

**DEVELOPMENT REVIEW BOARD
MINUTES**

October 22, 2018

MEMBERS PRESENT:

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

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Gail Beardmore	Lou Gabranski	Ed McEneaney – Okemo Valley TV
Jack Facey	John Munch	Lisha Klaiber, Recorder
Ed Floyd		

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter.

II. OPEN THE PUBLIC HEARING FOR MARY JANE O'HARA

1. Phil Carter advised that this is an application to consider an amendment to a Conditional Use Permit to change a single Retail Unit into two retail units. The project is located at 196 Main Street in the Village Residential Commercial District
2. Rose Goings advised that this is application 105-96-CU, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on October 2, 2018, advertised in THE VERMONT JOURNAL on October 3, 2018 and abutting property owners were notified on October 2, 2018.
3. Phil Carter administered the oath to all (Gail Beardmore) wishing to speak at this hearing.
4. Gail Beardmore said that the applicant wants to convert the front part of the building into 2 retail spaces. The space was originally 2 units and they were combined. We want to convert them back to 2 retail spaces. Raw Edge is in the bigger part of the space and Green Mountain Fire Place wants to rent the other part. There will not be any changes except for the door.
5. Phil Carter asked if each space would have its own entrance.
6. Gail Beardmore said yes.
7. Phil Carter asked about the Fire Marshal.
8. Gail Beardmore said that anything mentioned in their papers has been taken care of, including the solid core door, emergency lighting and the pressure valve for the boiler.
9. Phil Carter said the date on the papers is 1990.
10. Gail Beardmore said that is what was given to her.
11. Phil Carter said the inspection and expiration dates are covered.
12. Gail Beardmore said she would get a better copy.
13. Phil Carter said that the letter from Chief Kolenda said they need to get the permit from the Division of Fire Safety.

14. Rose Goings said that the papers that have been submitted are not the normal permit. It looks like these papers are for the boiler pressure valve.
15. Gail Beardmore said that she has a copy of the paper from the Fire Marshal. She showed it to the board.
16. Phil Carter noted the date was the end of May, 2018.
17. Gail Beardmore said that it is tough to get the Fire Marshal back.
18. Rose Goings said they generally give a CO.
19. Phil Carter said when the applicant gets the CO; they need to give a copy to Rose Goings. He noted that there were no other conditions from our town departments.
20. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR JOHN MUNCH**

1. Phil Carter advised that this is an application to consider a variance from the lake to construct a mudroom/connector between two living areas. Property is located at 46 Slacks Pasture Road in the Lakes District.
2. Rose Goings advised that this is application 471-19-VA. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on October 2, 2018, advertised in THE RUTLAND HERALS on October 6, 2018 and abutting property owners were notified on October 2, 2018.
3. Phil Carter administered the oath to Jack Facey, John Munch and Louie Gabranski.
4. Phil Carter asked Rose Goings about the violation.
5. Rose Goings said they don't meet lake setbacks
6. John Munch said the property has two sides that are finished and the property ices over in the winter. He said the architect thinks the proposed mudroom that would attach the two parts of the house would help mitigate the ice problem.
7. Phil Carter asked if the icing is on the front side of the house, not the lake side.
8. John Munch said the construction is moving away from the lake.
9. Jack Facey said the designer is Josh Rourke. There is a pre-existing roof and most of the part is already covered. They will extend the roof away from the lake. It will move the water away from the edge and allow movement left to right inside the house. It is the least intrusive and will still provide coverage. He said that almost all of the area is already within the connector. The roof will be just a little bit longer than the original roof with less than a two foot extension ad away from the lake. The entire house was built within the setbacks and there was no way to build without intruding in the setbacks.
10. Phil Carter asked if enclosed, would the owners not have to go outside to get between the parts of the house. He asked why not build out into the setback area.
11. Jack Facey said the slope of the existing roof and part of the property is not in intruding into the setback.
12. Phil Carter noted that the drawings do not show numbers.
13. Julie Nicoll asked how the people would be between the 2 areas of the house.
14. John Munch said there is a door and steps. He said there is a fireplace against the wall that will probably be removed.
15. Jack Facey said the biggest issue currently is to get between the 2 sections. They have to go out the front door, down the steps, over the concrete area and into the door in the family room.
16. Linda Petty said it will still be icy when they pull into the driveway with the car.

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17. John Munch said they hope it won't be as bad.
 18. Phil Carter said for a variance, why can't you just block off the area and put in a door.
 19. John Munch said it wouldn't solve the icing.
 20. Phil Carter asked if this would allow a gabled roof.
 21. John Munch said yes.
 22. Jack Facey said there is an existing roof enclosure.
 23. John Boehrer asked when the house was built.
 24. Louie Gabranski said about 10 years ago the roof any alley way were built by the previous owner. He said they were separate buildings.
 25. Phil Carter asked John Munch how long he has owned the house.
 26. John Munch said about 1 year and the other side was not finished.
 27. Phil Carter asked them to address the Variance Criteria.
 28. Jack Facey responded".
 - a. Unique physical circumstances including irregularity of the lot – he said this is a typical lake lot and the original house was built in the 1960s on an irregular, shallow lot.
 - b. Physical Circumstances – because of the physical circumstances, there is no way to develop the property in conformity with zoning regulations.
 - c. Hardships – the house predates zoning and because it predates zoning, most of the structure is within the setbacks. The project is on the side away from the lake. The house was permitted and is pre-existing. The project is not creating the hardships.
 - d. Neighborhood – there are a number of different designs in the area. This replaces the existing shed roof, extending it only about 18 inches.
 - e. Minimum Variance – Josh Rourke looked at this property and it was his opinion that this would be the minimum variance needed to accomplish reasonable weather enclosure.
 29. Phil Carter said, given the test of hardship, they are discussing ice.
 30. John Munch said there is ice from November through April and with every storm, water comes off the roof and freezes. There is an area of about 8' x 10', including steps that freeze. He said that he has small children who have fallen, along with others. He is concerned that there will be more serious injuries.
 31. John Boehrer asked if Josh Rourke thinks this renovation will help with the ice issue.
 32. John Munch said there will be less ice, but also, they won't have to go outside to move between parts of the house.
 33. Phil Carter asked about the entrance to the house.
 34. John Munch said through the main entrance.
 35. Linda Petty asked where the water would now go.
 36. Jack Facey said the addition will not cause any additional impervious surfaces. There will be a few more feet of roof. The water will still fall.
 37. Linda Petty said there is still a concrete driveway and she is concerned that this will just push the water further into the driveway.
 38. Jack Facey said the plow will remove the snow and ice.
 39. John Munch said they will work on the water/ice issue.
 40. Louie Gabranski said the plow can't get all the way up to the garage. There will always be ice.
 41. Phil Carter asked what the roof will be made of.
 42. John Munch said metal.
 43. Phil Carter asked about the enclosure.
 44. John Munch said it will be a solid wall.
 45. John Boehrer asked about FEMA.

46. Rose Goings said the new structure is within the FEMA flood area. The two existing are not. If this project is approved, they will have to come back to the DRB about this.
47. Jack Facey said when you go for LOMA, they will only certify outside structures. If we join the two, the area in the middle is also outside and John Munch was told to get an expanded LOMA.
48. Rose Goings said until that time, it is in.
49. Phil Carter said this hearing is only for the variance.
50. Louie Gabranski asked what they will do with the water that comes down the driveway and circles down to the lake. How are they going to stop that?
51. John Munch said he will be happy to work on remediation for that.
52. Phil Carter said that will need to be worked out, but repeated that tonight is just for the variance.
53. John Munch said he will work with Josh Rourke.
54. Phil Carter said that whether the roof is gabled or straight, that water will still be the same and will still be a problem. The design will not change the amount of water. He said there may be options down the road.
55. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

IV. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from September 10, 2018.
2. Linda Petty noted that on page 1, item II, 7, it should say Fire Marshal, not Marsha.
3. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from September 10, 2018 as presented. Motion passed unanimously.**

V. **OTHER BUSINESS**

1. **Green Mountain Lodge Extension**
 - a. Ed Floyd said the regulations, if on a permit, no construction has been started within one year of the date the permit was granted, it will become null.
 - b. Rose Goings advised that the date the permit was granted was December 4, 2017.
 - c. Ed Floyd said that the applicants have spent most of the year working with the storm water items. Since they are adding less than 5,000 square feet of new impervious surface, the project will be exempt. They have met with ANR and AOT discussing mitigation procedures. The project documentation is still under internal review and hopefully will be sent to the state this week or by Thanksgiving. After Act 250 is granted there will be more design work with the architects, structural engineers, mechanical engineers, elevations, and other consultants. After that, they will talk to contractors. They are requesting a 2-year extension due to the scope of the project.
 - d. Phil Carter said that would be December 4, 2020.
 - e. **MOTION by Linda Petty and seconded by Dana Wilson to grant the extension for Green Mountain Lodge until December 4, 2020. Motion passed unanimously.**

VI. **ADJOURN**

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1. **MOTION by Phil Carter and seconded by Linda Petty to adjourn. Motion passed unanimously.**
 2. Meeting adjourned at 6:43 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Dana Wilson