

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**January 14, 2013**

**MEMBERS PRESENT:**

|              |                  |             |
|--------------|------------------|-------------|
| Phil Carter  | Richard Harrison | Linda Petty |
| John Boehrer | Julie Nicoll     |             |

**MEMBERS ABSENT:**

Rose Goings

**OTHERS PRESENT:**

|                |                |                         |
|----------------|----------------|-------------------------|
| Ella Briggs    | Eric Lever     | Robby Snider            |
| Angelo Chiari  | Sal Marottoli  | Don Stein               |
| Hank Clare     | Betsy Mitchell | Jeffrey Strong          |
| Cindy Dilworth | Jean Morrill   | Duncan Love – LPC TV    |
| Mike Doran     | Ted Reeves     | Lisha Klaiber, Recorder |
| Don Eatmon     | Andrea Sanford |                         |
| Robin Eatmon   | Bob Sanford    |                         |

1. **CALL TO ORDER**

A. Meeting opened at 6:11 p.m. by Phil Carter. All members present

2. **OPEN THE PUBLIC HEARING FOR RAY AHERN**

A. Phil Carter advised that this is an application to re-open the hearing for a three (3) lot subdivision. Property is located at 27 Sears Farm Road in the Town Residential Commercial District. The board requested further evidence. In the interim, Mr. Ahern sold the property. The new owners are not present. We did not know if the new owners could continue this hearing. We found out that there is no precedence in Vermont for a transfer of this process to the new owners. We recommend that the board dismiss this hearing and the new owners may, reapply under the zoning regulations requirements, if they choose to do so.

B. **MOTION by John Boehrer and seconded by Richard Harrison to dismiss this hearing, without prejudice. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR KELLEY REAL ESTATE, INC. c/o Donald Eatmon**

A. Phil Carter advised that this is an application to consider an amendment to a Planned Unit Development to change the former bagel restaurant into a real estate office. Property is located at Lamere Square, Building #2 in the Village Residential Commercial District.

B. Rose Goings advised that this is application 51-92-PUD, Amendment # 7. Posted in the Town Hall bulletin boards December 17, 2012, advertised in THE VERMONT JOURNAL on December 26, 2012 and abutting property owners were notified on December 20, 2012.

- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Donald Eatmon advised they wish to convert the space back into a real estate office. He said that it was, at one time, a real estate office. He said that on the main floor, there will be a reception area, offices, handicapped bathroom and conference room. There will be an office for computers on the second floor. The office will be open 7 days per week.
- E. Phil Carter asked about the footprint.
- F. Donald Eatmon said there would be no changes to the footprint.
- G. Phil Carter asked about Labor and Industry (L&I.)
- H. Donald Eatmon said that he will apply with them if the application is approved by this board. He added that he had already received a letter from Chief Kolenda regarding the project. He said the only changes would be to the interior of the building.
- I. John Boehrer asked the hours of operation.
- J. Donald Eatmon said 8:00 a.m. to 8:00 p.m.
- K. Phil Carter advised that Donald Eatmon would still need to check with L&I. He asked about parking.
- L. Donald Eatmon said there would be sufficient parking.
- M. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**

- A. Phil Carter advised that this is an application to consider an amendment to a Planned Unit Development to allow for the operation of a food vendor outside the Solitude Day Lodge. Property is located at 845 Okemo Ridge Road in the Mountain Recreation District.
- B. Rose Goings advised that this is application 094-95-PUD, Amendment # 7. Posted in the Town Hall bulletin boards December 17, 2012, advertised in THE VERMONT JOURNAL on December 26, 2012 and abutting property owners were notified on December 20, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Ted Reeves advised that Squeals on Wheels would like to locate its trailer by the Solitude Day Lodge. This is a temporary, movable trailer, but they would like to request that the permit be permanent, if possible. They are requesting an UP/DOWN vote this evening as they would like to proceed as soon as possible.
- E. Phil Carter asked if the trailer can be moved.
- F. Cindy Dilworth said yes.
- G. Phil Carter asked if L&I would be contacted.
- H. Ted Reeves advised that he had received an Ability to Serve letter from Peter Kolenda and Landon Wheeler has given his okay. They will be sending a check in for the permit tomorrow. There are fire extinguishers in the trailer and the building.
- I. Richard Harrison asked the hours of operation.
- J. Ted Reeves said 7:00 a.m. to 5:00 p.m.
- K. John Boehrer said that the L&I permit would be a condition of the permit.
- L. **MOTION by Julie Nicoll and seconded by Linda Petty to approve and close this hearing, pending letter from L&I. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR JEWELL BROOK DEVELOPMENT, LLC**

- A. Phil Carter advised that this is an application for an Amendment to a Conditional Use permit to modify the time line plan. Property is located at 1 Parker Avenue in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 300-CU-07, Amendment #2. Posted in the Town Hall bulletin boards December 17, 2012, advertised in THE VERMONT JOURNAL on December 26, 2012 and abutting property owners were notified on December 20, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Sal Marottoli at the October meeting, he applied for and received the approval for the creation of a phasing plan for the project. He would like to attach a time line to the
- E. Phil Carter advised that Rose Goings received the proposed phasing sketch on October 5, 2012. She received the time like on December 11, 2012 and it matches the phasing plan.
- F. Richard Harrison noted that the final completion was not scheduled until 2020.
- G. Sal Marottoli said that he would ask for latitude. With the current market conditions, sales are difficult to predict.
- H. Richard Harrison asked if Mr. Marottoli would be cleaning the yard up in the summer.
- I. Sal Marottoli said he hopes to start as soon as the weather breaks.
- J. Phil Carter said that the time line was submitted as follows:
  - i. Phase I to start prior to 12/31/2014
  - ii. Phase II to start prior to 12/31/2016.
  - iii. Phase III to start prior to 12/31/2018
  - iv. Phase IV to start prior to 12/31/2020
- K. John Boehrer commented that the site looks noticeably better since the buildings are down.
- L. Jean Morrill asked about the garage in the back.
- M. Sal Marottoli said he owns it.
- N. Phil Carter asked about the shed on the other side of the street.
- O. Sal Marottoli said he tried to buy it, but was not able to. He does not own it.
- P. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

6. **OPEN THE PUBLIC HEARING FOR FRANCIS AND MARIE MARINI**

- A. Phil Carter advised that this is an application for a two (2) lot subdivision. The property is located at 2155 Route 100 South in the Aquifer Protection District.
- B. Rose Goings advised that this is application SUB13-005. Posted in the Town Hall bulletin boards December 17, 2012, advertised in THE VERMONT JOURNAL on December 26, 2012 and abutting property owners were notified on December 20, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Don Stein advised that the applicants have 30 acres that they wish to subdivide. They would like to create 2 parcels, one with 5 acres and a house and leave the 25 remaining acres.
- E. Phil Carter read from the drawings that Lot #1 would have 5.01 acres and the house and Lot #2 would have 25.2 acres. He added that both lots are served by a driveway and asked if lot access would remain the same.
- F. Don Stein said yes.
- G. Phil Carter referred to the drawings and asked about a road to the other property owned by the Marinis. He asked if that was a ROW.

- H. Don Stein said no, just a service road.
- I. Julie Nicoll asked about access to the other property.
- J. Don Stein indicated road frontage on the drawing.
- K. Richard Harrison asked if the applicants would be subdividing the remaining 25 acres.
- L. Don Stein said yes, eventually.
- M. Phil Carter noted that the property is on the bear corridor.
- N. **MOTION by Richard Harrison and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
- O. Don Stein asked when they would receive a decision.
- P. Phil Carter said the board has up to 45 days to give their decision, but it is usually quicker.

7. **OTHER BUSINESS**

- A. Notice of Violation.
  - i. Rose Goings advised that she issued a Notice of Violation for a sign without a permit. The property is located at 485 Route 103 South.
- B. Minutes of November 26, 2012 – Dormer at Trailside
  - i. Rose Goings said that the minutes reflected that a bedroom had been discovered by L&I and as such, L&I wanted a dormer. Additional bedrooms are not allowed in loft areas of those units. She said that L&I may not condition a permit for something that is not allowed.
  - ii. Julie Nicoll said that this board did not sanction the bedroom.
  - iii. Phil Carter read Item #3 which said that the Division of Fire Safety (L&I) has required the dormer be installed for fire safety purposes. Phil Carter said that if there is one unit, then all units may want to put up a dormer. This would be changing a PUD permit.
  - iv. Rose Goings said that she does not know how L&I found out about the additional bedroom. L&I cited the owners with 4 violations. J. Moody, Assistant Fire Marshall saw the bedroom.
  - v. Phil Carter asked Rose Goings to check further into this. If the unit needs two means of escape, then all units would need to be changed. This board needs to know all of the details.
  - vi. Rose Goings said that if it is actually an additional bedroom, then the owners would need to apply for additional sewer allocation.
  - vii. Richard Harrison suggested they bring in Landon Wheeler from L&I. He added that if it is on the 3<sup>rd</sup> floor, they may also need sprinklers.
- C. Rose Goings advised that there would not be a meeting in February.

8. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of November 26, 2012.
- B. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes from November 26, 2012 as presented. Motion passed unanimously.**

9. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by Julie Nicoll to adjourn to Deliberative Session. Motion passed unanimously.**
- B. Meeting adjourned at 6:48 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