

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

October 20, 2014

MEMBERS PRESENT:

Phil Carter	Richard Harrison
John Boehrer	Julie Nicoll

MEMBERS ABSENT:

Linda Petty

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Peter Alberti	Trevor Benson	Kim Shepherd
George Benson, Sr.	Jim Goss	Russ Shepherd
George Benson, Jr.	Ralph Michael	Lisha Klaiber, Recorder
Mary Benson	Mary Perreault	Luke Chrisinger, LPC TV

1. **CALL TO ORDER**

A. Meeting opened at 6:00 p.m. by Phil Carter. Linda Petty absent.

2. **OPEN THE PUBLIC HEARING FOR THOMAS AND THERESA MONTIMINY**

- A. Phil Carter advised that this is an application to amend a Planned Residential Development Permit to allow for a mudroom addition. The project is located at 308 Trailside Ext, 35B Trailside Iroquois, located in the Mountain Recreational District.
- B. Rose Goings advised that this is application 128-98-PRD, Amendment #45. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 2, 2014, advertised in THE VERMONT JOURNAL on October 1, 2014 and abutting property owners were notified on October 2, 2014.
- C. Phil Carter administered the oath to all (Peter Alberti) wishing to speak at this hearing.
- D. Peter Alberti advised that this is another of the mudroom enclosure projects. It will be the same as all previous projects.
- E. Phil Carter asked if there would be any changes.
- F. Peter Alberti said no. They are using the same specifications. He added that this will be the last for this year, but hopefully more next year.
- G. Phil Carter explained to others present that this is a simple enclosure and the board has processed many others the same as this one
- H. Rose Goings advised that none of the others have come for their Certificates of Occupancy and that requirement is part of the permit. She asked Mr. Alberti for a list of all of the others that have been done.
- I. Peter Alberti said he would get the list to Rose Goings.
- J. Phil Carter asked Rose Goings if she would then go and inspect the projects.

- K. Rose Goings said yes.
- L. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR MARY PERREAULT**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to allow razing of one (1) side of a barn that is attached to the house. The property is located at 6 Depot Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 426-15-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 2, 2014, advertised in THE VERMONT JOURNAL on October 1, 2014 and abutting property owners were notified on October 2, 2014.
- C. Phil Carter administered the oath to all (Mary Perreault) wishing to speak at this hearing.
- D. Mary Perreault explained that she has been informed by her insurance company that they would no longer insure her property. The barn is co-owned and the property line goes through the center of the barn. She has tried 5 other insurance companies and none of them would insure the property. She has spoken to her attorney and tried to speak to the neighbors. The only solution is to remove her portion of the barn. She has spoken to a contractor who will shore up the remaining walls of the barn.
- E. Phil Carter asked, to clarify, if Mary Perreault and the neighbors each own one half of the barn and that her half is attached to her house.
- F. Mary Perreault said yes.
- G. John Boehrer asked if she pays insurance on the whole barn.
- H. Mary Perreault said yes. The neighbors are covered because they have other buildings that are separate and are covered. The property has been like this for many years. Her parents had owned the property. She advised that she and the neighbors each have separate access to the barn and it will probably continue to be an issue.
- I. Phil Carter asked if the issue is not resolved, would she lose the insurance on the whole house.
- J. Mary Perreault said yes and the insurance will be terminated effective April 1, 2015. She said that the contractor is ready to go and would like to get started before the weather gets bad.
- K. Richard Harrison asked if there was any way, maybe a firewall, to not tear down the barn.
- L. Mary Perreault said no. The insurance company would still cut us off. She has tried many other companies and ways. She said that the neighbors do not want to get rid of their half of the barn. We are paying for the full footprint. It was built in 1900.
- M. John Boehrer asked if the contractor is concerned about the structural integrity of the remaining half.
- N. Mary Perreault said no. He thinks it will be okay and he will shore up the wall with concrete. He is confident he can do it.
- O. **PHIL CARTER ASKED THE BOARD FOR AN UP/DOWN VOTE TO APPROVE THIS APPLICATION DUE TO THE TIMING AND WINTER COMING. MOTION PASSED UNANIMOUSLY.**
- P. Phil Carter advised the applicants that there is a 15 day appeal period. He told Mary Perreault that Rose Goings would help her.
- Q. Mary Perreault said that the contractor has started shoring up the walls, and asked if they could start taking the walls down before November.
- R. Phil Carter said it would be at her own risk. If the neighbor appeals, she may have to rebuild.

4. **OPEN THE PUBLIC HEARING FOR RUSSELL AND KIMBERLY SHEPHERD**

- A. Phil Carter advised that this hearing is an application for Local Flood Hazard Review to consider a proposed tear down of an existing deck and rebuild of a larger deck. The property is located at 113 Lake Pauline Road in the Special Flood Hazard Area of the Lakes District.
- B. Rose Goings advised that this is application 424-15-FHR. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 2, 2014, advertised in THE VERMONT JOURNAL on October 1, 2014 and abutting property owners were notified on October 2, 2014.
- C. Phil Carter administered the oath to all (Kim and Russell Shepherd) wishing to speak at this hearing.
- D. Kim Shepherd advised that they wish to tear down the existing deck and rebuild one that would wrap around the left side and around the front. The left side would be 12 feet and the front would be 22 feet. They would eliminate 2 sets of very steep steps and relocate the steps to a less steep space. She said they would move the stairs closer to the road.
- E. Russell Shepherd said one set of stairs is 7 steps and the other is 8 steps.
- F. Rose Goings said the property is in the Flood Hazard Area and they have received a letter from Josh Carvajal of ANR. In his letter, he wrote that all materials must be flood damage resistant and in compliance with the development standards for the town regulations. He noted that deck connectors and fasteners had not been identified on the materials list and need to be galvanized metal or similar exterior grade material. Rose Goings advised that the applicants have received their state permit.
- G. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR GEORGE BENSON, SR. AND GEORGE BENSON JR.**

- A. Phil Carter advised that this is an application to consider an Appeal of the decision by the Administrative Officer to replace all pre-existing, non-conforming signage for Benson's Chevrolet. The project is located at the corner of Pond and Main Streets in the Village Residential Commercial District.
- B. Julie Nicoll advised that this is application 425-15-AP. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on October 2, 2014, advertised in THE VERMONT JOURNAL on October 1, 2014 and abutting property owners were notified on October 2, 2014.
- C. Phil Carter administered the oath to all (George Benson, Sr., George Benson, Jr., Ralph Michael and Jim Goss) wishing to speak at this hearing. Phil Carter cautioned all parties that this is a new hearing and any past testimonies at the Variance Hearing would need to be repeated. They are starting with a clean slate.
- D. Jim Goss advised that it is unusual for a business in Vermont to expand and this is part of the expansion. He asked the board to refer to the drawings. There are five components to the signage. The bowtie (Chevrolet logo), the Chevrolet letter set, the Certified Service letter set, the letter set with the name of the dealership, and the freestanding Chevrolet sign. He said that all of the pre-existing, non-conforming, old signs will be removed. They totaled 117 square feet. This is a situation of new maintenance and replacement. The total square footage for the new signs will be 114 square feet, making the new square footage less than the existing signs. The signs are not overwhelming and reasonable considering the setback from the road. There is a provision in the zoning regulations to continue pre-existing non-conforming structures. Signs are considered

- structures. We will remove the existing signs and replace with smaller signs making this a continuation.
- E. Phil Carter said that this is new for this board and asked if this has happened anywhere else in Vermont. You will be taking a non-conforming situation and changing it completely with the new signs still non-conforming.
- F. Jim Goss said that he can't say this has happened elsewhere in Vermont. He said that Repair and Maintenance are not defined in the zoning regulations. He said the board has the ability to approve this application. He added that he does not know of another town with the exact zoning regulations as Ludlow.
- G. Phil Carter said that this can be based on plain language. He read from THE AMERICAN CENTURY DICTIONARY, the definitions of Maintenance and Repair, and asked how this could be considered Maintenance or Repair.
- H. Jim Goss said that replacement can be considered repair.
- I. George Benson, Jr. said that the lights in the existing signs and not all working and will need to be replaced.
- J. Jim Goss said it is common sense to replace the signs for the new dealership and for the old signs to be removed. He said that he had prepared and submitted a 2 page narrative that includes information about the signs, pictures and sizes. The sizes are as follows:
- i. Chevrolet Bowtie – 13.37 square feet
 - ii. Chevrolet letter set – 35.37 square feet
 - iii. Certified Service – 13.68 square feet
 - iv. Benson's letterset – 10.17 square feet
 - v. Freestanding Chevrolet sign – 41 square feet and 20 feet high.
- He added that the new signs are also a safety issue, directing people where to go. He indicated each sign on the drawings.
- K. Julie Nicoll asked how high the old sign is.
- L. Ralph Michael said almost 29 feet.
- M. Phil Carter asked about lighting.
- N. Ralph Michael said externally illuminated, low power.
- O. Jim Goss said they will be Act 250 compliant and lit from above.
- P. Ralph Michael said the lights on the front of the building will be small wall packs and shine down.
- Q. Julie Nicoll advised that the lighting must also meet Ludlow zoning regulations, not just Act 250.
- R. Phil Carter asked if you would be able to see the bulbs.
- S. Ralph Michael said no. The lights on the building would be cast down and not far out.
- T. Phil Carter asked if there would be flood lights. He said that there are signs in Ludlow that have lights on them. He added that Ludlow regulations do not allow internally lit signs. You may have lights on top, shining down.
- U. Jim Goss said that Act 250 allows it if bulbs are not visible.
- V. Phil Carter said that this board is concerned about lights that disturb the neighbors or are distracting to drivers.
- W. Jim Goss said that the lights will have shielding as per Act 250. He said there would be external illumination for the free standing sign.
- X. Phil Carter asked if the free standing sign would be in the exact location as the existing free standing sign.
- Y. Ralph Michael said yes.
- Z. Richard Harrison said that the signs presented tonight are quite different from the ones presented earlier.
- AA. Phil Carter asked if anyone had anything else to add.
- BB. Jim Goss said that the board has the law and the graphics.

CC. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

6. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of August 11, 2014 and September 8, 2014.
- B. August 11, 2014
 - i. **MOTION by Phil Carter and seconded by John Boehrer to accept the minutes from the meeting of August 11, 2014 as presented. Motion passed unanimously.**
- C. September 8, 2014
 - i. Phil Carter said that in the minutes from September 8th, Item 2F on page 2 should identify Ralph Pace as the Health Officer.
 - ii. Phil Carter asked that Item 4E on page 4, that “any” be added before access on the 5th line down.
 - iii. **MOTION by Julie Nicoll and seconded by Phil Carter to accept the minutes from September 8, 2014 as corrected. Motion passed unanimously.**

7. **OTHER BUSINESS**

- A. There was none.

8. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Julie Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison