

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

ZOOM MEETING LINK: <https://us02web.zoom.us/j/89160983329>
Dial in phone #929-205-6099

MEETING ID:891 6098 3329

June 8, 2020

MEMBERS PRESENT:

Phil Carter, Chairman Julie Nicoll
John Boehrer Doug Sheehan

STAFF PRESENT:

Scott Murphy Rose Goings

OTHERS PRESENT:

Eric Alden	Cheryl Hammond	Karen Trimboli
Tim Baker	Everett Heintz	Randall Walter
Andrew Becker	Steve Mungeon	John Watanabe
Dan Buckley	Paul Orzechowski	Lisha Klaiber, Recorder
Roger Danyew	Larry Slason	Patrick Cody– Okemo Valley TV
Tina Danyew		

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. He advised the following meeting guidelines:

This open meeting of the Town of Ludlow Planning Commission is being conducted remotely consistent with Governor Scott’s Executive Order of 01-20 Act 92, due to the current State of Emergency given the outbreak of the coronavirus.

In order to mitigate the transmission of the virus and reduce the risk of COVID-19 illness, we have been advised and directed by the State of Vermont to suspend public gatherings, and as such, the Governor’s Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. All members of public bodies are allowed and encouraged to participate remotely.

2. Roll Call:
 - i. Phil Carter – aye
 - ii. John Boehrer – aye
 - iii. Julie Nicoll – aye
 - iv. Doug Sheehan – aye

II. OPEN THE RECESSED PUBLIC HEARING FOR SUMMIT DISTRIBUTING, LLC

1. Phil Carter advised that this hearing is an application to amend the Conditional Use permit and for Flood Hazard Review for the redevelopment of an existing retail motor fuel outlet, including the razing of the auto parts store/service garage and addition of a two (2) additional fuel dispenser island. The existing convenience store will be updated and the front entrance will be relocated. The proposed location of the dumpster and enclosure is located in the Special Flood Hazard Area. The property is located at 129 Main Street in the Village Residential Commercial District. This hearing was recessed from the March 9, 2020 meeting.
2. Rose Goings advised the applicant has advised us that the added information requested by this board was not ready. They are asking FEMA to remove the property from the Flood Hazard areas as designated on the FEMA maps. They have requested to be placed on the July meeting agenda.
3. **MOTION by John Boehrer and seconded by Julie Nicoll to recess this hearing until July 13, 2020. Motion passed unanimously.**

III. OPEN THE PUBLIC HEARING FOR WINTERPLACE COA

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 living space. The project is located at Winterplace, in the Mountain Recreational District. Property address is 49 White Loop, C301.
2. Rose Goings advised that this is application 081-94-PRD, Amendment #13. Posted in the Town Hall bulletin boards, and the Post Office Bulletin Board and on the website May 14, 2020, advertised in THE VERMONT JOURNAL on May 20, 2020 and abutting property owners were notified on May 14, 2020. She advised that letters have been received from the Fire, Ambulance and Police Departments.
3. Phil Carter administered the oath to all (John Watanabe) wishing to speak at this hearing.
4. John Watanabe said that the DRB had previously seen other applications and approved changing these spaces into living space, for other units. They will be changing unconditioned space to conditioned space. He said that this unit is similar to two previously changed units as there is no existing second floor. They will be installing a spiral staircase. They will not use this space for sleeping. The space will be sprinkled.
5. Phil Carter commented that there were 11 pages of architectural drawings.
6. John Watanabe said the ordinance says that for renovations, the applicant must submit architectural or structural drawings. The state requires the structural. The owner has provided both. He said that he will discuss this with Rose Goings to determine if only structural are required.
7. Phil Carter noted that in his letter, Chief Kolenda listed the following conditions:
 - a. Permit is required from the Vermont Division of Fire Safety
 - b. The proposed spiral staircase must be approved by the Vermont Division of Fire Safety
 - c. The bonus room is not to be used as a bedroom
 - d. Sprinkler coverage must be reworked to include the bonus room and attic areas.
8. John Watanabe said that all of the conditions are consistent with those imposed in the past and will be met. He said that the fire chief has approved the staircase design.
9. Phil Carter asked where the project stands with Fire Safety.
10. John Watanabe said they are still working through this and there will be conditions. He said that the contractor has spoken with Landon Wheeler.
11. Phil Carter advised that if this board approves this application, it must comply with any conditions imposed by the fire marshal. If it does not comply with those conditions, the town permit is void.
12. John Watanabe said he understands this.
13. Julie Nicoll noted that the space does not have a window, therefore it is not to be used as a bedroom.
14. Rose Goings noted that the engineer, Keith Alden, just joined the meeting.
15. Phil Carter advised Mr. Alden that the spiral staircase must be approved by the Vermont Division of Fire Safety. He said that the spaces must have sprinklers.
16. Keith Alden said he understands. He added that the spiral staircase has a diameter of 5'6" with treaded steps and guardrails. It should comply with all Fire Safety requirements.
17. Phil Carter advised Mr. Alden that any conditions required by the Division of Fire Safety must be met or this permit is void. He asked that copies of any correspondence between the contractor/applicant and the Division of Fire Safety be sent to Rose Goings.
18. Keith Alden said that the contractor is working through the project with the Division of Fire Safety.
4. **MOTION by John Boehrer and seconded by Doug Sheehan to close. Motion passed unanimously.**

IV. OPEN THE PUBLIC HEARING FOR ROGER & ATHENA DANYEW

1. Phil Carter advised that this hearing is an application to subdivide a 1.53 acres lot into 3 parcels. The property is located at 119 Pleasant Street in the Village Residential Commercial District.
2. Rose Goings advised this is application is SUB20-008. Posted on the Town Hall bulletin boards and the Post Office Bulletin Board and on the website May 14, 2020, advertised in THE VERMONT JOURNAL on May 20, 2020 and abutting property owners were notified on May 14, 2020. She advised that she has received verbal responses from Chief Billings for Police and Ambulance and Chief Kolenda for Fire. She added that the applicants have received Water and Waste Water approvals from the Village with each lot approved for 3bedrooms each.
3. Phil Carter administered the oath to all (Roger Danyew, Tina Danyew) wishing to speak at these hearings.
4. Roger Danyew advised that the lot is 1.53 acres and will be divided into 3 lots that will fit into the neighborhood. There was a wet area in the back, but has dried up. He said that Ron Tarbell looked at the area. He said that there are trees in the front, on Pleasant Street, which will remain.
5. Phil Carter referred to the drawing that was provided and noted that the new lots will be:
 - a. Lot #1 - .56 acres with a ROW granted to the neighbors for their driveway. It also has a utility easement.
 - b. Lot #2 – will be .46 acres
 - c. Lot #3 – will be .49 acres

- Phil Carter continued and asked if they had contacted the town for water and sewer.
6. Roger Danyew said yes.
 7. Phil Carter advised that because the lots will be on town water and sewer, they will not be required to have State septic and subdivision permits.
 8. Julie Nicoll noted that the railroad runs behind the property and asked if a setback is required.
 9. Rose Goings said the railroad probably has a ROW in the deed.
 10. Phil Carter noted that the railroad has a 66' ROW.
 11. Rose Goings said that Chief Billings has approved if they are just 3-bedroom, single family homes. She said that Chief Kolenda commented about egress windows, smoke detectors, fire extinguishers and that a cul-de-sac is not needed. He said if there is going to be an attached garage, there must be a one-hour firewall between the house and garage. He has no other issues.
 12. John Boehrer asked about the area to be annexed.
 13. Rose Goings said that is usually handled with a lot line adjustment, but they made it part of this application.
 14. **MOTION by Julie Nicoll and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR LUDLOW MOUNT HOLLY UNIFIED UNION SCHOOL DISTRICT**

1. Phil Carter advised that this hearing is an application to subdivide the High School building from the Elementary school building. The property is located at 43/45 Main Street in the Village Residential Commercial District.
2. Rose Goings advised this is application is SUB20-010. Posted on the Town Hall bulletin boards and the Post Office Bulletin Board and on the website May 14, 2020, advertised in THE VERMONT JOURNAL on May 20, 2020 and abutting property owners were notified on May 14, 2020. She said that she has received verbal letters from Chief Billings for Police and Ambulance and from Chief Kolenda for the Fire Department.
3. Phil Carter administered the oath to all (Cheryl Hammond, Karen Trimboli, Dan Buckley, Paul Orzechowski, Steve Mungeon) wishing to speak at these hearings. He explained that this is an on the record hearing and accepts written and verbal evidence.
4. Cheryl Hammond said that the Black River High School (BRHS) is closing and the town is purchasing the building. The Select Board asked for the baseball field and back property, up the hill. The School Board agreed. The School Board asked for the driveway on the left side of Ludlow Elementary School (LES) and the playground.
5. Phil Carter asked if the town would take ownership off the BRHS plus 32.8 acres. He asked when this will happen.
6. Cheryl Hammond said hopefully, July 1st, but we don't have a closing date at this time.
7. Rose Goings said that Chief Billings said that egress for entry and exit have to remain the same. She said they did not hear about the parking or bussing issue. She said the Steve Mungeon did not make changes to the egress or parking.
8. Phil Carter asked Steve Mungeon if the current entry will be owned by the town, with exit by the school, between Chirsky property and the school property.
9. Steve Mungeon said it will be one-way.
10. Phil Carter asked about entry.
11. Steve Mungeon said the cars will loop around the back of the high school. There is a free lane between the high school and LES.
12. Phil Carter asked, if in 2 years, the town decided to sell the property and a private developer purchases it, how you can be sure they will allow you to use the entrance.
13. Steve Mungeon said it can't be assured, but the road can be widened into 2 lanes.
14. Karen Trimboli said LES used to use Deeplawn Court and we would have to use it again.
15. Phil Carter said this board can write conditions about this.
16. Julie Nicoll said the children eat at the Community Center and use that gym. Will they still have access.
17. Karen Trimboli said we have an easement up almost to the ball field. It is shown on the drawing, between BRHS and LES and has a lane for parking. Next year we probably will just cross our property.
18. Phil Carter said that no easement is shown on the drawing.
19. Steve Mungeon said it is free passage between the buildings.
20. Julie Nicoll asked how the children would get to the Community Center without crossing that property.
21. Steve Mungeon said they would have to get permission.
22. Dan Buckley said that the Purchase and Sales agreement says that the LES students are allowed use of the ball field and field above and half of the parking lot access.
23. Rose Goings said that may be on the Purchase and Sales agreement, but nothing is final until it is on the deed and the deed is executed and filed.
24. Steve Mungeon said that he identified that walkways to the ball field but they have not been laid out. He can put it on the survey.

25. Phil Carter suggested that the applicant may want to consider what will happen if the town sells the property. They may want to consider asking that the school be able to use the entry drive in perpetuity, as well as crossing to the ball field. He suggested that they may want to have that added to the survey. The DRB will not make that a condition of this permit.
26. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing.**
27. **Phil Carter advised that this motion is to approve the survey as presented. Phil Carter advised that if needed, the applicant can amend the permit at a later date.**
28. **Motion passed unanimously.**

VI. **OPEN THE PUBLIC HEARING FOR SOUTH FACE VILLAGE AT OKEMO DEVELOPMENT CO., LLC.**

1. Phil Carter advised that this is an application to consider an amendment to a PUD/LOCAL ACT 250 REVIEW to redesign the lodge building, deleting the 88-seat restaurant, public restrooms, lounge area and ski shop and add four residential units for a total of six. The project is located on Lodge Road, in the Mountain Recreational District.
2. Rose Goings advised that these are applications 334-11-CU, Amendment #4, 333-11-PUD, Amendment #4 and 482-20-act 250. Posted in the Town Hall bulletin boards, and the Post Office Bulletin Board and on the website May 14, 2020, advertised in THE VERMONT JOURNAL on May 20, 2020 and abutting property owners were notified on May 14, 2020. She advised that letters have been received from the Fire, Ambulance and Police Departments. She said we have also received a Project Review Sheet.
3. Phil Carter administered the oath to all (Andrew Becker, Larry Slason, Randall Walter) wishing to speak at this hearing.
4. Larry Slason advised that the applicant wishes to revise the design and uses of the Owners' Lodge. He said that building in the project approved in April, 2011, included an 88-seat restaurant, rest rooms, lounge, ski shop and 2 residential units. The new design includes removes the restaurant, lounge and ski shop. They will add 4 residential units (2 per floor) and retain the fitness center, lockers, pool and patio. He said that they are here tonight to amend the PUD, Conditional Use Permit and the Local Act 250 permit. He referred to the 10-page narrative for Public Hearing which he submitted. He said that pages 1 through 6 are for the Conditional Use Permit. He said that there will be no significant changes to the character of the project, the compatibility to the area and there will be no changes to the burden on the Municipality. There will be less traffic as there will be fewer people using the public facilities. There will be 6 residential units and 2 parking spaces have been allotted for these unit, along with overflow parking. This project conforms to the Ludlow Zoning Regulations and the project is still a PUD in the Mountain Recreation District. He said that page 7 is the Site Plan Review. The building is in the same location as previously approved. There is no change to vehicular circulation, using the same access. There are no changes to the internal roads. There will be no changes to the landscaping or lighting. Any exterior lighting will be down lit, 60-watt LED lamps. This was all previously approved by the DRB and Act 250. Pages 8 through 10 are the PUD Review. This project is the same as the original with regard to density and it is the same building. No more units are in this as the original because last year, we amended the project by changing 12 condo units into 3 duplexes, a reduction of 6 units. The project will still have 208 units, wit 693 bedrooms. There will be no changes to the PUD impact or plat. He added that the next section is the SECTION 280 – Local Act 250 Review.
 - a. The project will not cause an unreasonable impact on the ability of the municipality to provide educational services. He said that it is unlikely that any of the units will be full time residents of Ludlow.
 - b. The project will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services. He said that the applicant is responsible for the construction, buildings, roads, infrastructure, and sewer connections. It will provide tax revenues to the town and will pay the fire impact fees.
 - c. The project will is in conformance with the municipal plan as adopted. The PUD has not changed. It is still in the Mountain Recreation District and compatible with the uses for large-scale outdoor recreation and housing. He said
He continued, explaining that that the building will remain within the 35 foot maximum building height. The area of the building as originally designed was to be 24,106 square feet. The new design will be 24, 087 square feet. Parking will be under the building. The residential units will be 4-bedroom, 3 bathroom units. He referred to exhibits A through G.
 - a. Exhibit A – Illustrative Plan – shows the layout of the building with respect to Tamarack and Sugar Maple buildings. Shows garage entrance, pool and access is the same as previous.
 - b. Exhibit B – Progress Site Plan – shows proposed Owners' Lodge, pool, parking access and emergency access as was required by the fire chief.
 - c. Exhibit C – shows grading details, Show how the building will blend in with the landscape.
 - d. Exhibit D – Includes drawings A-1.0, A-1.3 and A-5.0 – these show footprint, 3rd floor plan and building section with parking, 3 floors and gym wing.

- e. Exhibit E – shows square foot comparison of original design and new design.
 - f. Exhibit F – Includes drawings A.000 (building exterior) , A.001 (circulation and access), A.100 (lower level, parking spaces, access and gym), A.101 (1st floor, 2 residential units), A.102 (2nd floor, 2 residential units), A.103 (3rd floor, 2 residential units), A.110 (ground floor (fitness center and 12 spaces), A.111 (Residential unit layout), A.200 (Elevation)
 - g. Exhibit G – Ability to Serve Letter to Ambulance, Police, Fire and Highway departments. He said that he didn't receive replies, but that Chief Kolenda and Chief Billings had forwarded replies to Rose Goings. Chief Kolenda included requirements for permit from Vermont Division of Fire Safety, a NFPA 13 sprinkler system and also standpipes, provide an exit door on the poolside end of the hallway to provide access to both ends of the building, a 3' entry door is required adjacent to the garage door for entry into the parking garage, the entire area below the 1st floor villas are to be precast concrete or poured in place concrete with any exposed steel to be sprayed with a fire proofing material and a 35¢ per square foot impact fee to the Town of Ludlow Fire Equipment Fund.
19. Phil Carter asked if all of these conditions could be met.
 20. Larry Slason said yes.
 21. Andrew Becker said that all of them are acceptable, and some of them are on the plans and ½ are intended.
 22. Larry Slason said that Chief Billings did give Police and Ambulance approval.
 23. Phil Carter asked about what appears to be brick pavers shown on Exhibit B, at the road below the building.
 24. Randall Walter said they are to provide an interesting breakup, flush. A change of material to keep it from looking like a fire lane.
 25. Larry Slason asked the board to consider an Up/Down vote.
 26. Phil Carter asked where the project is with regards to Fire Safety.
 27. Randall Walter said they had a preliminary meeting with Landon Wheeler and Chief Kolenda. They are making preparations to submit for the permit. He said that Landon Wheeler did require some changes in the plan dealing with the sprinklers and concept scale used for the stairs. He said that all of this will comply with state regulations. It is a work in progress.
 28. Phil Carter said if the Fire Marshal imposes conditions that you can't or fail to meet, the town permit will be void.
 29. Larry Slason said they have no objections to that.
 30. Phil Carter asked that copies of any correspondence with the Fire Marshall be sent to Rose Goings.
 31. Larry Slason said that would be done.
 32. Phil Carter asked what the color scheme would be.
 33. Randall Walter said the colors are an extension of the other, already existing buildings, with stone retaining walls and roof timbers. This building will be goldenrod and the center piece of the village. There will be some blue stone.
 34. Phil Carter asked about the roofs on the building.
 35. Randall Walter said they would be a mix of metal and asphalt shingles, the same as on Tamarack and Sugar Maple buildings. It would be a mix of tones in tree bark. The lower roofs, on the fitness center, 1st story, will be bronze metal.
 36. Phil Carter asked if there would be any food service.
 37. Randall Walter said no.
 38. Phil Carter asked if the gym would be open to the public.
 39. Randall Walter said no, owners/residents of this village only.
 40. Phil Carter asked if there are any changes to the waste water permit.
 41. Larry Slason said no. He said that the project review sheet shows that the department said that no revisions are needed to the previous permit, water lines and sewers.
 42. Rose Goings said that the Municipal Office said that the original allocation included an 88 seat restaurant and that has been omitted. They asked the applicants if they wish to relinquish that and the applicant said they would keep the allocation as it is. The allocation is for 208 units with 693 bedrooms, an 88 seat restaurant and ski shop. They have an opportunity to change it. They have a contract with the town to pay yearly and may contact Pam Cruickshank in the main office if they wish to change this. This permit will include notice that the applicant wishes to retain the allocation for the 88 seat restaurant.
 43. Andrew Becker affirmed that they wish to leave the allocation as it is.
 44. Rose Goings said that it is hard to read the numbers on the drawings provided and she would like to have a larger copy of the elevations, showing the heights.
 45. Randall Walter said he would send her 24" x 36" drawing and also provide a PDF.
 46. Andrew Becker said that the elimination of the commercial parts of that building will have a positive impact on the traffic on Trailside Road – less traffic, less deliveries. This will be a benefit to the town.
 47. Phil Carter polled the board if they were in favor of an Up/Down vote.
 - a. John Boehrer – aye
 - b. Julie Nicoll – aye
 - c. Doug Sheehan – aye
 - d. Phil Carter - aye

48. **Phil Carter asked the board for the Up/Down vote to approve the changes as presented, with the condition that any requirements imposed by the Vermont Division of Fire Safety must be met. ALL IN FAVOR – AYE.**
49. Phil Carter asked Randall Walter to send Rose Goings the copy of the drawing and to keep this board in the loop with their progress with the Fire Marshal.
50. Rose Goings asked Phil Carter if the board will write decisions with their findings.
51. Phil Carter said yes. He said that will follow-up with formal decisions.
52. Larry Slason asked if they would like him to submit his findings to Rose Goings.
53. Rose Goings said yes.

VII. **OTHER BUSINESS**

1. Rose Goings advised that they are starting to resume holding board meetings at town hall.
2. **Trailside/Kettlebrook Hydrants Violation – See letter in packet**
 - a. Julie Nicoll asked how this is going.
 - b. Rose Goings advised that it is still a work in progress. She received a letter from Attorney Ankuda that affirmed that if there are any closings on sales in those developments, the new owners must be notified of the situation. She said that Scott Murphy would like Paul Carrochio, from Trailside to come to the July DRB meeting. Do they need a permit? They need to replace the tanks and he will appeal her decision. Scott Murphy has not received a response from him.
3. George Tucker, Jr.
 - a. Rose Goings advised that George Tucker had resigned from this board. He has moved to Kodiak, Alaska and will be there for 18 months. They will start to look for a new member for this board.
 - b. Julie Nicoll suggested that George Tucker be thanked for serving on this board.
 - c. Rose Goings said they will send him a letter. He said that when he returns, he would like to rejoin the board.

VIII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from March 9, 2020. He asked the board if they would do these at the next meeting, when they will meet in person.
2. Board members agreed.

IX. **ADJOURN**

3. Next meeting on July 13, 2020.
4. **MOTION by Phil Carter and seconded by John Boehrer to adjourn. Motion passed unanimously.**
5. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan