

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*April 9, 2012*

**MEMBERS PRESENT:**

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

David Josselyn	Frank Trombetta	Lisha Klaiber, Recorder
David Shelburne	Laura Merone-Walsh	Duncan Love – LPC-TV
Phil Stratman		

1. **CALL TO ORDER**

A. Meeting opened at 6:005 p.m. by Chair, Phil Carter. All members present.

2. **OPEN THE PUBLIC HEARING FOR MT ASSOCIATES, DUNKIN DONUTS**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit to remodel the Dunkin Donuts. The property is located at 195 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 076-94-CU, Amendment #1. Posted on the Town Hall bulletin boards on March 20, 2012, advertised in THE VERMONT JOURNAL on March 21, 2012 and abutting property owners were notified on March 19, 2012. She said that letters have been received from Ambulance, Police and the Electric department.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. David Shelburne referred to the reader board he had provided. He said that the Dunkin Donuts Corporation requires that stores be remodeled every 10 years. This will be a limited project. They will change some of the exterior colors to colonial colors. At the request of neighbors, they will erect a fence along the NE side of the property, while still conforming to setbacks. Inside the building they will put in new cabinets, re-arrange the equipment, put in new floor tile, put in energy efficient lights and coolers, add a second bathroom, upgrade the furniture and increase the storage area.
- E. Phil Carter, noting the drawing, asked if the Smart Shop sign was to be replaced with the Coffee cup sign.
- F. David Shelburne said yes.
- G. Phil Carter asked for more information about the coolers.
- H. David Shelburne said they would remove the existing and replace them with reach-in units that would pretty much be against the wall.
- I. Linda Petty asked if there would be less drinks and chips available.
- J. David Shelburne said they would just have Dunkin Donuts products, chips or other drinks.
- K. Phil Carter asked about changes to the gas portion.

- L. David Shelburne said it would remain as is.
- M. Richard Harrison asked about seating capacity.
- N. David Shelburne said it would remain the same, 18.
- O. Phil Carter asked about the windows.
- P. David Shelburne said they would remain the same.
- Q. Linda Petty asked about exterior lighting.
- R. David Shelburne said it would remain the same. He added that other than replacing them with more energy efficient units that would also remain the same.
- S. Linda Petty asked if the register for gas would be separate from the Dunkin Donuts register.
- T. David Shelburne said yes, there would be a small wall between them. He added that they would also be adding WIFI for customers.
- U. Phil Carter asked if they are waiting for any further information.
- V. Rose Goings said the letter from the Fire department.
- W. David Shelburne said he has a copy of it and would get it to Rose Goings.
- X. Phil Carter asked if the fire chief had imposed any conditions.
- Y. David Shelburne said no. He said that he has also received the OK from Labor and Industry (L&I).
- Z. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing, pending receipt of letter from Fire Department. Motion passed unanimously.**

3. **OPEN THE HEARING FOR VANESSA JOHNSON AND NICOLE DITZ**

- A. Phil Carter advised that this is an application for a Variance and Flood Hazard Review to construct a deck on the lake edges, and a mudroom. The property is located at 47 Red Bridge Road in the Lakes District and Special Flood Hazard Area.
- B. Rose Goings advised that this is application 359-12-FHR and 357-12-VA. Posted on the Town Hall bulletin boards on March 20, 2012, advertised in THE VERMONT JOURNAL on March 21, 2012 and abutting property owners were notified on March 19, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He reminded them that anything that was said at the site visit was informal and anything said here is for the record.
- D. David Josselyn said that there are 4 things that the applicants wish to do. They want to enclose part of the existing deck and create a mudroom. They want to put timber steps down to help control erosion. They want to repair the deck and dock and they want to add a deck under the structure for storage. All of these, except the steps will be within the setbacks.
- E. Phil Carter said that in their letter dated March 31, 2012, they summarized the work to be done, but did not address the responses to the 5 criteria for variances. He asked if David Josselyn has seen the criteria.
- F. David Josselyn said he has, but does not know if the owners have.
- G. Phil Carter asked if David Josselyn wanted to address them as the board needs to consider them for a variance. In asking for a variance, they are essentially asking to go outside the zoning regulations. This board must, by state statute, look at the 5 criteria. He asked if the owners would want to be more detailed and address those criteria.
- H. Julie Nicoll said that people often answer each of the 5 criteria and she considers it important.
- I. Phil Carter said this board looks at each one, for example, does this project minimize the variance and have the least possible deviation from the rules. If they are not specific, we can only look at what has been submitted. He said the board would ask the 5 questions about each of the 4 proposed changes. He said that he does not see the questions addressed.
- J. Julie Nicoll said this board can't answer the questions. The board needs to be able to see the answer to each of the questions for each proposed change.
- K. Phil Carter said that the regulations allow for docks, so the applicants may do that.

- L. Rose Goings said that the warning for this hearing was only for the deck and the mudroom, not the dock or the steps. She added that the dock is allowable and possibly the steps also.
- M. Phil Carter said then the board is looking at the mudroom and the deck. He said that people have run steps down to the lake before, but now they are adding structures like landings and patios. The Planning Commission is starting to look at revising the Zoning Regulations and that may be addressed. He said that for the mudroom and deck, this board will look at the variance.
- N. Rose Goings said that some of the questions are answered, but the board is looking for more detail.
- O. David Josselyn said that he read through the 5 criteria and tried to explain the reasoning for what the applicants want to do.
- P. Phil Carter said that many places pre-exist zoning but the law states that if people purchased after zoning went into effect, they are subject to zoning. He asked about the deck underneath. He asked if they want to put pavers in.
- Q. David Josselyn said yes, the length about 20-24 feet long and about 8 feet wide. They will use this for storage and ease of access to the basement. They will put lawn furniture and kayaks, etc.
- R. Phil Carter asked if they could use crushed stone so there would be no structure.
- S. David Josselyn said yes they could. It is a small footprint and they want to use as much of the area as possible.
- T. Linda Petty asked David Josselyn to describe a little more about the basement access.
- U. David Josselyn said the access is only to the mechanical equipment, not to the main house.
- V. Linda Petty asked if there would be additional lighting down there.
- W. David Josselyn said not, just the two existing lights.
- X. Phil Carter asked why they want to put in a mudroom.
- Y. David Josselyn said because as the layout currently is, you walk into the front door directly into the living room and it is very narrow and the door swings in. They also store their skis and boots there. They would like to have a mudroom to keep the clutter out of the living room.
- Z. Richard Harrison asked the size.
- AA. David Josselyn said 4'6" by 5'.
- BB. Phil Carter asked about the existing concrete by the dock.
- CC. David Josselyn said they would leave it where it is and form around it. It works well in the area and can be used as an anchor base for the new concrete.
- DD. Linda Petty asked if the dock is floating or permanent.
- EE. David Josselyn said floating with a couple of hinges.
- FF. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR PHILIP STRATMAN**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit and Flood Hazard Review to change a restaurant into retail space and renovate the barn into retail storage space. The property is located at 117 Main Street in the Village Residential Commercial District and Special Flood Hazard Review Area.
- B. Rose Goings advised that this is application 083-88-CU, Amendment #4 and 358-12 FHR. Posted on the Town Hall bulletin boards on March 20, 2012, advertised in THE VERMONT JOURNAL on March 21, 2012 and abutting property owners were notified on March 19, 2012. She advised that the letters from Police, Fire and Ambulance are all in.

- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Phil Stratman said that he has gutted the building and will refinish the floor and paint. The tenant will have a retail gift shop and hope to be in by May 1, 2012. They will remove the lighting in the kitchen and replace it with track lighting.
- E. Phil Carter asked if the front and kitchen would be the retail area.
- F. Phil Stratman said yes and eventually, hopefully the barn. There was extensive damage to the barn done by Irene. He also wants to clean up the outside and get rid of the picnic table.
- G. Phil Carter asked if there would be any changes to the exterior.
- H. Phil Stratman said no. He added that he has old pictures of the building and will put them in the foyer showing the history. He said there would be no structural changes and he would eventually paint the outside. Inside there will be showcase and places to hang clothes.
- I. Julie Nicoll asked the hours of operation.
- J. Phil Stratman said 11:00 a.m. to 7:00 p.m. They would be open holiday weekends. They are aware of the residential home next door and will consider that. They will probably be closed Tuesday and Wednesday.
- K. Julie Nicoll explained that the hours of operation listed here will be part of the permit. If the current tenant moves, and the new tenant wants different hours, they will be limited by the hours listed on the permit.
- L. Phil Stratman revised the hours of operation to 8:00 a.m. – 8:00 p.m. 7 days per week. He added that Rose Goings has been very helpful with this process.
- M. Phil Carter asked about L&I.
- N. Rose Goings said that she has not heard from them.
- O. Phil Stratman said he is going there tomorrow.
- P. Julie Nicoll advised Phil Stratman to see Rose Goings about signage for outfront.
- Q. Phil Stratman said the tenants would be going right over the existing sign. He said that he does not want the parking area lit up all night and may put a flag pole outfront in the future.
- R. **MOTION by Linda Petty and seconded by Richard Harrison to close this hearing pending L&I. Motion passed unanimously.**
- S.

5. **OTHER BUSINESS**

- A. Ranta Barn Decision
  - i. Rose Goings advised that the decision is in and the DRB decision was not upheld by the court.
  - ii. Phil Carter said that the point the judge made was that Ludlow does not have a demolition statute, ordinance and there is nothing in the zoning regulations about it. Okemo never had to come before this board in the first place. Everyone involved missed that point. Everything after that was moot.
  - iii. Julie Nicoll mentioned the village building.
  - iv. Rose Goings said the village has an ordinance. She added that this is in a PUD and it was thought demolishing it would change the PUD. Any changes to the PUD must come back to the DRB.
  - v. Phil Carter said the barn was not singled out in the PUD as the Ranta house was.
  - vi. Rose Goings said the barn should have been mentioned in the original permit. If the town had an ordinance or it was in the zoning it would have been different.
- B. Edgar Case
  - i. Rose Goings said that they are working on the briefs for the Edgar case.

6. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes from the January and March meetings are to be reviewed.
- B. **Minutes from January 9, 2012**
  - i. Page 1, 2B – Application number 083-88-CU, Amendment #1 should have been included after, “Rose Goings advised that this is application ...”
  - ii. Page 3 N vii – id should be is
  - iii. Page 3 R - Jake brake into the pit, not put
  - iv. Page 3 V – should read, “Much of this noise...”
  - v. Page 4 W – should read Peter Manship asked if Peter Andrews...
  - vi. Page 4 Z – 2nd line down rods should be roads
  - vii. Page 4 Z - last sentence should read most cost efficient...
  - viii. Page 4 AA – should read, “... they would mitigate as much noise as possible...”
  - ix. MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes from January 9, 2012 as corrected. Motion passed unanimously.
- C. **Minutes from March 12, 2012**
  - i. Page 1, Phil Carter was listed as present – he was absent.
  - ii. Page 3, between C and D, the following should be inserted, “Julie Nicoll took over chair of the board after John Boehrer recused himself.”
  - iii. MOTION by Linda Petty and seconded by Julie Nicoll to accept the minutes of the March 12, 2012 meeting as corrected. Motion passed unanimously.

7. **DELIBERATIVE SESSION**

- A. **MOTION by John Boehrer and seconded by Phil Carter to enter into Deliberative Session. Motion passed unanimously.**
- B. Board entered Deliberative Session at 6:53 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Linda Petty

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Richard Harrison