

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

October 28, 2013

MEMBERS PRESENT:

Phil Carter	Richard Harrison
Julie Nicoll	Linda Petty

MEMBERS ABSENT:

John Boehrer

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Kathy Beyer	Bob Higgins	Amy O'Neil
Angelo Chiari	Rita Higgins	Mike O'Neil
Mike Cronin	Pete Josselyn	Ted Reeves
Cindy Dillworth	Mariel Meringolo	Scott Qwynn, LPC TV
Mike Doran	Mary Jane O'Hara	Lisha Klaiber, Recorder

1. **CALL TO ORDER**

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

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR MICHAEL AND AMY O'NEIL**

- A. Phil Carter advised that this is an application for flood hazard review to build a garage with a bedroom on the second floor in the Flood Hazard Area. Property is located at 75 Fishing Access Road in the Lakes District of the Town of Ludlow. It was recessed from the meeting of September 9, 2013. He advised all persons previously sworn in for this hearing that they are still under oath and asked if there would be any additional persons wishing to speak. There were none.
- B. Rose Goings advised that a new appraisal was received today.
- C. Amy O'Neil said that the package submitted contains the calculations for substantial improvement and the NFIP instructions for calculating substantial improvement. The state wants to see that the percentage of improvement is less than 50% of the value of the house. The new appraisal of the dwelling totals \$195,300 and if new, it would be \$213,900. The depreciation is 1.43% so the depreciated value of the house is \$192,507. She said that they had previously received 3 estimates for the work to be done and they range from a low of \$69,850 to the high of \$76,352. The calculated improvement cost comes to a low of 36.26% to the high of 39.66%. Since both of these percentages are less than 40%, the state does not require the detailed evaluation.

- D. Phil Carter asked if anything had been changed with the estimates.
- E. Amy O'Neil said they are the same. She said that she would like the board to close the hearing tonight.
- F. Phil Carter advised that the board now has a fresh appraisal and calculations. He suggested to the board that he would consider entertaining a motion to close this hearing effective Friday, November 8th at 4:30 p.m. He said this would give the board sufficient time to review all of the evidence and also for the applicants to supply any additional pertinent data.
- G. Amy O'Neil said that Sasha Pealer had suggestion that, as a condition of the permit, the board require final submission of all receipts for the project. She said that she objects to that and considers it an invasion of their privacy.
- H. Phil Carter said that this evidence shows the improvement to be less than 40%.
- I. Richard Harrison asked what the town appraisal is.
- J. Rose Goings said \$157,700 and including the property \$512,000.
- K. Amy O'Neil said that the appraisal documentation includes comparables. She added that the house is almost new because of the repairs they made after Irene. She added that she disagrees with the listers who rate the land at the highest rate.
- L. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing as of 4:30 p.m. on Friday, November 8, 2013. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR LUDLOW HOUSING ASSOCIATION**

- A. Phil Carter advised that is an application for an amendment to a Planned Unit Development and Flood Hazard Review to drill a new well. Property is located at Route 103 North in the Town Residential/Commercial District.
- B. Rose Goings advised that this is application 097-95-PUD, Amendment #1 and 406-13-FHR. 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 added that letters had been received from Sasha Pealer.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Kathy Beyer advised that they wish to drill a new well. The current well is a 25' dug well and the new one will be drilled in bedrock and hopefully the water will be of a better quality. The new well would be under an Easement Agreement. They do not have the required 200 foot isolation area. The well would be in the floodway and the vent pipe in the flood plain. She said that she has worked with Sasha Pealer. None of the well would be above grade and ANR has agreed on the design.
- E. Phil Carter verified that the well would be drilled in the flood way underground and the vent pipe would come up from underground in the flood plain at a higher elevation.
- F. Kathy Beyer said that is correct.
- G. Phil Carter asked about the existing well.
- H. Kathy Beyer said that would be up to discussions with Okemo.
- I. Ted Reeves said that they do not have plans for it at this time.
- J. Phil Carter asked if they would have electricity to the new well.
- K. Kathy Beyer said yes.
- L. Linda Petty asked if the ROW to the old well would become null with the new well and would they need a new one.
- M. Kathy Beyer said they would work that out with Okemo Holdings.

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- N. Ted Reeves said they would work it out.
 - O. Richard Harrison said it would be advantageous to keep both wells.
 - P. Kathy Beyer said they have not worked that out yet. She added that the existing well does have a lot of volume.
 - Q. Phil Carter said that the state requires design by a professional engineer and this design is by Blair Enman, PE.
 - R. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR GRUMMAN SKI CLUB**

- A. Phil Carter advised that this is an application for design review to allow for construction of a fire escape from the third (3rd) floor to the parking lot. Property is located at 98 Main Street in the Preservation District.
- B. Rose Goings advised that this is application 407-13-DR. 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 said that she has received all documents as well as a report from the Fire Marshal.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Peter Josselyn said that the state has required a second means of egress from the 3rd floor. They will replace 2 windows on the 3rd floor with acceptable egress windows. The fire escape will be pressure treated painted wood.
- E. Phil Carter asked about the fire escape on the other side of the house.
- F. Peter Josselyn said it will remain because the fire marshal said that state regulations require 2 means of egress. He added that if they sprinkle the building this would not be required.
- G. Phil Carter asked if the state has set a time line.
- H. Peter Josselyn said yes.
- I. Phil Carter noted that the drawing does not indicate egress from the 2nd floor.
- J. Peter Josselyn said they may need to add a platform and doorway by the 2nd floors.
- K. Richard Harrison said that the best thing to do is install sprinklers.
- L. Peter Josselyn said that when all things are considered, it may be the best thing and would satisfy the basement issue. He said the work would be done properly.
- M. Rose Goings advised that the fire marshal's letter indicated egress for 2nd, 3rd and basement floors. She added that they do not sleep in the basement.
- N. **MOTION by Richard Harrison to close this hearing with the condition that they install a sprinkler system.**
- O. Phil Carter advised that there was no second because this hearing is just for the fire escape and not for sprinklers.
- P. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed; Richard Harrison against.**

5. **OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**

- A. Phil Carter advised that this is an application for a Conditional Use Permit to allow for the operation of a food vendor at the base of the Southface Express lift. Property is located in the Mountain Recreation District.

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- B. Rose Goings advised that this is application 408-14-CU. 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.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Mike Doran advised that they would like to have a food vendor at the base of the Southface lift. It would be the Squeals on Wheels trailer. The project has been reviewed by the Fire Marshal and they have received a permit with the condition that the trailer be located 10 feet from the propane tanks. Chief Kolenda has approved the application and said that the fire department would try to work with Okemo staff and the snowmaking equipment.
- E. Phil Carter noted that the fire department said that they may not be able to get there in case of fire.
- F. Angelo Chiari said that they have plenty of fire extinguishers.
- G. Phil Carter asked how they would supply the operation.
- H. Angelo Chiari said he would get there before the lift opens by snowmobile and bring supplies and remove trash.
- I. Linda Petty asked about water.
- J. Angelo Chiari said they have a fully, state licensed commercial kitchen with water and gray water tanks.
- K. Linda Petty noted that the service area seemed high.
- L. Angelo Chiari said that the snow will make up the difference.
- M. Linda Petty asked if they would have steps at the beginning of the season.
- N. Angelo Chiari said they would have steps if needed, but the snowmaking staff would help.
- O. Phil Carter asked if they would have a deck.
- P. Angelo Chiari said no, they would fix the steps on the side.
- Q. Julie Nicoll asked about wood for the smokers.
- R. Angelo Chiari said it would be on a trailer covered with tarps.
- S. Phil Carter asked the hours of operation.
- T. Ted Reeves said that the lifts operate from 9:00 to 3:30 on weekends and 9:45 to 3:30 during the week.
- U. Angelo Chiara said they would be open from 10 a.m. to 3 p.m., but they would arrive earlier to set up.
- V. Linda Petty noted that the letter from the Ambulance Department said "Solitude lift."
- W. Ted Reeves said this was the first he had heard.
- X. Phil Carter noted that the letter from the Ambulance Department said that ski patrol would be the first responders.
- Y. Ted Reeves said that was correct.
- Z. Linda Petty asked if they would get a corrected letter from Ambulance.
- AA. Rose Goings said that would be part of the conditions of the permit.
- BB. Phil Carter asked if there would be a second location at Solitude,
- CC. Angelo Chiari said no, just Southface.
- DD. **MOTION by Richard Harrison and seconded by Linda Petty to close this hearing, with the condition that they obtain a corrected letter from the Ambulance Department. Motion passed unanimously.**

6. **OPEN THE PUBLIC HEARING FOR OKEMO MOUNTAIN SCHOOL**

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- A. Phil Carter advised that this is an application for a design review to build a deck around a trampoline for training purposes. Property is located at 53 Main Street in the Preservation District.
 - B. Rose Goings advised that this is application 409-14-DR. 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 letters have been received from Fire, Ambulance and Police.
 - C. Phil Carter administered the oath to all wishing to speak at this hearing.
 - D. Mariel Meringolo advised that they wish to safely install a trampoline for training purposes for students. They would install a deck around the trampoline with mats. This would be located behind the building and only somewhat visible from the road. It would be visible from Joyce Washburn's house and she is okay with it. The other option is to dig a pit and put in crushed gravel with trap doors on the pit walls. It would also have a cover that could be locked with a fence around it. There would not be any lighting.
 - E. Phil Carter asked about speakers.
 - F. Mariel Meringolo said no speakers, just the trampoline. They want student to learn skills in a safe manner.
 - G. Julie Nicoll asked about the pool that had been there.
 - H. Mike Cronin said it is a steel structure in the ground that has been filled and buried. The trampoline would fit in there, but they will not use that area.
 - I. Phil Carter asked how high the deck would be.
 - J. Mike Cronin said 4 feet.
 - K. Phil Carter asked if they would be using this year round.
 - L. Mariel Meringolo said yes. She added that Waterville Valley and Lake Placid have them and clear the snow away in the winter. She asked how soon they could expect to hear back from this board.
 - M. Rose Goings said if they buried it with a fence, it would not need DRB approval,
 - N. Phil Carter said that if approved, they could do either the deck or bury it. He said that the DRB has 45 days to provide a decision, but this is pretty basic and could be done quickly.
 - O. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

7. **OPEN THE 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.
- 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.
- C. Phil Carter advised that a letter had been received from the applicant requesting the hearing be recessed until the meeting on November 25, 2013.
- D. **MOTION by Julie Nicoll and seconded by Linda Petty to recess this hearing until November 25, 2013. Motion passed unanimously.**

8. **APPROVE MINUTES**

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- A. Phil Carter advised that the minutes to be reviewed are from the meetings of July 8, 2013 and September 9, 2013.
- B. July 8, 2013
- i. Linda Petty advised that in the boxes indicating attendees, she is listed twice.
- ii. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from July 8, 2013 as corrected. Motion passed unanimously.**
- C. September 9, 2013
- i. Julie Nicoll advised that on page 3, item 3L, 2nd line should read "...She said the next thing she heard was a letter that the Stuarts were asking for a permit to seat 23..."
- ii. Linda Petty said that on page 5, item 5N, next to last line should read "Lancaster, PA and is a historical..."
- iii. Julie Nicoll advised that on page 6 item 5S, should read, "Linda Petty asked what kind of containers the shavings..."
- iv. Julie Nicoll advised that on page 6, item 5V, should read have a ";" instead of a "._"
- v. Julie Nicoll advised that on page 8, item 6P should read "...Sasha Pealer may suggest more detailed estimates..."
- vi. Page 8, item FF – typographical error. IT should be It.
- vii. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes from September 9, 2013 as corrected. Motion passed unanimously.**

9. **OTHER BUSINESS**

- A. Winterplace
- i. Phil Carter advised that a letter had been received from Winterplace requesting an extension of their permit, #081-94-PUD, Amendment #6. The letter is asking for a one year extension for buildings U, V, and W due to slow economy. There would be no other changes to the permit. The request was made by John Watanabe.
- ii. MOTION by Richard Harrison and seconded by Linda Petty to approve the request for a one year extension for Permit #081-94-PUD< Amendment #6 applying to buildings U, V and W, effective tonight. Motion passed unanimously.
- iii. Phil Carter asked Rose Goings to write a letter to Mr. Watanabe.
- B. Next Meeting
- i. Rose Goings advised that the next meeting would be on November 25, 2013.

10. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by Julie Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison