

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

June 14, 2010

MEMBERS PRESENT:

Phil Carter, Chairman	Richard Harrison	Rose Goings, Zoning Administrator
Troy Adams	Linda Petty	

MEMBERS ABSENT:

Julie Nicoll

OTHERS PRESENT:

Lorraine Bailey	Frank Heald	Ted Reeves
Michael Bailey	Dianne Krupp	Jody Sattler
Stephen Blanchard	Ed Krupp	Lisha Klaiber, Recorder
Mike Doran	Ralph Michael	Michele Stinson, LPC-TV

1. **CALL TO ORDER**

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

2. **OPEN THE RECESSED PUBLIC HEARING FOR TOWN OF LUDLOW**

- A. Phil Carter advised that this hearing is recessed from the January 11, 2010 and May 10, 2010 meetings and is an application to consider a Conditional Use permit to renovate the Ludlow Armory and Tank Barn and to convert the Armory Building to a recreational building in the Village Residential/Commercial District. Property is located at 37 Main Street. He advised that the DRB had requested further information regarding traffic flow and circulation, parking, signage, lighting and landscaping. He reminded Frank Heald that he is still under oath.
- B. Frank Heald referred to drawings and said that the traffic circulation is a work in progress as of this morning. He said that the plan currently calls for the traffic flow to be reversed. Vehicle entrance to the school would be from the east side of the facility, not the west as it has been. Morning buses would drop off the elementary students by the cafeteria for breakfast. Student parking would be west of the Pullinen Field. Faculty parking would be between the buildings. Buses would exit at the west end. There would be minimal traffic by the elementary school. Afternoon buses would park between the 2 buildings. The students would be in the gym and would file out to the buses. The crosswalk would change a little and the school would cover the walkway. Access would be a 5% grade for the elementary school and would meet handicap requirements. There would also be a ramp for the high school.

- They plan to forego the north office. The new entrance would be under the porch. There would be an airlock entrance to the cafeteria space. He referred to a drawing that showed parking spaces. The parking area would not be paved and spaces would be marked with bollards. The roof will have snow dams. Referring to drawings of the tank barn, he advised that the two tenants (LPC-TV and Black River Good Neighbors- BRGN) have reached agreement as to space allocation. He said that BRGN would be at the south end of the building and showed where some trees have been removed by the gabled end. They will retain 12-pane windows and use magnetic storms and screens. He indicated where the location of the double door. They will maintain the overhead door appearance.
- C. Phil Carter asked what were the requirements with regard to maintaining historical significance and appearance of the buildings.
- D. Frank Heald said that they need to try to maintain the character of the buildings as much as possible. They will be using similar brick, 12-pane windows and overhead door appearance. He said that LPC and BRGN would have signs at their respective ends of the building. He said that the armory building, with the exception of the entry to the dining area and some windows for light in the dining space and the food door would remain pretty much the same. The overhead door would be insulated. Referring to the West Elevation, he showed where the man door would move to the east to accommodate the boys' and girls' rooms. He referred to a drawing of the interior of the armory and said the office would be removed and there would be no other changes to that area. The dining area would seat 120. He indicated locations of the kitchen, basketball court, heating system space, community room, handicapped bathroom, boys' and girls' rooms and exercise room. He indicated where the Ludlow Armory sign is currently located and said that they are still trying to come up with a contest for renaming the building. They will put a flyer in the tax bills and hope that will stimulate some ideas. The site lighting will not change much. There is a high-pressure sodium light that will remain and there will be some small down-lit lights. They will upgrade the interior lighting. There are T-5 lights in the gymnasium. The tank will remain out front. They hope to put up a sign that will memorialize the heritage of the facility.
- E. Phil Carter asked if there would be a sign by the road for the tank barn.
- F. Frank Heald said they will keep signs to a minimum, over the entrances to the spaces in the tank barn. They also may memorialize the black and gold "Armory Lane" sign. There will be sprinkler systems in both buildings.
- G. Phil Carter asked about the lead paint issues.
- H. Frank Heald said that the Regional Planning Commission received some Brownfield money and spent \$60,000 for a comprehensive study and detailed action plan for removal and remediation of lead and asbestos. They are using Catamount Environmental. There was residual lead dust in the firing range. They did a sophisticated wash down and repainted in order to encapsulate. The area was then retested. On the outside of the building, there was water run-off from the roof and that left lead in the soil from the paint on the roof. They excavated and removed about 6 to 8 years of material and disposed of it. They replace it with new material and it has been retested. The roof of the tank barn is asbestos and will be removed and replaced. The mastic or tile on the inside will be replaced or encapsulated.
- I. Phil Carter asked if the cafeteria would serve all the meals for all of the students.
- J. Frank Heald said yes. He added that due to the very tight budget, they will try to utilize existing equipment.
- K. Julie Nicoll asked if there would be bathrooms for the cafeteria workers.
- L. Frank Heald said no.
- M. Julie Nicoll asked plans for drop off of merchandise for BRGN.

- N. Frank Heald said there would be cameras. He indicated a cement slab the may possibly be used for a drop off area, with a building something like the ones at the transfer station.
- O. Phil Carter asked if there would be any new lighting between the High School and the entrance to the armory.
- P. Frank Heald said he has not looked at the high school lighting. He indicate where the walkway could be lit. He added that the walkway would be heated.
- Q. Troy Adams asked if the elementary students would walk across.
- R. Frank Heald said that decision is up the schools. He added that the Municipal buses would not be used to transfer the students between the buildings. He said that it is not very far.
- S. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing.**
- T. **Richard Harrison abstained as he is on the Armory Committee. Motion passed.**

3. **OPEN THE RECESSED PUBLIC HEARING FOR ANTHONY COSTA ESTATE**

- A. Phil Carter advised that this hearing is for an application for to amend a Conditional Use permit to re-establish the retail use at the former IGA building. Property is located at 199 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 302-07CU, Amendment #1. She added that this hearing was recessed indefinitely from the meeting of April 12, 2010. Posted in the Town Hall bulletin boards March 22, 2010, advertised in THE VERMONT JOURNAL on March 24, 2010, and the abutting property owners were notified on March 22, 2010. Applicants Lorraine and Michael Bailey are present.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Michael Bailey said that they wish to open a store that will sell craft beers, wine, snacks and Vermont crafts. It will be strictly retail.
- E. Lorraine Bailey added that they also plan to have bottle redemption in the back. There is a slab there where a building was that they may re-enclose. It will remain within the existing footprint.
- F. Phil Carter asked if there would be any changes to the footprint of the building.
- G. Lorraine Bailey said it would be the same. They will put on a new roof and awning.
- H. Phil Carter asked them to describe the inside.
- I. Michael Bailey referred to drawings and showed where they would put up partitions. He indicated location of wines, cooler, a bathroom and stairs to the basement. He said they would put up sheetrock, new ceiling, new lighting, new flooring and new windows in the front.
- J. Phil Carter asked about the wine tastings.
- K. Michael Bailey sad they have a Class II license and are allowed 30 wine tastings per year. They must get a permit for each one. They would need to notify the state 2 weeks prior to the event and follow certain rules
- L. Phil Carter asked if they understood the parking situation at the property.
- M. Michael Bailey said there are 9 spaces designated for their use and also the municipal area.
- N. Phil Carter asked where people would go to make bottle (redemption) deliveries.
- O. Michael Bailey said everything would be handled through the back of the building. There would be 3 temporary spaces back there.
- P. Richard Harrison asked if they would install fire and burglar systems.
- Q. Lorraine Bailey said yes.
- R. Richard Harrison asked the hours of operation.

-
- S. Julie Nicoll explained that whatever hours they state would be the ones in the permit. If they apply for shorter hours of operation and later want to extend them, they would have to come back to this board. They are not required to stay open even as long as what would be in the permit.
- T. Lorraine Bailey said the hours of operation would be 10:00 a.m. to 11:00 p.m., 7 days per week.
- U. Phil Carter asked about exterior lighting.
- V. Michael Bailey said they will replace the lights behind the awning.
- W. Phil Carter asked if there would be a sign on the building.
- X. Lorraine Bailey said that Jean (Costa-McCutcheon) had mentioned a mural.
- Y. Phil Carter said that Bellows Falls did that, but had to put verbiage in the laws.
- Z. Rose Goings said that Chapter XIV has a mural, but she would have to look up the laws about them.
- AA. Troy Adams said that artwork is not restricted as long as it does not reflect the business you are in.
- BB. Lorraine Bailey said that it would just be a painting.
- CC. Linda Petty asked about lighting or signs indicating where the redemption area would be located.
- DD. Michael Bailey said there would be lighting. Troy Adams asked how they plan to run the redemption part.
- EE. Michael Bailey said the hours would for that would probably only be until 6:00 p.m. They may have someone there for service or have a bell to ring. Customers would not have to enter the building.
- FF. Troy Adams said wouldn't they have to get out of their cars. This would not be a drive up. He
- GG. Rose Goings said it sounds like they would drive up and drop off the bottles.
- HH. Phil Carter said they would not be buying anything.
- II. Michael Bailey said they would have to get out of the cars.
- JJ. Lorraine Bailey said there would be a window there and they would get a ticket to redeem inside.
- KK. Phil Carter asked if they would have steps to go up.
- LL. Michael Bailey said at least 2.
- MM. Phil Carter said they would have to leave their cars and walk up to the window.
- NN. Troy Adams said he would like to see some flow patterns for this. Where would people park if there were 3 or 4 people there to drop off at the same time?
- OO. Phil Carter said they could designate the last 3 or 4 parking spaces for redemption only.
- PP. Michael Bailey said that they would prefer not to do that. The bottle redemption is 24 feet past the back of the building. They could park back there.
- QQ. Phil Carter asked if they could put up signs.
- RR. Michael Bailey said yes.
- SS. Troy Adams asked if they had any plans for the front windows.
- TT. Michael Bailey said they would like to have the space open with maybe some advertising like everyone else does. Maybe some small signs.
- UU. Lorraine Bailey maybe some temporary specials.
- VV. **MOTION by Julie Nicoll and seconded by Troy Adams to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR L, EDWARD KRUPP & DIANE KRUPP**

- A. Phil Carter advised that this hearing is for an application for a subdivision of a parcel with an existing residence, into 2 parcels. Parcel #1 with a single-family home with 7.38 acres and Parcel #2 will be for a single-family residence and will be 5.76 acres. Property is located at Old Weston Mountain Road and is in the Aquifer District.
- B. Rose Goings advised that this is application SUB-10-003. Posted in the Town Hall bulletin boards May 24, 2010, advertised in THE VERMONT JOURNAL on May 26, 2010, and the abutting property owners were notified on May 25, 2010. Ralph Michael is here to represent the applicants.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Ralph Michael advised that the applicants have 13.14 acres located on Town Highway 64-Site One Road and adjacent to Town Highway 66 – Old Weston Mountain Road. They wish to subdivide this property into two parcels. Parcel #1 has an existing single-family home and will be 7.38 acres. The Grant Brook runs through this property. Parcel #2 is unimproved and is on the opposite side of the Grant Brook, except for a small piece by Site One Road. Both will be long, narrow parcels. There is only one place on parcel #2 that you could site a house and that is on the front by the road. He designated a typical house site on the drawing. The applicant already has state water/wastewater disposal permits for both parcels.
- E. Phil Carter noted that the well shield for parcel #2 is located on parcel #2.
- F. Ralph Michael said that is correct. He advised that as of 6/1/2010, there are new state restrictions regarding distances for well shields and affected landowners must be notified.
- G. Phil Carter said that this board has felt that well shields should not encumber other peoples' properties.
- H. Ralph Michael said that the systems for parcel #1 are existing.
- I. Phil Carter asked if this is Dr. Carey Camp Road.
- J. Rose Goings said yes.
- K. Troy Adams asked about the well shield shape for parcel #2.
- L. Ralph Michael explained that you draw a circle with a 100-foot radius, then 200-foot radius and cut it off where it crosses the contour lines and follow the boundary at right angles to the contour lines. He added that you can't go down hill to get the 200-foot circle.
- M. Richard Harrison asked if there were any problems with the leach field with the neighbors.
- N. Ralph Michael said no. He added that the municipal well is to the east. The state water supply division has reviewed this in the permit process and signed off on it. There is no connection between this and the municipal system.
- O. Rose Goings said there is source protection up there.
- P. Ralph Michael advised that he has also brought the Mylar and asked if it could also be signed tonight.
- Q. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing and approve the preliminary plat and approve and sign the final Plat Mylar. Motion passed unanimously.**
- R. Phil Carter signed the final plat Mylar.

5. **OPEN THE PUBLIC HEARING FOR LUDLOW FIRE DEPARTMENT**

- A. Phil Carter advised that this is an application for a Conditional use permit and Flood Hazard Review for an application to construct an addition to the Fire Station located on Pond Street.

- B. Rose Goings advised that the state Water Quality division advised that the property is located in the Flood Way, not the Flood Plain, and as such building is not allowed. The fire department has withdrawn this application.
- C. **MOTION by Julie Nicoll and seconded by Linda Petty to accept this withdrawal.**
- D. **Richard Harrison abstained. Motion passed by all other members of the board.**

6. **OPEN THE PUBLIC HEARING FOR JODY SATTLER**

- A. Phil Carter advised that this is an application for a variance to construct a new walkway. Property is located at 140 Upper Loop Road in the Mountain Recreation District. The new walkway will not meet district setbacks.
- B. Rose Goings advised that this is application 323-10-VA. Posted in the Town Hall bulletin boards May 24, 2010, advertised in THE RUTLAND HERALD on May 30, 2010, and the abutting property owners were notified on May 24, 2010. She added that the application was incorrectly listed in THE VERMONT JOURNAL.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Jody Sattler advised that they purchased the house in December and the walkway is unsafe, especially in the ice and snow. They would like to construct an elevated walkway where the existing steps are to make it safer. They have done some work to correct a drainage issue. They would also like to add side walk for better access to the back of the house and have a safer exit for the bedrooms in the basement. They want to use the same space, just make it safer. She has letters from the sellers, renters and Scott Baitz advising of the unsafe condition of the walkway.
- E. Phil Carter asked her to match up pictures to the drawings that she provided.
- F. Jody Sattler said that she would possible add stairs to the deck in the future. This is not shown on the drawings.
- G. Phil Carter advised that the applicant has responded to the five criteria, which must be addressed for variances. He asked if she would like to add anything.
- H. Jody Sattler said that it is a safety issue and not a building structure, just a walkway.
- I. Phil Carter advised that once you attach it to the ground, it is considered a structure.
- J. Jody Sattler said they are not adding anything to the front of the house. She added that the house was built before zoning.
- K. Phil Carter advised her to indicate where the snow falls off the roof.
- L. Stephen Blanchard indicated areas on the drawings.
- M. Troy Adams asked what the 25 feet in the square indicated.
- N. Jody Sattler said 25 feet from the center of the road from the square.
- O. Troy Adams asked how far from the front of the house to the center of the roadway.
- P. Jody Sattler said about 43 feet.
- Q. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
- R. Phil Carter said the board would get their decision out to them.
- S. Rose Goings said they would get the decision within 45 days.

7. **OPEN THE PUBLIC HEARING FOR OKEMO LLC/CNL INCOME OKEMO MOUNTAIN LLC**

- A. Phil Carter advised that this is an application for Local Act 250 Review in reference to the alpine mountain coaster located in the Jackson Gore Recreational Area. Property address is

- Jackson Gore Road/Development. He explained that the DRB looks at the burden a project would place upon educational or municipal services.
- B. Rose Goings advised that this is application 324-10-Act 250. Posted in the Town Hall bulletin boards May 24, 2010, advertised in THE VERMONT JOURNAL on May 26, 2010, and the abutting property owners were notified on May 25, 2010. She said that board members have received large packets.
 - C. Phil Carter administered the oath to all wishing to speak at this hearing.
 - D. Ted Reeves said that, in addition to the packets, he has provided brief response to the 3 criteria. Educational impact is found at Tab #5. There are no residential units proposed or no new jobs to be created. Municipal Services impact for Ambulance, Police and Fire at Tab #12. Municipal impact on Electrical services is at Tab #20. They will use the normal water and wastewater services as Jackson Gore. The roads are existing. Access will be from Okemo Ridge Road and Jackson Gore Road. There will be no new access points and no new roads. Conformance to Town Plan response is at Schedule B, Tab #5. He cited Town of Ludlow Zoning and Flood Hazard Regulations, Section 475, page 31 and Ludlow Municipal Development Plan, Section 9 page 9-4. He referred to quote "other uses and structures which complement a destination resort and recreation area..."
 - E. Phil Carter asked about the letter from the Ambulance Service that refers to a copy of the medical emergency procedures.
 - F. Mike Doran said that Okemo will develop one.
 - G. Phil Carter said that the courtyard must be kept clear for Emergency Vehicle entry.
 - H. Ted Reeves said that the vehicles can either go through the archway or around the south end of the Jackson Gore Inn to get to the base of the ride.
 - I. Phil Carter verified that it was accessible both ways.
 - J. Ted Reeves said absolutely.
 - K. Richard Harrison asked about storage at the top and the ROW.
 - L. Ted Reeves said that Okemo has a ROW. It is in the documents for the Solitude lots.
 - M. Richard Harrison asked if the abutters had commented.
 - N. Mike Doran said no. They were noticed as part of the District Commission process.
 - O. Phil Carter said that emergency services has been addressed in all previous permits.
 - P. **MOTION by Richard Harrison and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

8. **OTHER BUSINESS**

- A. **US Talc Co. f/k/a Green Mountain Talc Company**
 - i. Rose Goings advised that they requesting permission from Act 250 to waive local review and are asking for a recess because they have not heard back yet from Act 250.
 - ii. **MOTION by Julie Nicoll and seconded by Linda Petty to recess this hearing indefinitely.**
 - iii. Phil Carter said that due to the number of applicants that have multiple recesses, it is better to recess them indefinitely.
 - iv. Rose Goings said that US Talc is asking for a jurisdictional opinion to not be included in Act 250.
 - v. **Motion passed unanimously.**
- B. **Motion to Reconsider by Okemo for 152-00-PUD, Amendment #20.**
 - i. Phil Carter said that he would like to discuss this in deliberative session.

- ii. Ted Reeves said this is a friendly request. They would like to test the coaster being open until 10:00 for 10 days, in the winter, to see what the business models would be and to see what the impact of the lights will be. They would like the board to consider this request. Okemo still has to go to Act 250 and also Fire Marshall and construction, so there is no urgency.

9. **REVIEW AND APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed and approved are from May 10, 2010.
- B. Julie Nicoll advised that on page 4, item H, the intent was not clear.
- C. Lisha Klaiber said that it should read, "...He did add that he really does not know if the operators at the top or the bottom would know right away if someone passed out."
- D. **MOTION by Julie Nicoll and seconded by Troy Adams to accept the minutes from May 10, 2010 as corrected. Motion passed unanimously.**

10. **DELIBERATIVE SESSION**

- A. Phil Carter suggested that the board go into Deliberative Session.
- B. **MOTION by Phil Carter and seconded by Julie Nicoll to enter into Deliberative Session. Motion passed unanimously**
- C. Board entered Deliberative Session at 7:35 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

Troy Adams

Linda Petty

Richard Harrison