

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

June 13, 2011

MEMBERS PRESENT:

Phil Carter, Chairman
John Boehrer

Richard Harrison
Julie Nicoll

Linda Petty
Rose Goings, Zoning Administrator

OTHERS PRESENT:

Gary Barto
Mike Doran
Beth Merrill

Lisa Merrill
Ralph Michael
Ted Reeves

Gerry Sheehan
Duncan Love, LPC-TV
Lisha Klaiber, Recorder

1. **CALL TO ORDER**

- A. Meeting opened at 6:05 p.m. by Chairman Phil Carter. All board members present.

2. **RE-OPEN THE PUBLIC HEARING FOR PAUL AND LINDA HAYNES**

- A. Phil Carter advised that this is an application 339-11-VA for a variance for the side line setback for a garage that was built too close to the property line and without a zoning permit. This hearing was recessed from the May 9, 2011 hearing. The applicant is working on the survey and a possible land swap with abutting property owner. The property is located at 957 Chapman Road in the Town Residential District. The applicants have requested a further recess until the July 11, 2011 meeting.
- B. **MOTION by Julie Nicoll and seconded by Linda Petty to recess this hearing until July 11, 2011. Motion passed unanimously**

3. **RE-OPEN THE PUBLIC HEARING FOR SANDRA LIEBERMAN REVOCABLE TRUST**

- A. Phil Carter advised that this hearing is application 128-98-PRD, Amendment #26 for a two (2) lot subdivision. Property is located at 901 Bixby Road Town Residential district. This hearing was recessed from the May 9, 2011 meeting. Phil Carter reminded all who spoke at the last hearing that they are still under oath and there was no one else who wished to speak.
- B. Ralph Michael advised that he revised the plan as per the request of this board and redesigned the septic system. The revised plans have been sent to the state and they amended the previous permit. The new design keeps the waste water, leach field and isolation areas entirely on the Lieberman property and meets with state environmental rules.
- C. Phil Carter asked how long it would be before they get the permit back from the state.
- D. Ralph Michael said the end of this week or next week. He will get a copy to Rose Goings. The other issue that was raised at the last hearing was the stream. He said that a stream is a current of water that flows continuously with defined banks. It starts 100 feet onto the Lieberman land. He was back to the site 2-3 weeks ago and there was no water in the stream. The source of the water is a small wet area on lot 5-1.

- E. Phil Carter asked if there were any plans to alter the stream.
- F. Ralph Michael said no.
- G. Richard Harrison asked how many bedrooms would be in the house.
- H. Ralph Michael said four.
- I. Beth Merrill asked how far the septic and leach field would be from the wetland and asked about the flags by the stream.
- J. Phil Carter clarified that Ralph Michael had said the stream would not be altered.
- K. Ralph Michael confirmed that and said that the distance is more than 100 feet and the dispersal of the leach field would be east toward the highway and not toward the stream. The grading will be much flatter and the slope less than 5°. The effluent would flow more slowly.
- L. Rose Goings advised that she had received 2 road name suggestions and would be sending them to the Select Board for their next meeting.
- M. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing. Motion passed unanimously.**
- N. Ralph Michael advised that he had brought the final Mylar with him to be signed if the hearing was closed.

4. **OPEN THE PUBLIC HEARING FOR PATRICIA POND AND ROBBIN FILION**

- A. Phil Carter advised that this is an application to amend a Planned Residential Development permit to allow for a mudroom addition located at 101 Village IV, Unit 41E in the Mountain Recreation District.
- B. Rose Goings advised that this is application 128-98-PRD, Amendment #28. Posted in the Town Hall bulletin boards May 20, 2011, advertised THE VERMONT JOURNAL on May 25, 2011, and the abutting property owners were notified on May 23, 2011. She advised that the agent for the applicant is not able to be here tonight and that she would talk about the project.
- C. Phil Carter advised that the DRB has heard this application for other units many times. He said that the footprint of the building would not change.
- D. Rose Goings said that there is an issue up at Trailside with water and that Peter Kolenda and the Home Owners' Association are working to correct it. The state suggested shutting off the fire protection hydrants because there may not be enough water. This should not affect this hearing.
- E. Phil Carter said that he also thought about this and it is being resolved on another plane and not an issue at this hearing.
- F. Richard Harrison said that he was contacted as past Fire Chief and told that another development up there may be having a similar problem.
- G. Phil Carter said that if this board gets an application that involves water it would be reviewed differently.
- H. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR GARY BARTO, COOL MOOSE CAFE**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit to consider allowing the Cool Moose Café screen in the front walkway for outside dining at the Okemo

Market Place. Property is located at 57 Pond Street in the Village Residential Commercial District.

- B. Rose Goings advised that this is application 85-105-CU Amendment #17. Posted in the Town Hall bulletin boards May 20, 2011, advertised THE VERMONT JOURNAL on May 25, 2011, and the abutting property owners were notified on May 23, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He advised that anything that was discussed at the site visit was not on the record, so anything they want on the record must be discussed at this hearing.
- D. Gary Barto advised that he wants to enclose the existing walkway to make a covered porch. It would run the entire length of the restaurant – post to post – 79’10”. There would be header and knee walls with screens. There will be 2 3-foot doors and a curb cut for a handicap ramp. There would be 2 handicapped parking spaces.
- E. Richard Harrison asked if there would be music.
- F. Gary Barto said no.
- G. Richard Harrison said that at the site visit they mentioned having 8 round tables out there, 4 on either side.
- H. John Boehrer asked to verify that the seating would be taken from the inside seating and not be in addition to it.
- I. Gary Barto confirmed the 8 tables and seating to be taken from the inside total.
- J. Phil Carter asked if fire egress would be impeded in any way.
- K. Gary Barto said no.
- L. Phil Carter asked if the landlords have agreed to this.
- M. Rose Goings said there is a letter but you can’t read the signatures.
- N. Phil Carter asked Gary Barto to get a clear copy.
- O. Gary Barto submitted a cover letter from the correspondence with the landlord.
- P. Richard Harrison asked about alcohol.
- Q. Gary Barto said it would have controlled entrances and exits.
- R. Phil Carter asked if there would be any changes to lighting.
- S. Gary Barto said he had not discussed that with the landlord, but does not think they would have to make any changes to the lighting.
- T. Linda Petty noted that there was something over the door that may block in case of fires.
- U. Gary Barto said it is a curtain and can be removed.
- V. Rose Goings asked about letters from local fire, ambulance and police.
- W. Gary Barto said he had spoken to Scott Adnam.
- X. Rose Goings said that she had not received anything in writing from him and that Gary Barto also needs to get letters from the Ludlow Police, Fire and Ambulance departments.
- Y. John Boehrer asked about hours of operation.
- Z. Gary Barto said they would remain the same.
- AA. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
- BB. Gary Barto asked what happens now.
- CC. Phil Carter said that the DRB would send him a decision within 45 days and that there is a 15-day appeal period following that.

6. **OPEN THE PUBLIC HEARING FOR CNL INCOME OKEMO MOUNTAIN, LLC**

- A. Phil Carter advised that this is an application for local Act 250 Review to consider installation of a miniature golf course. Property is located at Jackson Gore Road in the Jackson Gore

Recreational District. Phil Carter advised that John Boehrer would recuse himself from this hearing with a conflict of interest. He said that when the Okemo plans to build a miniature golf course came to his attention; he felt that the permit should have been amended to include the miniature golf course.

- B. Ted Reeves thanked the board for scheduling a special hearing on June 27th to accommodate the amendment. He said that if he had known this needed to be done, he would have done the 2 hearings together.
- C. Phil Carter advised that he would not be at that hearing and that Julie Nicoll would chair it. He said the board can still do the Act 250 hearing now.
- D. Ted Reeves said that he had been back and forth on this and had spoken to Larry Slason. He has submitted that application for the amendment.
- E. Rose Goings advised that since Phil Carter would not be at the next meeting and John Boehrer is recusing himself, all remaining board members must attend in order to have a quorum. She advised that this is application 342-11-Act 250. Posted in the Town Hall bulletin boards May 20, 2011, advertised THE VERMONT JOURNAL on May 25, 2011, and the abutting property owners were notified on May 23, 2011. She said that she did not receive a letter from the fire department.
- F. Phil Carter administered the oath to all wishing to speak at this hearing. He said that they would only discuss the items pertinent to the Local Act 250 Review and would not be discussing any items that would be discussed at the permit amendment hearing.
- G. Mike Doran referred to drawings and showed the proposed location of the miniature golf course. It would be located at the base of the mountain coaster and there would be 18 holes. Referring to the 3 criterion, he proceeded.
 - i. Criterion 6 Educational Impact – Mike Doran advised that this is not a residential development and no students would be added to the schools.
 - ii. Criterion 7 Impact on Municipal Services – Mike Doran advised that he requested letters from the various town and village department heads on May 16. He will follow up on them. He said that the miniature golf course would be accessed from existing roads that are maintained by Okemo. He said that the access road for Emergency vehicles is and will continue to be maintained. The project will not have water, sewer, and electric and will not be lit.
 - iii. Criterion 10 – Conformance to Town Plan – Mike Doran said that this project will conform to the town plan in that is it located in the Jackson Gore Recreational District and will complement the resort and destination.
- H. Phil Carter asked if this would be a permanent construction.
- I. Mike Doran said yes. It would be formed concrete, landscaping and AstroTurf.
- J. Rose Goings asked if the state Act 250 waived the permit amendment.
- K. Ted Reeves said that they didn't. The hearing was closed at 5:00 tonight and they need to do some wetlands work. There were no other comments.
- L. **MOTION by Linda Petty and seconded by to close Julie Nicoll this hearing. Motion passed unanimously.**

7. **OPEN THE PUBLIC HEARING FOR GERALD SHEEHAN**

- A. Phil Carter advised that this is an application for Local Flood Hazard Review to replace 2 mobile homes in the Black River Mobile Home Court in the Special Flood Hazard Area of the Village Residential Commercial District. Property is located at 36 Main Street, Lots 5 and 7.

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- B. Rose Goings advised that this is application 327-11-FHR. Posted in the Town Hall bulletin boards May 20, 2011, advertised THE VERMONT JOURNAL on May 25, 2011, and the abutting property owners were notified on May 25, 2011. She advised that she has received letters from Police, Fire, Ambulance and Electric departments as well as a letter from Rebecca Pfeiffer from the State Water Quality Division.
 - C. Phil Carter administered the oath to all wishing to speak at this hearing.
 - D. Gerry Sheehan explained that he wishes to replace 2 older mobile homes at the park. Unit 5 will be 14' x 60' and Unit #7 will be 14' x 70'. These 2 new units will be placed above the 100 year flood level and will result in a decrease on the impact to the flood hazard area. There will be concrete foundations.
 - E. Phil Carter asked for an overview.
 - F. Ralph Michael explained that he wrote a letter to Rebecca Pfeiffer about units 5 and 7. The new homes will be in the same category. Unit 5 was 52' x 12' will be replaced with the larger size. There will be the same number of support blocks to anchor it and the units currently obstruct the floodway because they sit below the flood level. Once they are raised up, the impact will decrease. He said that Rebecca Pfeiffer said that this will be a better situation. We are replacing existing units.
 - G. Phil Carter said that Ralph Michael's letter dated February 3, 2011, to Rebecca Pfeiffer gives all of the specifications and details and her response of March 11th acknowledges it.
 - H. Julie Nicoll asked why the size difference.
 - I. Gerry Sheehan said that they don't make the old 12 by's any longer. The new ones are nicer to look at and 14' x 60' is the next size up and with the new foundation, will sit about 1 foot higher than the old one. They will have collapsible skirts for moving water.
 - J. Linda Petty noted that unit 15 is higher than the others.
 - K. Gerry Sheehan said it is the same plan as these will be.
 - L. Richard Harrison said that the plans show what he is doing. He asked how deep the water was in the 1973 flood.
 - M. Gerry Sheehan said between his knees and waist. He added that they did not lose any homes in that flood or propane tanks.
 - N. Richard Harrison asked if he will be replacing more units in the future.
 - O. Gerry Sheehan said yes and these are the first 2.
 - P. Rose Goings said that she lived in unit 8 and there was a flood when she was there where the water came up to the top of the stairs. If her unit had been higher, it would have been fine.
 - Q. John Boehrer asked what the letters NGVD and NAVD on the drawings signified.
 - R. Ralph Michael said that NGVD referred to the 1929 basis of the vertical grid and NAVD was the North American Vertical Grid datum from 1983.
 - S. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

8. **OPEN THE PUBLIC HEARING FOR VINCENT AND LUCINDA WEST**

- A. Phil Carter advised that this is an application for Special Flood Hazard Review of an application to consider building a structure in the Special Flood Hazard Area in the Lakes District. Property is located at 62 Red Bridge Road. He said that a letter was received from the applicants requesting a recess until the July 11th meeting.
- B. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until the July 11, 2011 meeting. Motion passed unanimously.**

9. **OTHER BUSINESS**

- A. Sign Mylars
 - i. Phil Carter signed Mylars for Gerard McGuinness and Sandra Lieberman Revocable Trust.
- B. Approve Minutes
 - i. Phil Carter advised that the minutes to be approved are from May 9, 2011. He asked board members for comments.
 - ii. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from May 9, 2011 as written. Motion passed unanimously.**
- C. Future Meetings
 - i. Phil Carter advised that there will be a special meeting for Okemo Miniature Golf Course on June 27, 2011 at 5:00 p.m. The next regular meeting will be held on July 11, 2011.

10. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by Julie Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:52 p.m.

Respectfully submitted,
Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison