

**DEVELOPMENT REVIEW BOARD
MINUTES**

May 13, 2019

MEMBERS PRESENT:

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

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Robin Anderson	Jon Folkerson	Jane Rebhan
Andrew Becker	Craig Goodman	Mike Skurl
Betty Briggs	Jessica Goodman	Larry Slason
Ron Briggs	Greg Kepler	George Tucker, Jr.
Tesha Buss	Dan McSweeney	Eric Chattergee – Okemo Valley TV
John Donohue	Mary Anne Orzolek	Lisha Klaiber, Recorder

I. CALL TO ORDER

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

II. OPEN THE RECESSED PUBLIC HEARING FOR JOHN AND KATE COCCO

1. Phil Carter advised that this is an application to consider a Conditional Use Permit to turn an existing guest house into a 5-bedroom Inn. The project is located at 1090 Town Farm Road in the Town Residential District. It was recessed from the March 11, 2019 and April 9, 2019 meeting to this meeting.
2. Rose Goings advised that the applicants have requested a further extension until July.
3. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until the July meeting. Motion passed unanimously.**

III. 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. The project is located at Winterplace, in the Mountain Recreational District for the following units:
 - i. Brian & Elizabeth Hickey, 101 Whiteloop, H201
 - ii. Adam & Camille Fennel, 19 Whiteloop, A201
2. Rose Goings advised that this is application 081-94-PRD, Amendment #12. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018.
3. Phil Carter administered the oath to Jon Folkerson and Greg Kepler.

4. Greg Kepler advised that the two units have unconditioned, attic spaces and the owners wish to convert those spaces into a loft area, similar to several other units previously done. The spaces will have egress windows. The letters are in from the Fire, Ambulance and Police departments.
5. Phil Carter noted that in his letter, Fire Chief Kolenda referred the conditions for the permits to the Fire Marshal. The application has been approved by the Fire Marshal.
6. Julie Nicoll mentioned the spiral staircases.
7. Phil Carter asked if the Fire Marshal had looked at the spiral staircases.
8. Greg Kepler said the Fire Marshal said it must meet FBA conditions.
9. Phil Carter noted that in his letter, Chief Kolenda also mentioned that the firewall between the 2 units was incomplete.
10. Greg Kepler said they would take care of it.
11. Julie Nicoll clarified that the spiral staircases were not for egress.
12. Rose Goings said that Chief Kolenda has looked at the units and given his approval.
13. Greg Kepler said the egress windows will be added.
14. **MOTION by Linda Petty and seconded by Dana Wilson to close this hearing.**
Motion passed unanimously.

IV. **OPEN THE PUBLIC HEARING FOR CRAIG & JESSICA GOODMAN**

1. Phil Carter advised that this is an application to consider an amendment to a Conditional Use Permit to change the use of a space that was previously permitted for an office to a wholesale baking and packaging business. Property is located at 6 Andover Street, in the Village Residential Commercial District.
2. Rose Goings advised that this is application 286-05-CU, Amendment #5. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018.
3. Phil Carter administered the oath to all (Jessica Goodman, Craig Goodman, John Donohue and Mary Anne Orzolek) wishing to speak at this hearing.
4. Craig Goodman said that they would like to open a wholesale packaging in the Andover Street space. He said that, in the back, where the ROW is, they would like to add garage door (9' X 8') for deliveries. Inside, they want to move the wall 5 feet more to the edge of the side that abuts the bank and will put in a fire escape.
5. Jessica Goodman said they will coat the floor with epoxy. They will have a whole kitchen, packaging and store there.
6. Phil Carter asked about the Fire Marshal.
7. Craig Goodman said they have met with him and are "good to go." They will put in the sheetrock and sprinkler heads the Fire Marshal required.
8. Jessica Goodman said the Fire Marshal likes that they are moving the wall because it give better access to the fire escape.
9. Phil Carter asked about the oven.
10. Craig Goodman said it will be the same as the one that they have in the restaurant – triple wall, vented straight up through the ceiling with 1-inch clearance. He said
11. Phil Carter asked about deliveries.
12. Craig Goodman said they will have one person, once per week delivering with a box type truck (20-footer) – like a U-Haul.

13. Phil Carter asked about delivery time.
14. Craig Goodman said they would deliver around 10 AM.
15. Phil Carter asked if they will be able to get down the ROW.
16. Craig Goodman said he had gone outside and paced it off. There will be plenty of room. In the winter, the larger trucks can deliver through the front. There will be a woodshed on the side of the building and they will be getting wood delivered about every week and a half.
17. Phil Carter asked hours of operation.
18. Craig Goodman said 8:00 AM to 12:00 AM. They will ask for these for flexibility.
19. Jessica Goodman said it will probably be around 8 AM to 10 PM, but to leave it at 8 AM to 12 AM.
20. Phil Carter asked about exterior lighting.
21. Craig Goodman said they did not plan to make any changes to exterior lighting but if needed, they can add security lights.
22. Phil Carter asked if they do add security lights, would it be downward facing.
23. Craig Goodman said yes. It would be the same as what they have at the restaurant.
24. John Boehrer asked about food deliveries.
25. Craig Goodman back,
26. Jessica Goodman said they get trucks about once per week for pizza going out and ingredients coming in.
27. John Boehrer asked if there would be customers.
28. Jessica Goodman said just employees.
29. Phil Carter asked if the delivery people are the ones they usually use and if so, can they let them know where to deliver and when.
30. Craig Goodman said yes.
31. Jessica Goodman agreed. She said one of their delivery people is Reinhart for ingredients and their deliveries will be fast drop, then out.
32. Linda Petty asked if the deliveries will take place during regular business hours.
33. Jessica Goodman said yes.
34. Craig Goodman said if the trucks are big, they can deliver through the front entrance.
35. Jessica Goodman said they are excited about this branch of their business. It will be called GAP FOR GOOD and they donate part of the profits to charity.
36. John Donohue said that his property is 20 feet away from the side and he is in support of this project. They are very conscientious.
37. Mary Anne Orzolek said that she is representing the Manchester Ski Club. The members are concerned about the ROW and its proximity to their property. They have written a letter about these. In the past, there have been problems with damage to members' vehicles. They are concerned about the hours of operation, the employee hours the volume of commercial traffic and how to ensure proper use of the ROW.
38. Phil Carter said the hours of operation and employees have been addressed. The applicants have told the board about their relationship with vendors. They have said that larger deliveries will be through the front.
39. Craig Goodman said that they will do their best to make sure the vendors will know where the driveway is.
40. Julie Nicoll suggested that the ski club put up signs.
41. Mary Anne Orzolek said there are signs, but there is no way to define the ROW in the winter.
42. Phil Carter said there will be limited traffic and the applicants have existing relationships with vendors. He said that it would not be in the delivery person's interest to get a business mad at them. They will meet Mr. Goodman's conditions.
43. Craig Goodman said that he doesn't foresee any problems, but if the food delivery truck is an issue, they can deliver to front.

44. Mary Anne Orzolek asked if there will be cooking there.
45. Craig Goodman said yes. They have a wood fired oven and no one has ever complained at La Mere Square.
46. Phil Carter asked if it puts out more or less smoke than a regular home fireplace.
47. Craig Goodman said they use kiln-dried wood, so probably less. He has never seen smoke come out of the chimney. The ovens run very efficiently.
48. Mary Anne Orzolek asked about parking.
49. Jessica Goodman said they would probably have 2 employees.
50. Craig Goodman said there are 5 to 6 parking spaces. He said they will do their best to make sure people are aware of the Ski Club.
51. Dan McSweeney asked if this will be a permanent change or conditional.
52. Rose Goings said both. She said if there is a different owner in the future and they want to make a change, they would have to come back to the DRB.
53. Dan McSweeney asked if there is a new owner and they still want to cook there, but it would be different conditions, what happens.
54. John Boehrer said they would have to come back to the DRB.
55. **MOTION by John Boehrer and seconded by Dana Wilson to close. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR VILLAGE OF LUDLOW**

1. Phil Carter advised that this is an application to for a Conditional Use Permit to upgrade the wastewater treatment facility, including a new pump building, control building renovation. Property is located at 212 Pleasant Street Extension in the Municipal Proprietary District has been pulled. The applicants will return at a later date.
2. Rose Goings advised that this is not a request for a recess.

VI. **OPEN THE PUBLIC HEARING FOR TESHA BUSS**

1. Phil Carter advised that this is an application to subdivide a lot into five separate lots. Property is located at 492 Rod & Gun Club Road in the Town Residential District.
2. Rose Goings advised that this is application SUB19-006. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018.
3. Phil Carter administered the oath to Tesha Buss, Ron Briggs, Betty Briggs and Robin Anderson.
4. Tesha Buss advised that she is requesting a recess until the August meeting and said she is sorry for the late notice.
5. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until August 12, 2019. Motion passed unanimously.**
6. Rose Goings advised all those who wished to speak at this hearing, that they will not receive another notice, but that they may call her office for information.

VII. **OPEN THE PUBLIC HEARING FOR SOUTHFACE @ OKEMO DEVELOPMENT CO., LLC**

1. Phil Carter advised that this is an application to amend a Subdivision Permit to a 15-lot subdivision to subdivide lot #1 into two separate lots to create 16 lots total and a lot line adjustment to lot #2. Project is located at Trailside Road in the Town Residential and Mountain Recreational Districts.
2. Rose Goings advised that this is application SUB05-002, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018.
3. Phil Carter administered the oath to Larry Slason and Andy Becker
4. Larry Slason advised that the applicant wishes to subdivide the property to create an additional lot. There are currently 15 lots. Current lot 1 on Trailside is 3.69 acres. The want to subdivide this lot into 2, with lot 1 being 2.07 acres and lot 1A being 2.20 acres. To make up the difference, they want to do a lot line adjustment to lot 2, currently 2.70 acres and lower that to 2.0 acres. He referred to a drawing showing lots 1 through 15 and 1A. The access to lot 1A will be from Trailside Road. The proposed driveway drawing has been reviewed and approved by Ron Tarbell and Chief Kolenda (who prefers the new configuration.) He said that Exhibits E (Chief Kolenda) and Exhibit F (Ron Tarbell) indicate approval. He said that in addition to the lot changes, they have proposed changing the house site location on Lot 7. It originally had an access easement, but the proposed new location of the house site will have access from Trailside. He said that Exhibits E and F also address this change. He said they have completed the subdivision application and all criteria are met and explanations are provided in the submitted paperwork.
5. Andy Becker said that Mike O'Neill built the original subdivision road and Irene washed it out. The road has to be rebuilt and that is the reason for the additional lot.
6. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**
7. Larry Slason asked the board for an Up/Down vote for the subdivision.
8. Rose Goings said the hearing has already been closed. They will need a Mylar showing the new lots, with a signature box so the chair and town clerk can sign it.
9. Larry Slason said it will have a signature block and be in recordable form.
10. Rose Goings said the fee is \$15 per page of the Mylar. She will check on the fee amount.

NOTE: Phil Carter asked the applicants if they would like to address the next two items concurrently. The applicants said that would be their preference.

VIII. **OPEN THE PUBLIC HEARING FOR SOUTHFACE @ OKEMO DEVELOPMENT CO., LLC**

1. Phil Carter advised that this is an application to amend PUD Permit to substitute three duplex buildings in place of the proposed 12-unit condominium building #C-5, and modify the owner's day lodge, deleting residential units in the day lodge. Project is located at Trailside Road in the Town Residential and Mountain Recreational Districts.
2. Rose Goings advised that this is application 333-11-PUD, Amendment #3. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and

on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018.

IX. OPEN THE PUBLIC HEARING FOR SOUTHFACE @ OKEMO DEVELOPMENT CO., LLC

1. Phil Carter advised that this is an application to amend Conditional Use Permit to substitute three duplex buildings in place of the proposed 12-unit condominium building #C-5, and modify the owner's day lodge, deleting residential units in the day lodge. Project is located at Trailside Road in the Town Residential and Mountain Recreational Districts.
2. Rose Goings advised that this is application 334-11-CU, Amendment #3. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website April 17, 2018, advertised in THE VERMONT JOURNAL on April 24, 2018 and abutting property owners were notified on April 17, 2018. She said that the letters from the Ambulance, Fire and Police Departments are in.
3. Phil Carter administered the oath to Larry Slason and Andy Becker.
4. Larry Slason said the original name for this project was Timber Creek II and it is not Southface at Okemo. There are 266.88 acres in the total project. The original plan was to have 208 units. Building C2, a Townhouse is constructed and is owned and occupied. Building C3 is built. Building C5 was originally a 12-condominium unit residence building. They wish to change that to change that to 3 duplex residences. He said that access to C5 on the original drawing was downhill. There will be revised access to private driveways for each duplex and the road will end in a hammerhead (recommended by Chief Kolenda.) There will be a fire hydrant that will serve the duplexes. There will be no changes to town sewer or the internal water system. The fire, ambulance and police departments have approved these changes. He explained that the duplexes are 2,900 square feet each, so it will be less mass that the original plan. They are asking for a minor ACT250 change. The wastewater permit, WW-2-2009-3 was issued on May 1, 2019.
5. Rose Goings asked about the number of bedrooms.
6. Larry Slason said that the waste water permit says there will not be an increase in flows. The application is for 6 units at 30 bedrooms total allocation.
7. Julie Nicoll asked about a picture of the height of the buildings.
8. Larry Slason indicated the renderings, noting that they are lower than the original height of building C5.
9. Julie Nicoll said they are set on a hillside.
10. Rose Goings said that the height maximum allowable height is 35 feet.
11. Phil Carter asked about the color scheme.
12. Andy Becker said it will be the same as the original plan.
13. Larry Slason said with natural materials.
14. Rose Goings asked about garages.
15. Andy Becker said there will be single car garages at surface level.
16. Phil Carter said that in his letter, Chief Kolenda mentioned the sprinkler system.
17. Andy Becker said the chief approved the specified design.
18. Phil Carter asked about the Fire Marshal.
19. Andy Becker said they have spoken with them.

20. Phil Carter advised that any conditions required by the Fire Marshal will be part of this permit.
21. Julie Nicoll asked if the only access, for vehicles to the buildings, is through the rear.
22. Andy Becker said yes.
23. Phil Carter asked about new designs for the lodge.
24. Andy Becker said they will come back with the new designs.
25. Larry Slason said it would be a different design than the original design and asked if they could defer the changes to the lodge to the September meeting.
26. Phil Carter said no. This hearing was warned to be presented as a whole package. You can't recess part and approve part.
27. Larry Slason asked if the board could take no action on the owners' lodge.
28. Phil Carter said the hearing is the whole piece – as it was warned. They will have to resubmit if they want to change it.
29. Andy Becker said he does not want to have the lodge as presented on the drawings tonight.
30. Larry Slason asked if it would have to be a new application.
31. Phil Carter said this was warned as a whole application and there is no way to pull out pieces. He suggested, if they want to go forward with the duplexes, they pull the lodge out.
32. Larry Slason asked for the board's discretion in future hearings.
33. Phil Carter said that is not this board's decision.
34. Larry Slason said to consider just the duplexes.
35. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

X. **OTHER BUSINESS**

1. Munch Environmental Court Case
 - a. Rose Goings advised that they have come to an agreement and if the judge agrees, this case would be out of the court soon
2. Linda Petty
 - a. Phil Carter advised that this will be Linda Petty's last meeting. She is moving to Virginia. She has been on the board for several years and he thanked her for being part of the board.
 - b. Linda Petty said she had enjoyed being on this board.

XI. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from April 8, 2019.
 - a. Julie Nicoll said that on page 1, item II4, should read "mudroom enclosure projects. It will be similar..."
 - b. Julie Nicoll said that on page 2, item III20 should read "...Fire and Ambulance departments have no conditions..."
 - c. **MOTION by John Boehrer and seconded by Linda Petty to approve the minutes from April 8, 2019 as corrected. Motion passed unanimously**

XII. **ADJOURN**

1. **MOTION by Phil Carter and seconded by Linda Petty to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:14 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Linda Petty

Dana Wilson