

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*January 12, 2015*

**MEMBERS PRESENT:**

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Tom Bissonette	Whitney Lutey	Robin Reilly
Eddie Duncan	Douglas Marsh	Jodi Seward
Blair Enman	GT McNaughton	John Seward
Desiree Giroux	Ralph Michael	Travis Weaver
Marji Graf	Eamon Moran	Mike Wold
Patrick Griffin	Greg Moran	Lisha Klaiber, Recorder
John Hinckley	Joe Poston	Patrick Cody, LPC TV

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR JOHN SEWARD – MOJO’S CAFE**

- A. Phil Carter advised that this is an application to amend a Conditional Use Permit to increase the number of seats in Mojo’s Café from twenty-five (25) to thirty-five (35). The project is located at 106 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 135-99-CU, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on December 16, 2014, advertised in THE VERMONT JOURNAL on December 24, 2014 and abutting property owners were notified on December 24, 2014. She noted that letters are in.
- C. Phil Carter administered the oath to all (John Seward and Jodi Seward) wishing to speak at this hearing.
- D. John Seward advised that there are currently 6 tables in the café each with 3 chairs. They wish to increase that by 1 or 2 seats per table, adding a total of 10 additional seats.
- E. Phil Carter advised that a letter had been received from Frank Heald that the additional sewer allocation had been approved.
- F. Rose Goings said the applicants had been approved for 35 seats at 45 GPD per seat, totaling 1,575 GPD.
- G. Phil Carter asked about the Fire Marshal.
- H. John Seward said that he had not heard anything. He said that they had been approved spatially for up to 49 seats.

- I. Phil Carter said that any permit granted by the DRB would contain the condition that the project must comply with any state conditions.
- J. Rose Goings advised that a letter had been received from Frank Heald that a condition of the permit should require that solid waste for all of the property at 106 Main Street be disposed of consistent with the Solid Waste rules of the Town/Village of Ludlow.
- K. John Seward said that they already have a commercial hauler doing their waste pickup. He said that condition would affect Jerry Tucker more than them.
- L. **MOTION by John Bohrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR AUBUCHON REALTY CORPORATION, INC.**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to allow razing of the existing building and rebuild on the same footprint creating an annex for the existing Aubuchon store. The property is located at 138 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 405-14-CU, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on December 16, 2014, advertised in THE VERMONT JOURNAL on December 24, 2014 and abutting property owners were notified on December 24, 2014. She noted that letters are in.
- C. Phil Carter administered the oath to all (Ralph Michael, Tom Bissonette, Doug Marsh, Greg Moran, Joe Poston, and Eamon Moran) wishing to speak at this hearing.
- D. Ralph Michael advised that the applicants wish to reconstruct on the .22 acre property. All setbacks should be okay. The new building will be nearly the same footprint as the existing and he referred to the drawing. There will not be any changes to the driveway. Off street parking will consist of 12 spaces in the lot behind the building and the remainder will be on the street.
- E. Tom Bissonette said that the hours of operation will be from 7:30 a.m. to 7:00 p.m. Monday through Thursday and until 8:00 p.m. on Fridays, with shorter hours on the weekends.
- F. Phil Carter confirmed with Tom Bissonette that the longest day would be from 7:30 a.m. to 8:00 p.m.
- G. Ralph Michael advised that there are no wetlands on the property and no ANR designated critical habitats. Ralph Michael referred to the drawing of the site plan. He said that access to the new building would be from the Main Street entrance and there would also be a side entrance from the existing Aubuchon store on the side. The alley access is used for parking and deliveries. He said that there would only be very minimal landscaping, as there are hedges along the Russo/Storrs property line. There would be no additional impact on municipal services and the location would be retail. The new building would comply with Vermont energy codes. The lot size minimum for the district is 5,000 square feet and this lot is 9,500 square feet. The setback on the east side is 8 feet. The front setback should be 20 feet. They will share the parking with the other building and the property will be merged with the existing Aubuchon building property. With this merger, they will have frontage of 140 feet. He said that they have had correspondences from Jules Chatot from the Vermont Division of Historic Preservation and according to him, review from the division is not necessary. He said that the new building would be built to look similar to the existing building. He distributed a picture of the plan for the building. He then referred

- to the site plans and said that there is no east side elevation as it would just be clapboard. He said that the existing building is 17 feet from the sidewalk and the required setback is further from the front than the existing. The new building would be back further.
- H. Richard Harrison asked if there was water in the basement after the flood.
- I. Tom Bissonette said not that he know of.
- J. Ralph Michael said the building is not in the flood plain.
- K. Rose Goings said that the setback for commercial use should be 20 feet.
- L. Greg Moran asked if the seam in the sidewalk is the property line. Sidewalks are defined as town land or is this just extra concrete.
- M. Ralph Michael said the store paved the section behind the sidewalk for about 5 feet in front of the store and that belongs to Aubuchon's.
- N. Phil Carter asked if Greg Moran is asking where the setback begins.
- O. Doug Marsh said that town maintains the sidewalks.
- P. Ralph Michael said the existing building is setback 17 feet. He said that demolition of the existing building must be approved by the DRB.
- Q. Phil Carter said that the DRB must look at three criteria: does the structure pose a threat to safety; does the structure cause an undue hardship to the owner; and, is the demolition only for a part of the building. He said that the applicants must decide and prove their case why the building is not salvageable.
- R. Ralph Michael said that the building causes an undue hardship to the owners and referred to a letter from Wright Construction. The letter indicates that to retrofit the building would cause financial hardship for the owners. They would have to shore up the foundations. Parts of the building do not have foundations.
- S. Phil Carter asked, specifically, the condition of the existing building.
- T. Ralph Michael said that the building cannot be made handicap accessible as the floors of each section are on different levels and it would compromise the stone foundation. There would be no bracing system and they would need to pour cement in the existing building. They would need to strip the building to the studs. The building is not energy efficient
- U. Joe Poston said that they would need to jack up the entire structure and it would cost the owners more to do that than to raze it. They would need to level the floors to make it handicap accessible.
- V. Phil Carter asked what the Vermont energy codes are.
- W. Joe Poston said they are guidelines for air tight construction and insulation.
- X. Doug Marsh asked if it would cost more to refurbish the building than to start new.
- Y. Joe Poston said yes.
- Z. Doug Marsh said he would like to see a cost analysis.
- AA. Greg Moran said they did a project in Newport, Maine for about \$62/square foot.
- BB. Phil Carter said that the DRB is not concerned with the cost of the project. The DRB is concerned with the regulatory process and to make sure the project is in compliance with the Village Zoning.
- CC. Doug Marsh asked if the sidewalk would be closed during construction and where the dumpster would be located.
- DD. Phil Carter said that there has been lots of construction on Main Street and the contractors have had to deal with it in a reasonable manner.
- EE. Ralph Michael said that the alley on the east side could be used. He said that the existing building is not handicap accessible from any entrance and is 2 feet too high. He said there are also steps inside the building. The building cannot be made handicap accessible. They would have to tear everything out. He said that even the siding is not real clapboard, the siding is plastic.

- FF. Phil Carter asked if the new exterior would be clapboard.
- GG. Ralph Michael said yes.
- HH. Greg Moran said the building would be 100% retail and would look pretty much as it looks today, just newer and better. There would be subtle changes. Inside the building would be an open atmosphere and it is now all cut up in there.
- II. Phil Carter asked if there would be a functional 2<sup>nd</sup> floor.
- JJ. Greg Moran said no. He said that the building would be a good shopping experience. They have done similar projects in Tupper Lake, Saranac Lake and eastern New York.
- KK. Phil Carter asked if there would be access off Main Street.
- LL. Greg Moran said yes.
- MM. Tom Bissonette said that recently more people enter the existing store from the side than from the Main Street entrance.
- NN. Ralph Michael said yes because the building floors would be all one level.
- OO. Richard Harrison said he likes the Aubuchon store and thinks the applicants would do a good job blending the new into what they have.
- PP. Julie Nicoll asked the color scheme.
- QQ. Greg Moran said the same as it is now.
- RR. Linda Petty asked if they raze the building, would they try to salvage the old doors or hardware and hardwood floors.
- SS. Greg Moran said yes. He said they have done other similar projects and tried to integrate the old into the new.
- TT. Tom Bissonette suggested they make a list of what they may want to keep.
- UU. Greg Moran explained that his grandfather started the company and his father worked there. Now he and his son work there. He said that Ludlow means a lot to the family and keeping the business alive is also important. They want to stay in downtown Ludlow and it took guts to buy the Kelley building. They want to keep the small, downtown atmosphere and they can't do it in the existing Kelley building. It is not structurally or economically feasible.
- VV. **MOTION by Linda Petty and seconded by Richard Harrison to close this hearing. MOTION PASSED UNANIMOUSLY.**
- WW. Doug Marsh said he would like to see the plans for the project,
- XX. Rose Goings said they are available for viewing in the Planning Office.

***NOTE: Phil Carter asked the Imerys representatives if they would agree to address the 2 Imerys hearings together. The applicants agreed.***

4. **OPEN THE PUBLIC HEARING FOR IMERYYS TALC VERMONT, INC**
5. **OPEN THE PUBLIC HEARING FOR IMERYYS TALC VERMONT, INC.**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit to allow for the addition to the mill and a variance for the height requirements. The project is located at 73 East Hill Road in the Industrial District.
- B. Phil Carter advised that the second hearing is for local Act 250 Review to allow for the addition to the existing mill. The project is located at 73 East Hill Road in the Industrial District.

- 
- C. Rose Goings advised that the first application 88-207-CU, Amendment #6 and 428-15-VA. The second hearing is application 427-15-ACT250. Both applications were posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on December 16, 2014, advertised in THE VERMONT JOURNAL on December 24, 2014 and abutting property owners were notified on December 24, 2014. She noted that letters are in.
- D. Phil Carter administered the oath to all (Robin Reilly, GT McNaughton, Eddie Duncan, Patrick Griffin, Michael Wold) wishing to speak at this hearing.
- E. Robin Reilly said that this is a new project and introduced GT McNaughton.
- F. GT McNaughton explained that this would be an 8,700 square foot addition to the existing mill, at the east end, away from the road. There would not be any setback issues. The purpose of the project is to house a new processing system that would allow them to process finer product. It is a new proprietary system, a dry process and would cause no environmental nightmares. The main part of the building would be 67 feet high and the penthouse 76 feet high. He explained that the mill is located at the bottom of a hill and they can't build down without other issues. The building has to be high for the shipping center. The beneficiation equipment must be high. He said that a noise impact study has been submitted. He explained that talc is an inert element and fire explosion is not a problem. The project will not generate additional traffic and there would not be an increase in the number of trips from the site. Most of their shipping is by rail. Addressing Act 250, he indicated that only a small amount of land would be disturbed. The land is already clear as there used to be something else located in the space. There will be a temporary construction road that will have a portion re-vegetated when the project is complete. He referred to the drawing and indicated a water line that would be underground and vegetated, but not with trees. He said the electric line would also be underground. He indicated where the new conveyor line would be. He referred to pictures that had been Photoshopped that show what the visual impact of the project would be from Ives Road and Route 103. He said there would be occasional plumes of steam. He said that the fire chief was out to the site, but that he had not seen the letter from the Ambulance Department.
- G. Phil Carter said that the Ambulance letter was dated January 9<sup>th</sup> and had no conditions.
- H. GT McNaughton said that the letter from the fire department did have conditions and they would not be a problem. Conditions are:
- i. Permit is required from Vermont Division of Fire Safety
  - ii. Roadway on the north side of the building be widened to 15'6" to allow access to the new addition
  - iii. Dry hydrant at the Black River shall be restored to working order
- I. Robin Reilly said that the hydrant needs to be trialed by the fire department and that their equipment was not working when they did come out. There was a previous problem of separated Johnson pipes caused by Irene, but that has been fixed.
- J. Linda Petty asked if there would be clearance for the fire trucks by the new conveyor.
- K. GT McNaughton said there would be plenty of clearance.
- L. Phil Carter asked about tree clearing.
- M. GT McNaughton indicated where they would be cleared on the drawing. He added that there is one change in the project description. It was indicated that there would be a slight increase in the noise level, but it will actually decrease. There will be silencers on 2 fans and dampening material. Also, the height of the building will lessen the noise.
- N. Eddie Duncan said that the decibels would drop down about 2 decibels.
- O. Patrick Griffin referred to the drawings and indicated electrical lines, water lines, conveyor line, the new building, the construction access road, the disturbance areas and retaining

- 
- walls. He said that construction access would be up East Hill Road. He added that there would be new standpipes for the new building. He said the new building would not be attached to the existing building.
- P. Phil Carter asked if there would be access to the new building through the existing building.
- Q. Patrick Griffin said yes, large garage doors. He advised the permit applications have been filed with the state for storm water and erosion control.
- R. Phil Carter asked the function of the silos.
- S. Eddie Duncan said that they will widen the road for fire vehicle access. He said that will also let Imerys use it during construction.
- T. Michael Wold said that the silos are used during an intermediate step between processes as storage and allows them to keep the height of the building down. He said that there are 3 processes and the product exits the mill like baby powder then goes for the beneficiation process which separates it. It then goes to the silos and later to the jet mill. After that, it goes to the compactor. They are not adding silos to the shipping area.
- U. Phil Carter, referring to the site visit, asked about 3 additional silos in the future.
- V. Michael Wold said if this product takes off, they will use the silos for the 2<sup>nd</sup> beneficiation process.
- W. Phil Carter asked why the stacks are so high and what comes out.
- X. Michael Wold said what comes out is part steam and part air. They are high for the dispersion and to get it away from the building so that air can move it away.
- Y. GT McNaughton said the stacks will be similar to the height of the existing stacks and the visual impact will not be that much.
- Z. Eddie Duncan said it gives better attenuation and the noise is up higher.
- AA. Phil Carter asked if there would not be color or odor.
- BB. GT McNaughton said yes. He added that the wells for the pelletization process are by the former Rainbow mine area. He said that ANR specifies a 2,000 foot interference zone which is supplemental in the Purdy document. He said that the only well within 2,000 feet is their own and will not have any impact on neighboring wells. There will be a fairly low withdrawal. He continued, saying that there will not be any impact on renewable energy, solar or wind. He said that they also filed a questionnaire with the Town Manager and he had no problems with the project. The project will add about 10 new employees over a 3-year period. The project will not affect parking or the employment permit.
- CC. Richard Harrison said that the fire department used to train Imerys personnel in case someone got pinned.
- DD. GT McNaughton said that they will cooperate with the fire chief. He said that the lighting on the silos will face to the south and will not be visible. They will only be used when people are working and the lighting will only be on the side of the building.
- EE. Robin Reilly said they will work with the fire department.
- FF. Phil Carter said that the stacks and penthouse require a variance for the height and they need to address the criteria.
- GG. GT McNaughton said that the property is located on the side of a mountain with a series of narrow ledges. The building cannot be lowered by digging down because the water level is 2 to 4 feet. They have to stay within the ledges. There is no way the property can be developed to comply with the regulations. The property is located in the Industrial District and mining is included. The location of the ore is there, as well as the railroad. They need the height to beneficiate the product and the building cannot be lowered into the ground. In order to keep mining in the area, they need the height. It also helps decrease the sound and gets the plumes up higher. The hardship was not created by the applicant. He said that we

did not put the ore there or the railroad. The water level is also high and that was not done by the applicant. They need the height for the process. The height of the stacks does not alter the character of the area, nor is it detrimental to neighbors. The area is zoned Industrial and heavy industry is allowed. They are not located in someone's backyard. The surrounding area is Residential/Commercial. They will not be clear cutting and there will not be an impact on renewable energy sources. This is the minimum variance for relief and the least deviation from the height limits. They cannot make the building shorter.

- HH. Phil Carter advised that in the 1800s, there was a whetstone quarry up there. He asked for more information about the lighting.
- II. Michael Wold said they would only turn the lights on when needed and the lights would in unobtrusive locations. They will use LED lights that can be turned on and off to save energy. The lights above the walkways will point south.
- JJ. GT McNaughton said the lights would only be used for repairs or maintenance at night and not frequently.
- KK. Marji Graf said that the Chamber of Commerce is excited about the project and that Lt. Governor, Phil Scott, had been to visit the site. There will be a story in the guidebook about it.
- LL. Phil Carter said that the discussion had covered the Act 250 information, such as schools, municipal services and town plan.
- MM. **MOTION by Julie Nicoll and seconded by Linda Petty to close these hearings. Motion passed unanimously.**

6. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of October 20, 2014.
- i. Phil Carter said that Item 4D on page 3, should say "12 feet wide and 22 feet long" and that the reference to the steps should say "less steep location."
- ii. On page 4, item 5I should read "...existing signs are not all working..."
- iii. **MOTION by John Boehrer and seconded by Julie Nicoll to accept the minutes from October 20, 2014 as corrected. Motion passed unanimously.**

7. **OTHER BUSINESS**

- A. **Extension Request from Winterplace C.O.A.**
- i. Rose Goings advised that a letter had been received from the COA requesting a two-year extension. They are hoping to go into contract on buildings U, V and W. Properties are not moving right now.
- ii. **MOTION by Phil Carter and seconded by John Boehrer to grant the 2 year extension. Motion passed unanimously.**
- B. **Other Permit Expirations/Extensions**
- i. Phil Carter noted that he thinks that there may be a bunch of other projects out there that may need extensions, such as Phase III of Jackson Gore, Talc and the Golf Course.
- ii. Rose Goings said that Okemo usually does file for extensions. She said that Talc was going to do it last year and the town has to file for it. It is a FEMA grant and not working out. She said we can get them to file.

- iii. Phil Carter said that if a permit is expired, the applicant has to re-file. There should be a way in the system to flag permits that are nearing expiration and to be able to notify the applicants.
- iv. Julie Nicoll said there is no access to the house at Talc anymore.

8. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by Linda Petty to adjourn this meeting.**  
**Motion passed unanimously.**
- B. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Lisha Klaiber

---

Phil Carter, Chairman

---

Julie Nicoll

---

John Boehrer

---

Linda Petty

---

Richard Harrison