

**DEVELOPMENT REVIEW BOARD
MINUTES**

January 9, 2017

MEMBERS PRESENT:

Phil Carter, Chairman John Boehrer Julie Nicoll

MEMBERS ABSENT:

Richard Harrison Linda Petty

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

David Rose John Watanabe Patrick Cody – LPCTV
Robert Ross Lisha Klaiber, Recorder

I. CALL TO ORDER

1. Meeting opened at 6:03 p.m. by Chairman, Phil Carter. Richard Harrison and Linda Petty absent. Phil Carter advised there is a quorum.

II. OPEN THE PUBLIC HEARING FOR ROBERT AND MARIA ROSS

1. Phil Carter advised that this is an application for Flood Hazard Review to remodel the existing home. The project is located at 139 Buttermilk Falls Road in the Special Flood Hazard Area of the Town Residential District.
2. Rose Goings advised that this is application 447-17-FHR. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on December 13, 2016, advertised in THE VERMONT JOURNAL on December 21, 2016 and abutting property owners were notified on December 13, 2016. Fire and Police Department letters are in, along with estimates and the DEC Wastewater System and Water Supply permit.
3. Phil Carter administered the oath to all (Robert Ross) wishing to speak at this hearing.
4. Robert Ross explained that they had recently purchased the house and would like to update and remodel it. They wish to paint, put in new floors and carpeting, new kitchen counters and replace the roof this summer.
5. Rose Goings explained that the reason for this hearing is that with properties in the Flood Plain, they need to keep track of the 50% Substantial Improvement parameters. If they exceed 50 % of the value of the house (excluding land), that would trigger the need to fill in the basement or lift the house. The current value of the house is \$103,000. The total estimate for these improvements is \$10,610, or about 10%. As improvements are made to the house, its value will also increase and the 50% mark will go along with the new value.
6. Phil Carter asked Robert Ross if he understands this rule.
7. Robert Ross said yes and they are avoiding that threshold number.
8. Phil Carter thanked Robert Ross for the estimate and asked if there would be any changes to the footprint of the house.
9. Robert Ross said no.
10. Phil Carter said the estimates are now on the record.
11. Rose Goings said that in the past, we have required 3 estimates, but these improvements are so far under the 50% mark, that 3 estimates are not needed.
12. Julie Nicoll asked if there was water damage in the house after Irene.
13. Robert Ross said that neighbors have told him that there was not.
14. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
15. Phil Carter said the board would get word out and send a decision.
16. Robert Ross asked when, explaining that there is a promotion going on at Home Depot that ends on January 19th and they would like to take advantage of it.
17. Rose Goings suggested the board do an Up-Down vote.
18. **Phil Carter called for an Up-Down vote to approve this application.**
19. **Board unanimously approved this application.**

III. **OPEN THE PUBLIC HEARING FOR DAVID AND SUSAN CREASER, II**

1. Phil Carter advised that this is an application to allow for a subdivision creating 2 lots. The project is located at 245 South Hill Cross Road in the Town Residential District. He noted that the address was listed in the agenda as South Hill Road.
2. Rose Goings advised that this is application SUB17-003. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on December 13, 2016, advertised in THE VERMONT JOURNAL on December 21, 2016 and abutting property owners were notified on December 13, 2016. She said that the State permit was approved on October 16, 2016.
3. Phil Carter administered the oath to all (David Rose) wishing to speak at this hearing.
4. David Rose explained that the Creaser's lot is 6.44 acres and they would like to subdivide it and gift the one lot to their son. The two lots will be 3.35 and 3.09 acres. The Septic Design has been approved by the State as a mound system for a 3-bedroom house with the well shield entirely on their lot.
5. Phil Carter asked about access to the new lot.
6. David Rose said it would be up the existing driveway with a 50 foot easement and then they will turn off into the new lot.
7. Phil Carter noted that both lots have frontage on South Hill Cross Road and a state approved septic design. He asked if they would monitor the septic system during construction.
8. David Rose said yes, but they have no plans to build on the lot at this time.
9. Phil Carter asked if the area has any special history, wetlands or sensitive areas.
10. David Rose said no.
11. Julie Nicoll asked if they could access the lot from South Hill Cross Road.
12. David Rose said yes.
13. Phil Carter said the only restrictions would be what the Creaser's may put in a covenant.
14. Rose Goings said this has met all of the requirements for the subdivision.
15. **MOTION by Julie Nicoll and seconded by John Boehrer to approve this application with an Up/Down vote to create 2 lots and to authorize Phil Carter to sign the Mylar. Motion passed unanimously.**

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

1. 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, instead of the currently permitted bedroom. The project is located at Winterplace, in the Mountain Recreational District for the following units:
 - a. Anthony & Karolyn Forlenzo, 19 Whiteloop, A204
 - b. Mark & Barbara Engel, 81 Whiteloop, F303
 - c. Todd & Jennifer Gjervold, 84 Harrison Lane, J303
 - d. Marc & Lisa Pensabene, 22 Harrison Lane, L303
 - e. Joanne Kucej, 42 Harrison Lane, M304
 - f. Geraldine Reilly, 42 Harrison Lane, M306
2. Rose Goings advised that this is application 081-94-PRD, Amendment #8. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on December 13, 2016, advertised in THE VERMONT JOURNAL on December 21, 2016 and abutting property owners were notified on December 13, 2016.
3. Phil Carter administered the oath to all (John Watanabe) wishing to speak at this hearing.
4. John Watanabe said that the RB had previously approved changing these spaces into bedrooms, but they could not come to an agreement with Okemo Realty for water allocations, so they need to change the space into Bonus TV rooms. He said originally, they thought Okemo Realty would agree to the additional allocation, but nothing has happened. He said they had met with representatives from the State and they have no water requirement for these changes. There are no other changes to the permit.
5. Rose Goings said this is the same permit, just a change in use.
6. Phil Carter said John Watanabe would have to notify the owners that the spaces are not bedrooms and if used as bedrooms, would not be compliant. He said this would get Winterplace on the record as these rooms are not bedrooms.
7. Rose Goings noted that Unit J303 had not been approved for making the space into a bedroom in the recent amendment.
8. John Watanabe was aware of this. He asked how this would be transferred to the deeds.
9. Rose Goings said it would just be in the permit and the COA would have to police it. If a bedroom is put in and caught at the time of a sale, it would be in violation of the permit.
10. John Watanabe said there are about 65 more units left that also may want the Bonus Rooms.

11. Rose Goings said they may not even put in a sleeper couch as that would then be considered a bedroom.
12. John Boehrer asked when they would be starting the project.
13. John Watanabe said they wanted to start last summer and still have to go to the state. They will do these 6 after this ski season and there are 10 more waiting after that.
14. **MOTION by John Boehrer and seconded by Julie Nicoll to close this. Motion passed unanimously.**
15. Phil Carter said they would write up a decision.

V. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from November 14, 2016.
2. Julie Nicoll noted that on page 5, item 29 should read "...have 6 months to start to rebuild..."
3. Phil Carter noted that on page 5, item 32 should read "They can put conditions on..."
4. Phil Carter noted that on page 5, item 36, should read "...the snow did not affect it..."
5. **MOTION by John Boehrer and seconded by Julie Nicoll to approve the minutes from November 14, 2016 as corrected. Motion passed unanimously.**

VI. **OTHER BUSINESS**

1. Permits from Last Meeting
 - a. South Face – approved
 - i. Phil Carter asked if they had their CO.
 - ii. Rose Goings said yes. She added that she had gone into the units and they are working on the closings
 - b. McBride – approved
 - i. Rose Goings said they will be opening soon.
 - c. Nitka - Main Street – approved
 - i. Rose Goings said they are all set, but do not have their CO yet..
 - d. RSB, Ludlow – approved
 - i. Rose Goings said this is the stone house and it is still standing.
 - ii. Phil Carter noted that at the hearing, the board had requested that the area be fenced for the winter and this had not been done
 - iii. Rose Goings said that is correct. She said even though the ground is hard, they could put an orange safety fence around it.
 - iv. Phil Carter said this was discussed and some people are afraid that the building will fall down.
 - v. Rose Goings said the stone house is up for auction.
2. OMS
 - a. Rose Goings advised that OMS is good to build the training facility.
 - b. Phil Carter said the decision from the Environmental Court was in favor of OMS and any appeal time has passed. They are okay to build the training facility.

VII. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Phil Carter to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:33 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison