

DEVELOPMENT REVIEW BOARD

MEETING AGENDA

Monday, February 10, 2025

6:00 p.m. - Hybrid Meeting

Heald Auditorium

Join Zoom Meeting

Development Review Board Zoom Link – February 10, 2025

Meeting ID: 960 3551 7223

Passcode: 153190

MEMBERS PRESENT:

George Tucker, Chairman

Phil Carter

Doug Sheehan (Zoom)

John Boehrer

Julie Nicoll

STAFF PRESENT:

Rose Goings

Jarrold Jowdy

Charlotte Galley

OTHERS PRESENT:

Eric Alden

Tom Osborn

Kathryn Svec

Susan Balch

Ted Reeves

Joe Tito

Nickeisha Eivers

Robin Reilly

Sherry Tucker

Desiree Girous

Pollyanna Sidell

Rich Votto

L. Montagne

Jean Strong

Jason Waysville

Ron Perry

I. CALL TO ORDER - Roll Call

1. George Tucker, Chair, opened the meeting at 6:01 p.m., all members present.

II. OPEN THE RECESSED PUBLIC HEARING FOR SHAW'S SUPERMARKET

1. George Tucker advised that this application is for the recessed hearing for Shaw' Supermarkets for further evidence regarding the addition of Mart-Carts and Flood-proofing status. This hearing is Application # 88-221-CU/FHR and has been recessed from the meetings held on 12/18/23, 1/22/2024, 2/12/24, 3/11/24, 4/8/24, 6/10/24, 8/12/24 and 9/23/2024, 12/9/2024 and January 13, 2025. He asked if anyone from Shaw's was present to speak. There was no one. He said the board had received an update for the period December 23, 2024 through January 24, 2025. He said the floor doors and gates are scheduled to ship on February 24, 2025. He said the project's official completion date is in March.
2. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to recess this hearing to the March meeting, This will be the last meeting before the final date for the project. Motion passed unanimously.**

III. OPEN THE RECESSED PUBLIC HEARINGS FOR RICHARD VOTTO

1. George Tucker advised that this is an application to two contiguously owned parcels into an 8 lot subdivision. Property is located at 698 West Hill in the Mountain Recreation District. This is application SUB24-013. This was recessed from the meeting on January 13, 2025.
2. George Tucker reminded all who spoke at the previous meetings that they are still under oath.
3. Phil Carter advised that while he was not at the last hearing, he had read the minutes and watched the video.
4. Richard Votto said that he has 2 contiguous parcels (6 acres) that he wants to subdivide into 8 lots. At the last meeting, the board requested that he respond to Subdivision Regulations, Section 2.1, items A-J and a retention pond. The retention pond is not required by the state.
5. Jason Waysville said he revised the maps. There will be a small storm water retention pond and he indicated the flow of the water with arrows. There were also questions about wildlife habitats. He said that he has not heard back from the ANR. He said that there are a lot of habitats on Okemo. Random outbreaks and shapes. There are plenty of parcels up there.
6. George Tucker, Jr. said based off the ANR map, regarding wildlife, there is a $\frac{2}{3}$ high priority connectivity. He said that the highest priority connectivity blocks are the terrestrial backbones of forest. He said the Mr. Votto's property is at the fringe of Okemo Mountain and the chain and take this into consideration. He said that the one new map that was provided has a general project note "For the use of the ANR, only." That should be changed.
7. Phil Carter asked where the retention pond will be located on the site and how the water will flow.
8. Jason Waysville said at the lowest point of the shared access. All flow will be directed off the property, through the pond, before leaving the site. There will be filtration through the grass. It will accept runoff from the driveways and shared access road. It will only be clean flow.
9. Phil Carter asked who will maintain the pond.
10. Jason Waysville said the pond will be located on Lot #8 and Rich Votto owns that lot. It will be up to him to maintain it and it will be written into deeds.
11. Richard Votto said it is a private road so we will have the documents drawn up by an attorney, showing building sizes and it will be added to deeds.
12. George Tucker, Jr. asked if they will have an association.
13. Richard Votto said they need something.
14. Phil Carter said the ponds are overseen by the state and they will inspect them.
15. Jason Waysville said on operational storm water, there is no state oversight. The state said we didn't need one.
16. Richard Votto said the level of retention is not under 2.1 and he does not understand why this is being required. He understands about the July flood.
17. Phil Carter said we look at it cumulatively and other projects down the road. Nobody else looks at that. There are flaws in the system included in the state formulas for impervious surfaces. They only go so far. We look at all potential effects.
18. George Tucker, Jr. said it is not just about 2.1 - it is the whole document. The area is identified as a potential hazard. The board has the ability to address cumulative effects.
19. Rose Goings quoted from the Subdivision Regulations, Article 1, Section 1.2 Purpose:
 - a. #4 - To promote safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population
 - b. #8 - To preserve natural areas, critical habitat, scenic and historic resources, and productive farmland, through the proper arrangement and location of uses on parcels to be developed.
20. Rose Goings continued, saying that she does not believe that they provided for Items G, H, I and J included in Article 1, Section 2.1 - Sketch Plan. She said that the board needs that information
21. Phil Carter said that Rose Goings mentioned critical habitat.
22. George Tucker, Jr. said that the print view of habitat 1 is the Highest priority connectivity block Section 5. Pathways for wildlife to traverse Vermont.

23. Phil Carter asked how much of the lot is encumbered
24. George Tucker, Jr. said $\frac{2}{3}$.
25. Jason Waysville said he reached out to Fish and Game at the Springfield Office, but doesn't know when they will get back to him
26. Phil Carter said that ANR will give them guidance.
27. Jason Waysville said that he had not previously run into the Connectivity Blocks before.
28. George Tucker, Jr. said this board will want to hear from ANR concerning water issues. Start at last meeting, they talked to an attorney about state rules. Guidance 9/29/07 to 6/2/2010. Guidance related to potable water outlines. Need to notify abutters about overshadowing. He said that the Legislature did not give ANR the right to override. He said we also need a definition of "well shield." He said they will now move onto Article 4, Section 4.7
29. Phil Carter said they need to keep within the setbacks of the latest map. Has there been any effort to change this.
30. Jason Waysville said if we move toward the north and slide it onto the under parcel. He said that he added that the system feeds 3 lots and nothing affects another: it would encroach onto our own lots and it would require revision to the state permit.
31. Phil Carter said that the scale on the map is 40' = 1".
 - a. Lot #4 - 80' into neighbor lot and 40 feet onto another lot
 - b. Lot #3 - 30 feet onto neighbor lot
 - c. Lot #2 - 40 feet into another lot
 - d. Lot #1 - 40 feet onto 2 other lots
 - e. Lot #8 - 70 feet onto another lot
 - f. Lot #7 - 25 feet onto another lot
 - g. Lot #6 - 25 feet onto one, 20 feet onto another
 - h. Lot #5 - 30 feet onto one and 10 feet on the other side
 - i. Lot #4 - 70 feet into another\
32. Jason Waysville said the map was provided from a PDF and may be off a bit.
33. Phil Carter said he wanted to get that into the record - that it could be give or take a bit. He said that for the shared driveway, they would need cooperation with the other homeowners. He asked who would be responsible to maintain and clean the water retention pond.
34. Richard Votto said we will have that for the March meeting
35. George Tucker, Jr. said that at meetings 1 and 2, questions about habitat were not raised. He said there was no preliminary review. He said this would have been done had there been a preliminary review. We would have given feedback. If there was a sketch plan review, we would have had an idea of the project and given feedback. Now, we see issues and have to bring them up. He said the well shields - interested parties are concerned about the quality and quantity of water. There is lots of encroachment. And, the board has not done this in the past. In the January minutes, we asked that the abutting properties' well shields be shown on the map to make sure they are not over your parcels.
36. Julie Nicoll said that Jason Waysville has also mentioned a hydrogeologist.
37. George Tucker, Jr. said it is the purview of this board, under Article 4, Section 4.7 to make sure there is an adequate water supply.
38. Julie Nicoll said the neighbors testified that their wells went dry.
39. Phil Carter said Article 4, Section 4.7 also says there should not be adverse impact and interested parties have given evidence. Their evidence weighs as heavily as yours. Julie Nicoll asked about this last month and there was no answer. There are numerous projects on the mountain. What about test wells?

40. Jason Waysville said the water supply will be determined at the time we drill the well. The state requires a minimum of 5 GPM. If there is low yield, we will deal with the interface. We have met setbacks.
41. Phil Carter said this board needs to know where the other well shields are located.
42. Jason Waysville said the well is added on the plan
43. George Tucker, Jr. said it doesn't have an isolation shield outside of our shields.
44. Jason Waysville said his test will encroach on Richard Votto's, but his will extend further down the slope.
45. George Tucker, Jr. said that there are state rules, but Ludlow also has its rules.
46. Phil Carter said Ludlow's rules want no adverse impact.
47. George Tucker, Jr. said we require that evidence/
48. Phil Carter asked, on the map, what 2 areas - lots 2 and 5 - do the circles mean.
49. Jason Waysville said areas over 15% slope.
50. George Tucker, Jr. asked, when the map is redrawn, please send full size copies. He noted that Subdivision Regulations Article 4, Section 4.3 - #3 - refer to Steep Slopes, Significant Wildlife Habitat, Scenic Features and Prominent Knolls and Ridgelines.
51. Jason Waysville said he can move the building envelop on Lot #5.
52. George Tucker, Jr. said that when the time comes to build, they will encounter steep terrains and this will cause issues
53. Phil Carter asked which way the water will roll to the containment pond
54. Jason Waysville said off the building roof, whichever corners can somewhat direct it - south east.
55. Phil Carter asked if that is heading to the containment pond
56. Jason Waysville said one will head SW.
57. Phil Carter noted the formula for impervious surfaces and said there will be 8 roofs. Will there be garages or accessory buildings?
58. Jason Waysville said he based it on a 30' x 36' area. He doesn't know about garages or accessory buildings.
59. Phil Carter asked, did you account for garages or accessory buildings
60. George Tucker, Jr. said when it comes to building envelopes, those are what you are stuck with and no additional buildings can be built
61. Richard Votto said he will talk to Jason Waysville about this.
62. Doug Sheehan asked, if the neighbors' wells run dry, why won't his.
63. **MOTION by George Tucker, Jr. and seconded by John Boehrer to recess this hearing until the March meeting.**
64. Joe Tito said the retention pond has 4 properties on the side of his. Will the water go into the pond?
65. Jason Waysville said the water will run from the driveway to the retention pond or from the house to the roof downspout to the grassy area, not to the pond.
66. Jarrod Jowdy said the next meeting will be on March 10, 2025.
67. **Motion passed unanimously.**

IV. OPEN THE RECESSED PUBLIC HEARING FOR BULL RUN WATER SYSTEM, INC.

1. George Tucker advised that this is an application to construct a new water treatment facility and 100,000 gallon water storage tank. The property is located on Mountain Road in the Mountain Recreation District. This hearing was recessed from the meeting on January 13, 2025. He advised that this is Application 485-22-CU, Amendment #1, 485-22-PUD, Amendment #1 485-22-ACT250, Amendment #1.
2. George Tucker reminded all who spoke at the previous meeting that they are still under oath.

3. Phil Carter recused himself from this hearing.
4. George Tucker, Jr. said that last month, we had a letter from Fire Chief Whalen. In the letter, the Chief referred back to the conditions previously set by Chief Kolenda. They are the same.
5. Ted Reeves said he is okay with the conditions.
6. George Tucker, Jr. asked about the State Fire Permit
7. Ted Reeves said that he had sent it to Jarrod Jowdy and Rose Goings a couple of weeks ago.
8. George Tucker, Jr. said that Chief Whalen asked about the amount of water that would be available during construction.
9. Ted Reeves said 2 5,000 gallon tanks plus access to the snowmaking ponds. He said he will bag the hydrant and advise Chief Whalen when the old tanks will be drained for construction.
10. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

V. OPEN THE PUBLIC HEARING FOR CREATE TOGETHER, INC

1. George Tucker advised that this is an application to convert the upper-level dining hall in the Meadowview Building, to include flexible classroom space for “Fiber Arts”, weaving, quilting and sewing, as well as painting and other mixed media.
2. Jarrod Jowdy advised that this is Application 128-98-PUD Amendment # 69. Property owner is Fletcher Farm Foundation. Property location is 611 Route 103 South in the Town Residential Commercial 1 District. Posted in the Town Hall bulletin boards, the Post Office Bulletin Board and on the website January 16, 2025, advertised in THE VERMONT JOURNAL on January 22, 2025 and abutting property owners were notified on January 16, 2025.
3. George Tucker, Jr. administered the oath to Susan Balch, Jean Strong
4. Susan Balch the upper level of the building was previously used as a dining hall and kitchen. The kitchen will remain intact, but they want to use the remaining space as classrooms. The capacity will be 60 people. She said the current capacity is 70.
5. George Tucker, Jr. referred to the service letters.

Create Fire Letter Conditions

Approved construction and work permits shall be obtained by the Vermont Division of Fire Safety prior to any work. All noted conditions shall be met and the project, building and occupancy shall be compliant with the stated adopted edition of NFPA 1, NFPA 101 and the Vermont Fire and Building Safety Code.

