

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

February 12, 2018

MEMBERS PRESENT:

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

STAFF PRESENT:

Rose Goings, Zoning Administrator

OTHERS PRESENT:

Michael Behn	Dave Frothingham	Vince Guerrero, Okemo Valley TV
Diane Cafarelli	Richard Marcus	Lisha Klaiber, Recorder

1. **CALL TO ORDER**

- A. Meeting opened at 6:00 p.m. by Chairman Phil Carter. All board members.
- B. Phil Carter advised that there were 2 hearings for tonight's agenda; an amendment to a Conditional Use Permit and a Flood Hazard Review for the same property. He advised that the Flood Hazard Review was dropped because the property is not in the Flood Plain.
- C. Rose Goings advised that the property is in the 500 year plain, but that is not regulated by the state. She advised the applicants that they will be refunded the \$300 fee for that application.

2. **OPEN THE PUBLIC HEARING FOR REXBO PROPERTIES, INC**

- A. Phil Carter advised that the first hearing is an application to amend the Conditional Use permit to redevelop an existing parcel to construct a convenience store and gas station including new fuel dispensers, canopy, parking and interior circulation. The property is located at 224 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that the first application is 204-02-CU, Amendment # 2. Posted in the Town Hall bulletin boards January 22, 2018, advertised THE VERMONT JOURNAL on January 22, 2018, and the abutting property owners were notified on January 22, 2018. She advised that agents are present and that letters have been received from Police, Fire, Schools and Electrical departments, but that a letter from Ambulance had not been received.
- C. Phil Carter administered the oath to all (Mike Behn, Dave Frothingham, Diane Cafarelli, Richard Marcus) wishing to speak at these hearings. He explained that this is an on the record hearing and accepts written and verbal evidence. All evidence is reviewed. If the decision of the DRB is appealed to the court, the court will not hear this evidence again, but will review the process.
- D. Dave Frothingham advised that they will redevelop 3 parcels into one convenience/commercial property. They will demolish existing buildings, remove the

canopy and tanks. They will add 4 new tanks, one new building and have all new fuel dispensers. He referred to the drawing and showed the locations of customer parking, sidewalks, delivery area and employee parking. He said that deliveries will be in the back and the area is just shy of 100 feet. There will be gas and diesel at all 4 tanks, but that may be revised for larger vehicles. They will remove the existing sign and showed where it would be relocated to.

- E. Phil Carter asked how many parking spaces there would be.
- F. Dave Frothingham said 23, including 3 for employees. This number does not include spaces at the fuel dispensers.
- G. Phil Carter asked the setback on the side where the Electric company is.
- H. Dave Frothingham said 15 feet.
- I. Rose Goings said it would need to be 20 feet.
- J. Dave Frothingham pointed out that it is a side setback and could be 15 feet. He indicated the location on the drawing.
- K. Rose Goings said OK.
- L. Phil Carter asked where the dumpsters would be located.
- M. Dave Frothingham explained that there would be a concrete pad, screening and fencing, landscaping including arborvitae.
- N. Phil Carter asked about the barn.
- O. Dave Frothingham explained that it was a shed and would be removed.
- P. Phil Carter asked about the shed on the right side, by the river, that appears to be on the property line.
- Q. Dave Frothingham said it belongs to the adjacent property and does encroach onto their property.
- R. Phil Carter asked if that other property is La Mere Square.
- S. Dave Frothingham said yes.
- T. John Boehrer asked about lighting.
- U. Dave Frothingham said the canopy would be lit and there would be lights to serve the parking space. There is an existing light pole. All lights will be LED, and downcast.
- V. Phil Carter asked about lighting on the building.
- W. Dave Frothingham said there would be lights over the doors.
- X. Phil Carter asked about lighting in the rear.
- Y. Richard Marcus said there will be lights by the emergency exit that are gooseneck barn type lights with 150 W bulbs, lit straight down and the cupola will be lit.
- Z. Phil Carter asked about side entrance lights.
- AA. Richard Marcus said there will be 3, plus the canopy.
- BB. Julie Nicoll asked the color scheme of the building.
- CC. Richard Marcus said the lower part of the building will be a grey-blue and the upper will be beige.
- DD. Linda Petty asked if all of the lights would be LEDs.
- EE. Richard Marcus said they use LED bulbs.
- FF. Linda Petty asked how much more light there will be.
- GG. Richard Marcus said not much more, the LEDs will be straight down and don't spread out.
- HH. Linda Petty asked the height of the pole.
- II. Dave Frothingham said 15 feet.
- JJ. Linda Petty asked about the space behind the parking spaces.
- KK. Dave Frothingham said after the stops, there will be retention basins.

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- LL. Linda Petty asked the size of the basins.
- MM. Dave Frothingham said 25 feet wide and 18 inches deep, enough to hold a one year event.
- NN. Linda Petty asked if they would be grass or cement.
- OO. Dave Frothingham said grass with cobbled gravel. It will have to be maintained.
- PP. Phil Carter asked where all of the water from a storm would go.
- QQ. Dave Frothingham said the property drains in 3 directions and indicated it on the drawing. There are 3 existing catch basins and possibly one new one. The front is already developed and the new impervious area is equal to the area for the drainage. They have not increased the peak runoff for 10 years.
- RR. Phil Carter asked about the state.
- SS. Dave Frothingham said the project does not reach the state threshold.
- TT. Phil Carter asked about the storage tanks.
- UU. Dave Frothingham said there will be underground storage with a concrete pad on top.
- VV. Phil Carter asked about diesel school buses.
- WW. Dave Frothingham said they had not thought about them, but with a slight modification on the plans they could accommodate them. They would have up to 98 feet, but the larger trucks use high speed dispensers.
- XX. Linda Petty asked the height of the canopy.
- YY. Richard Marcus said 11'6".
- ZZ. Phil Carter read from the letter from Fire Chief Kolenda and asked responses to the chief's conditions:
- i. Permit is required from the Vermont Division of Fire Safety
 - ii. Mike Behn said they will get one.
 - iii. All storage tanks, piping and dispensing systems shall meet current NFPA standards
 - iv. Mike Behn said yes
 - v. Since this is new commercial construction, a 35 cent per square foot fee is required for the Town of Ludlow Fire Equipment Fund
 - vi. Mike Behn said yes.
- AAA. Diane Cafarelli advised that she is a neighbor with an Autistic son who is a runner and occasionally will get out and does run into that parking lot. She said there are alarms on her doors. But he does sometimes get out. She is concerned with the new parking and said they would need fencing when they are digging holes.
- BBB. Phil Carter asked if that proposed entrance on the side is necessary.
- CCC. Dave Frothingham said it does give delivery options and trash pickup would have trouble turning around without it.
- DDD. Richard Marcus said they could use the space just to back up.
- EEE. Mike Behn said they could make it for deliveries only.
- FFF. Dave Frothingham said that might be difficult to control. He said it was designed for traffic in two directions.
- GGG. Phil Carter said that when they remove the existing structures, they will change the character of the neighborhood and the views from the neighbors' properties. The town plan fosters rural growth and quiet neighborhoods. Property owners are guaranteed a balance. The DRB needs to balance this property with the community.
- HHH. Richard Marcus suggested that they could include a fence, in white PVC that would protect the property and shade some of the lights.
- III. Diane Cafarelli said it would also prevent her son from running into the parking lot.

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- JJJ. Dave Frothingham said they could eliminate the entrance, but maintain the turnaround area. They would leave the existing trees.
- KKK. Phil Carter asked how high the fence would be.
- LLL. Rose Goings said the maximum height would be 6 ½ feet.
- MMM. Phil Carter asked if it could be 6 ½ feet high with arborvitae.
- NNN. Diane Cafarelli said she would be happy with that and it would be safer than it is now.
- OOO. Phil Carter said that would address the character of the area.
- PPP. Julie Nicoll asked if the fence would be stockade.
- QQQ. Richard Marcus said it would be PVC, board over board. He added that they had used it at another site and it holds up well.
- RRR. Rose Goings asked where along the property line they would put it.
- SSS. Linda Petty asked if it would go on the side by the electric company or just Pond Street.
- TTT. Dave Frothingham said only along that street on the other side.
- UUU. Richard Marcus said they could bring it around to where the fence is now.
- VVV. Julie Nicoll asked the hours of operation.
- WWW. Richard Marcus said 24/7.
- XXX. Phil Carter asked if there would be a new look inside.
- YYY. Richard Marcus referred to the drawing and showed the locations of the beer cave, soda and milk coolers, coffee service area, cigarettes and candy area, and where there will be a Little Caesars hot pizza area.
- ZZZ. Phil Carter asked if it would be take out.
- AAAA. Richard Marcus said yes, there would not be seating. He then showed the locations of 3 restrooms; family, his and hers.
- BBBB. Linda Petty suggested that they include a chair in the family one for nursing mothers.
- CCCC. Richard Marcus said yes to that. He said all 3 would have full service changing areas. He said they would be well decorated, subway tile, clean, bright and well maintained.
- DDDD. Rose Goings asked when they plan to start construction.
- EEEE. Phil Carter asked if they had contacted the Fire Marshal, yet.
- FFFF. Mike Behn said not yet to the Fire Marshal.
- GGGG. Dave Frothingham said they would also need to get the state storm water permit.
- HHHH. Phil Carter asked about the Municipal sewer.
- III. Rose Goings said there is a letter from the Village on that.
- JJJJ. John Boehrer asked if the project would create additional noise.
- KKKK. Dave Frothingham said there would not be any change from the current usage.
- LLLL. Linda Petty asked if they would play music.
- MMMM. Dave Frothingham said no, but there will be a speaker to communicate with the cashier.
- NNNN. Dana Wilson asked where the front door would be.
- OOOO. Dave Frothingham indicated the location on the drawing.
- PPPP. Dana Wilson asked about snow removal.
- QQQQ. Dave Frothingham said that snow would be pushed to the back of the property.
- RRRR. Richard Marcus indicated where the snow would be pushed on the drawing/
- SSSS. Phil Carter asked if there would be access around the building.
- TTTT. Richard Marcus said yes.
- UUUU. Linda Petty asked if tall buses would fit.
- VVVV. Mike Behn said it would be designed to fit anything on the road.
- WWWW. Phil Carter said this will be a major construction project and asked if the stream would be protected.
- XXXX. Dave Frothingham said that there is a berm in front of the stream in the back.

- YYYY. Phil Carter asked about the current tanks.
ZZZZ. Mike Behn said they are double wall, but will be removed and replaced with new ones.
AAAAA. Richard Marcus said the construction hole will be filled pretty quickly and they will have temporary fencing around the project.
BBBBB. Dave Frothingham said they would try to keep the existing grade and there would not be a significant amount of site work.
CCCCC. Phil Carter asked if the building would have a cellar.
DDDDD. Richard Marcus said no.
EEEEE. Rose Goings asked if they would sell wine.
FFFFF. Dave Frothingham said yes.
GGGGG. Rose Goings said a permit from this hearing would not include a sign permit. That would have a separate application.
HHHHH. Richard Marcus said they would reuse the existing sign so there would not be a change.
IIII. Linda Petty asked about the storm drainage pond.
JJJJ. Dave Frothingham said this project is not affected and will stay paved area.
KKKKK. Linda Petty asked what happens when the snow piles up and fills the drainage pond.
LLLLL. Mike Behn said it will be removed from the site when needed. He asked how this hearing would proceed after tonight.
MMMMM. Phil Carter explained that the board would review the evidence and discuss the project. They will issue findings of fact within 45 days.
NNNNN. Dave Frothingham asked if the change discussed with eliminating the one exit would be a condition.
OOOOO. Phil Carter said yes. He added that any conditions from the fire chief, Fire Marshal and ambulance department would also be conditions of the permit.
PPPPP. Rose Goings said the Ambulance department usually requires space for the ambulance vehicles.
QQQQQ. Dave Frothingham asked if they would require a gate on the other driveway.
RRRRR. Rose Goings said no.
SSSSS. Phil Carter said that they would require 24/7 access for emergency vehicles.
TTTTT. **MOTION amended by John Boehrer and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

3. **OTHER BUSINESS**

- A. Rose Goings advised that Chris Callahan has retired and the town has hired Parker and Ankuda from Springfield VT as new town attorney.

4. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the January 22, 2018 meeting.
B. John Boehrer noted the following correction:
i. Page 3, item 3 and 4 - O should read "Rose Goings said it was a requirement of the Fire Chief."
C. **MOTION by Julie Nicoll and seconded by Phil Carter to approve the minutes of January 22, 2018 as corrected. Motion passed unanimously.**

5. **ADJOURN**

- A. Phil Carter polled the board who all agreed to have a Deliberative Session after this meeting.
- B. **MOTION by John Boehrer and seconded by Phil Carter to close this meeting.**
Motion passed unanimously
- C. Meeting closed at 6:45 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Dana Wilson