in compliance with the state requirements for the house.
- M. Rose Goings said that the board did not receive the letters from Mike Doran or April Hensel.
- N. Ted Reeves said that a representative from the State Historical Preservation group has been there.

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- O. Mike Doran explained that the state has given them a short time frame for plans for the house. It has to be looked at by fall.
- P. Rose Goings said that Act 250 permit details what must be done to the house.
- Q. Linda Petty said that it concerns her that it does not mention the barn. She added that on the site visit, the door to the house was open.
- R. Ted Reeves said they have changed the locks and fixed that. They have also initiated a checklist for the house for monthly inspections.
- S. Linda Petty asked if the house is heated.
- T. Ted Reeves said no. By state guidelines they are not required to heat the house. They must seal the windows and doors. They need to have an engineer or architect familiar with historic preservation look at it and come up with a plan within a year. Last year, when they walked through the house, they noted that they would probably have to take the house down to the frame to renovate a lot of it. It will not be a simple, but will be an elaborate job. It will be similar to the building renovated by Stryhas at Fletcher Farm.
- U. Linda Petty said that she is not comfortable closing this hearing.
- V. Ted Reeves said that he does not see enough salvageable material to make one good whole building. The posts and beams have significant rot and also the rafters.
- W. Richard Harrison said that a smaller barn would be better than nothing.
- X. Ted Reeves said that the 2 organizations that were contacted say renovation is not warranted and would be very costly.
- Y. Rose Goings asked for copy of proposals for the demolition.
- Z. Mike Doran said he would get her the copies.
- AA. Rose Goings said that to rebuild a barn that is not the same would possibly take away from the historical significance. She had not asked the people at Historical Preservation about that, but it is a good question and should be addressed. We need to find out before asking Okemo to rebuild something that may not be historically significant.
- BB. Troy Adams referred to a picture and showed where the original barn was and what appears to be a later addition.
- CC. Rose Goings said the part with the 2-wagon entrance was newer, but she did not know the year it was built. It is still historical.
- DD. Troy Adams asked if the historical society has records.
- EE. Ted Reeves said that the State Historical Preservation group has already given an opinion that the building warrants demolition. That it is beyond reasonable repair.
- FF. Rose Goings said that she had not asked Devon Coleman about removing the material and using it to rebuild. She is not comfortable about going into Deliberative Session until she speaks to Devon Coleman again.
- GG. Julie Nicoll suggested recessing the hearing again.
- HH. Troy Adams said he would like a cost comparison to for rebuilding or demolishing.
- II. Ted Reeves asked if Troy Adams was asking for an estimate to rebuild the barn.
- JJ. Rose Goings asked if Troy Adams was asking “what is unreasonable” for repairs.
- KK. Troy Adams said that he would like to know how much it would cost to demolish or repair.
- LL. Richard Harrison said it is a historical barn and the state has funds for repairs of historical barns. Okemo should look into that. He thinks that the pictures show that parts of the barn look good.
- MM. Ted Reeves said that he respectively disagrees. The timbers and rafters are rotting and snapped.
- NN. Troy Adams referred to the pictures and asked how the barn went from good to a disaster in 20 years.
- OO. Ted Reeves said that a section of the roof that was on the ground was flat and ribbed. It was on the building for a while and came off at least in 2005.
- PP. Troy Adams asked who put the metal roof on.

- QQ. Rose Goings said probably Mrs. Ranta.
- RR. Richard Harrison said there has been neglect over the years, not just by Okemo, but also by the family.
- SS. Linda Petty asked if Okemo has plans for the area if the barn is removed.
- TT. Ted Reeves said not at this time.
- UU. Rose Goings asked if it would be possible to have the people that Ted Reeves spoke to about the barn meet with this board at the site and here.
- VV. Ted Reeves said the people from the Mount Holly Barn Preservation group and Barn People are volunteers, he is not sure if they would come.
- WW. Rose Goings asked if any of them are engineers.
- XX. Ted Reeves said no.
- YY. Mike Doran said that some of them have state certification.
- ZZ. Richard Harrison asked about having the people from the state historical preservation group come.
- AAA. Troy Adams said this board's members are not experts and they need to hear from experts.
- BBB. **Motion by Linda Petty and seconded by Troy Adams recess this hearing until the September hearing (date to be advised) pending receipt of copies of demolition proposals, cost comparison for restoration or rebuild historically correct building, meeting with people, at the site and at this meeting who are experts and can give expert opinions from Barn people, Mount Holly Barn Preservation or the State Historical Preservation group. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR LOUIS AND JOCELYN MISANTONE**

- A. Julie Nicoll advised that this hearing is for an application for an Conditional Use permit to convert a two-family dwelling into a multi-family dwelling with three units. Property is located at 61 Pleasant Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 319-09-CU. Posted in the Town Hall bulletin boards June 18, 2009, advertised in THE VERMONT JOURNAL on June 24, 2009, and the abutting property owners were notified on June 22, 2009. She added that all letters have been received except wastewater and school. Matt Birmingham will represent the applicants.
- C. Julie Nicoll administered the oath to all wishing to speak at this hearing.
- D. Rose Goings advised that Fire Prevention results came in by email.
- E. Matt Birmingham advised that this was a 2-family house and Section 420 of the Village Residential Commercial District. They would like to increase it to 3-family. It is a ½ acre lot and standards 260.3 and 260.4 are satisfied by letters received. The school has not responded. It is our practice send out requests for letters twice. Fire and Safety called today. Scott Adnams inspected the building and we have to do what he says. They need to replace the back stairs and remove the spiral stairway. Alarm systems must be hardwired. These should be conditions of the permit. There is adequate off street parking. This hearing is the result of a Notice of Violation. When the notice was received, the Misantones terminated the occupancy of the unit and applied to Rose Goings for a permit. We will bring Scott Adnams back after the work is completed.
- F. Richard Harrison asked if the rear stairway would be like the one next door.
- G. Matt Birmingham said he did not know. Mr. Misantone has not seen the report. He will either bring the building into code or not use the 3<sup>rd</sup> floor. Scott Adnams only said to replace that staircase. Mr. Misantone may put it outside. It also needs to pass a one-hour fire test. It is up to the homeowners. Either they comply with Fire and Safety, or not use the 3<sup>rd</sup> floor.

- H. Linda Petty asked about entrances and exits.
- I. Matt Birmingham said they would be the same as next door.
- J. George Munroe said that he disagrees – there is not ample parking. They have been using his parking areas. During the winters of 2006-2007 and 2007-2008, there were no less than 10-12 cars there and they were parking on my side. Travel of the driveway is communal. Nick Gulli's survey says that I only own 15 feet on Pleasant Street. The line is up the center of the driveway. They use the travel area for parking. They also have no place to plow the snow. The property for excess is unusable and is a mud hole in the spring. As the snow builds up, the parking decreases. This winter they had much more compliant tenants. I would call Mr. Misantone and he would tell me to deal with it. It was better this winter. I have never had much cooperation from Mr. Misantone. I keep my building in good repair and try to do the right thing. I have not had good communication with Mr. Misantone and he is unwilling to discuss the issues. I could put a concrete fence up the middle of the driveway.
- K. Matt Birmingham said that he had not heard of these problems before tonight.
- L. George Munroe said that he was not aware that Matt Birmingham was involved.
- M. Matt Birmingham said that the survey is certified. The new apartment will be a studio and probably only have one car. Maybe the past tenants were irresponsible, but the current tenant is very responsible. The survey is on file and there is ample room for parking.
- N. Rose Goings said that 6 spaces would be required.
- O. Matt Birmingham said that the property goes back 200 feet.
- P. George Munroe said that the water comes off the slope and channels into his yard.
- Q. Rose Goings asked whether that had been happening since Mr. Misantone purchased the property or was it going on before that.
- R. George Munroe said it was existing. There is 8-10 inches of ice there in the winter and Mr. Misantone does not clean out the ditches. The current tenant is great, but before that it was terrible.
- S. Matt Birmingham suggested that the board give him until the September meeting to come to an amicable settlement with George Munroe regarding the parking, water and snow removal.
- T. Rose Goings said they could check the survey against the deeds.
- U. Matt Birmingham said that they are not going to re-survey.
- V. George Munroe said that his deed says there are 2 parcels and 67 feet. He does not have a survey and owns 63 and 65 Pleasant Street.
- W. Richard Harrison asked if the bank in the back could be removed for more parking.
- X. George Munroe said you can't push snow up the bank. The larger the parking area, the more snow storage needed. As it is now, the water flows into the cellar of my house. When I asked Mr. Misantone to do something to control the water and to clean out the ditches, he cursed at me. If Mr. Misantone addresses my problems, I have no problem with his application.
- Y. Matt Birmingham said there is no problem that can't be fixed.
- Z. **MOTION by Richard Harrison and seconded by Linda Petty to recess this hearing until the September meeting (date to be advised) pending 6 parking spaces and problems between the neighbors be resolved. Motion passed unanimously.**
- AA. George Munroe asked if he would be notified in writing of the date of the September meeting. His new mailing address is 63 Pleasant Street, Apartment A.
- BB. Rose Goings said yes.

5. **OTHER BUSINESS – CHRIS ROWEN/JOHN BARRY HERRING**

- A. Julie Nicoll advised that a letter was received from Mr. Rowen requesting an extension for his subdivision permit until August 2011.

- B. Richard Harrison said it was a smart thing to do considering the economy.
- C. Chris Rowen said they did not want to start the work and not be able to finish it. It would be better for them and the town.
- D. **MOTION by Troy Adams and seconded by Linda Petty to grant the request from Mr. Rowen and Mr. Herring for the extension on the subdivision permit until August 2011. Motion passed unanimously.**

6. **REVIEW AND APPROVE MINUTES**

- A. Julie Nicoll advised that the minutes to be reviewed and approved are from May 11, 2009 and June 8, 2009.
- B. June 8, 2009 Minutes
  - i. Troy Adams advised that on page 3, item 3B and page 4, item 4B – May 20, 2009, 2009 should read one 2009 in both cases.
  - ii. **MOTION by Linda Petty and seconded by Troy Adams to accept the minutes from June 8, 2009 as corrected. Motion passed unanimously.**
- C. May 11, 2009 Minutes
  - i. Troy Adams advised that on page 2, item 2N, punctuation mark at the end of the sentence should be “.” - not a “>”.
  - ii. **MOTION by Linda Petty and seconded by Troy Adams to accept the minutes of May 11, 2009 as corrected. Motion passed unanimously.**

7. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by Richard Harrison to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 7:46 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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Troy Adams

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Linda Petty

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Richard Harrison