

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**May 11, 2009**

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Liz Crowley	Julie Mackintosh	Ken Saccardo
Pam Devereux	Greg Mauriello	Leslie Stuart
Jim Fuller	Jerry Milligan	Joyce Washburn
Bob Kottkamp	Marty Nitka	Dave Guerrero, LPC TV
Ginny Kottkamp	Judy Rabtoy	Lisha Klaiber, Recorder

1. **CALL TO ORDER**

A. Meeting opened at 6:01 p.m. by Chairman Phil Carter. All board members.

2. **OPEN THE PUBLIC HEARING FOR OKEMO MOUNTAIN SCHOOL**

- A. Phil Carter advised that this hearing is for an application to amend a Conditional Use Permit in the Village Residential District to allow for a weekly Farmers Market at the Okemo Mountain School. Property address is 53 Main Street.
- B. Rose Goings advised that this is application 86/87-155-CU, Amendment #1. Posted in the Town Hall bulletin boards April 16, 2009, advertised in THE VERMONT JOURNAL on April 22, 2009, and the abutting property owners were notified April 21, 2009. Letters have been received from utilities, Rosa and John Donohue and Anita and Jim Alic. A packet has been received from Okemo Mountain School
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Jerry Milligan advised that a group has gotten together and would like to have a Farmers Market in Ludlow. It would have fresh produce and artwork. It will be a 501-3C company and net proceeds, after overhead costs, will go to local charities. Tables will be offered to various charities so that they can show information about their group.
- E. Phil Carter asked Jerry Milligan to describe an overview, discussing the layout and set-up.
- F. Jerry Milligan said that parking would be at the Ludlow Elementary School. There will be about 35-40 spaces. They are hoping to start out with about 15-20 vendors and someday expand to 35-40 vendors. Vendors will be lined up parallel to Main Street about 20 feet from the side. There will be a couple of rows by the maples and there will be picnic tables. The tennis courts will be used for parking. Bathroom facilities will be at OMS. There is a compactor for trash.
- G. Phil Carter indicated that the letter from the schools advised that school dismisses at 2:35-2:45 p.m. and they would prefer for the farmers market activities not begin until

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- after school is out for the day. The letter from the fire chief requested a 20# ABC fire extinguisher on site.
- H. Jerry Milligan said that they would have one at the manager's table.
- I. Rose Goings said that the letters from the Donohues and Alics were in favor of the market.
- J. Phil Carter said there should not be parking along Route 103 and asked the hours of operation.
- K. Jerry Milligan said that the hours of operation would be Fridays from 4:00 p.m. to 7:00 p.m. They would like to expand the hours for special events, maybe Thursday through Sunday and would give plenty of advance notice.
- L. Phil Carter said it would just be Friday evenings to start.
- M. Jerry Milligan said yes.
- N. Phil Carter asked about the bathrooms at OMS>
- O. Leslie Stuart explained that there are doors inside the school that can be locked and only the bathrooms would be accessible.
- P. Jim Fuller said that he is in favor of having a farmers market in Ludlow. There is a question about if this location is the best for the village. It might be better downtown where it could generate business for the shops in town. Not many people would walk from the OMS location to the downtown shops. This is the Preservation district and uses must stay in the character of the area. A farmers market is not one of the approved uses in the Preservation District.
- Q. Jerry Milligan said that he appreciates Mr. Fuller's concerns, but this is Vermont and much of tradition in Vermont is farming. This would be bringing back old Vermont. We have space there to expand. They looked into other properties and even talked to the town about using the green.
- R. Leslie Stuart said that it would be ideal in the center of the village, but space was not available. They plan to set up a board at the market describing other local businesses.
- S. Phil Carter asked if they were locked into a specific amount of time they needed to stay at OMS?
- T. Leslie Stuart advised that use of this property is donated and would be able to move later on.
- U. Troy Adams asked about traffic.
- V. Jerry Milligan said that they would post "NO PARKING" signs along that strip of Route 103.
- W. Leslie Stuart said they would get a permit for signage and also have mobile signs.
- X. Linda Petty said that she is concerned about traffic coming off the property to the main road. She is concerned that people will just be pulling off anywhere, even in the areas where there are no curb cuts.
- Y. Jerry Milligan said there would be rules. Vendors will have to be there by a certain time to set up. There is no permanent plot plan, yet, but there will be assigned locations.
- Z. Phil Carter verified that there would be a manager onsite when the market is open.
- AA. Jerry Milligan said yes.
- BB. Jim Fuller noted that Deeplawn is a very narrow road and people have driven on his lawn. It is difficult when 2 cars try to pass in opposite directions. There could be problems. Friday evenings there is more traffic on Route 103 and pulling out from the market will not be easy.
- CC. Jerry Milligan said they would provide traffic control on Deeplawn and put out cones to keep people from going on the Fuller's property.

