

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

March 14, 2011

MEMBERS PRESENT:

Phil Carter, Chairman	Richard Harrison	Linda Petty (by phone)
John Boehrer	Julie Nicoll	Rose Goings, Zoning Administrator

OTHERS PRESENT:

Troy Adams	Peter Kolenda	Larry Slason
Lindon Taylor Bach	Ralph Michael	Theresa Southworth
Elizabeth Barnett	Gary Neff	Phil Stratman
Andrew Becker	Mary Jane O'Hara	Pam Timmerman
Matthew Birmingham	Ted Reeves	Peter Timmerman
Mike Doran	Patricia Roelants	Michael Whitcomb
Harry Goodell	Roderick Roelants	KP Whaley, LPC-TV
Glenn Heitsmith	Terry Roundy	Lisha Klaiber, Recorder
Jay Jurkoic		

1. **CALL TO ORDER**

A. Meeting opened at 6:05 p.m. by Chairman Phil Carter. All board members present.

2. **RE-OPEN THE PUBLIC HEARING FOR TIMBER CREEK AT OKEMO II, LLC, et al**

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- A. Phil Carter advised that these hearings are an application for a subdivision, a planned unit development (PUD) and a Conditional Use Permit, all to be reviewed concurrently for conformance with the subdivision regulations, conditional use approval and site plan approval. Property is located at Trailside Road in the Mountain Recreation and Town Residential districts. Property owners are Trailside Investment Company, LLC and West Hill Partners, LLC. These hearing were recessed from the meetings of December 13, 2010, January 10, 2011 and February 16, 2011. He advised that there was still a little more evidence to be submitted regarding water testing to be done by the Trailside owners. Phil Carter reminded all who have previously testified at these hearing that they are still under oath. He then administered the oath to all wishing to speak to these hearings who have not previously been sworn it. He asked if Attorney Slason had received any testing results from Trailside.
- B. Larry Slason said that he had received a letter from Marty Nitka which said that Trailside had no further evidence to submit

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- C. Phil Carter advised that the DRB had also received a copy of the letter from Marty Nitka that was received on March 10, 2011.
- D. Larry Slason said that his clients had concluded their presentation at the last meeting and that this board had heard from everyone except the forester. He said that they had submitted a new exhibit list that included exhibits 1-55 and he thinks that the evidence submitted provides sufficient information for this board to make an affirmative decision on this project. The drawings may be considered as preliminary plats and they will return within 6 months with final plats. He stated that Exhibit 20 contains the well testing information and it indicates that well B has capacity to supply over 50% of the project. He said that they will test other wells this summer. The testing information indicates that this project is on an aquifer independent of the aquifer that Trailside is on.
- E. Phil Carter asked if the board had any further questions. The board did not. Phil Carter then advised persons wishing to speak that this is the 4th hearing for this project and we will not rehash previously presented evidence.
- F. Elizabeth Barnett asked why water for fires had not been discussed.
- G. Phil Carter said that it had in previous hearings.
- H. Elizabeth Barnett said that she owns 2 rental properties at Okemo and with as Okemo or other developments opened, her rental income decreased. She asked if this project would be good for the owners of other properties.
- I. Phil Carter said that it is not the charge of this board to determine if a project is a good or bad business idea. This board only has to make sure that the project conforms to town regulations and is within statutory guidelines. The board cannot go beyond that.
- J. Elizabeth Barnett asked about the safety of the road, saying that she had slid off the road this winter and had not reported it.
- K. Phil Carter said that this board spent considerable amount of time discussing and hearing testimony regarding the roads. They heard from the police chief and road foreman as well as traffic engineers. That was all pretty well covered and he will not open it up again.
- L. Glenn Heitsmith asked if there are statutory guidelines for this board for traffic.
- M. Phil Carter said that the board has heard considerable testimony regarding the safety of that road. It will also be covered at the Act 250 hearings and there is no mechanism for this board to collaborate with Act 250.
- N. Glenn Heitsmith asked if this board knows what the impact of cars for 208 units will be.
- O. Phil Carter said that we heard 2 hours of questions on this and there is no clear cut answer.
- P. Glenn Heitsmith asked if this board will require modifications to the road.
- Q. Phil Carter said that no decisions have been made yet.
- R. Rose Goings advised that this board has to take in all of the evidence from the police chief, road foreman, Regional Planning Commission and the engineer's Traffic Study. It is not an easy process.
- S. Phil Carter advised that the process is to receive all of the evidence during the open hearings. When the hearing is closed, the DRB will go into Deliberative Session to review and discuss all of the evidence that was presented. Our decision is based on all of the evidence.
- T. Elizabeth Barnett asked how long the process takes.
- U. Phil Carter said that once the hearing is closed, the DRB has 45 days to submit its decision. After that, there is a 15 day appeal period. If no appeals are submitted, the project then goes to the state Act 250. Interested parties may testify at the Act 250 hearings.
- V. Elizabeth Barnett asked how long before construction begins.