All applicable fire alarm and sprinkler systems shall be maintained and have current TQP inspection without any violations prior to occupancy being granted

Occupancy shall be granted by the Vermont Division of Fire Safety prior to the building being occupied.

A Knox Box shall be provided with a key set providing full building access

Create Police Letter

No conditions

Create Ambulance Letter

All buildings of the property need to be numbered in accordance with E911 standards with the numbers visible on the outside of each building. The driveway shall also remain clear and large enough for emergency vehicles to access the buildings. If the buildings are going to have a key code or lock, we request that we be given the combinations so a delay in response does not happen in the event of an emergency

Create Ludlow Electric Letter

No conditions.

6. He referred to the Fire letter and asked if the inspection is now up to date.
7. Susan Balch said it was inspected
8. George Tucker, Jr. asked for a copy of that letter. He asked if they are okay with the conditions.
9. Susan Balch said yes and the Knox box is on order.
10. George Tucker, Jr. said the Police
11. George Tucker, Jr. asked about the Ambulance Letter
12. Susan Balch said she discussed the Ambulance letter and need verification. The entire campus only has 2 address numbers.
13. Jarrod Jowdy said he will reach out to the state.
14. George Tucker, Jr. said they need to have the addresses so EMS knows which building to go to. He said the Electric letter has no conditions
15. Phil Carter asked about parking
16. Susan Balch said the area is always plowed. She said that in the summer, people go around to the upper level where the handicapped parking is. Other parking is in front and the overflow.
17. Phil Carter said the building has 3 exits; they have to be kept clear.
18. Susan Balch said yes,
19. Phil Carter said this board wants dark sky lighting
20. Susan Balch said they have no plans to change the lighting
21. Phil Carter said if this board conditions dark sky lighting, downward lighting would be an issue.
22. Susan Balch said she doesn't think so
23. George Tucker, Jr. asked about the sign
24. Susan Balch said they will be going through the sign process and may work with LAST.
25. George Tucker, Jr. asked hours.
26. Susan Balch said 9:00 a.m. to 9 p.m.
27. Doug Sheehan asked about dinner.
28. Susan Balch said they will not be dining.
29. Doug Sheehan noted different references to occupancy: September - 72, Fire Occupancy - 78 and page 21 on Wastewater - 80.
30. Susan Balch said we are asking for 60.
31. **MOTION by John Boehrler and seconded by George Tucker, Jr. to close this hearing. Motion passed unanimously.**

VI. OPEN THE PUBLIC HEARING FOR MAGRIS TALC USA

1. George Tucker advised that this is an application to replace two silos and the construction of a stair tower to provide access to the tops of the silos.

2. Jarrod Jowdy advised that this is Application 88-207-CU Amendment # 10 and 452-17-ACT250, Amendment #1. Property location 71 East Hill Road in the Town Industrial district. Posted in the Town Hall bulletin boards, the Post Office Bulletin Board and on the website January 16, 2025, advertised in THE VERMONT JOURNAL on January 22, 2025 and abutting property owners were notified on January 16, 2025.
3. George Tucker, Jr. administered the oath to Robin Reilly, Tom Osborn, and Desiree Girous.
4. Jarrod Jowdy said we didn't get large prints, but will need copies of them
5. Tom Osborn shared his slides on the screen and explained each one. The 2 silos to be replaced, the new catwalks.
6. John Boehrer asked if they would be replacing the other silos in the future.
7. Tom Osborn said replacing or repairing. They will all be about the same size.
8. Phil Carter asked about the catwalks and silos
9. Tom Osborn said no one goes into the silos. He said the catwalks are used to access and service the dust collectors, level sensors, pressure gauges and lines.
10. Phil Carter asked if the catwalks will be safer than the existing ones.
11. Tom Osborn said yes. He said the systems will be the same.
12. John Boehrer asked about new lighting
13. Tom Osborn said there will be dark sky flood lights - 9 watt - similar to current ones. There will be lights up the stairs. He said people wear headlamps
14. George Tucker, Jr. asked about service letters.

Magris Police Letter

No conditions

Magris Ambulance Letter

When the project is complete, we would request a walk-through of the new addition and any hazards that may be present during an emergency response. We appreciate the great relationship that we have with Magris and would encourage the continuation of joint trainings moving forward

15. George Tucker, Jr. referred to the Fire Department service letter from Chief Ben Whalen dated January 15, 2025 has been revised. He noted original letter and changes

ORIGINAL FIRE LETTER DATED 1/15/2025

- 1) Approved construction and work permits shall be obtained by the Vermont Division of Fire Safety prior to any work. All noted conditions shall be met and the project, building and occupancy shall be compliant with the stated adopted edition of NFPA 1, NFPA 101 and the Vermont Fire and Building Safety Code.
 - a. Item #1 - same
- 2) David arms be located at the top of each silo with rated attachment points for hoisting and lowering of equipment and persons
 - a. Item #2 - Added at the end "The arms may be substituted with other approved devices"
- 3) No less than 4 rated anchor points shall be installed on top of each silo
 - a. Item #3 - same

- 4) A financial contribution shall be made to the Town and Village of Ludlow Enterprise fund for the purpose of technical rescue equipment and training to support future rescues at your facility
 - a. Item #4 - New “Supply the Ludlow Fire Department with technical rescue equipment to include no less than (1) CMC Vortex tripod kit, (5) class 3 rescue harnesses, (1) rescue litter, (1) Skedco harness, (1) Confined Space Blower Exhaust, Confined space breathing air equipment, and assorted technical rescue equipment to support a rescue at your facility. The exact equipment shall be specified by the Ludlow Fire Department and the total cost shall not exceed \$30,000. This equipment shall be kept and maintained by the Ludlow Fire Department.
- 5) Continued access to the entire facility for training and preplanning
 - a. Item #5 - New “Provide funding to train no less than six (6) fire department personnel to NFPA 2500 compliant certification in Confined Space Rescue Technician and Rope Rescue Operations. The funding shall cover tuition, travel, and hourly wages of personnel and not exceed \$42,000.”
 - 6) Item #6 - same as previous #5 - Continued access to the entire facility for training and preplanning
16. George Tucker, Jr. said the timeline for Technical Rescue from Chester is 1 to 2 hours. It is a low occurrence, but high risk situation.
17. Robin Reilly said she received the email this morning with the update letter.
18. George Tucker, Jr. said this is a unique situation and only a faculty of time. The fee for equipment was based on square footage. He said that the town hired a Full Time fire chief and the initial cost to provide on-call service. With your facility, the initial startup and further silos are not included. We understand these are large numbers.
19. Robin Reilly said that the email was received at 8:00 a.m. and the hearing at 6 p.m.
20. Tom Osborn said the silos are not new - they were built in 1976
21. Robin Reilly said the cost in 2016 was \$3,060. She said that this is not confined space. We are liable. She said she cannot resolve this issue in 8 hours. She said they had a great relationship with the Fire Department. We need time to work this through and come up with a response.
22. George Tucker, Jr. said this board will entertain any ideas, comments or suggestions. At least there is some sort of safety issue. He would like to have the discussion outside of this meeting.
23. Robin Reilly agreed
24. George Tucker, Jr. said the biggest issue is the Fire Department letter. The next meeting will be on March 10, 2025.
25. Robin Reilly said they asked for ACT250 8 months ago and have less than one year.
26. **MOTION by George Tucker, Jr. and seconded by Phil Carter to recess this hearing until March 10, 2025. Motion passed unanimously.**

VII. MINUTES -

1. Minutes from the Meeting of December 9, 2024.
 - a. George Tucker, Jr. advised that Lisha Klaiber took the minutes from the December meeting from the Okemo Valley TV website.
 - b. Phil Carter noted that Item III, #8 - How come there is no parking area shown on the drawing.
 - c. Phil Carter noted that Item III, #25 - 30 feet from the stream

- d. Rose Goings said that Item III, #35 – Rose Goings said that she told them to stop construction and they did but started again.
2. Minutes from the Meeting of January 13, 2025.
 - a. Julie Nicoll said that on Item IV, #6 – should read “... this board likes to see this information on the preliminary plans as well as the building envelope. He said that this way, when they come in later the building sites is already established.
 - b. Julie Nicoll said that Item VI, #16 – should read “...asked if that is where...”
3. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from December 9, 2024 and January 13, 2025 as corrected. Motion passed unanimously.**

VIII. OTHER BUSINESS

1. Review weekly letters from the Mill as a condition of the MOU.
2. Jarrod Jowdy said this is the flood proofing project for the deck team and the mill and design. We received the letter for the early February update. They did meet with S&A on January 24, 2025, reviewing the plans.

IX. ADJOURN

1. **MOTION by George Tucker, Jr. and seconded by Phil Carter to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:48 p.m.

Respectfully submitted,

Lisha Klaiber

George Tucker, Jr., Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Phil Carter