

**DEVELOPMENT REVIEW BOARD
MINUTES**

April 10, 2017

MEMBERS PRESENT:

Phil Carter, Chairman	Linda Petty (by telephone)
Julie Nicoll	Dana Wilson

MEMBERS ABSENT:

John Boehrer	Richard Harrison
--------------	------------------

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Derk Beardmore	Todd Hindinger	Ted Reeves
John Broker-Campbell	Bill Hoynack	Robin Reilly
Glenn Heitsmith		Lisha Klaiber, Recorder

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. John Boehrer and Richard Harrison absent. Phil Carter welcomed new alternate member, Dana Wilson.

NOTE: Phil Carter advised that, at the last meeting, the applicant was asked if the two hearings could be addressed concurrently. The applicant's representative agreed.

II. OPEN THE RECESSED PUBLIC HEARING FOR 24 FOX LANE, LLC

1. Phil Carter advised that this is an application to consider a Conditional Use permit to raze the current structure and construct a new building with added parking. It was recessed from the meeting of March 13, 2017. The new building would contain two (2) commercial units on the first floor and four (4) residential units on the second floor. Property is located at 24 Fox Lane in the Town Residential/ Commercial District.

III. OPEN THE RECESSED PUBLIC HEARING FOR 24 FOX LANE, LLC

1. Phil Carter advised that this is an application for a Local Flood Hazard Review to raze the current structure and construct a new building with added parking. It was recessed from the meeting of March 13, 2017. The new building would contain two (2) commercial units on the first floor and four (4) residential units on the second floor. Property is located at 24 Fox Lane in the Special Flood Hazard Area of the Town Residential/ Commercial District.
2. Phil Carter reminded all who testified at the March meeting on these hearings that they are still under oath (Todd Hindinger, Bill Hoynack, and Ted Reeves.) Phil Carter advised that

-
- there were some issues from the last meeting that he wants to have clarified. The units have been described as condominiums, are they residential.
3. Bill Hoynack said they will be residential.
 4. Phil Carter asked for clarification regarding the Waste Water Disposal Permit. At the last meeting Todd Hindinger has said that they have the permit to develop the property, but that Waste Water Management is holding their permit.
 5. Todd Hindinger explained that this is a circular situation. They have to apply to the Water Supply Division and were given the authority to construct the water supply. Then they have to apply to Waste Water Management to do a review. They will not issue a permit until a test well is drilled and tested for water quality and quantity. This project will exceed 3,000 GPD. We can't presume that we will have all of the water needed for the project. He has been working with Terry Shearer at Waste Water Management and Terry Shearer has a file on this project.
 6. Phil Carter also asked about the culvert that the highway foreman suggested replacing.
 7. Todd Hindinger said there is an existing culvert by the driveway and it is too small and worn out. He indicated the location on the drawing.
 8. Phil Carter asked what was meant by "a little bit of fill" by the ramp to the lower side and leach field.
 9. Todd Hindinger said that Drawing #3 of the plans delineate the boundaries of the fill. He indicated on the drawing the locations where fill would be needed specific to the ramp and at the toe of the leach field.
 10. Rose Goings noted that John Broker-Campbell is also present tonight to answer questions about this project.
 11. Phil Carter administered the oath to John Broker-Campbell.
 12. Todd Hindinger said that the amount of fill is only a little bit relative to the Flood Hazard Area, but that he had not calculated the amounts.
 13. Linda Petty asked the number of truckloads.
 14. Phil Carter said that the site map will show the final grades.
 15. Todd Hindinger said they are on this drawing.
 16. Phil Carter said okay. He said that at the last meeting, he had asked if the parking lot would be paved or gravel and they had said that the parking lot would probably be gravel. He asked if they had decided.
 17. Bill Hoynack said they would stick with gravel.
 18. Todd Hindinger said it is as it is now. He said that they would be applying for a Storm Water Permit from the state as the project is over one acre. He said that the project is low risk and there are certain buffers to the wetlands. They will try to minimize the risks and the project meets the state criteria. It will be up to the contractor to manage the risk.
 19. Phil Carter said that this hearing was recessed due to flood plain issues and John Broker-Campbell is here about that. There were also concerns about the exterior lighting and fill.
 20. John Broker-Campbell said that this application is compliant with Town of Ludlow Flood Hazard Regulations and there is no requirement in those regulations to create an offset for the fill. The plan shows the fill as already added to the plan. There are no prohibitions to fill in the flood fringe.
 21. Phil Carter asked John Broker-Campbell if he could supply that in writing for the file.
 22. John Broker-Campbell asked if this would be in addition to the letter which he had previously sent.
 23. Phil Carter said yes.
 24. John Broker-Campbell said he would send a letter this week.
 25. Rose Goings said the map shows the flood plain,

26. John Broker-Campbell said it is outside the regulatory flood area and nothing is happening in the flood way. He said that most of the fill is in the .2% 500 year flood area and this is not regulated by Ludlow.
27. Todd Hindinger said these maps are based on a larger scale and show topography elevation levels. NFIP tells elevations. He added that the project was changed because of the impact of Irene. The structure is out of the flood hazard area.
28. Phil Carter said that new evidence was submitted for lighting.
29. Bill Hoynack said that they had revised the lighting as per the requests and supplied spec sheets.
30. Phil Carter asked Ted Reeves if he had seen them.
31. Ted Reeves said yes and asked if the parking lot bollards will also be down lit.
32. Bill Hoynack said yes.
33. Rose Goings said that there are also letters from the Fire Department and Frank Heald.
34. Phil Carter recounted that at the last meeting, they had discussed the possible requirements from the town and fire department. The letter from Frank Heald advised that for new projects the general level of contribution to the Enterprise Fund is \$500 per commercial unit. The letter from the Fire Department called for egress windows, fire sprinkler system, fire walls and fire alarm system. The chief also wants a dry fire hydrant capable of producing 1000 GPM on the Black River. Chief Kolenda advised that for all new commercial construction, a \$.35 per square foot impact fee is required for the Town of Ludlow Fire Equipment Fund. Both letters will be taken as evidence.
35. **MOTION by Julie Nicoll and seconded by Linda Petty to close these two hearings. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR DONALD DRELICH**

1. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development Permit to allow for a mudroom addition. Property is located at 320 Okemo Trailside Extension, Trailside Iroquois 36F Sachem in the Mountain Recreation District.
2. Rose Goings advised that this is application 128-98-PRD, Amendment #59. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on March 17, 2017, advertised in THE VERMONT JOURNAL on March 22, 2017 and abutting property owners were notified on March 23, 2017.
3. Phil Carter administered the oath to Derk Beardmore.
4. Derk Beardmore advised that the applicant wants to add a mudroom extension. There is an existing small mudroom and an exterior deck. The deck is to be removed and the space used to increase the size of the mudroom and have a smaller deck with stairs. This is the same as several other units done in the past.
5. Phil Carter asked if there would be any changes to the footprint.
6. Derk Beardmore said not at all.
7. Rose Goings said that the State Fire Marshal would have to be contacted and his report will be part of the permit.
8. Derk Beardmore said that has already been done.
9. Rose Goings asked the approximate size.
10. Derk Beardmore said close to 12' x 12'.
11. Rose Goings said they would need a CO when the project is done.
12. **MOTION by Linda Petty and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

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

1. Phil Carter advised that this is an application to amend a Planned Unit Development to remove the requirements for tennis, basketball and a track in the Ice House. The project is located at 66 Jackson Gore Road in the Jackson Gore Recreational District.
2. Rose Goings advised that this is application 152-00-PUD, Amendment # 28. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on March 22, 2017, advertised in THE VERMONT JOURNAL on March 22, 2017 and abutting property owners were notified on March 23, 2017.
3. Phil Carter administered the oath to Ted Reeves and Glenn Heitsmith.
4. Ted Reeves advised that in 2006, when the PUD was amended to allow the Ice House, part of the permit requirements were tennis courts, basketball courts and a track for summer use. He said that while there is no specific plan to the space, they are considering activities such as paint ball, rock climbing or a bounce house. The existing tennis, basketball and track get incredibly little use, so little so that they don't even monitor traffic. There are no sides on the building and that makes tennis difficult. Okemo is asking the DRB to relax the language to allow more flexible use of the space to add to the Adventure Zone.
5. Phil Carter asked about the track.
6. Ted Reeves said it is on the outside perimeter of the interior of the building and about 1/8th mile.
7. Phil Carter asked where the conditions for the permit came from.
8. Ted Reeves said he does not know because it predates him and, at one time, the building was to have been enclosed with bleachers.
9. Phil Carter said it may have been attached to West Hill and now, 10 years later, it never panned out. He noted if the future use may be better served without restrictions.
10. Glenn Heitsmith asked if only one person uses it at reduced fees, how that serves the community of Ludlow. He said it was built and no one uses it.
11. Phil Carter said that there may be potential uses that tie into what they have up there now. The property would be used more in tune with the current summer activities.
12. Ted Reeves said the building is empty most of the time and even if it rains, no one comes. If the permit language is changed, they can enhance or increase the activities that are there.
13. Glenn Heitsmith asked if Ludlow residents would still have reduced fees.
14. Ted Reeves said that Okemo is not asking to have that part of the permit language changed.
15. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

VI. **OPEN THE PUBLIC HEARING FOR IMERYS TALC VERMONT INC**

1. Phil Carter advised that this is an application for a Conditional Use Permit to replace a sign and add a sign to the new Genesis building. The replacement sign will be positioned near the entrance to the mill and will be 3' x 6' and the new 9' x 12' sign will be on the building. Property is located at 73 East Hill Road in the Industrial District.
2. Rose Goings advised that this is application 454-17-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on March 17, 2017, advertised in THE VERMONT JOURNAL on March 22, 2017 and abutting property owners were notified on March 23, 2017.
3. Phil Carter said that normally, sign applications do not have to go to the DRB, except for ones in the Industrial District. He administered the oath to Robin Reilly and Ted Reeves.

4. Rose Goings said that the Zoning Regulations say that the maximum area of a sign is to be determined by the DRB on an individual basis.
5. Robin Reilly said there will be two new signs. The first sign will be mounted, centered on the new Genesis building and will measure 144 inches by 108 inches. The other sign will be located at the front entrance where the old Columbia Mill sign is now. It will be 3 feet by 6 feet.
6. Julie Nicoll asked if the signs would be lit.
7. Robin Reilly said no.
8. Phil Carter asked if the new building is on the right side of the driveway.
9. Robin Reilly said yes.
10. Linda Petty asked if the sign would be similar to the one on the other building.
11. Robin Reilly said she thinks it will be a little bit larger.
12. Phil Carter asked who will see the signs.
13. Robin Reilly said people coming down the driveway or up East Hill Road. She added that the signs would not be seen at night at all.
14. MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.

VII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from March 13, 2017.
2. Phil Carter advised that on page 1, #II7, should read "Phil Carter asked if the ..."
3. Linda Petty advised that on page 3, item #VII should read, "...Conditional Use Permit to raze the..."
4. Phil Carter noted that on page 4, item III, 1, it should read, "...Flood Hazard to Review to raze the..."
5. Linda Petty advised that on page 7, item#VII66 should read "...said that the entrances have..."
6. **MOTION by Julie Nicoll and seconded by Dana Wilson to approve the minutes from March 13, 2017 as corrected. Motion passed unanimously.**

VIII. **OTHER BUSINESS**

1. Permits from Last Meeting
 - a. Imerys Talc - approved
 - b. John Neal – approved
 - c. 24 Fox Lane– closed tonight
2. Next Meeting – Monday, May 8, 2017.
3. Rolka Permit
 - a. Phil Carter asked how long the Rolka extension is.
 - b. Rose Goings said 2 years. She said that she will check when that decision was sent out.
 - c. Phil Carter said the building is in bad shape.

IX. **ADJOURN**

1. **MOTION by Phil Carter and seconded by Julie Nicoll to adjourn. Motion passed unanimously.**

2. Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Linda Petty

Richard Harrison

Dana Wilson