

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

September 8, 2014

MEMBERS PRESENT:

Phil Carter Richard Harrison Julie Nicoll

MEMBERS ABSENT:

John Boehrer Linda Petty

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Jules Chatot	Ralph Michael	Herb Wisch
Rick Cross	Betsy Mitchell	Lisha Klaiber, Recorder
Amy Czerwiec	Mary Jane O'Hara	Steve Seitz, LPC TV
Keith Czerwiec	Steve Rolka	
Mariel Meringolo	Daryl Wisch	

1. **CALL TO ORDER**

- A. Meeting opened at 6:00 p.m. by Phil Carter. Linda Petty and John Boehrer absent.
- B. Phil Carter advised all that there is a quorum.

2. **OPEN THE PUBLIC HEARING FOR AMY CZERWIEC dba Just Doggin' It**

- A. Phil Carter advised that this is an application to amend a Planned Unit Development Permit to change a former hair salon into an 8 seat restaurant. The project is located at 2 Lamere Square in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 51-92-PUD, Amendment #9. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 18, 2014, advertised in THE RUTLAND HERALD on August 20, 2014 and abutting property owners were notified on August 19, 2014.
- C. Phil Carter administered the oath to all (Amy Czerwiec, Keith Czerwiec, Mary Jane O'Hara, and Betsy Mitchell) wishing to speak at this hearing.
- D. Keith Czerwiec advised that they wish to create a café, with gourmet hot dogs for take-out or eat in. It will have 8 seats and they will serve a variety of hot dogs, such as kielbasa dogs. They will also serve cappuccino, espresso, coffee, tea and hot cocoa. There will be no grease cooking and no Frialator. The hours of operation will be from 6 a.m. to 11:30 p.m. They will serve breakfast, lunch, dinner and late night snacks or light meals. They will follow all health codes. There will be a 3 bay sink and drain trap filter.
- E. Phil Carter asked if they have contacted Landon Wheeler (fire marshal.)

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- F. Keith Czerwiec said that they have. They sent him a copy of the menu and structural plan and Landon Wheeler is okay with it as long as there is no open grease cooking and he has no issue with the menu. He said that if they choose to do a self-contained frialator, Mr. Wheeler has told them that they are okay in Vermont and do not need a hood. He said they have also spoken to Ralph Pace and he is okay with the project. They sent plans to Police, Fire and Ambulance departments. There will be no additional improvements.
 - G. Phil Carter asked about letters from the departments.
 - H. Rose Goings said the only one received is ambulance.
 - I. Phil Carter asked if Mr. Wheeler has required a sprinkler system.
 - J. Keith Czerwiec said no. Cooking will be electric, steam or water based.
 - K. Phil Carter asked about fire extinguishers.
 - L. Keith Czerwiec said they have a K-Class extinguisher. He said that they have been in business since 2006, from a cart to a shop in the Hampshire Mall.
 - M. Phil Carter asked if the business would be all on one floor.
 - N. Keith Czerwiec said yes.
 - O. Phil Carter asked if it will be as the building currently exists.
 - P. Keith Czerwiec said yes, except for the 3 bay sink and trap.
 - Q. Phil Carter advised the applicants that if a permit is granted, it would contain any conditions required by the fire and police departments and the fire marshal.
 - R. Keith Czerwiec said that he had contacted the fire and police departments before he sent them any paperwork.
 - S. Julie Nicoll asked about outside lighting changes.
 - T. Keith Czerwiec said there would not be any changes. He said they may have a propane heat lamp for winter use and that would be with Mr. Wheeler's permission.
 - U. Amy Czerwiec asked about the existing lights at night.
 - V. Keith Czerwiec asked if they did want to put up lights, would they have to get an additional permit.
 - W. Phil Carter said that if the lights were not distracting or a nuisance to other property owners or spotlights that would affect drivers' visions, it would not be an issue for this board.
 - X. Julie Nicoll suggested they speak to Landon Wheeler, adding that Goodman's has lights.
 - Y. Phil Carter said it may be dark there at night.
 - Z. Keith Czerwiec said they may plan on a lamppost and holiday lights.
 - AA. Phil Carter suggested they also speak to their landlord.
 - BB. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing pending letters from fire, police and the fire marshal and any conditions imposed by them. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR DARYL WISCH**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to change offices into retail space. The property is located at 196 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 105-96-CU, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 18, 2014, advertised in THE RUTLAND HERALD on August 20, 2014 and abutting property owners were notified on August 19, 2014.
- C. Phil Carter administered the oath to all (Daryl Wisch, Herb Wisch and Mary Jane O'Hara) wishing to speak at this hearing.

- D. Daryl Wisch advised that she currently has The Next Chapter at the former Kelley Real Estate site and would like to move to 196 Main. The store is a women's boutique and also sells children's interactive toys. It will have dress racks and shelves.
- E. Richard Harrison asked the hours of operation.
- F. Daryl Wisch said 10 a.m. to 9 p.m. seven days per week.
- G. Phil Carter asked if all of the changes being made would be inside the building.
- H. Daryl Wisch said yes.
- I. Phil Carter advised that a drawing, submitted as evidence, shows an office in the back.
- J. Daryl Wisch said it was an office.
- K. Phil Carter noted that the drawing also shows 2 storage areas and 1 dressing room.
- L. Daryl Wisch said there would only be one storage area.
- M. Phil Carter asked about entrances.
- N. Daryl Wisch said the door on the left would be the entrance. There is also an exit out of the back of the building.
- O. Phil Carter asked if they had contacted Landon Wheeler.
- P. Mary Jane O'Hara said that Mr. Wheeler wrote a note, indicating that everything is okay. The upstairs is to remain unrented and if they want to rent it, they must contact Landon Wheeler.
- Q. Phil Carter noted that Mr. Wheeler had been there today and it is okay to open the walls and doors to the design submitted, but that they cannot occupy the 2nd floor without his approval.
- R. Julie Nicoll asked about a handicap ramp.
- S. Mary Jane O'Hara said they can't do that as it is not wide enough. She asked the board for an up/down vote.
- T. Motion by Richard Harrison and seconded by Julie Nicoll for an up/down vote. Motion passed unanimously.
- U. Phil Carter asked board members to vote in favor of the permit request, all in favor.
- V. Phil Carter advised the applicants that there is a 15 day appeal period.

4. **OPEN THE PUBLIC HEARING FOR OKEMO TUTORIAL PROGRAM, INC.**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit and for a Design Review to construct a 5,412 square foot fitness facility. The property is located at 53 Main Street in the Preservation and Village Residential Commercial Districts.
- B. Rose Goings advised that this is application 86/87-155-CU, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 18, 2014, advertised in THE RUTLAND HERALD on August 20, 2014 and abutting property owners were notified on August 19, 2014.
- C. Phil Carter administered the oath to all (Ralph Michael, Jules Chatot, Mariel Meringolo, Rick Cross, Steve Rolka) wishing to speak at this hearing.
- D. Mariel Meringolo said that the Okemo Mountain School is a state approved academy for athletics and academics. The academic courses are from the sending schools and the program year runs from November through April. The school helps with physical conditioning and they lack a facility for strong dry land training and conditioning. They did add a trampoline last year. They need a weight workout facility and the mountain facility is not ideal because of available times and guests. It is essential to their mission as a school to have this facility. They are in the Preservation District and the building would be

- designed to fit in, architecturally, with the existing building and to look like a barn and to tie into the history of the existing building.
- E. Ralph Michael advised that the original site plan was submitted on August 14th and they have since submitted a narrative and 2 site plans. They will use the same entrance and parking area. They will have defined parking spaces and, based on Ludlow regulations, there are more than enough parking spaces. The building will be 5,412 square feet and there is a silo-type structure to be used for the trampoline. There will not be access from Washburn Lane. The building is an accessory use, a fitness facility. They will share utilities with the existing building but there will be a new sewer line run. There will be landscaping along the Rolka side of the property. They will have to remove some trees for the building, but the apple and maple trees in the front will stay. The area on the Main Street side will stay for overflow parking.
- F. Phil Carter asked if the buildings are connected.
- G. Ralph Michael said no. He added that it would be a one story building.
- H. Phil Carter asked if the site where the trampoline is now located would revert to lawn.
- I. Mariel Meringolo said yes and there would be grass and flowers.
- J. Ralph Michael said there would be a walkway between the buildings.
- K. Phil Carter asked if the fitness facility would be for the exclusive use of the school.
- L. Mariel Meringolo said yes for now, but maybe later they would open up a partnership with the community.
- M. Richard Harrison said that he has a problem with the bright blue color. It would stand out like a sore thumb. It would be okay for the trim.
- N. Ralph Michael said that Ludlow Zoning allows for schools in Article 5. He said there is a public use exemption and it should be the intent to allow schools in the Residential Commercial and Preservation Districts. Article 510.3 is a special public use exemption.
- O. Jules Chatot introduced himself, advising that he is an architect. Referring to drawings, he indicated where various rooms would be, where the showers and drinking fountains would be, a yoga area, an assembly area, a trainer room and offices. The intent is to keep a low building height and make the silo higher. The siding would be clapboard and the cupola would be for air intake and exhaust. He indicated the large glass area and said there would be a rolling barn door. The silo would have a 24 foot diameter and would be 37' 4 1/2 inches tall with padded walls and floors. There would be vertical wood to give the appearance of an old silo. The lowest would be just over 11 feet, giving a mean, average height of 24' 3" and would be in scale with the existing building. The color blue would not be uncommon for old farms and would not be as bright as it appears in the drawings. The intent is navy blue with tan trim.
- P. Phil Carter asked if the tan would be the same as the house.
- Q. Mariel Meringolo said that next summer, they are thinking about painting the house the tan of the barn trim with the navy trim. However, they are not married to the color and if it is a hurdle, it would be no big deal.
- R. Phil Carter asked about the upstairs.
- S. Jules Chatot said there would be for the mechanical equipment, possibly gas fired heating and ventilating. This would save on the footprint.
- T. Phil Carter asked about access to the mechanical equipment.
- U. Jules Chatot said there would be a fixed ladder in the janitor's room.
- V. Phil Carter asked about exterior lighting.
- W. Jules Chatot said there would not be a new pole.

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- X. Ralph Michael said there may be some low walk lights between the buildings just to light the walkway. It would be directed down. The 2 lights in the front, that are existing, would remain.
- Y. Mariel Meringolo said that there are no plans at this time for more lights. She said that they are mostly done by 6 p.m. and it would be fine with the current lights. The gym would mostly be used during normal school hours.
- Z. Julie Nicoll asked what material would be used for the roof.
- AA. Jules Chatot said asphalt shingles, black with dark gray on it. The roof lines would be 8:12 and 3:12 on the building and 4:12 on the silo.
- BB. Phil Carter referred to the drawing and asked if there would be bands on the silo as indicated.
- CC. Jules Chatot said that their thoughts are to carry the hoops to counter the vertical lines, but they have not decided. There will be a stud frame and roof brace.
- DD. Phil Carter asked how high the students can jump (on the trampoline.)
- EE. Jules Chatot said there would be a 25 foot clearance, safety harness and cross member.
- FF. Phil Carter asked about the Fire Marshal.
- GG. Rick Cross said they plan to file with them this week.
- HH. Phil Carter said that would be a requirement.
- II. Rose Goings said that they still need a letter from the fire department and municipal water/sewer allocations.
- JJ. Phil Carter noted that the applicants still need to get report from Fire & Safety, the Ludlow Fire Department and Municipal water/sewer.
- KK. Steve Rolka advised that he has spoken with Mariel Meringolo and Ralph Michael and does support the building 100%. He does have concerns. When was the school incorporated in its current location?
- LL. Mariel Meringolo said 1997.
- MM. Steve Rolka voiced concerns that the students ride back and forth between their parking lot into his. He said that he has advised the police, but has been told that it is his problem.
- NN. Mariel Meringolo said that she apologizes for the problem and added that the school also has people in its lot that do not belong there.
- OO. Steve Rolka said they go from the school lot to his and back. He has seen the tire tracks. He added that the state \says the town has a responsibility to prevent big buildings in the Preservation District. He said that under the current zoning regulations, he can't support this project. How can the school bypass the Preservation District regulations? He does not want to see this be a fly-by decision by the DRB.
- PP. Phil Carter said that the DRB does not do fly-by decisions. We look at the regulations, state statutes and all of the evidence. He added that part of Mr. Rolka's permit would be the landscaping that would prevent those crossovers.
- QQ. Steve Rolka said that the Farmers' Market people walk across his property. He said he would landscape.
- RR. Phil Carter said that when Mr. Rolka presented his project, Phil Carter thought there was a nice landscaping plan along that side.
- SS. Steve Rolka said he has reported these cars and people walking or driving across and has not gotten any help from the police. He said if there is a Rolka Rule for buildings, it must apply to all. He would like to see the rules changed so there could be more development in the area.
- TT. Phil Carter said that the Planning Commission is responsible for creating the regulations and that Mr. Rolka may want to take his suggestions or comments to them. He asked Ralph Michael about their landscaping.

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- UU. Ralph Michael said that Joe and Steve Rolka built a nice wall on the back line. He said that after the site visit, we discussed landscaping to suit both properties, maybe a hedge, abovortae or cedar and limiting the height.
 - VV. Steve Rolka said some of this depends on Joe Rolka. Maybe the school would just need low shrubbery if Joe does the wall.
 - WW. Mariel Meringolo asked if Mr. Rolka is considering extending the wall.
 - XX. Steve Rolka said yes. They may make a u-opening. They need to discuss this with Joe Rolka.
 - YY. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing pending letters from the Fire Marshal, the Ludlow Fire Department and the Municipal Water/Sewer allocation. Motion passed unanimously.**

5. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of August 11, 2014. He suggested that the minutes be reviewed at the next meeting as they will have a full board.

6. **OTHER BUSINESS**

- A. There was none.

7. **ADJOURN**

- A. **MOTION by Julie Nicoll and seconded by Richard Harrison to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison