

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

August 8, 2011

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

MEMBERS ABSENT:

Rose Goings

OTHERS PRESENT:

Margaret Edgar	L. Raymond Massucco	Duncan Love – LPC TV
Jean Eggleston		Lisha Klaiber, Recorder

SPECIAL MEETING – REORGANIZATION

1. **CALL TO ORDER**

A. Meeting opened at 5:55 p.m. by Chairman Phil Carter. 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 Julie Nicoll and seconded by Linda Petty to elect John Boehrer 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 Phil Carter and seconded by John Boehrer 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 and alternate dates on the 4th Monday of the month.
- B. **MOTION by Phil Carter 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 Julie Nicoll and seconded by John Bohrer to adjourn this special meeting. Motion passed unanimously.**
- B. Meeting closed at 6:00 p.m.

REGULAR MEETING

1. **CALL TO ORDER**

- A. Meeting opened at 6:00 p.m. by Phil Carter. All members present

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR MARGARET EDGAR, TRUSTEE**

- A. Phil Carter advised that this is an Appeal to a Notice of Violation issued by the Zoning Administrator because the appellant has not complied with the Environmental Court/Local enforcement decision. The Environmental Court issued a decision on March 4, 2009, which was an appeal from the Town of Ludlow decision. Property is located at 51 Northshore Drive in the Lakes District. This hearing was recessed from the July 11, 2011 meeting. Phil Carter administered the oath to all wishing to speak at this hearing.
- B. Julie Nicoll advised that this is Application number is 343-11-AP. Posted in the Town Hall bulletin boards June 18, 2011, advertised THE VERMONT JOURNAL on June 22, 2011, and the abutting property owners were notified on June 13, 2011. Attorney L. Raymond Massusso is present to represent the applicant.
- C. Phil Carter advised that a memo was received from Rose Goings, Director of Planning and Zoning, who was unable to attend this meeting. The letter laid out the sequence of events.
- D. Julie Nicoll read the letter from Rose Goings.

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- E. Phil Carter advised that a letter had also been received from Ruth and Jeffrey Sonshine, abutting property owners. He read their letter, supporting the town of Ludlow's enforcement of local ordinances.
- F. Raymond Massucco advised that he had not received copies of the letters. He asked the board if it is their intent to accept the letter from Rose Goings and from the Sonshines as evidence. He asked if Rose Goings had been sworn in. He said that he would object to evidence from her if she had not been sworn in.
- G. Phil Carter said the board would have to recess this hearing if the evidence was not accepted.
- H. Raymond Massucco said that would be unfair to his client to recess.
- I. Phil Carter said that the board needs to hear the testimony from Rose Goings and Mr. Massucco can either accept the letter as evidence or the hearing will be recessed. Phil Carter said that this board needs to hear balanced testimony.
- J. Julie Nicoll advised that there was a death in Ms. Goings' family and the wake is tonight.
- K. Raymond Massucco said that it is costly for Ms. Edgar and him to come to the meeting and the board can take the evidence from those present tonight and make their decision on that evidence.
- L. Phil Carter said the board needs to accept this evidence.
- M. Raymond Massucco said that she has to be sworn in.
- N. Richard Harrison said that the evidence as detailed in Rose Goings' letter is the truth.
- O. Phil Carter said that the board will recess this hearing.
- P. Raymond Massucco said that he objects to the recess.
- Q. Phil Carter said that the sequence as presented needs to be entered as evidence.
- R. Raymond Massucco repeated his objection.
- S. Phil Carter said that the objection is duly noted.
- T. **MOTION by Richard Harrison and seconded by Linda Petty to recess this hearing until next month.**
- U. Raymond Massucco said that if the abutters had not been sworn in, he would also object to accepting their letter as evidence. He asked if the board would give him copies of the letters as well as a copy of their Rules of Procedure.
- V. Julie Nicoll gave him copies of the letters.
- W. Phil Carter said that a copy of the Rules of Procedure would be sent to him.
- X. **Motion passed unanimously.**
- Y. Raymond Massucco asked that he be sent of copy of the notice for the next meeting, adding that they had not received a copy of the notice for this meeting.
- Z. Phil Carter asked how they did hear about the meeting.
- AA. Raymond Massucco said from Chris Callahan.
- BB. Julie Nicoll said the board had opened this hearing at the last meeting and recessed it until tonight because the applicant and attorney were not able to attend. She noted for the record that the next meeting would be on September 12, 2011 at 6:00 p.m.

3. **APPROVE MINUTES**

- A. By general consensus, the board decided to review the June, July and August minutes at the next meeting.

4. **OTHER BUSINESS**

A. Phil Carter advised that he would like to go into Deliberative Session.

5. **ADJOURN**

A. **MOTION by John Boehrer and seconded by Richard Harrison to adjourn to Deliberative Session. Motion passed unanimously.**

B. Meeting adjourned at 6:16 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison