

**DEVELOPMENT REVIEW BOARD
MINUTES**

August 14, 2017

MEMBERS PRESENT:

Phil Carter, Chairman	Julie Nicoll	Dana Wilson
John Boehrer	Linda Petty	

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Laura Angelucci	Janet Johnson	Curtis Potter
Betty Briggs	Sal Marottoli	Gary Rapanotti
Ron Briggs	Greg Mauriello	Kelsey Rebhan
Tesha Buss	Steve Meyers	Ted Reeves
Courtenay Dundy	Jean Morrill	Adam Sayre – LPCTV
Ed Floyd	Mike Peck	Lisha Klaiber, Recorder

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. All members present.

II. OPEN THE PUBLIC HEARING FOR TESHA BUSS.

1. Phil Carter advised that this is an application to subdivide a lot into three separate lots. Property is located at 492 Rod and Gun Club Road in the Town Residential District.
2. Rose Goings advised that this is application SUB18-001, Amendment #4. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on July 21, 2017, advertised in THE VERMONT JOURNAL on July 26, 2017 and abutting property owners were notified on July 21, 2017.
3. Phil Carter administered the oath to all (Tesha Buss, Gary Rapanotti, Ron Briggs, Greg Mauriello, Kelsey Rebhan and Janet Johnson) wishing to speak at this hearing.
4. Gary Rapanotti advised that he did the survey. There will be 3 lots; Lot #2 at 4.2 acres, Lot #3 at 3.0 acres and the remaining Lot #1 at 101 acres. This parcel was taken off years ago. There is a 50 ROW that goes from Rod & Gun Club Road back to the state land. It has an old road and brooks off of it. Each lot has its own septic. Lot #2 has a residence.
5. Phil Carter asked if access to Lot #1 is accessed by the ROW.
6. Gary Rapanotti said yes.
7. Phil Carter asked if there is a pin to the town road to the center of the brook for Lot #3.
8. Gary Rapanotti said the bearings and distances are on the drawing.
9. Phil Carter said that should be on the final Mylar in case the brook changes.
10. Gary Rapanotti said it will be made clear on the final Mylar.
11. Phil Carter asked if the Old Mountain Road serves the state lands.
12. Gary Rapanotti said yes.
13. Phil Carter asked if there had once been a house or lodge there,
14. Ron Briggs said many years ago, there was just a camp there.
15. Phil Carter asked if the 50 foot ROW serves Lot #1 and the state lands.
16. Gary Rapanotti said yes.
17. John Boehrer asked about the replacement septic for Lot #2.
18. Gary Rapanotti said it's on Lot #1.
19. Phil Carter said there is no need for septic for Lot #1 because at this time there are no plans for development.
20. Ron Briggs said there is a horse barn and house on the two lots.
21. Tesha Buss said yes, there is a house on the 4.2 acres lot (#2) and horse barn on Lot # 3. She advised that she has no plans to development Lot #1 at this time.
22. Phil Carter noted from the drawing that the other 2 lots already have septic systems.
23. Linda Petty asked about the replacement septic for the barn.

24. Gary Rapanotti said it's already permitted and in the ground.
25. Phil Carter asked why no replacement septic for Lot #2.
26. Tesha Buss said they had a replacement septic at the time of the permit. She said Robin's (Anderson) didn't need one because it was so large. Now, we need to identify it on the drawing.
27. Linda Petty asked where the horse barn replacement septic is. It's not shown on the drawing.
28. Gary Rapanotti said the existing permit is in place. The only change in Lot #1 is the number of acres.
29. Tesha Buss said it's in front of the barn.
30. Phil Carter said when they did the septic plans for Lot #2, it was under the current state regulations.
31. Gary Rapanotti said that lot #2 was a newly created lot. Lot #1 was created in 2011.
32. Ron Briggs asked if the state certificates are on file
33. Gary Rapanotti said yes, they are in the land records.
34. Kelsey Rebhan asked if there are plans for the lot behind the barn.
35. Phil Carter said this board does not know and at this time there are no development plans. This hearing is not about that.
36. Kelsey Rebhan asked about the bear habitat.
37. Phil Carter said if they develop that lot, they will have to come back to the DRB for review. There are no changes for that lot at this time.
38. **MOTION by John Bohrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for Jewel Brook Development LLC were opened and addressed concurrently at the July meeting. The applicant's representative agreed to continue in that manner for this meeting

III. **OPEN THE RECESSED PUBLIC HEARING FOR JEWEL BROOK DEVELOPMENT LLC**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to change previously permitted structure from a 34 condominium complex to a hotel containing 72 rental rooms and 3 condominiums. Property is located at 1 Parker Avenue in the Village Residential Commercial District. This hearing was recessed from the meeting on July 10, 2017.

IV. **OPEN THE RECESSED PUBLIC HEARING FOR JEWEL BROOK DEVELOPMENT LLC**

1. Phil Carter advised that this is an application for Local Act250 Review to change previously permitted structure from a 34 condominium complex to a hotel containing 72 rental rooms and 3 condominiums. Property is located at 1 Parker Avenue in the Village Residential Commercial District. This hearing was recessed from the meeting on July 10, 2017.
2. Phil Carter advised all who spoke at the July meeting that they are still under oath. He administered the oath to TED REEVES.
3. Sal Marottoli said there were issues that needed to be resolved from the July meeting. These were for fencing, screening, neighbors' concerns and modifications to the drawings.
4. Ed Floyd said they revised the plans and sent a letter to Rose Goings. They revised the architectural plans, addressing the Fire Chief's concerns about the stairwells and sprinklers inside the building. On the Site plan, there will be a NO OUTLET sign that the town now has on the shelf. This is for Parker Avenue. The Police Chief required signs on Andover Street for VEHICLES ENTERING/EXITING and they are now shown on the plan.
5. Phil Carter said there was some confusion regarding those signs at the last meeting.
6. Ed Floyd said the signs would be located on the north and south sides of Parker Avenue to warn people traveling on Andover to watch for traffic going into and coming out of Parker Avenue. There will also be NO PARKING signs on Parker.
7. Jean Morrill asked how far the NO PARKING signs would go.
8. Ed Floyd said there would be one on either side of the street.
9. Phil Carter asked if there would only be one sign for the length of the street.
10. Ed Floyd said there would be a sign at the entrance to Parker.
11. Phil Carter asked where they would be putting the NO OUTLET sign on Parker.

12. Ed Floyd said it is shown on the drawing. It will be as you turn onto Parker, along with the NO PARKING sign. There will be 2 NO PARKING signs, one on either side of the street.
13. Phil Carter asked if there would be 2 signs on Andover.
14. Ed Floyd said yes, they are shown on the drawings.
15. Jean Morrill asked if there would be NO PARKING signs on Parker near the town houses.
16. Ed Floyd said they didn't call for signs there.
17. Jean Morrill said that parking may be compromised. She said that Parker is very narrow and if there is parking there, it would be very hard for a fire truck to get through.
18. Sal Marottoli said no problem. They can put a sign by the corner.
19. Ed Floyd they could put signs for the length of the street.
20. Phil Carter said the town may have some signs.
21. Ed Floyd said they had landscape designs done for the original project and they were used as a template for this project. They added screening around the town houses and lighting will be dark sky compliant.
22. Phil Carter asked about screening at the north end to separate the project property from the Strong property.
23. Jean Morrill said it is a lawn and shed with no driveway.
24. Phil Carter asked Jean Morrill if there is any need to put up a PRIVATE PROPERTY sign.
25. Jean Morrill said in the winter it would be snow covered and there is no access. She did not think a sign is necessary. She asked if there would be something in the permit that if a tree or planting dies, it is replaced.
26. Phil Carter said the DRB would do that. They would be very specific about it.
27. Ed Floyd said it would be guaranteed for one year.
28. Julie Nicoll asked about the fence for the Meyers' property.
29. Ed Floyd said it is included in the notes to add screen or fence for the abutting neighbor.
30. Steve Meyers said he would prefer them to put the fence on his property. He said if they put a fence up and it doesn't work, he wants the ability to come back and have it changed.
31. Phil Carter said it would be in the permit and if it doesn't work, he can go back to Rose Goings after this process is done.
32. Sal Marottoli said he wrote to Steve Meyers that the fence would be put on his property.
33. Phil Carter asked about the 12 foot buffer between the tar and the landscaping.
34. Ed Floyd said it is still there.
35. Julie Nicoll asked about the sign for the Sanford's.
36. Sal Marottoli showed a design for a PRIVATE PROPERTY sign that his is suggesting.
37. Steve Meyers said the design is very similar to the one that the Sanfords already have.
38. Ed Floyd referred to the circular pattern and noted that there are 78 parking spaces. There are 69 in the field, 2 handicapped spaces, 4 for unloading and 3 in front of the triplex.
39. Phil Carter said that the 36 seat restaurant is not on the plans.
40. Sal Marottoli said it is, referred to as the Lounge.
41. Phil Carter asked if it would be open to the public.
42. Sal Marottoli said that they have to have food for the hotel guests, if they decide to open it to the public, they will need to discuss the parking situation.
43. Phil Carter asked how they would control no public entry.
44. Sal Marottoli said you can't control everything.
45. Phil Carter asked if there would be a just a continental breakfast.
46. Sal Marottoli said no, there would be breakfast and dinner. It can be a light menu.
47. Steve Meyers asked if they would serve liquor.
48. Sal Marottoli said yes.
49. Steve Meyers asked how they would control no public entry to the liquor service.
50. Sal Marottoli said the intent is for hotel guests only. He said they don't have parking spaces for the public.
51. Phil Carter asked about a sign FOR RESIDENTS ONLY outside.
52. Sal Marottoli said they didn't have one
53. John Boehrer said they are already tight on parking spaces.
54. Ed Floyd yes, if there is full occupancy.

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55. Phil Carter said the DRB goes by the zoning regulations and we need an airtight plan to control the public from going in. If not, they will not meet the regulations. They need to make a plan.
56. Steve Meyers said they would have to design it as a private club or explain to people that it is not open to the public.
57. Phil Carter said the zoning regulations are clear. He asked what the Cashmir Deli is.
58. Sal Marottoli said that is where breakfast would be served.
59. Phil Carter asked if the conference room will be open to the public.
60. Sal Marottoli said no, to hotel guests only.
61. Ed Floyd said they could put up a sign that parking is FOR HOTEL GUESTS ONLY.
62. Sal Marottoli said that would be OK. He said the conference room would be used for companies that use the hotel for their conferences and rent the rooms. It would not be open for public events.
63. Linda Petty asked about weddings.
64. Sal Marottoli said they would have to rent hotel rooms for the guests
65. Linda Petty said what about the guests that don't need rooms and aren't staying overnight.
66. Phil Carter said the conference room is not very big.
67. Rose Goings asked how many seats there would be in the restaurant.
68. Sal Marottoli said 36.
69. Phil Carter said they will need a sign that the restaurant is not open to the public. They need a plan or possibly more parking.
70. Ed Floyd said they have received their Water/ Wastewater allocation from the village. He added that there are new storm water regulations. They will need an Operational Storm Water Permit and treatment basin. The site is still flat and considered low risk. They will need a construction permit and it would be posted at the town offices for 10 days. They will disconnect the roof drains to the dry well to minimize the amount of water. They can manipulate the grade to direct the flow of the water. This will be needed for the ACT 250 permit, with public notice for 30 days. He addressed the Local ACT250 review.
- a. Educational Services – The project will have 10 full time and 22 part time employees. Based on calculations, and other similar sites, they estimate approximately an additional 1 ½ students in the schools.
 - b. Municipal Services – they will be contributing to the Fire Fund, Enterprise Fund, allocations and for hook on fees to the Water/Sewer Department and about \$100,000 in annual taxes. This project will not unduly burden Municipal Services.
 - c. Compliance to Town Plan – based on the Vision statement, they will promote growth in the Village Center. They will connect to the Water/Sewer. They will use water conservation devices. Land Use is compatible with existing land use. There will be landscaping.
- He added that they have covered the issues brought up in the minutes from the July hearing.
71. John Boehrer noted that the schools are now looking for additional students.
72. Jean Morrill asked if the parking plan includes spaces for the employees. She said that they referred to 2 vans for transporting people into town and is there parking for them.
73. Sal Marottoli said there would be one van. They have allotted one space per hotel room, but estimate only 54% average occupancy. There should always be spaces available. He said they can't deal with every eventuality. If they exceed the parking, they will valet people somewhere else.
74. Phil Carter said the Ludlow Zoning Regulations say one space per unit, but the regulations do not address employee parking.
75. Ed Floyd said that no other town includes parking for employees. He added that they can shuttle people to the Municipal lot.
76. Phil Carter said the project will deal with it.
77. Ed Floyd said there are 75 spaces for the hotel (are 69 in the field, 2 handicapped spaces, 4 for unloading) and 3 in front of the triplex.
78. Rose Goings said that the regulations require 2 for each of the condominium units and the restaurant will require additional spaces if it is open to the public.
79. Phil Carter said that based on the restaurant and conference rooms not open to the public, they are in violation of the regulations.
80. Rose Goings said that the unloading spaces are not included as parking spaces.
81. Ed Floyd said there are 71 spaces without the unloading spaces and asked if they are required.

82. Rose Goings said yes.
83. Ed Floyd asked 1 for every 10,000 square feet?
84. Rose Goings said yes.
85. Phil Carter asked where delivery trucks would go.
86. Ed Floyd said around the back.
87. Sal Marottoli said by the ramp. He said delivery trucks are usually only there for a short time.
88. Dana Wilson asked where employees would park and how they would control that.
89. Sal Marottoli said we have the spaces that the regulations call for and it is hard to provide for every eventuality. We will need to strike a balance in the facility.
90. Linda Petty added that all 22 employees are not there at the same time.
91. Sal Marottoli said that is correct, there will be 3 shifts.
92. Rose Goings said the employees could use the Municipal lot.
93. Sal Marottoli said they could be shuttled to the Municipal lot.
94. John Boehrer said that he is the Assistant Manager at the Jackson Gore Inn and noted that people could come in the morning and park in the Municipal lot. He said the spots probably won't be taken up for 12 hours.
95. Sal Marottoli said it is incumbent upon them to make sure this runs well.
96. Rose Goings said there are 78 spaces, less the 4 unloading spaces that do not count toward the parking requirements.
97. Phil Carter said that leaves 74 spaces.
98. Rose Goings said the regulations require 72 for the hotel, 6 for the condos and 1 for every 10,000 square feet for loading/unloading.
99. Phil Carter said they are short parking spaces.
100. Ed Floyd said Sal Marottoli will put more in
101. Phil Carter said they will need to redo the site plan. He asked if they could have this done by next month.
102. Sal Marottoli asked if they could make this a condition and close the hearing.
103. Phil Carter asked if they could have the work done by next Monday at 4:00 p.m. The board can receive new evidence and comments until that time. People can go into the Planning office to review and make comments on the new evidence.
104. Steve Meyers asked if that would include how they would deal with the restaurant and the public.
105. Phil Carter said yes, they would have to be specific about that.
106. Jean Morrill asked about the spa and pool.
107. Sal Marottoli said they would be for guests only.
108. Phil Carter said that everything that is for hotel patrons only would have to be specifically identified and they would need more parking spaces.
109. Julie Nicoll said they should include the fences.
110. Ted Reeves asked about ACT250.
111. Sal Marottoli said they have the original permit for the Jewel Brook. They have to go back with the changes, but are waiting for the town permit.
112. Ted Reeves about adjustments to the traffic study.
113. Ed Floyd said they did have a study done for this project and were in excess for sight distance at 25 MPH.
114. Ted Reeves asked about traffic at peak demand times.
115. Ed Floyd said he does not have the study with him, but the project is similar to the Jewel Brook.
116. Phil Carter said it is in the Planning Office.
117. Ted Reeves said that Okemo pays for traffic control at peak hours and if this project shows an impact, will the board consider asking for a contribution to traffic control costs.
118. **MOTION by Phil Carter and seconded by John Boehrer to close this hearing, effective one week from today, August 21, 2017 at 4:00 p.m. The DRB will gather any new evidence which must be delivered to Rose Goings in the Planning Office prior to that time. Anyone may go into the Planning Office to review and comment on new evidence by 4:00 p.m. on Monday August 21, 2017.**
119. Steve Meyers asked what if they do not submit new evidence until 3:59 p.m. on that day.
120. Phil Carter said if that happens, the DRB can reopen the hearing to give us time to gather all evidence and comments. The DRB acts on the premise of Good Will.
121. Steve Meyers said he wants to have a chance to see the new evidence and make comments.
122. Ed Floyd said he will try to get the evidence in earlier and would call Mr. Meyers when he submits the new evidence.

123. Julie Nicoll said if there are any major changes, is that covered in the motion.
124. Phil Carter said the DRB can reopen the hearing.
125. **Motion passed unanimously.**
126. Phil Carter advised that this hearing is not being closed and the board should not discuss it – no Exparte communication.

V. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from July 10, 2017.
2. Linda Petty said on page 2, #III, 16 should read "...weekends, they."
3. Linda Petty said on page 5, #VII, 5 should read "...service from Route 100."
4. Phil Carter said on page 7, #VII, 61 should read "...and protects part of the property. We will put in additional fencing by the..."
5. Phil Carter said on page 8, #VII, 88 should read "...where your parking lot..."
6. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from July 10, 2017 as corrected. Motion passed unanimously.**

VI. **OTHER BUSINESS**

1. Deliberative Session
 - a. Rose Goings asked if they would like to hold a Deliberative Session on August 21, 2017
 - b. Phil Carter said he would like to gather the evidence and asked Rose Goings to send it to board members and then schedule a meeting for later that week,.
2. Next Regular Meeting – Monday September 11, 2017.

VII. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Linda Petty to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:22 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Linda Petty

John Boehrer

Dana Wilson

Julie Nicoll