DD. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR UNITED CHURCH OF LUDLOW, INC. AND MR. AND MRS. GREGGORY MACKINTOSH**

- A. Phil Carter advised that this hearing is for an application for a subdivision to subdivide the property on Pleasant Street in the Village Residential Commercial District to allow for the single-family residence and the Church to be on separate parcels. The applicants are requesting a Waiver of the development review standards. Property address is 46-48 Pleasant Street.
- B. Rose Goings advised that this is application SUB09-005. Posted in the Town Hall bulletin boards April 16, 2009, advertised in THE VERMONT JOURNAL on April 22, 2009, and the abutting property owners were notified on April 21, 2009.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Marty Nitka advised that since about 1900, the property has been one piece. At this time, there is no need (on the part of the Church) for the parsonage and the Church wishes to dispose of the asset. The Church initially explored issuing a 99-year lease, but that was not doable from a banking standpoint. The Subdivision regulations do provide for a waiver section. The property cannot meet setbacks on the NE corner of the property and the SW appendage. There is 9 feet between the buildings and 8-foot setbacks are required. The Church is requesting a waiver of the 8-foot setback requirement. They are also requesting a waiver of the required 60-foot frontage on Pleasant Street. They have 53.83 feet. Parking for the parsonage property will be in the driveway. The Church is retaining an easement to use the driveway for emergency and maintenance purposes. The Church is also retaining a 10-foot easement in the west (rear) corner also for maintenance purposes. This is not for new development and there is no change in the land use. Everything will look the same.
- E. Greg Mauriello said that he submitted a letter stating his position. The two buildings were erected over 100 years ago. Town counsel approved the idea of a 99-year lease a law to support that, but is it not feasible for a mortgage. The parsonage is a financial burden on the Church and is not needed. The property has been rented out and the two parcels are recognized as separate pieces of land with separate uses. The sale would relieve the pressure on the Church's resources. The property is a hardship to the Church. There would be no public interest served by denying the request.
- F. Richard Harrison noted that snow plowing in the winter would need to be onto the church property.
- G. Bob Kottkamp said that would not be a problem.
- H. **MOTION by Julie Nichol and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

4. **FINAL PLAT MYLAR - SACCARDO**

- A. Phil Carter advised that only requires his signature. Mylar was signed. He advised that any changes must come back before this board.
- B. Ken Saccardo said that he understood and thanked the board.

5. **OTHER BUSINESS**

A. None

6. **REVIEW AND APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed and approved are from April 13, 2009
- i. Phil Carter asked for clarification of item 2Z on page 2. He asked that the first sentence in that item should read, "Bernard Pelletier said that he keeps track of the amounts of oil that he sells."
  - ii. Troy Adams said that on page 2, item 2II, the "s" should be "a."
  - iii. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes from April 13, 2009 as corrected. Motion passed unanimously.**

7. **DELIBERATIVE SESSION**

- A. Phil Carter said that he would like to go into Deliberative Session.
- B. **MOTION by Julie Nicoll and seconded by Linda Petty to enter into Deliberative Session. Motion passed unanimously.**
- C. Board entered Deliberative Session at 6:32 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