

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

January 9, 2012

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Peter Andrews	John Norton	Ron Tarbell
Betsy Berry	Gary Rapanotti	George Tucker
Ethan Gilmour	Angie Sanderson	Andrew Yannes
Frank Heald	Brett Sanderson	John Yannes
Peter Manship	Ted Stryhas	Lisha Klaiber, Recorder
Martin Nitka		Duncan Love – LPC-TV

1. **CALL TO ORDER**

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

2. **OPEN THE RECESSED PUBLIC HEARING FOR MATTHEW AND JULIE LAMB**

- A. Phil Carter said that this is an application 083-88-CU, Amendment #3, to amend a Conditional Use permit to change Wicked Good Pizza into office space and convert the barn into storage space. This hearing was recessed from the December 12, 2011 meeting. The property is located at 117 Main Street in the Village Residential Commercial District. He advised that a letter was received from the applicants withdrawing the application.
- B. Rose Goings advised that this is application. Posted on the Town Hall bulletin boards on November 17, 2011, advertised in THE VERMONT JOURNAL on November 23, 2011 and abutting property owners were notified on November 21, 2011. She advised that the applicants have requested a one month recess until the January meeting.
- C. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the applicant's letter to withdraw this application. Motion passed unanimously.**

3. **OPEN THE RECESSED PUBLIC HEARING FOR JOHN YANNES**

- A. Phil Carter advised that this is an application to consider subdividing existing Lot #5 into a 2-lot subdivision. Property is located on Sandra Drive in the Town Residential District. He noted that this hearing was recessed from the meeting of December 12, 2011. He reminded all who had spoken at the last hearing that they are still under oath and asked if anyone else wished to speak at this hearing. There was no one else. Phil Carter asked Ethan Gilmour if he would like to begin because he had submitted evidence at the previous hearing.

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- B. Ethan Gilmour said that the evidence that he had submitted was language from the Ludlow Town Plan that speak to this matter. He also had submitted language from the Chester and Andover town plans and noted that Chapter 10 of the Ludlow town plan calls for Ludlow to work with the bordering towns.
- C. Phil Carter asked Ethan Gilmour if the language indicated that the proposed subdivision is too heavy.
- D. Ethan Gilmour said the proposed subdivision is not appropriate based on the town plan.
- E. Gary Rapanotti said that the town plan does not say that the subdivision is inappropriate. He referred to section 9.2 and 9.4 of the town plan and said that this is a residential area and the lots are above the minimum lot size requirement.
- F. Phil Carter asked about the Wildlife Habitat map that Ethan Gilmour submitted. He asked if there are any deeryards there.
- G. Gary Rapanotti said there doesn't appear to be.
- H. Phil Carter asked if there had been a formal study done by the state.
- I. Gary Rapanotti said no.
- J. Ethan Gilmour said the suitability of the proposed subdivision is limited by the proximity to the deer winter areas. It is less than 1 mile away.
- K. Richard Harrison asked how many deer were up there.
- L. John Yannes said he had never seen any.
- M. Ethan Gilmour said he had seen a lot close by, but not on Lot #5.
- N. Phil Carter asked if the total acreage between the parcels was 34 acres.
- O. Gary Rapanotti said yes. He said they are looking to make the 5 lots into 6.
- P. Phil Carter asked if they have future plans to lot 6 and how many lots?
- Q. Gary Rapanotti said no more than 3 additional lots because of the terrain, septic and well suitability.
- R. Phil Carter asked if there are any long range plans, could they subdivide into 8 lots.
- S. Gary Rapanotti said not now. When Lot #5 sells, they will build a house on Lot 6, but there are no definite long range plans now.
- T. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR CHARLES MILLER JR., TRUSTEE AND CAROL MILLER**

- A. Phil Carter advised that this is an application for a Conditional Use Permit to allow for the extraction of gravel for the Town of Ludlow road repairs; the project is located on Sears Farm Road/Route 100 North in the Town Residential Commercial and Town Residential Districts.
- B. Rose Goings advised that this is application 19-07-CU, Amendment #1. Posted on the town hall bulletin boards on December 19, 2011, advertised in THE VERMONT JOURNAL on December 28, 2011 and abutting property owners were notified on December 19, 2011. She advised that letters are in and also a letter was received from Shirley Brand.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Martin Nitka distributed copies of maps and introduced Peter Andrews, engineer from Stantech. Martin Nitka said that in 2006, the Millers applied for the permit to extract 240,000 cubic yards of gravel from 12 acres at the same site, over a 12 year period. The application was denied. For a period of time after that, the state said that permits were no