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- W. Phil Carter said that our process says that construction must begin within one year of the date of the permit. However, they may request an extension.
- X. Phil Carter administered the oath to Mary Jane O'Hara.
- Y. Mary Jane O'Hara said that she has a list of questions that she would like to submit. She said that she is concerned about the sewer lines.
- Z. Phil Carter said that any concerns about the sewer lines should go to the Trustees. They are responsible for the sewers and would have to address questions about the sewers.
- AA. Andy Becker said that they have gone to the Trustees and have a letter from them that says that there is sufficient capacity for this project. He said that Bruce Boedtger gave a report on the sewer lines at a previous hearing.
- BB. Phil Carter said that the Trustees will give the DRB a letter of their decision regarding this project.
- CC. Jay Jurkoic asked about the Traffic impact and item T-23 regarding mitigation measures.
- DD. Larry Slason said that some of the mitigation measures may be to coordinate with the Ludlow police for traffic control, monitor downstream traffic, additional signage on the road, and possible radar speed signs. He said that Chief Billings was pretty comprehensive that the additional traffic could generally be accommodated within the current traffic control system.
- EE. Jay Jurkoic asked about temporary "No Parking" signs, eliminating parking on Main Street and cones.
- FF. Phil Carter said that Jay Jurkoic was referring to the initial traffic plans and that the plans had since changed. He said that the board is way past that and things have changed since the original report with updated evidence.
- GG. Richard Harrison added that the chief did not like the idea of additional cones.
- HH. Jay Jurkoic asked where the additional traffic lane would be.
- II. Larry Slason said that the chief say that may be required. He added that he does not have the traffic report with him tonight. He said that the chief did not propose additional cones or lanes.
- JJ. Glenn Heitsmith asked no parking on Main Street.
- KK. Phil Carter said that the location of this would at the foot of West Hill where there is not parking now.
- LL. **MOTION by Richard Harrison and seconded by John Boehrer to close all three hearings for TIMBER CREEK AT OKEMO II, LLC, et al. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR ROELANTS AND TIMMERMAN**

- A. Phil Carter advised that this is an application for an amendment to an existing Conditional Use permit to change from a Chiropractic Office into 2 separate retail businesses in the Town Residential Commercial District. Property is located at 66 Route 100 North.
- B. Rose Goings advised that this is application 87-135-CU, Amendment #2. Posted in the Town Hall bulletin boards February 17, 2011, advertised THE VERMONT JOURNAL on February 23, 2011, and the abutting property owners were notified on February 22, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.

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- D. Peter Timmerman said that they would like to move Ludlow Shipping and Copying from its current location to this building. They need more space. The other part of the space will be occupied by a separate business.
- E. Phil Carter asked if there would be any changes to the exterior of the building.
- F. Peter Timmerman said just the signs.
- G. Phil Carter asked about changes to the exterior lighting.
- H. Peter Timmerman said none.
- I. Phil Carter advised that they would need to go to the zoning office for the sign permit. He asked if they had gone to the Division of Fire Safety (L&I) yet.
- J. Pat Roelants said that they have letters from the fire chief.
- K. Peter Kolenda said that they would need a permit from L&I for any internal construction.
- L. Pat Roelants said the only change would be a temporary 10-foot partition between the 2 businesses.
- M. Peter Kolenda suggested they run that through L&I.
- N. Phil Carter said that Rose Goings could help them with that process.
- O. Phil Stratman said that he is opposed to this application. He owns the home next door.
- P. Phil Carter asked the square footage to the building.
- Q. Peter Timmerman said about 1,200 square feet.
- R. Phil Carter said they would need 6 parking spaces.
- S. Julie Nicoll asked the hours of operation. She said the generally, the board suggests that the applicants give themselves some leeway.
- T. Peter Timmerman said 7:00 a.m. to 10:00 p.m., 7 days per week.
- U. Phil Carter said that the copy center would be in one part of the building and asked what would be the other business.
- V. Pat Roelants said ornaments and gifts.
- W. Richard Harrison said the parking would be in the front.
- X. Roderick Roelants said that the shop would not be open at night.
- Y. Richard Harrison said all deliveries should be through the front of the building.
- Z. Phil Carter questioned if most of the deliveries would be made when the restaurant is closed.
- AA. Linda Petty asked if they would only be using the ground floor.
- BB. Pam Timmerman said that they would only use the ground floor and that the upstairs apartment is rented.
- CC. Phil Stratman said that he objects to this project because of the traffic. He said that his home is on Maple Street and the restaurant uses their street. He said that the restaurant does not have enough parking and there is a blind spot coming out of his street. People can't see his driveway. His is the first house on Maple, right behind this building. It is a private street. It is only 5 feet from the building to his driveway. He said that people park on his property. He added that the restaurant employees park across the street. He said they push snow onto his property.
- DD. Phil Carter said that this hearing is not about the restaurant. He said that if Mr. Stratman has concerns about possible violations to the Bella Luna permit, he should go the Rose Goings regarding these problems.
- EE. Phil Stratman said that they have very little private time with the restaurant.
- FF. Phil Carter said that this building has a history of commercial use.
- GG. Phil Stratman said that with the Chiropractic office there were only about 2 to 3 cars there.
- HH. Phil Carter asked if Mr. Stratman's street sign says private.

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- II. Phil Stratman said yes. He has also marked his property private, no parking and no trespassing. He said that he has tried to speak to Mary Mutz but it was of no use. He wants this application denied because of the problems that he has. He said the sprawl from the restaurant is unbearable and has encroached on his lifestyle. He said that he will go to see Rose Goings about the problems with Bella Luna.
- JJ. Phil Carter asked the applicants how they would control their deliveries.
- KK. Pat Roelants said that only the front door will be open and parking is there.
- LL. Peter Timmerman said they will speak to their UPS and FEDEX carriers.
- MM. Phil Carter asked about how many deliveries they would be getting per day.
- NN. Peter Timmerman said UPS 2 and FEDEX 1.
- OO. Pat Roelants said they receive their deliveries at their home.
- PP. Roderick Roelants said that they do not envision congestion and they would probably leave by 7:00 p.m. most days.
- QQ. Pam Timmerman said that their regular business hours would be 10:00 a.m. to 5:00 p.m. most weekdays and generally not weekends. Sometimes, if there is a special project, she would have to stay late, but it would just be her car.
- RR. Troy Adams said that the private driveway is a blind drive with trees and that is the nature of that driveway.
- SS. Phil Stratman said the restaurant actively uses that street.
- TT. Phil Carter asked if the restaurant has a ROW.
- UU. Phil Stratman said that parking will have an effect on us. People will be pulling out onto Route 100.
- VV. Glenn Heitsmith said that Ludlow Shipping and Copying provides excellent service to the town. He added that it is good for the town for a business to grow. He said better the sprawl with an active business than sprawl with a vacant business.
- WW. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

6. **OPEN THE PUBLIC HEARING FOR GARRETT AND KAREN NEFF**

- A. Phil Carter advised that this is an application for an amendment to a subdivision permit to extend the road into the town of Andover for future development. Property is located at Valley View Drive in the Aquifer Protection District.
- B. Rose Goings advised that this is application SUB05-006, Amendment #1. Posted in the Town Hall bulletin boards February 17, 2011, advertised THE VERMONT JOURNAL on February 23, 2011, and the abutting property owners were notified on February 22, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He asked if the applicants would start with EMS.
- D. Ralph Michael said that EMS is section VI in the booklets. There will be no physical changes to the subdivision at all and they will cover all bases on EMS issues. They sent letters to Harry Goodell, Chester Fire Chief and Peter Kolenda. Chester EMS is the provider for Andover. One of the issues is that increased traffic may burden the road. The road is not in Ludlow. The EMS responder of record is Chester. This property is on the opposite end of Andover and is closer to Ludlow. If there is a serious emergency Ludlow is closer. There will be no changes to the road in Ludlow.
- E. Phil Carter said that this board does not want to have a catastrophe up there and have someone ask how the Town of Ludlow could have issued a permit.

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- F. Rose Goings said there are a couple of issues. Ludlow will work with the town of Andover for road naming. They can continue Ludlow numbering into Andover. She asked how EMS would like the road identified. She suggested Valley View Extension.
- G. Phil Carter asked how 911 calls are directed.
- H. Harry Goodell said to central dispatch in Springfield. The problem is that we do not have Automatic dispatch so that it would go to Ludlow.
- I. Phil Carter asked if someone would get the call and make the determination.
- J. Harry Goodell said if the call is from "228" it would go to Ludlow and you may have both towns responding.
- K. Phil Carter asked if they could assure that someone would respond. He would not want to see a situation where neither town responded because they each thought the other town would respond.
- L. Peter Kolenda said if the call comes to Ludlow first we would respond. Chester Fire Department would take the lead.
- M. Richard Harrison said that in Springfield, the run cards would list both towns.
- N. Harry Goodell said that depends.
- O. Rose Goings asked how we could make it easier to determine who gets the call.
- P. Peter Kolenda said using Valley View Extension would help.
- Q. Harry Goodell said that you never know what's going to happen.
- R. Julie Nicoll said that one time, about 2 months ago, they called 911 up there and got Ohio.
- S. Harry Goodell said you could also end up with Rockingham or Williston.
- T. Peter Kolenda said that Chester is authorized, but Ludlow will assist.
- U. Matthew Birmingham said they will coordinate calls.
- V. Julie Nicoll asked if the ambulances could get in as it is a gated community.
- W. Gary Neff said there are programs in place. The gates are siren activated, there is a key to operate the gate and an access code. Upon power failure, the gates open.
- X. Phil Carter asked if Chester has access.
- Y. Gary Neff said yes.
- Z. Peter Kolenda said that they have tested the entrance measures.
- AA. John Boehrer said that the ambulance department also needs access.
- BB. Gary Neff said that will be circulated. It was done a few years ago, but they will recirculate.
- CC. Rose Goings asked if she would be able to get a copy of the codes for the file. She said that she needs to get up there to measure for 911 enhancements.
- DD. Phil Carter asked if that would be from the Ludlow side.
- EE. Rose Goings said yes, from the bottom of Valley View Drive.
- FF. Richard Harrison said that he would like to see the cul-de-sacs changed to hammerheads.
- GG. Gary Neff said the turn arounds already exist.
- HH. Harry Goodell said that he prefers cul-de-sacs as they are more functional.
- II. Ralph Michael said that the storm water runoff from Andover would stay in Andover and go to the Williams River. The water would go to a dry detention basin for treatment to meet with a small stream that runs into the Williams.
- JJ. Phil Carter asked if that means that none of the run off from Andover would go into Ludlow.
- KK. Ralph Michael said that it would go to the Williams River and referred to page 4 for the drawing showing the drainage. He said that none of the run off would go down the existing Valley View Drive.
- LL. Phil Carter asked if the board had any further questions. There were none.

MM. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

7. **OPEN THE PUBLIC HEARING FOR GILL ODD FELLOWS HOME OF VERMONT, INC.**

- A. Phil Carter advised that this is an application for an amendment to an existing Conditional Use permit to do interior renovations such as removing a stairway and to add six (6) beds for Residential care. Property is located at 7 Gill Terrace in the Village Residential District.#
- B. Rose Goings advised that this is application 1055-04-CU, Amendment # 1. Posted in the Town Hall bulletin boards February 17, 2011, advertised THE VERMONT JOURNAL on February 23, 2011, and the abutting property owners were notified on February 22, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Theresa Southworth advised that the correct address is 8 Gill Terrace, not 7. She said that the existing wing already has room for residential space. They want to change the stairwell into a living room.
- E. Phil Carter asked if the 3 rooms would have 2 persons each in them and if there would be no changes to the exterior of the building.
- F. Theresa Southworth said that is correct.
- G. Peter Kolenda said he would like to see the stairway stay if at all possible for safety reasons. He said that Mike Wickham gave him a tour and Peter Kolenda suggested they put a wall with a corridor at the top of the stairs and do away with the sitting area and have a dedicated corridor there.
- H. Theresa Southworth asked if they would be able to put couches there. She said that if they would be able to put furniture there, they would be able to leave the stairway. She added that there are 3 stairwells to the cellar.
- I. Peter Kolenda said he thinks it would be okay, but they would need to check with Fire Safety.
- J. Phil Carter said according to the drawing the hall is 8'2" wide there.
- K. Richard Harrison agreed that it would be a good idea to keep the stairway there.
- L. Phil Carter asked about the staff lounge.
- M. Theresa Southworth said it would serve as the kitchen and dining area.
- N. Phil Carter asked about changes to the exterior.
- O. Theresa Southworth said if they are not changing the stairway, they would put a window there.
- P. Phil Carter asked if that would change the footprint of the building.
- Q. Theresa Southworth said no.
- R. **MOTION by Linda Petty and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

8. **OTHER BUSINESS**

- A. Sign Mylars
 - i. Mylar for Okemo Mountain Subdivision was signed.
 - ii. Mylar for Carly Moore was signed

- B. Phil Carter said that he would like to hold off reviewing the minutes of the January 10, 2011 meeting and February 16, 2011 meetings until the April meeting
- C. The next meeting will be held on April 11, 2011.

9. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Linda Petty to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison