

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

August 11, 2014

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

OTHERS PRESENT:

Peter Alberti	Bob Friedrich	Mike Pacilio
Robert Beardmore	Gail Graves	Rich Russo
George Benson, Jr.	Pat McLaughlin	Lisha Klaiber, Recorder
George Benson, Sr.	Ralph Michael	Steve Seitz, LPC TV
Marcy Benson	Paul Olson	

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR JOHN GASTOS AND DEBORAH WALDMAN**

- 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 57 Lower IV, 54A Village IVA, located in the Mountain Recreational District.
- B. Rose Goings advised that this is application 128-98-PRD, Amendment #43. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 18, 2014, advertised in THE VERMONT JOURNAL on July 23, 2014 and abutting property owners were notified on July 21, 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 surprises.
- F. Peter Alberti said no.
- G. **MOTION by Richard Harrison and seconded by John Boehrer to approve this permit request. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR PAUL OLSON**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to allow for 2 office spaces, a retail shop, a 24 seat restaurant and storage space. The property is located at 126 Main Street in the Village Residential Commercial District.

-
- B. Rose Goings advised that this is application 214-02-CU, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 18, 2014, advertised in THE VERMONT JOURNAL on July 23, 2014 and abutting property owners were notified on July 21, 2014.
 - C. Phil Carter administered the oath to all (Paul Olson and Richard Russo) wishing to speak at this hearing.
 - D. Paul Olson said that he is making changes to both floors. The entire first floor was retail and now he would like to change it to include 4 spaces; 1 office, a 24 seat restaurant with kitchen, a retail shop where the old antique space was, and another office and storage space.
 - E. Phil Carter, referring to a site plan, noted that it would include 15 parking spaces and asked for confirmation.
 - F. Paul Olson said that they would resurface and put in stripes in the existing space and it would be 15 spaces.
 - G. Rose Goings advised that Mr. Olson has been working with the Fire Marshal, Landon Wheeler.
 - H. Paul Olson said that was correct and that he has been working with Mr. Wheeler straight through the project. It is up to code and the front office and the 2nd floor are about 99% ready. There is work to do on the parking lot.
 - I. Phil Carter advised that there is a letter from Mr. Wheeler. He asked if there would be any changes to the exterior.
 - J. Paul Olson said that there would not be any changes to the footprint. He has redone the entire building from basement to top, including heating, electrical, siding.
 - K. John Boehrer asked about an ADA ramp.
 - L. Paul Olson said there would be a HC bathroom in the front, another in the office area and an ADA ramp to the restaurant.
 - M. Linda Petty asked about awnings.
 - N. Paul Olson said there would be awnings over each entrance to protect from snow. They would have wooden peaks.
 - O. Phil Carter asked about external lighting.
 - P. Paul Olson said the outside would be lit.
 - Q. John Boehrer noted from the site visit, that there appeared to be 2 motion detector lights in the front left side.
 - R. Paul Olson said yes and also right and back sides.
 - S. John Boehrer asked about the awnings.
 - T. Paul Olson said they would also be lit.
 - U. Richard Harrison asked about the propane tanks.
 - V. Paul Olson said the old ones are gone and there would be new ones coming in.
 - W. Linda Petty asked about an alarm system as indicated in the letter from Chief Billings.
 - X. Paul Olson said yes.
 - Y. Julie Nicoll asked about other letters.
 - Z. Rose Goings said there was a letter from Chief Kolenda and it said that Mr. Olson would work with the fire marshal.
 - AA. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing contingent upon conditions from the Fire Marshal.**
 - BB. Rich Russo asked about parking allocations.
 - CC. Phil Carter advised that parking on Main Street would be the same as for Mr. Russo's restaurant. He added that Mr. Olson has indicated 15 spaces in his lot.

This board considers on street parking and well as parking at the IGA. We factor all of that in to our decision.

DD. **Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR LUDLOW LAUNDRY COMPANY, LLC**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to allow for a Laundromat consisting of 14 washers and 14 dryers. The 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 #16. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 18, 2014, advertised in THE VERMONT JOURNAL on July 23, 2014 and abutting property owners were notified on July 21, 2014.
- C. Phil Carter administered the oath to all (Bob Friedrich and Mike Pacilio) wishing to speak at this hearing.
- D. Bob Friedrich said that they would like to convert a retail space into a Laundromat with 14 washers and dryers.
- E. Phil Carter asked what the current use is.
- F. Bob Friedrich said it is empty.
- G. Phil Carter asked about changes to the exterior.
- H. Bob Friedrich said none.
- I. John Boehrer asked about how they would arrange the washers and dryer.
- J. Bob Friedrich said the washers would be stacked.
- K. Phil Carter asked the hours of operation.
- L. Bob Friedrich said 8:00 a.m. to 9 p.m.
- M. Rose Goings advised that the applicants have received their water and sewer allocations from the Village Trustees.
- N. Phil Carter noted that the drawing indicates a space for an attendant and asked if there would be an attendant on duty all of the time.
- O. Bob Friedrich said that they have not decided about that. They had thought about offering services, but not at this time.
- P. Phil Carter noted that in Chief Billings' letter, he indicated an alarm system.
- Q. Bob Friedrich said all right.
- R. Richard Harrison asked about cameras.
- S. Bob Friedrich said they would have video surveillance and it would be monitored from his store.
- T. **MOTION by John Boehrer and seconded by Linda Petty to close. 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 a variance for approval of the signs for the new Chevrolet dealership. The project is located at the corner of Pond and Main Streets in the Village Residential Commercial District.

-
- B. Rose Goings advised that this is application 423-15-VA. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 18, 2014, advertised in THE VERMONT JOURNAL on July 23, 2014 and abutting property owners were notified on July 21, 2014.
- C. Phil Carter administered the oath to all (Ralph Michael, George Benson, Sr. and George Benson, Jr.) wishing to speak at this hearing.
- D. Ralph Michael said that the applicants had applied for a sign permit and had to appeal it to the DRB. The signs that they requested would require a variance to the zoning regulations. He has submitted a letter containing the responses to the variance criteria. The dealership has been in town for a long time and wants to move their location across the street, but they must have signage approval by GM. All dealerships must now have certain types of signs. The building would set back about 100 feet from Pond Street and would need bigger letters. Ludlow regulations limit signs to 30 square feet, but the signs needed would be 93 square feet.
- E. John Boehrer asked if the applicants have anything in writing from Chevrolet.
- F. George Benson, Jr. said he would be able to get something.
- G. Ralph Michael read from the letter submitted regarding the criteria for a variance.
- i. Unique Physical Circumstances or Conditions
 - a) Ralph Michael advised that this is a new dealership facility with 2 distinct uses; sales and service. There are 2 signs for each use.
 - b) Phil Carter asked if there were 2 different businesses.
 - c) Ralph Michael said it is one corporation. He said that the real issue is that the building can't be built without signage approved by Chevrolet
 - d) George Benson, Jr. said that he can get a letter from them that they won't approve the building without the signs.
 - e) Richard Harrison said we talked about this before, but will the lights be dim.
 - f) George Benson, Jr. said that they would not be internally lit, but that Chevrolet will bend on this issue.
 - g) Richard Harrison that they already covered this also, but there are 2 exits.
 - h) George Benson, Jr. said yes, one by Bowker and the other by the Sunoco.
 - i) Richard Harrison said it looks good.
 - j) Phil Carter asked if this is the first time, in all of America that this has been an issue. Is Ludlow setting a precedent?
 - k) George Benson, Sr. said this is a new design and all of them are the same.
 - l) Phil Carter said that the town has regulations, as do other areas, how does Chevrolet deal with this. Does Chevrolet close dealerships because of town regulations?
 - m) George Benson, Jr. said there are 3 sizes that Chevrolet offers and this is the smallest. He added that they have to lease the signs from GM.
 - n) Phil Carter asked about signs on the road, not the building.
 - o) George Benson, Jr. said that GM wants all the buildings to look alike.
 - p) Phil Carter said it is hard to believe that they don't come across this all the time.
 - q) George Benson, Jr. said we are not going to build if we can't open.
 - r) Phil Carter said that even McDonald's bends the rules, referring to their Stowe location. It seems odd that with Chevrolet it would be do or die.
 - s) George Benson, Sr. said that every Chevrolet sign is the same or bigger.

-
- t) Ralph Michael said that in Rutland, all of the car dealerships are the same. He said that they have been working on this with the architect from Chevrolet and the signs have to be on the buildings for Service, Sales and the dealership name. We will get it in writing that they will not allow a dealership without signs to their requirements. Other dealerships in Vermont are the same or similar.
- ii. Due to Unique Physical Circumstances or Conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulations and that a variance is necessary to enable the reasonable use of the property
- a) Ralph Michael said that it would be unreasonable to expect the public to arrive at the site and have to guess where they should enter for the service they need. The larger signs are needed for visibility from Pond Street. The signs are the minimum allowed by Chevrolet.
- iii. The unnecessary hardship has not been created by the applicant
- a) The hardship is inherent due to the situation created by the circumstances at the site and not by the applicant. Different portions of the building are being used for different purposes and the building is set back from Pond Street for aesthetic and safety reasons.
- b) Richard Harrison asked about extinguishers
- c) George Benson, Jr. said they would have them.
- iv. The variance will not alter the essential character of the neighborhood or district or impair the appropriate use or development of adjacent properties, reduce access to renewable energy resources, nor be detrimental to the public welfare.
- a) Ralph Michael said that the property is currently being used for inventory. There are already cars parked there. There will continue to be cars parked there. The essential character of the neighborhood will be the same. The signs are not inordinately large and are consistent with signage on surrounding buildings in terms of type, scale and design. The variance will not have an impact on the use or development of adjacent properties and will not reduce access to renewable energy sources. It will not be detrimental to the public welfare. He said that it is the only dealership in town and is unique. He added that in order for this to be built, it must be approved by GM.
- v. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the town plan
- a) Ralph Michael said the signs on the building are as small as possible to still be readily identifiable from Pond Street, and allowed by GM.
- b) Phil Carter asked how big the letters would be.
- c) Ralph Michael said some would be 25", some 22" and some 16". The lighting would be downward toward the ground.
- d) Julie Nicoll asked about the old sign, if it would be removed.
- e) George Benson, Jr. said it would stay.
- f) George Benson, Sr. said the one on the building would go.
- g) Julie Nicoll said that would exceed 93 square feet.
- h) Ralph Michael said the one on the pole is 81 square feet.
- i) Julie Nicoll said that would be 174 square feet.
- j) George Benson, Jr. said that that sign is already permitted.

- k) Phil Carter asked if Chevrolet is so strict in their criteria that they would not allow this building.
 - l) George Benson, Sr. said the old sign would be changed to have the “bow-tie” in gold not blue. It would be the same size.
 - m) John Boehrer said he would like to see a letter from Chevrolet.
 - n) Julie Nicoll said they probably would not need another hearing; they could close it later to allow time for the letter.
 - o) John Boehrer said the board would be able to accept new evidence up to the time the hearing is closed.
 - p) Phil Carter suggested next Friday at 4:30 p.m. He said the board would accept evidence until that time. He asked them to ask Chevrolet what they are doing elsewhere where the regulations don’t allow signs that would fit their sign requirements. Why would they deny a new dealership?
 - q) George Benson, Jr. said this is something they want to do and so, it must be built the way Chevrolet requires, even to the extent of tiles, chairs and furniture.
 - r) Ralph Michael said that Ludlow is a small town to have a dealership and that larger areas have specific districts for this type of building and they zone for that district.
- H. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing on Friday, August 22, 2014 at 4:30 p.m.**
- I. Richard Harrison said that in Rutland, the Toyota dealership has the same kind of signs. He said that he guesses it can wait another week.
- J. Rose Goings said that the board will accept any additional pertinent evidence the applicants want to submit.
- K. **Motion passed unanimously.**

6. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of July 14, 2014.
- B. Julie Nicoll noted that on page 3, Item 3F should read, “... they will remove...”
- C. Julie Nicoll noted that on page 4, Item 5A should read, “Phil Carter advised that this hearing is for consideration...”
- D. Julie Nicoll noted that on page 5, Item 5D, there were two typos; the first was 4 lines up from Item 5E, it should read, “The addition will meet energy...” The second typo is on the second line up from 5E, it should read, “...additional evidence is adequate...”
- E. Julie Nicoll noted that on page 6, Item 6O should read “... but he would like them to have a 1 hour fire wall...”
- F. Julie Nicoll noted that on page 7 item 8D also has three errors. The first is on the second line down, and should read, “...bedroom house, extending it up.” The second is on also on the 2nd line down, and should read, “configuration” not conformation. The third, on the 6th line down, should read, “... and is shallow.”
- G. Julie Nicoll noted that on page 9, Item 10L should read, “...no more complicated than...”
- H. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from July 14, 2014 as corrected. Motion passed unanimously.**

7. **OTHER BUSINESS**

A. There was none.

8. **ADJOURN**

A. **MOTION by Phil Carter and seconded by John Bohrer to adjourn this meeting.**

Motion passed unanimously.

B. Meeting adjourned at 6:51 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Linda Petty

Richard Harrison