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- longer needed to extract gravel, but recently reinstated the need for permits. The applicant wishes to 20,000 cubic yards of gravel on 2 acres at the bank behind the storage units.
- E. Peter Andrews said that the area affected would be about 130 feet deep and 300 feet wide.
- F. Martin Nitka said that after this they would apply to Act 250. All of the extraction would be done by the town. The town would use all of the gravel. The crusher would be in a hole and the gravel would be used to repair town roads. The town indicated to him that it is high quality gravel and would be used near to where it will be extracted.
- G. Phil Carter asked about the slope and swale at the bottom.
- H. Peter Andrews said the existing terrain is undulating and the area would be 130' x 300' by 20 feet deep. They will start at the intersection of the north side of the ROW then go south 300 feet and 100 feet west up the hill. The swale starts south of the ROW. They will keep the berm between the brook and gravel extraction site.
- I. Phil Carter noted that the swale is part of the conditions of Ted Stryhas' construction permit.
- J. Peter Andrews said it will taper back up and the town would plant when the extraction is done.
- K. Richard Harrison asked if there were any plans for future extraction.
- L. Frank Heald said this application is for a limited purpose. He has no idea about future plans.
- M. Martin Nitka referred to the letter dated January 6, 2012 from Shirley Brand.
- N. Phil Carter read from the letter and Ms. expressed the following concerns
- i. The project is limited to 2 acres
 - ii. The project will be completed in 1 year.
 - iii. The work will be done by town employees
 - iv. The gravel be used for repairs to town roads
 - v. Entrances and exits to and from the site will be via the existing ROW
 - vi. The town will reclaim the land after extraction
 - vii. The project id in response to this emergency only and not indicated in the future.
 - viii. She added that she is also concerned about noise pollution and days and hours of crusher use.
- O. Frank Heald advised that the crushing will be for one to two months at the end of the winter and the town will hire out the crushing because the town does not own a crusher. The hours of operation will be in line with town hours. Employees will get to the barn at about 7:00 a.m. and trucks will get to the site about 7:30 a.m. Workers will be leaving the site around 3:00 p.m. and there will not be any overtime.
- P. Phil Carter asked if they will stockpile the gravel on site.
- Q. Frank Heald said they would like to complete the crushing by April 1st and as soon as mud season is over, they will work on the town dirt roads. The town needs this material and this location is an easy haul to a fair amount of those roads.
- R. Peter Manship said the trucks made noise and Jake brake into the put. They need to limit the crushing hours. They bang the tailgates and that is noisy. They should not be allowed to Jake brake.
- S. Martin Nitka said that they will not be unloading and would not bang tailgates.
- T. Phil Carter asked Martin Nitka about noise mitigation and asked if there was a huge berm in front of the area and asked if that would remain.
- U. Martin Nitka said yes.
- V. Peter Andrews said the crusher will be in the hole. Much of noise is line of site and there would be no line of site. The bank to the north will stay. They may hear more noise from the south.

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- W. Peter Manship said asked if Peter Manship was the person who did the sound check. He said that the stone crusher will echo all over the place. He voiced concerns about zoning district restrictions.
- X. Phil Carter said that the DRB does not write the zoning and that Peter Manship would need to take concerns about district restrictions to the Planning Commission.
- Y. Richard Harrison said that we all live here. People who have problems can come in to talk to Frank Heald. He said that he sees no reason why they can't do this project.
- Z. Frank Heald said the project will have noise. There will be crushing, trucks, loaders, etc. The project is of limited duration and will run through parts next summer. The town has a lot of rods to fix over the next two summers. The proximity of this site to the roads will save taxpayers money. There was a fair amount of devastation on those back roads. This project is the cost efficient way to do it.
- AA. Phil Carter asked if they would mitigate as much as possible and not use Jake brakes.
- BB. Ron Tarbell said yes.
- CC. John Boehrer asked the crushing hours.
- DD. Frank Heald said after 7:00 a.m. into the afternoon. He noted that the fewer hours they crush per day, leads to more crushing days.
- EE. Phil Carter asked if they would bring in the crusher and how long it would be there.
- FF. Ron Tarbell said it would be brought in and be there for 4 weeks or so.
- GG. Frank Heald said they would make a pile of gravel.
- HH. Richard Harrison said that the crushing would be over before the summer when people have their windows open.
- II. Martin Nitka said there would be adverse effects but they would be short in duration.
- JJ. Linda Petty noted that if they haul all summer into the fall, they could have as many as 1,428 trips.
- KK. Peter Andrews said that trucks carrying gravel will be there, no matter where they start from.
- LL. Linda Petty asked if they would take steps to keep the dust down.
- MM. Frank Heald said they would.
- NN. Ron Tarbell said they would use chloride about once a week.
- OO. **MOTION by Richard Harrison and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

5. **OTHER BUSINESS**

- A. Rose Goings said that unless applications come in by this Friday, there may not be a February meeting.

6. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from October 24, 2011, November 14, 2011 and December 12, 2011.
- B. October 24, 2011
- i. Page 3, G - should read "Phil Carter asked if ..."
- C. November 14, 2011
- i. Page 6, C - should read "... started renovation and that they would..."
- ii. Page 6, M, 3rd line down – should read "The front part of the roof, even if you put it forward..."

- iii. Page 8, I – should read “Phil Carter verified with the applicant that there would...”
 - iv. Page 9, CC – should read “Phil Carter advised that the permit would be pending sewer allocations...”
- D. December 12, 2011
- i. Page 1, E – line 5 should read “Unit 261/262...”
 - ii. Page 1, E – line 6 should read “16 feet door.”
 - iii. Page 2, V – delete 2nd “if” (after Lucinda West.)
 - iv. Page 5, O – 1st line – should read “Frank Ohlmstead asked if they knew...”
 - v. Page 5, O – 2nd line – should read “...there was no notice then.”
 - vi. Page 6, P – 6th line down - should read “This is 5 feet...”
 - vii. Page 6, X – 3rd line down – should read “Our regulations...”
 - viii. Page 6, FF – 1st line - should read “Rose Goings said that her concern was her conversation with Mr., Schuyler...”
 - ix. Page 6, FF- line 2 – should read “They were told not to build the addition and they built it.”
 - x. Page 6, HH - should read “ Phil Carter asked Mr. Schuyler if anyone had ever ...
 - xi. Page 7, LL – should read “Frank Olmstead said they knew...”
 - xii. Page 7, SS 2nd line last word should be “buy.”
- E. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

7. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by John Boehrer to enter into Deliberative Session. Motion passed unanimously.**
- B. Meeting adjourned at 6:57 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison