

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*November 25, 2013*

**MEMBERS PRESENT:**

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Andy Becker	Ted Reeves	Lisha Klaiber, Recorder
Liz Crowley	Tina Rosen	Scott Qwynn, LPC TV
Shirley Holden	Larry Slason	

1. **CALL TO ORDER**

A. Meeting opened at 6:01 p.m. by Phil Carter. All members present.

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR SHIRLEY HOLDEN**

- A. Phil Carter advised that this is an application for a permit to allow for a subdivision of 33.7 acres into 3 lots. Property is located at 511 South Hill Road in the Town Residential District. This hearing was recessed from the meeting of October 28, 2013.
- B. Rose Goings advised that this is application SUB14-002. Posted in the Town Hall bulletin boards October 4, 2013, advertised in THE VERMONT JOURNAL on October 9, 2013 and abutting property owners were notified on October 7, 2013. She advised that a new packet was received today from the applicant revising the application from 3-lot to 2-lot. She added that part of the application has her apartment with it. Ms. Holden also needs the apartment application and road access permit.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Shirley Holden advised that she has 33.7 acres and her son would like to build a cabin in the back of the lot. His lot will be about 21 acres and she will retain 12.4 acres with the house. The driveway is existing and accesses the back lot. There will be a 50-foot deeded ROW to the back lot.
- E. Phil Carter confirmed from the drawing that there will be 2 lots. Lot #1 with the existing house will be 12.1 acres and Lot #2 will be 21.65 acres and will be served by a 50-foot deeded ROW off South Hill Road.
- F. Shirley Holden indicated on the drawing where her son would build his house.
- G. Phil Carter asked if the land contained any wetlands that would need to be considered.
- H. Shirley Holden said there is a map of the wetlands and this application would not impact any wetlands or animal habitats. She said the property goes all the way to the brook.
- I. Richard Harrison referred to the drawings and noted the locations of the leech fields.

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- J. Shirley Holden said that they would also be added a replacement septic for her house. She described the location of the new building to be down behind the pond and behind the natural tree line.
  - K. Phil Carter asked if the location of her son's house would be on the side of the lot closest to the brook.
  - L. Shirley Holden said yes.
  - M. Rose Goings referred to the third map and noted that the well shields encroach on each other's property and that her existing well shield encroaches on the property across the street.
  - N. Shirley Holden said that she had owned that piece of property across the street and the deed to the owners says that they can only have one house on that property.
  - O. Phil Carter confirmed that she knows that the well shield for new lot encroaches on her property.
  - P. Shirley Holden said yes.
  - Q. Phil Carter explained that it is generally the policy of the DRB not to be in favor of well shield encroachment, but since she owns the lots, it would be okay.
  - R. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR TIMBER CREEK AT OKEMO II, LLC**

- A. Phil Carter advised that this is an application to amend an existing Planned Unit Development permit for approval of the final subdivision plat, Planned Unit Development plat and for an extension of the construction commencement date. The property is located on Trailside Road in the Town Residential and Mountain Recreational Districts.
- B. Rose Goings advised that this is application 333-11-PUD, Amendment #2. Posted in the Town Hall bulletin boards November 1, 2013, advertised in THE VERMONT JOURNAL on November 6, 2013 and abutting property owners were notified on November 4, 2013.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Larry Slason advised that they are here tonight for the final approval of the PUD and Subdivision plats as amended by Act 250. He added that he has brought the original Mylars with him. He recounted that the DRB gave its original approval of the application in April, 2011 and the Local Act 250 review approval in June 2011. The DRB signed the original Mylars in December 2011. The applicants have completed the 404 Certification with the Army Corps of Engineers regarding wetlands and they have revised the site plans to conform with the recommendations of the Army Corps. They have increased the riparian buffers with 50 foot stream buffers. On September 13, 2013, they received their final Act 250 approval for the entire 208 unit Planned Unit Development. All permits have been issued. Condition #37 of that permit requires construction commencement three years from the date of issuance of the permit. The applicant is requesting that the DRB extend the local construction commencement date to July 1, 2014 and they hope to commence by then. There will still be 208 total units, but the breakdown has changed modestly. There will still be 22 single family units. Originally there were to be 36 duplexes, now there will be 32. Originally there were to be 8 town houses, now there will be 9 with a total of 120 units. The Owners' Base lodge will now have 2 lodging units. The total number of buildings has decreased from 67 to 64. The total number of bedrooms has not changed. There are adding 44 acres to conservation lands. Originally they were to have had 102.15

conservation acres, now they will have 145.16 conservation acres which is 54% of the total tract of land. The water storage tank and building have been moved out of the conservation lands and driveways for lots S6, S8 and S12 have been straightened. Two sections of the ski trails have also been straightened, so they will not be on conservation lands. The DRB had originally approved 4 single family dwelling lots, now there will be 3. Originally 8 lots did not meet the 55 foot setback and that is unchanged. He has provided a chart in their packets that identifies all of the proposed changes. Tonight they are here to bring the project, as approved by the DRB into conformance with the Act 250 permit. They want to insure that that all aspects of all permits are the same. They are asking for changes to the permit and to extend the construction commencement date to July 1, 2014.

- E. Phil Carter asked what they intend to start by July 1, 2014.
- F. Andy Becker said that they want to start the ski trails and have the base area staked out. They would like to clear timber this winter and put in 1 ski trail and the base area. They will continue construction as units are sold. He would like to start as soon as possible.
- G. Phil Carter asked if there are design changes to the buildings.
- H. Larry Slason said the Architectural plans are the same.
- I. Phil Carter asked about the base lodge.
- J. Larry Slason said it would be the same except for the added two dwelling units. The elevations and shape of the building are unchanged.
- K. Phil Carter asked about the footprint of the building.
- L. Larry Slason said it would be the same.
- M. Richard Harrison asked about fire department access signs.
- N. Andy Becker said the gates will be Fire Department operational and an Emergency road has been added. There was no talk about signage.
- O. Phil Carter advised that all of the Fire Department access concerns have already been decided and they do not have to go over it.
- P. Andy Becker said that they have worked with the Fire Department.
- Q. Larry Slason advised that all of the DRB conditions to the local permit have been approved by Act 250 and included in the Act 250 permit. He said that the chart included in the packet shows the changes needed to the local permit to bring it into conformance with the Act 250 permit.
- R. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
- S. Larry Slason said that he has the final Mylars for recording.
- T. Rose Goings said that the town clerk would bill them for the recording. They will be signed after the DRB has prepared the decision for this hearing.

4. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of October 28, 2013.
  - i. Julie Nicoll advised that on page 4, item 5W should read "... first he had heard about it."
  - ii. Julie Nicoll advised that on page 4, item 5Z should read "... corrected letter from the Ambulance Department."
  - iii. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from October 28, 2013 as corrected. Motion passed unanimously.**

5. **OTHER BUSINESS**

- A. Decisions
  - i. Rose Goings advised that there are 2 decisions that the board needs to sign.
- B. Next Meeting
  - i. Rose Goings advised that the next meeting would be on January 13, 2014.

6. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Linda Petty to adjourn this meeting.**  
**Motion passed unanimously.**
- B. Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Linda Petty

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Richard Harrison