

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

May 11, 2015

MEMBERS PRESENT:

Phil Carter	Richard Harrison
John Boehrer, Vice Chair	Julie Nicoll

MEMBERS ABSENT:

Linda Petty

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Peter Alberti	Mike Doran	Ted Reeves
Terry Bane	Eddie Duncan	Robin Reilly
Jess Bobar	Kathy Gaede	Joe Rolka
Haris Bruning	Chris Garvey	Steve Rolka
Ryan Burns	Desiree Giroux	Larry Slason
Sandy Burns	David Grayck	Brian Villa
Chris Callahan	Brent Karner	Richard Walsh
Jules Chatot	George McNaughton	Lisha Klaiber, Recorder
Ais Chickering	Mariel Meringolo	Vincent Guerrero, LPC TV
Vickie Davis	Joe Poston	
Terry Dewan	Jim Purdy	

I. CALL TO ORDER

1. Meeting opened at 6:02 p.m. by Chairman Phil Carter. All members present, except Linda Petty.

II. OPEN THE PUBLIC HEARING FOR JOHN AND SUZANNE BRUNO

1. 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 246 Okemo Trailside Extension, 27D Trailside Iroquois Village, located in the Mountain Recreational District.
2. Rose Goings advised that this is application 128-98-PRD, Amendment #46. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all (Peter Alberti) wishing to speak at this hearing.
4. Peter Alberti advised that this is another of the mudroom enclosure projects. It will be the same as all previous projects.
5. Phil Carter asked if there would be any expansion to the footprint.

6. Peter Alberti said no.
7. Rose Goings asked if the applicant would also be doing interior renovations.
8. Peter Alberti said yes, bathroom, kitchen and fire place.
9. Rose Goings asked if they had contacted Fire and Safety.
10. Peter Alberti said that is in place.
11. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing.**
Motion passed unanimously.

III. **OPEN THE PUBLIC HEARING FOR JOSHUA AND CHRISTINE WEINTRAUB**

1. 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 133 Okemo Trailside Extension, 17A Trailside Arapaho, located in the Mountain Recreational District.
2. Rose Goings advised that this is application 128-98-PRD, Amendment #47. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all (Peter Alberti) wishing to speak at this hearing.
4. Peter Alberti advised that this is another of the mudroom enclosure projects. It will be the same specifications as all previous projects.
5. Phil Carter noted that in the drawings, the decks are not always in the same place and asked why.
6. Peter Alberti said it depends if the unit is on the interior or if it is an end unit
7. Phil Carter asked if there would be any increase in the footprint.
8. Peter Alberti said no.
9. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing.**
Motion passed unanimously.

IV. **OPEN THE PUBLIC HEARING FOR BRUCE AND ANNE MURPHY**

1. 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 67 Village II, 39A Sachem, located in the Mountain Recreational District.
2. Rose Goings advised that this is application 128-98-PRD, Amendment #49. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all (Peter Alberti) wishing to speak at this hearing.
4. Peter Alberti advised that this is another of the mudroom enclosure projects. It will be the same as all previous projects.
5. Phil Carter asked if there would be any increase in the footprint.
6. Peter Alberti said no.
7. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing.**
Motion passed unanimously.

V. **OPEN THE PUBLIC HEARING FOR WILLIAM AND NANCY ANDERSON**

1. 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 198 Village IV, 43B New Middlesex, located in the Mountain Recreational District.
2. Rose Goings advised that this is application 128-98-PRD, Amendment #48. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all (Peter Alberti) wishing to speak at this hearing.
4. Peter Alberti advised that this is another of the mudroom enclosure projects. It will be the same as all previous projects.
5. Phil Carter asked if there would be any added space.
6. Peter Alberti said no
7. John Boehrer asked about a change in the drawing.
8. Peter Alberti said yes, the change would be an added ski closet.
9. Phil Carter asked if this would be an increase in the footprint.
10. Peter Alberti said yes, on the outside.
11. Phil Carter asked about the stairs.
12. Peter Alberti said they would be in front of the ski closet.
13. Phil Carter asked if this would this would be considered an additional room.
14. Peter Alberti said no.
15. Phil Carter asked how it would be attached.
16. Peter Alberti said it would be attached to the wall and has a door.
17. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for Ledgewood and asked the applicant if they could be addressed concurrently. The applicant's representative agreed.

VI. **OPEN THE PUBLIC HEARING FOR LEDGEWOOD ASSOCIATION**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to allow extending the size of the decks. The project is located at 117 Ledgewood Road F1 and F2, 24 Ledgewood Road B1 and 101 Ledgewood Road G1. The project is located in the Mountain Recreation District.
2. Rose Goings advised that this is application 88-196-CU, Amendment #3. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.

VII. **OPEN THE PUBLIC HEARING FOR LEDGEWOOD ASSOCIATION**

1. Phil Carter advised that this is an application for Local Act 250 review to allow extending the size of the decks. The project is located at 117 Ledgewood Road F1 and F2, 24 Ledgewood Road B1 and 101 Ledgewood Road G1. The project is located in the Mountain Recreation District.

2. Rose Goings advised that this is application 429-15- ACT250. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all wishing to speak at the hearing (Chris Garvey.)
4. Chris Garvey advised that the applicants wish to expand the size of the decks for hot tubs, adding about 80 square feet to each deck.
5. Phil Carter asked where these would be located.
6. Chris Garvey said they are end units with existing decks that are not big enough for hot tubs
7. Phil Carter asked how many feet out they would extend.
8. Chris Garvey said they would be located along the backside of the units.
9. Phil Carter noted that the original permit had requirements for fire access along the back of the buildings and asked if that would still be in place.
10. Chris Garvey said the decks will not extend beyond the end of the building.
11. Phil Carter asked if they would be built on footings.
12. Chris Garvey said yes, they would dig footings for each one.
13. Phil Carter asked about letters from municipal departments.
14. Rose Goings said fire and ambulance are missing. She said that she sent each of them an email and has not heard anything back.
15. Phil Carter advised that there are three criteria for Local Act 250. He asked about education services.
16. Chris Garvey said they would not be affected.
17. Phil Carter asked about municipal services.
18. Chris Garvey said these are just decks and would require no additional municipal services.
19. Phil Carter asked about compliance to the town plan.
20. Chris Garvey said it conforms to the town plan.
21. Phil Carter noted that the units are located in the Mountain Recreation District
22. Chris Garvey said that is correct.
23. Julie Nicoll asked if this would be the beginning of more possible similar requests from Ledgewood.
24. Chris Garvey said this is only for four units where applicants have expressed an interest. These are end units and the project is more feasible for them. To do the same project to interior units would be more expensive and the interior units are smaller.
25. **MOTION by John Boehrer and seconded by Richard Harrison to close these hearings for Ledgewood Association. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for IMERYYS and asked the applicant if they could be addressed concurrently. The applicant's representative agreed.

VIII. **OPEN THE PUBLIC HEARING FOR IMERYYS TALC VERMONT, INC.**

1. Phil Carter advised that this is an application for a Conditional Use Permit to allow for permanent mobile crushing, screening and overburden storage. The project is located on East Hill Road in the Industrial District.

2. Rose Goings advised that this is application 432-15-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.

IX. **OPEN THE PUBLIC HEARING FOR IMERYS TALC VERMONT, INC.**

1. Phil Carter advised that this is an application for a Local Act 250 Review for an amendment to the current Act 250 permit that expires October 2015 for permanent mobile crushing, screening and overburden storage. The project is located on East Hill Road in the Industrial District.
2. Rose Goings advised that this is application 432-15-ACT250. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all (Robin Reilly, Jim Purdy, Brian Villa, Eddie Duncan and George McNaughton) wishing to speak at this hearing.
4. George McNaughton advised that the preliminary purpose for this application is that, in October, the Operations Permit for the mine expires. This renewal is also to make clear several items. No. 1 – they are requesting an extension of the operating permit through October 2045. No. 2 – to set the phases for the mining and reclamation, including new storage areas, in 2019, the reclamation of Black Bear will be completed, and they need storage after that closes. No. 3 – they have a series of permits with ANR, all in different places and they want to make sure that the dewatering system permit is in sync with Act 250. No. 4 – they currently have a crusher permit with the Town of Ludlow folded into the overall mine permit, as part of the mining operations and it is not new or additional. No. 5 – there are mapped deer yards that are part of the mine area. They have not been verified by ANR. There is a mitigation plan to set aside 70+ acres for this. No. 6 – there are also some minor things, one pond will be filled.
5. Phil Carter said that because this hearing is tied into the local Act 250 review, they may also address that as they proceed.
6. Jim Purdy advised that he is a professional geologist with Geomapping. His specialties are hydrogeology, mining and environmental geology. They have developed a 30-year plan and the current Act 250 permit expires in October 2015. They are seeking a 30-year extension of the Argonaut operation permit. The area includes 1,800 acres, extending from Chester to Route 103 to Andover, Cavendish and Ludlow. There are four (4) individual mines: Frost Bite, Argonaut, Black Bear and Rainbow. Argonaut is the center of operations, Black Bear is being reclaimed and Rainbow is the northern most and where the waste water treatment system is located. He said that the Smith property is located within the overall area and they are co-applicants to the Act 250 application. He indicated elevations, the mine yard, the leach field on the drawing. He noted that the surface is in the drainage area of the Slip Stone Brook and the confluence with the Black River is 3 ¼ miles north.
7. George McNaughton advised that there would be no increase in traffic or access changes.
8. Jim Purdy indicated the VELCO transmission lines, woodlands and the well. He said it is an isolated mine site. He referred to a drawing that compares the 1992 ANR permit site to the current site. He indicated the north storage for top soil that is inactive now. He said that there were 136 total acres for this permit in 1992, 81 acres for the mine and 55

overburden acres. The current total acreage is 146 acres, with 81 acres for the mine and 65 acres for overburden. He referred to page 2 of the plan and said it was slightly smaller at the end of 2014, with 61 acres, not 81. The drawing includes the mine, roads, drainage facilities and land disturbances. He said that Argonaut was developed in the 1970s as an underground mine.

9. Brian Villa said that he is on Winery Road and asked if there would be an increase in noise from crushing.
10. George McNaughton said the hours, 6:00 a.m. to 6 p.m. would be the same and there would not be a change. He said that the portable crusher permit would be the same.
11. Phil Carter asked the location of the crusher.
12. Eddie Duncan said it is located currently in the pit in the far north. There will be more crushing to the far north, closer to Mr. Villa, but it would still be back in the woods.
13. Jim Purdy said there would be no additional use of East Hill Road than current usage,
14. George McNaughton said that East Hill usage is not changed by this permit. It is zoned Industrial and is a stable, sustainable talc mine, mentioned and allowed in the town plan. He said there would be no increase in the traffic. He said there would not be an increase in the number of employees, so no additional burden to the schools. He said they do not use town water or sewer facilities, so they would not be impacted. He said there would be no additional use of town emergency services.
15. Rose Goings noted that the letters from Fire and Ambulance had not been received.
16. George McNaughton said he sent the request letters to them.
17. Jim Purdy said there is a 3-phase plan for completing the extractions at Argonaut. There would be a progressive reclamation open pit. There is overburden disposal at Black Bear. He said that Black Bear needs to close and be reclaimed by 2019. He said they need a new overburden storage area. Phase 1, at the north end, would be to excavate to the perimeter limit by the Serpentine Knob area. When that is closed and reclaimed, they would strip through the Serpentine area and revegetate. Phase 2, trucks enter the pit at the north end or west end. He indicated the 1700 Level Bench and said that would be the main haulage for the waste rock. He indicated the current extent and limits. They would build on top to minimize new land area needed. He indicated erosion control structures and terraced areas. Phase 3, the NE Pit would be developed to the east. He said 1/3 of the NE pit would be backfilled up to elevation 1530, noting that native ground is 1550. He said that at the 1700 level, all roads are active to the SE. They will stay 100 feet below the crest elevation. He noted shaded areas on the drawing and said they would be planted and revegetated once the project is completed. The pit will be free draining and the operational water level will be maintained. The pit lake will be backfilled to the portal level and pumped to the Rainbow mine treatment system. He said there is a 1 ½ mile pipeline. He said the pit water contains contaminates, is 75 feet deep and is a large retention, settling basin. The water is treated and is regulated by the NPDS system. Treated water goes to the Black River.
18. Chris Callahan asked if there is a long term plan or do they plan to pump forever.
19. Jim Purdy said a 30 year plan. He said there are metal contaminates in the water, including iron, manganese and arsenic. There isn't a real solution now.
20. Chris Callahan asked if they would continue pumping until a better solution is found.
21. George McNaughton said yes.
22. Phil Carter asked about asbestos.
23. Jim Purdy said asbestos is not a problem at this time.
24. Phil Carter asked about the time frame.

25. George McNaughton said 30 years, adding that Act 250 won't exceed that length of time because no one knows what the market will be by then. To be straight forward, they don't know, but will keep a sustainable mine as long as possible.
26. Richard Harrison asked if they work the employees more until the cold weather comes, then restart in the spring.
27. George McNaughton said historically, yes, but the permit should not be limited to that.
28. Phil Carter asked about noise and more crusher time at the northern end.
29. Eddie Duncan said there is one storage pad and a horseshoe turn. It is back in the woods.
30. George McNaughton said it would not be visible.
31. Phil Carter asked hours of operation.
32. George McNaughton said the same as current, 6 a.m. to 6 p.m.
33. Robin Reilly said daylight hours.
34. Phil Carter asked them to indicate the deer areas on the map.
35. Jim Purdy referred to the drawing and showed the areas designated by the Wild Life Department. He said there is an easement area to the north. He showed a green area in undisturbed areas with a facing slope and good coverage.
36. George McNaughton asked if there were any questions about the view shed.
37. Phil Carter said no.
38. George McNaughton said they are not moving closer to the roads and there are no setback issues.
39. Phil Carter asked if all mines have reclamation plans.
40. George McNaughton said there were some prior to Act 250.
41. Phil Carter asked about Frost Bite.
42. Robin Reilly said it is underground.
43. George McNaughton said it is an ongoing Act 250 jurisdiction. They consider it reclaimed.
44. Robin Reilly said that is Clifton.
45. Jim Purdy said Clifton is in Chester.
46. George McNaughton said that is not part of Argonaut and Black Bear is another permit.
47. **MOTION by John Boehrer and seconded by Richard Harrison to close these hearings. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for OKEMO and asked the applicant if they could be addressed concurrently. The applicant's representative agreed.

X. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC/CNL INCOME OKEMO MOUNTAIN LLC**

1. Phil Carter advised that this is an application for a Conditional Use Permit to allow for summer mountain biking utilizing South Ridge Quad A and gravel trails. Property is located at Mountain Road in the Mountain Recreational District.
2. Rose Goings advised that this is application 430-15-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.

XI. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC/CNL INCOME OKEMO MOUNTAIN LLC**

1. Phil Carter advised that this is an application for Local Act 250 Review to allow for summer mountain biking utilizing South Ridge Quad A and gravel trails. Property is located at Mountain Road in the Mountain Recreational District.
2. Rose Goings advised that this is application 431-15-ACT250. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on April 17, 2015, advertised in THE VERMONT JOURNAL on April 22, 2015 and abutting property owners were notified on April 21, 2015.
3. Phil Carter administered the oath to all wishing to speak at these hearings (Ted Reeves and Mike Doran.)
4. Ted Reeves requested that at the close of the hearings, would the DRB consider an Up/Down vote.
5. Mike Doran said this would be a new summer amenity with the lift serving mountain bikers. They would use the existing base lodge for ticket sales and bike rentals. They will use the South Ridge Quad A with every 3rd chair retrofitted with a tray to hold the bikes, riders on the next chair. There are 4 trails down from the top, along the ski trails. Regarding Local Act 250, there will be no new residents to the town, they will use seasonal employees. With no new residents, there will not be new students for the schools. Municipal services will include ambulance, fire, police and electric departments. The operation of the lifts and slopes will be the same, patrolled and maintained by Okemo. Mountain Road will be open for ambulance access. This application conforms to the town plan for year round recreational activities.
6. Julie Nicoll asked if Mountain Road would be used more.
7. Mike Doran said no.
8. Julie Nicoll asked about hill climbs.
9. Mike Doran said that none of the trails will cross Mountain Road.
10. Julie Nicoll asked about safety for hill climbers.
11. Ted Reeves said there would be 2 weekends with cars and they would put up temporary fencing. He said there is also a Saturday in June for the Rotary and they will put up pop fencing for these events.
12. Mike Doran said they would put gravel on the designated trails.
13. Phil Carter asked if they would excavate.
14. Mike Doran said yes. The trails would be 2 feet wide.
15. Phil Carter asked about erosion control.
16. Mike Doran said patrol would take care of it. The trails would be designed to mountain bike standards and storm water will be discussed with the state.
17. Ted Reeves said that is already in process.
18. Phil Carter asked how far up the mountain would they go.
19. Ted Reeves said up to about the Winter Place condominiums. You can't see it from the village.
20. Mike Doran said about 400 feet vertical, about 1728 feet up the mountain.
21. Phil Carter asked when the lifts would be open for this.
22. Ted Reeves said Memorial Day weekend through Columbus Day weekend.
23. Phil Carter asked about the state's concerns with bear migration areas and asked if there are any similar considerations for this.

24. Ted Reeves said this portion of the property was developed 60 years ago and the bear habitat is further up the mountain. This area is not identified as a wild life management area.
25. John Boehrer asked about new structures.
26. Ted Reeves said they would use the existing lift and the base lodge.
27. John Boehrer asked about lighting.
28. Ted Reeves said they would operate during the daylight.
29. Julie Nicoll asked if drift treks would be allowed on the course.
30. Ted Reeves said no.
31. Mike Doran said there would be a pump track with minimal peddling and small jumps, like a skate park.
32. Richard Harrison asked about injuries.
33. Mike Doran said the road would be open and there are also service roads.
34. Ted Reeves said the patrol would include ski patrol members and they have first aid training.
35. John Boehrer noted that they have the letter from the police department.
36. Rose Goings said the fire and ambulance letters are missing.
37. Phil Carter asked hours of operation.
38. Ted Reeves, after some discussion said 8 a.m. to 8 p.m.
39. Julie Nicoll asked about signs.
40. Ted Reeves said bi-pods for directions at the base lodge and a banner at Route 103.
41. Phil Carter asked the board if they wanted to do an Up/Down vote.
42. John Boehrer said it would be contingent upon letters from fire and ambulance and erosion control from the state.
43. **MOTION by Richard Harrison and seconded by Julie Nicoll to approve these two applications for Okemo.**
44. Chris Callahan noted that an Up/Down vote is highly unusual for condition uses. It is non-binding.
45. Phil Carter said this is not a common practice of this board, but they have done it in the past. It is not an automatic practice.
46. **Motion passed unanimously.**
47. Phil Carter advised the applicants that there is a 15 day appeal period.

XII. **RE-OPEN THE RECESSED PUBLIC HEARING FOR OKEMO TUTORIAL PROGRAM, INC.**

1. Phil Carter advised that he is reopening the recessed public hearing for Okemo Mountain School (OMS) Tutorial Program. He advised that this hearing was recessed from the DRB meeting of April 13, 2015. He advised that this application was remanded back to the DRB from the Environmental Court for further evidence on the Conditional Use permit. He said this is 86/87-155-CU, Amendment #3. Project is located at 53 Main Street in the Preservation and Village Residential Commercial Districts.
2. Phil Carter administered the oath to all new parties wishing to speak at this hearing (Brent Karner, Vickie Davis, Kathy Gaede, and Ais Chickering.) He reminded all who spoke at the previous hearing (David Grayck, Steve Rolka, Joe Rolka, Jules Chatot, Mariel Meringolo, Mariann Conlon, Joe Poston, and Larry Slason) that they are still under oath.
3. Phil Carter advised that he was not present at the previous hearing, but that he had reviewed the transcripts and watched the hearing on LPC-TV. He will chair this hearing.

He advised all that we want to move this process forward, so any evidence that was presented at the previous hearing is on the record, will not be rehashed at this hearing. He wants all evidence to be presented in a precise and concise manner and move in a positive way, so that we can get some good results so the DRB can make a good decision based on everybody's concerns.

4. Larry Slason said that Jules Chatot will address the architectural concerns.
5. Jules Chatot said he has been an architect since 1979. He is with Banwell Architects in Lebanon, NH and Quechee, VT
6. Larry Slason asked if Jules Chatot was responsible for making recommendations for the siting and design of the OMS Training Facility.
7. Jules Chatot said yes, and that he had worked with Wright Construction, Michael Engineering and Mariel Meringolo from OMS.
8. Larry Slason asked Jules Chatot if, in that process, he familiarized himself with the Town of Ludlow Zoning Regulations.
9. Jules Chatot said, yes, this was a competitive bid and that he needed to understand the surroundings and regulatory background of Sections 410 and 430.
10. Larry Slason noted that Section 410 is the Preservation District and Section 430 is the Village Residential Commercial District. He asked Jules Chatot to describe the type of buildings in the Preservation District
11. Jules Chatot said it is a cohesive village center with a real mix of building types and uses, ranging from the distinguished civic buildings like the Fletcher Memorial Library, the Baptist Church. There's quite a range from single family residences to large buildings, ski clubs, Sports Odyssey, the Best Western Inn and just outside the district is the Black River High School.
12. Larry Slason asked Jules Chatot to describe the architectural character of some of the buildings.
13. Jules Chatot said it is a mix, predominately steep sloping roofs, clapboard siding, New England traditional architecture.
14. Larry Slason asked, with respect to the uses in the Preservation District, what can you tell us about what you have learned about the uses within the district.
15. Jules Chatot said there are civic buildings, like the library, professional offices, the Black River Academy Museum, a couple of B&Bs.
16. Larry Slason asked Jules Chatot to tell us about the considerations for the siting of the training facility and most important, considerations to use in locating this building on the OMS lot.
17. Jules Chatot said the key element was the existing OMS classroom facility. It is a very distinctive building from about 1813, classic Georgian style, 2-story, clapboard front. To their credit they have authentic features have been maintained, there is a shallow arch, columns at the entry, the windows, it has a slate roof, oversized molding at the frees and corner boards. It's easy access for the students between what will function as the classroom building and the fitness facility.
18. Larry Slason asked if there was any consideration to preserve the streetscape and the front lawn area.
19. Jules Chatot said yes. The existing building is remarkable for its very large setback and front yard from Main Street and that is important to preserve. One of the keys that we took from Section 410 was maintaining the streetscape and so we deliberately sited the building on the nearly same axis with the same setbacks from Main Street as the existing building.

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20. Larry Slason asked if there were any considerations given to the siting of the building with relationship to the Washburn or Rolka residences
 21. Jules Chatot said that by maintaining this front yard, we really didn't block natural light to the nearby 2 ½ story residence and in terms of the single story residence we are in excess of setback on Washburn Lane so we don't block natural light. (He indicated this on a drawing.) He said the new building would not cast shadows on either building.
 22. Larry Slason asked what considerations were given to the design and physical appearance of the training facility.
 23. Jules Chatot said they needed high interior space for the trampoline above normal single story and took the early 1900 carriage house/barn idea. It is distinctive village house so how would they care for their carriage and horses. It is a contemporary barn design
 24. Larry Slason asked if it would be fair to say that the architectural details that you have chosen were intended to make the structure appear as an authentic barn.
 25. Jules Chatot said yes.
 26. Larry Slason asked Jules Chatot to describe some of the details that lend authenticity to the agricultural and barn type appearance.
 27. Jules Chatot asked if he should focus on outside features.
 28. Larry Slason said they would deal with the exhibits admissibility later. He will advise the board what number has been assigned to it.
 29. Jules Chatot referred to drawing A201, Exhibit 8.
 30. Larry Slason said Exhibit 8 is the OMS Exterior Elevations.
 31. Jules Chatot noted the South, view from Main Street, West, view from the west, East, view from the existing school and North, view from Washburn Lane elevations. He indicated the historic barn features, like high bay doors (fixed) with large cross cut boards and also the functional exit doors and window light and higher lights into the exercise space. He indicated the lean-to roof, cupola, silo and typical barn elements. He showed the small, high stall windows that provide natural light and give privacy into the yoga studio. He said the trampoline would be in the silo area. He said the silo would have vertical boards, with metal compression rings that get closer at the bottom. The barn would have clapboard siding, and details suggesting a historical barn.
 32. Larry Slason asked if the vertical boards on the silo would be rough sawn.
 33. Jules Chatot said yes, with metal compression rings.
 34. Larry Slason asked if Jules Chatot prepared and was responsible for Exhibit 8.
 35. Jules Chatot said yes.
 36. Larry Slason asked if Exhibit 8, in Jules Chatot's opinion accurately represents the design and actual details of the proposed training facility and its dimensions.
 37. Jules Chatot said yes. It was drawn with modern software that accurately tracks the dimension and quantities as the drawing is assembled.
 38. Larry Slason said, using this exhibit; let's talk about the building height. Have you determined the mean height of the overall structure using Ludlow Zoning Ordinance definition of BOCA height?
 39. Jules Chatot said yes we did and it is given here on the south elevation, the one facing Main Street. We dimensioned from the average finished grade to the low point of the lowest roof from the same point to the highest peak or ridge, in this case it is the peak of the silo, and then took the mean halfway between that, which is defined as the mean building height.
 40. Larry Slason asked what did you determine to be the mean building height of the OMS training facility.
 41. Jules Chatot said 24' 2 ⁵/₈".

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42. Larry Slason asked what the actual height of the tallest portion of the peak of the silo.
 43. Jules Chatot said 37' 7 ³/₄".
 44. Larry Slason said in the Village Residential Commercial the maximum building mean height is 35 feet, is that correct?
 45. Jules Chatot said yes.
 46. Larry Slason asked, in his opinion, does Jules Chatot think that a building height of 24' 2 ⁵/₈", does this building conform to the height requirements of the Ludlow zoning ordinance.
 47. Jules Chatot said yes, using their definition, we are a good deal under the 35' maximum average height.
 48. Larry Slason referred to the Project Lighting Exhibit 11, in the notebook. He asked what is bollard lighting as shown in the exhibit..
 49. Jules Chatot said a bollard is a vertical post fed from underground conduits. In this case it is 2'4" tall, it has a 36 watt compact fluorescent lamp spaced for safe passage along the walkway between the buildings
 50. Larry Slason asked if they would be limited to the walkway.
 51. Jules Chatot said yes.
 52. Larry Slason asked, from Jules Chatot's experience, about the amount of light dispersion and visibility of those lights from other locations.
 53. Jules Chatot said they have a really limited flow of light, a 36 watt compact fluorescent with opal glass lenses, he said he doesn't think that their maximum would exceed 2 to 3 foot candles within a 10 foot radius.
 54. Larry Slason asked if any of the parking area would be lighted.
 55. Jules Chatot said no. This project does not have lighting for the parking area.
 56. Larry Slason asked, with respect to Exhibit 11, is it your testimony now that that is an accurate product data sheet and that Exhibit 11 accurately describes the specifications and details of the Bollard lighting intended to be used for this project.
 57. Jules Chatot said yes.
 58. Larry Slason referred to Exhibit 12, the RAB Lighting. He asked what that means.
 59. Jules Chatot said RAB is the manufacturer. They are wall mounted, like sconces to be mounted on the outside of the face of the building. They are 12 watt LEDs and what they have done is put a pair of them at each of the 3 required exits of the building. The reason to have pairs is to be symmetrical. The building and fire safety code required that they have a level of redundancy in the event of an emergency egress, so the pair of lights provides that. It is extremely unlikely that both will burn out at once.
 60. Larry Slason asked if he is correct in understanding that there are 3 egresses to the training facility and there will be 2 lights at each of the 3 points of entrance, for a total of 6 lights.
 61. Jules Chatot said yes.
 62. Larry Slason asked Jules Chatot to tell a little more about the lights, in terms of their direction, shielding, and specifications that you want us to be aware of
 63. Jules Chatot said they are wall mounted, the light direction is down, and they have a sharp cut off so that they light the area of the exit. They were chosen mainly because they meet the requirement for safe egress. They are good looking and don't conflict with the historic character of the building.
 64. Larry Slason asked about light dispersion, with fully shielded and downward direction, would they cast any light dispersion onto an adjoining property.
 65. Jules Chatot said no. There will be a puddle of light below them, but no more than 12 to 15 feet away.

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66. Larry Slason asked Jules Chatot regarding Exhibit 11 (*sic*), the RAB Exhibit, is it your testimony that the exhibit accurately describes the dimensions, the specifications and the lighting details of the wall mounted luminaires.
67. Jules Chatot said yes.
68. Larry Slason referred back to some of the architectural considerations specific to the Preservation District Section 410. He read the purpose of the Preservation District from the regulations. *“The purpose of the Ludlow Preservation District is to maintain the special character and architectural integrity of this area of the Village...”* He continued, saying, having this in mind, is it your opinion as to whether the OMS training facility as sited and designed does indeed maintain the character and integrity of this area of the Village.
69. Jules Chatot said yes, in both contexts. Many of the larger wood frame and particularly brick 2 ½ story building, the Sports Odyssey building, have steep roofs, a number of clapboard buildings, edge draining, defined punch windows. We think this fits that context with the scale, massing, alignment. He said that he may not have mentioned, but that they also very deliberately aligned this new building with the existing building so that they would appear to have a connection in relation to each other.
70. Larry Slason asked Jules Chatot if he had an opinion whether the training facility and its educational related use, is consistent or compatible with other uses in this district.
71. Jules Chatot said yes. Just outside the district, it is an educational function very near the public high school. Moving into the district, itself, there is winter snow sports retailing down the street, there’s ski club buildings that many of the same enthusiasts that are in town for, there’s the Best Western motel. This is fitting in with the uses and character of the neighborhood.
72. Larry Slason asked if Jules Chatot would agree that there are other civic or educational uses in Fletcher Memorial Library, Black River Academy Museum and a civic use, the Baptist Church to the extent that this may be considered a civic or educational use, would that further be consistent.
73. Jules Chatot said yes. He said he thinks this is one more in a mixed village neighborhood.
74. Larry Slason referred to Exhibit 10, OMS Training Facility Visual Impact Narrative. He asked Jules Chatot if he had prepared that narrative to determine or at least provide your testimony whether the training facility would be consistent with the character of the area and whether or not it would have any adverse impact on the character of the area.
75. Jules Chatot said yes he had.
76. Larry Slason, acknowledging that the chair wishes to move through testimony tonight, asked did you author and prepare that report.
77. Jules Chatot said yes he had.
78. Larry Slason asked if that report is true and accurate and does it contain your testimony and if you were to be asked those questions tonight, would you testify consistently with that report and render the same opinions.
79. Jules Chatot said yes I would.
80. Larry Slason asked, based on the report that Jules Chatot had provided, and the findings in that report, do you have an opinion whether the OMS training facility will have any adverse impact on the character of the area.
81. Jules Chatot said that in his opinion, no it won’t. In putting this narrative together, we used the Quechee decision, a two-step process. We looked at if there would be any adverse impact and second how can we mitigate it. He said that he feels that no, there will not be an adverse impact and none of us have taken efforts to fit into the context of the Ludlow Preservation District. We see no negative aesthetic impact.

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82. Larry Slason referred to the Village of Ludlow Performance Standards in Section 550. He asked Jules Chatot, based on his knowledge of the design and intended use of this building, will its use generate any unacceptable level of noise.
 83. Jules Chatot said no, he did not believe so. The building will be heated with LP gas, there is a pretty sophisticated mechanical ventilation system, because like any gym, there's a lot of activity and heat generated. They will make use of the cupola for intake fresh air and exhaust stale air. That shouldn't have any impact on the neighbors.
 84. Larry Slason asked if that answer was directed primarily to the noise.
 85. Jules Chatot said the walls are built to a good energy standard and are well insulated, so noise from inside should not be a problem or objectionable.
 86. Larry Slason asked about the standards deal with air pollution, and asked if operation and occupancy of this facility generate any harmful emissions or air pollution.
 87. Jules Chatot said no.
 88. Larry Slason asked if Jules Chatot is aware of any activity that may cause vibrations harmful to any adjoining property.
 89. Jules Chatot said no.
 90. Larry Slason asked if any blasting is contemplated with respect to the construction of this building.
 91. Jules Chatot said no.
 92. Larry Slason said lighting has already been discussed and asked if any activity will create a fire or safety hazards to any adjoining properties
 93. Jules Chatot said no.
 94. Larry Slason asked if any flammable liquids be stored onsite.
 95. Jules Chatot said no. He said there may be lawnmowers, but they are not stored in this building.
 96. Larry Slason asked if the use of the training facility generate any electrical interference or heat at the boundaries of the property.
 97. Jules Chatot said no.
 98. Larry Slason asked if it is true that there will be a liquid propane tank buried on site.
 99. Jules Chatot said yes. There will be an underground liquid propane tank onsite, but it will be buried between the two buildings.
 100. Larry Slason asked if that would be buried with applicable state regulations.
 101. Jules Chatot said yes.
 102. Larry Slason said at the last hearing there was also mention about drainage from the west roof of the training facility toward the Rolka/OMS boundary. Would you tell us how the drainage or the runoff from that roof is intended to be handled.
 103. Jules Chatot said there will be a stone drip pad beneath the eave and since this concern was brought up, we worked with Michael Engineering on it. Rather than simply rely on infiltration into the sandy soil, we propose a perforated drain pipe under the stone pad and piping that to an outflow to the north of the building.
 104. Larry Slason asked if the water would be directed away from the Rolka property.
 105. Jules Chatot said yes. Anything from that roof plain will go into the drip pad, into the perforated pipe that turns into a solid PVC pipe and out from the silo.
 106. Larry Slason said they call it a drip bed, do they also call it a roof trench. That's how it is labeled on the exhibit.
 107. Jules Chatot said yes, it makes use of the backfill along the foundation.
 108. Larry Slason said that Jules Chatot is referring to a detail that appears on what was OMS Exhibit 5. The detail has been added since the last hearing. Is that correct?
 109. Jules Chatot said yes.

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110. Larry Slason asked if the exhibit that Jules Chatot is looking at now is identical in all respects to OMS Exhibit 5 which was admitted at the last hearing, with the exception of a Roof Trench Detail that appears on the lower right hand corner of the exhibit. He asked if that is correct.
 111. Jules Chatot said yes.
 112. Larry Slason said what we will do for tonight's purposes is label that as Exhibit 5A. He distributed 11" x 17" copies of the exhibit to Mr. Grayck and board members. He asked if there is anything else we should know about the drainage or design of the roof trench.
 113. Jules Chatot said no. He said that in an earlier exhibit, 25, we had anticipated the stone bed, but have increased the capacity rather than relying on unstructured infiltration. It is now into a perforated pipe and to a solid pipe and out.
 114. Larry Slason said that at the last hearing, there was a reference to offsite lighting from the baseball field. Lighting that is not on OMS property. Lighting attributed to a baseball field. He asked Jules Chatot if he had also done some additional investigation regarding that situation.
 115. Jules Chatot said that Banwell worked with Michael Engineering. We went to Google Earth to look at the area, indicating buildings on the drawing. There was concern about the effects of the light that might have been previously blocked by the trees to the existing OMS Building. We wanted to understand the impact of the field lights (he indicated the lights on the drawing.) He said that the nearest light is 600 feet from the northeast portion of the Rolka property and 668 feet from the residence.
 116. Larry Slason said that would be more than 2 football fields distance.
 117. Jules Chatot said yes.
 118. Larry Slason asked if they had examined the lights at the baseball field.
 119. Jules Chatot said yes.
 120. Larry Slason asked how they are directed.
 121. Jules Chatot said they are pointed at the field and downward. He said there is some light spillage. He said that he can't speak to the shielding or the light fixtures, themselves.
 122. Larry Slason asked him to talk about the location of the proposed training facility and asked if the training facility is sited in that location, would that increase, in any way, light from the baseball field.
 123. Jules Chatot said he does not think that it will. He said when you look at the line of sight, there is some glow in the sky from the lights, but he does not think that either these trees or the proposed building would either fully block or make any worse that appearance of light from those field lights.
 124. Larry Slason asked Jules Chatot to take a straight edge and hold it on the Rolka residence and go to the nearest light pole and indicate where the OMS building is in relation to that. He asked, if that building, located where it is, would increase the visibility whatsoever.
 125. Jules Chatot said he did not think so.
 126. Larry Slason asked him to go closer to the lights on the baseball field closer to home plate and do the same thing with respect to the Rolka residence. He asked if Jules Chatot agrees with him that all of the light is still well south of where the training facility will be located.
 127. Jules Chatot said yes.
 128. Larry Slason asked if there are any other locations of light poles. He asked Jules Chatot to use the straight edge to try to create the most conservative situation for any light dispersion.
 129. Jules Chatot said it would probably be from 3rd base, the most extreme north of all the lights and again a straight line is south of the proposed building location.

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130. Larry Slason asked if the removal of the hemlock trees had any impact, whatsoever, on the visibility of the lights from the ball field
 131. Jules Chatot said not from this house.
 132. Phil Carter said there was discussion about those trees and asked if those trees were under any condition or permitting from the Town of Ludlow, that they should not have been removed.
 133. Larry Slason said no.
 134. Phil Carter asked if there were any prior conditions.
 135. Larry Slason said there were no conditions in any prior permit related to those trees.
 136. Phil Carter asked if there is any statute or town ordinance or whatever that you can give to the board, that would prevent a homeowner from removing trees that aren't conditioned or supposed to be there for some state reason or something.
 137. Larry Slason said not that he is aware of. We are just trying to address concerns that were raised.
 138. Phil Carter said well, that was raised and he was curious if the owner of that property had the legal right to take a tree down. Can the guy on Washburn Lane cut down trees. Or OMS.
 139. Larry Slason said it is our position that if OMS wanted, there is no legal restriction on trees. He said that he is about at the end of Jules Chatot's testimony. He said before he moves this into admission if there were any other things that Jules Chatot would like to highlight.
 140. Jules Chatot said we did not really review the floor plans, or the walks to the main entry. It is a high ceiling training facility and will be used for exercise, it has fitness equipment, there's a yoga studio, and he pointed out the high stall windows to reinforce the appearance of a historical barn, but will provide natural light and privacy. There will be a suite of offices, changing rooms for students, a training office. He added that just to make the point the silo with trampoline mounted inside. These are key elements in supporting the school's mission.
 141. Larry Slason said that we left off at the last hearing, at Exhibit 6. He asked Jules Chatot if he had prepared that exhibit.
 142. Jules Chatot said yes.
 143. Larry Slason asked if it accurately describes the floor plan for the proposed OMS training facility.
 144. Jules Chatot said yes, it does.
 145. Larry Slason said he would move at this time for the admission of OMS Exhibit 6, Sheet A101 into evidence.
 146. David Grayck said no objection. He added that he had no objections to Exhibits 6,7,8,9,10, 11 and 12.
 147. Larry Slason moved that Exhibits 6,7,8,9,10, 11 and 12 be admitted into evidence.
 148. Phil Carter admitted them into evidence.
 149. David Grayck also said that he had no objections to Exhibits 24 and 25.
 150. Larry Slason said that Exhibits 1 through 25, have been admitted.
 151. David Grayck advised that he had objected to Exhibit 3 at the last hearing and Exhibit 5A has not been admitted yet.
 152. Larry Slason said he would get copies of Exhibit 5A to the board and David Grayck. He said that Jules Chatot had identified the exhibit and testified that the only changes from Exhibit 5 were the new rain trench details. He asked that be admitted for admitting.

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153. David Grayck said he has more questions prior to objecting or not objecting to the admission of Exhibit 5A. He asked Jules Chatot if he had prepared Exhibit 5A or had Ralph Michael.
 154. Jules Chatot said it was actually drawn in Ralph Michael's office, but it was discussed and drafts were exchanged with Banwell.
 155. David Grayck referred back to the depiction of the detail of the roof trench drain, and asked if that was Jules Chatot's design or someone else's design.
 156. Jules Chatot said we had suggested that perforated pipe. Ralph Michael has said and still maintains, that the soils are porous enough that it will work without it, but my suggestion was let's take an extra step here and to reassure any concerns.
 157. David Grayck asked if it was a collaborative design between you and Mr. Michael.
 158. Jules Chatot said yes.
 159. David Grayck said, in terms of the detail of the roof trench drain which is depicted, is that an addition to the project which was added since the last hearing.
 160. Jules Chatot said from our detail on Exhibit 25 showed the surface and probably the top 6 to 8 inches of stone, what's below that. Yes, it has been added.
 161. David Grayck said, since the last hearing. He asked was there consideration of construction of a small berm along the Rolka property to divert storm water, would that be of any use or effectiveness.
 162. Jules Chatot said he is not sure that it would. This is the concentrated area of flow and our thinking was that it made better sense to capture it than to rely on surface drainage or infiltration.
 163. David Grayck asked, in terms of your area of expertise, you're an architect, correct.
 164. Jules Chatot said yes.
 165. David Grayck asked if Jules Chatot designs storm water disposal systems.
 166. Jules Chatot said no.
 167. David Grayck asked, to understand the effectiveness of the roof trench drain, is that really something that we should ask Mr. Michael. Would you agree?
 168. Jules Chatot said, for a truly expert opinion, he would not disagree with that.
 169. David Grayck said that he objects to the admission of Exhibit 5A because Mr. Michael is not here to be asked questions about it.
 170. Phil Carter asked, for the project, was there a berm originally along that side of the building, prior to addition of 5A. Was there a small berm there?
 171. Jules Chatot said we didn't change the grading closest to the property line. If you compare Exhibits 5 and 5A together, no change.
 172. Phil Carter said he notes David Grayck's objection, but he wants to move on with this.
 173. David Grayck said, just for the record, the objection continues and generally all of the objections that were made at the last hearing are repeated and incorporated and brought forward in the record. Is that okay.
 174. Larry Slason said yes, sure. He said to Jules Chatot, that the last exhibit is 26, the site diagram that Jules Chatot had brought tonight, Proximity to the Athletic Fields lights. We have labeled that as OMS 26. Mr. Grayck has a copy and Larry Slason will provide the DRB with 6 additional copies.
 175. David Grayck said he had no objection.
 176. Larry Slason asked if the DRB had any objection to its submission.
 177. Phil Carter said no.
 178. David Grayck said the Performance Standards include noise limits and in your opinion is the project going to comply with those noise limits.

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179. Jules Chatot said yes, there is nothing in this building that would generate a lot of noise. Students can be exuberant passing through the buildings, but nothing in this project will violate or create a noise nuisance
180. David Grayck said that his understanding was that your expertise is Architecture, not sound control engineering, although I have no doubt that you have gained familiarity with that expertise through your work as an architect. Yes?
181. Jules Chatot said yes.
182. David Grayck said that he is assuming that the applicant is representing that the standards will be complied with. Is that a fair assumption I should make.
183. Jules Chatot said yes. He added that as he had said, the walls will be insulated to a high degree and the windows a double insulated glass. So that, to a degree that any wood frame building will block noise transmission, this will be as good as any.
184. David Grayck said thank you for your confirmation of the expected compliance. He referred to the design; you had indicated that you had reviewed the zoning bylaws in connection with this assignment. Correct?
185. Jules Chatot said yes.
186. David Grayck said he takes it that Jules Chatot looked at the provision on Special Public Use Exceptions.
187. Jules Chatot said there was some discussion as whether as an educational facility it needed to comply with all of the zoning bylaws requirements.
188. David Grayck said he is just referring to whether you had reviewed the Special Public Use Exceptions criteria in Section 510.
189. Jules Chatot said he doesn't have it in front of him and does not know exactly what it is.
190. David Grayck asked when Jules Chatot first became involved with this project.
191. Jules Chatot said April 2014
192. David Grayck said he is assuming that it was at that time that Jules Chatot consulted the zoning bylaws.
193. Jules Chatot said yes.
194. David Grayck said that he is assuming that Jules Chatot's work was done in relation to the zoning bylaws that were in effect at that time.
195. Jules Chatot said that is correct and it was still called Section 410.
196. David Grayck asked if, at that time, was there any review that you made of provisions relating to Special Use Exceptions Section 510.
197. Jules Chatot said no. In fact, the school is a private school.
198. David Grayck said nothing further. He added, again, just stating the objections have been made to Exhibits 3 and 5A
199. Chris Callahan said they are on the record. The record is recorded, it's recorded on television.
200. Larry Slason said Mr. Michael is not here because he is in the hospital and he is the engineer responsible for the roof trench that we talked about. It was a building feature that already appeared in Exhibit 25 and recommended by Mr. Chatot. If Mr. Grayck and the board believe that additional evidence is needed regarding the viability of the roof trench that has been designed, we can provide it either by bringing Mr. Michael back in at a subsequent hearing or providing more detail in writing.
201. David Grayck said that he is obligated to consult with his clients and was not aware that Ralph Michael was in the hospital. He asked for a short break.
202. Phil Carter said he would like to see this resolved. He gave Mr. Grayck a 5 minute break.
203. David Grayck said that his proposal is that the exhibit be admitted and my clients be allowed 15 days to file a response from an engineer to the storm water issue it presents.

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- Hopefully climate the need for any further hearing and the board will hold the record open for 15 days, starting with tomorrow (Tuesday, May 12, 2015) as day one. In 15 days, my clients will have an engineer provide a written response to the storm water issue. If that is acceptable, then we have no objection to the admission of OMS Exhibit 5A.
204. Larry Slason said the proposal is reasonable. The roof trench was submitted tonight to Attorney Grayck and his client. It was a detail that they were originally aware of but not engineered to the extent that we presented tonight. So, I think that's a reasonable request. It would be great if it could be done in 10 days, because we are under some time constraints and that is something we can talk about. Yes, it is a reasonable request.
205. Phil Carter asked board members if they agree. (General consensus among board members.)
206. David Grayck said okay, we will endeavor to do it faster than the 15 days, but my clients would like to have that time frame to be able to consult with the engineer and have it written up.
207. Larry Slason said that if our engineer, Mr. Michael is physically able to also provide a report for Attorney Grayck, and I would ask the same consideration.
208. Phil Carter said absolutely. We would like Ralph Michael to weigh in on this and also the Rolka party to weigh in on it.
209. Larry Slason said we have presented our case and without Mr. Michael here, there are only small details that are left. Our headmaster has testified, our engineer has testified, our architect has testified. I believe we have covered all the materials. He said that he appreciates Attorney Grayck's cooperation tonight in the admission of the exhibits. We have presented our proposal.
210. Phil Carter said very good. He said that he would like to hear from Mr. Grayck what his concerns are. We want to know what brings you here to visit our DRB. He repeated that he would like things precise and concise. We know the project details. We would like to know what your concerns are.
211. David Grayck said that he thinks that they have been properly addressed already through the examinations and statements already made, so I think we're done.
212. Phil Carter asked board members if they had any comments or needed any clarifications. He said there were a lot of discussions and evidence. Seeing no comments from the board members, he said he would entertain a motion to close this hearing and it must incorporate the 15 day engineering reports from both parties, so we won't actually close the hearing until 15 days, pending that evidence
213. Larry Slason asked if he could as well have the opportunity, within that period of time, to submit proposed Findings and Conclusions for the DRB's consideration.
214. Phil Carter said sure.
215. David Grayck said he would do that within the 15 days, as well.
216. Larry Slason said that is fine with him.
217. David Grayck asked if the reports had to be to Rose Goings electronically in 15 days and mailed as well.
218. Rose Goings said she would like them electronically and by mail.
219. David Grayck said he wanted to make sure this is acceptable to the board. So, it is acceptable to the board that the reports are sent via email attachment, PDF attachment in 15 days and he will also mail the originals that day as well.
220. Larry Slason said that is agreeable.
221. Phil Carter said that if the files are sent electronically, he asked them to call the office, after they are sent to ensure they have been received in its entirety. He said we don't want to have any electronic glitches.

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222. David Grayck agreed.
223. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing Tuesday, May 26, 2015, pending receipt of engineering analysis of Exhibit 5A and proposed Findings and Conclusions. Motion passed unanimously.**

XIII. **APPROVE MINUTES**

1. Minutes from March 9th, April 13th and tonight will be reviewed at the meeting on June 8, 2015.

XIV. **OTHER BUSINESS**

1. Meeting on June 8, 2015
i. Rose Goings advised that, at this point, there are two hearings scheduled for the June meeting.
2. Approved Permits
ii. Rose Goings advised that the IMERYS permit from the hearing of April 13, 2015 has been approved.
iii. Rose Goings advised that the Valente permit from the hearing of April 13, 2015 has been approved with the exception of the mini-golf portion.

XV. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Richard Harrison to adjourn this meeting. Motion passed unanimously.**
2. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Lisha Klaiber

John Boehrer, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison