

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

January 14, 2019

MEMBERS PRESENT:

Phil Carter, Chair
John Boehrer

Julie Nicoll
Linda Petty

Dana Wilson

STAFF PRESENT:

Rose Goings, Zoning Administrator

OTHERS PRESENT:

John Watanabe

Lisha Klaiber, Recorder

Eric Chatterjee, Okemo Valley TV

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR WINTERPLACE COA, Et Al.**

- A. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development Permit to turn attic space into a bonus room. The project is located at Winterplace, in the Mountain Recreational District for the following units:
- i. David & Susan Henderson, 42 Harrison, M305
 - ii. Michael & Susan Franklin, 69 White loop, E305
 - iii. Thomas & Michelle Davidson, 28 Fowler Road, N302
 - iv. Gary & Josephine Flood, 28 Fowler Road, N304
 - v. Neil & Karen Kavey, 46 Fowler Road, O305
- B. Rose Goings advised that this is application 081-94-PRD, Amendment #11. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website December 17, 2018, advertised in THE VERMONT JOURNAL on December 26, 2018 and abutting property owners were notified on December 17, 2018. She advised that letters have been received from the Fire, Ambulance and Police Departments.
- C. Phil Carter administered the oath to all (John Watanabe) wishing to speak at this hearing.
- D. John Watanabe said that the DRB had previously seen other applications and approved changing these spaces into bonus rooms, for other units. They are asking for the same change for 5 more units. He read from the letter from Chief Kolenda.
- i. Permits are required from the Vermont Division of Fire Safety
 - ii. Sprinkler coverage will be extended to cover the new bonus room
 - iii. Smoke detectors to be added in the bonus rooms
 - iv. Provide egress windows in bonus rooms where possible
 - v. If no egress window is possible, no doors will be allowed from the existing balcony to the new bonus room, cased openings only.
- E. Phil Carter asked if they can't put in an egress window, then they can't put in a door from the balcony.

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- F. John Watanabe said that is correct. He said they all have existing lofts, that's the balcony. He said that some of the buildings don't have sprinklers and if they don't, they can't have a door.
- G. Phil Carter asked about the note on the drawing that shows replacing an existing vent with the egress window.
- H. John Watanabe said that is correct.
- I. Julie Nicoll asked if N302 has a vent.
- J. John Watanabe said if there is a vent, there will be an egress window.
- K. Phil Carter asked about the existing vents.
- L. John Watanabe said they are fresh air intakes for the attic and can be converted into an egress window.
- M. Phil Carter asked about contact with the Fire Marshall.
- N. John Watanabe said that will be done through the owners with their contractors. We will provide copies to Rose Goings when we receive them. We have done that in the past.
- O. Rose Goings said she will not issue CO without the permit from Fire Safety.
- P. Julie Nicoll asked if these rooms will be used for sleep.
- Q. John Watanabe said no.
- R. Phil Carter asked if John Watanabe is okay with Chief Kolenda's conditions.
- S. John Watanabe said yes.
- T. Julie Nicoll noted that the chief left unit #N304 off his list.
- U. Rose Goings said the owners backed out.
- V. John Watanabe said the owner withdrew after the application was submitted.
- W. Linda Petty asked about M305 and existing ductwork. She asked if it is a fireplace.
- X. John Watanabe said there is a fireplace on the lower level in the living room. The drawing looks down on it.
- Y. Dana Wilson asked about an empty vent.
- Z. John Watanabe said it is ridge ventilation.
- AA. Linda Petty asked how we will know if they put in doors between the rooms without egress windows.
- BB. Phil Carter said Rose Goings will check on it when she inspects for the CO.
- CC. Rose Goings said you will also find out if they sell the unit.
- DD. **MOTION by John Boehrer and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

3. **OTHER BUSINESS**

- A. **Munch Application**
i. Phil Carter advised that the Munch application, denied by the DRB is being appealed.
- B. **New Zoning Regulations for Town and Village**
i. Phil Carter noted that there are new zoning regulations and the board should replace the ones they have. He said that the revisions started with the Drive-in/Drive-up/Drive-through issues and these have been resolved. The Planning Commission made the following changes
a. removed Drive-In/Drive-Up/Drive Through" from all Restaurant/Bar uses in Zoning Districts
b. Add "Drive-In" to "Drive-Up/Drive Through" use definition
c. Remove "but not limited to" from all references & definitions to eliminate confusion
d. Change "Family" to "Unit" in all dwelling types to be consistent with current norms
e. Add and/or modify definitions to exactly match wording in Permitted and Conditional Uses in Zoning Districts

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- f. Remove “Retail Store” from Conditional Uses where “Retail Use/Retail Service” is already included as store is included in the use/service definition
 - g. n Village R-C Only remove “Senior Housing” as it is already included as part of “Health Care Facility” and “Specialty Craft Shop” as retail store is part of “Retail Use/Retail Service”
 - h. Add Affordability requirement for Housing Developments
 - i. For new developments, 15% rounded up for 10 units or more and for modifications or amendments to existing permits, additional units have to meet 15% requirement of additional units. Units to stay affordable in perpetuity.
 - j. A developer may choose to provide up to 35% (total) of the original unit count as affordable. If there are additional (above the 15% required) affordable units added under this provision, the developer may add one additional full market rate unit for every one affordable unit added to the project.
 - ii. Phil Carter said if a developer only builds 9 units, they would be off the hook.
 - iii. Rose Goings said that is correct. Alan Isaacson said that there is nothing in the regulations that says the affordable units have to be on the same property as the development. It could be something like the Black River Overlook.
 - iv. Phil Carter asked if this would also include fixing up old houses to be the affordable units.
 - v. Rose Goings yes. She added that if a developer wants to add to an existing project, this would apply.
 - vi. John Boehrer asked who would determine what meets the Affordable Housing Requirements.
 - vii. Rose Goings said the local or regional housing trusts. It is based on median income. There are 2, the Rutland and Windham-Windsor Housing Trusts.
 - viii. Phil Carter asked if each one has its own requirements.
 - ix. Rose Goings said there are state requirements.
 - x. Phil Carter asked if the developers are responsible to contact the trusts.
 - xi. Rose Goings said yes.
- C. Unresolved Issues with Parking Requirements in the Village Regulations
- i. Phil Carter said that the village regulations have not been changes regarding off-street parking requirements. One section says there are needed and another section says they aren’t.
 - ii. Rose Goings said that is correct and they have not been changed. Rose Goings said that the town has received a grant to upgrade the parking in the village.
 - iii. Phil Carter said the regulations still have to be changed. They are unclear. There was an application to change the space that is now Drew’s to a bar. The neighbors were concerned about noise and parking. They did not have enough parking because it was a change of use.
 - iv. Julie Nicoll thanked the Planning Commission for their work.
 - v. Phil Carter said there is still ambiguity in the zoning regulations and the zoning regulations should be clear and should not have ambiguity. He would like to have the DRB present at Planning Commission discussions regarding parking.
- D. Recent Violation Letter
- i. Rose Goings said that regarding a recent violation letter that she had issued, the owners fixed the violation and she gave them a CO.
- E. Rose Goings advised that there will not be a meeting in February.

4. REVIEW AND APPROVE MINUTES

- A. The board reviewed the minutes of the December 10, 2018 meeting.
 - i. Julie Nicoll noted that on page 1, item II, 4 should read “John Marchica said that he wants to convert...”
- B. **”MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes of December 10, 2018 as corrected. Motion passed unanimously.**

5. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Dana Wilson to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:32 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Dana Wilson