

**DEVELOPMENT REVIEW BOARD**

**MEETING AGENDA**

**Monday, January 13, 2025**

**6:00 p.m. - Hybrid Meeting**

**Heald Auditorium**

**Join Zoom Meeting**

**Development Review Board Zoom Link – January 13, 2025**

**Meeting ID: 960 3551 7223**

**Passcode: 153190**

**MEMBERS PRESENT:**

George Tucker, Chairman	Doug Sheehan
John Boehrer	Julie Nicoll

**MEMBERS ABSENT:**

Phil Carter

**STAFF PRESENT:**

Rose Goings	Jarrold Jowdy
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**OTHERS PRESENT:**

George Abraham	Nickeisha Eivers	Ted Reeves
Eric Alden	John Finkel	Dana Schewe
Nicholas Alimamestianu	Suzanne Garvey	Ryan Silvestri
Scott Baitz	Jeremy Harold	Joe Tito
David Cella	James Kalfaian	Sherry Tucker
Jeanne Codori-Hurff	Heather Kelly	Rich Votto
P. Connelly	L. Montagne	Jason Waysville

**I. CALL TO ORDER - Roll Call**

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

**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. He asked if anyone from Shaw's was present to speak. There was no one. He said the board has received photos taken by the Planning and Zoning office for our review.
2. Jarrod Jowdy said there has been no communication from Shaw's since before last month.
3. George Tucker, Jr. said to see if we can get an update from them
4. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to recess this hearing until the February 2025 meeting. Motion passed unanimously.**

### III. OPEN THE RECESSED PUBLIC HEARING FOR NICHOLAS ALIMANESTIANU

1. George Tucker advised that this is an application to subdivide one 1.15 acre lot into two lots consisting of 0.5 and 0.6 acres. This hearing is Application # SUB24-014. Property is located at 13 South Hill Road in the Village Residential District. This application is recessed the December, 2024 meeting.
2. George Tucker, Jr. advised that the board received an email from Mr. Alimanestianu, dated 12/13/2024 withdrawing the application.
3. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

### IV. 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.
2. George Tucker administered the oath to John Finkel.
3. Jason Waysville said that he is here to give an update and that he is unclear about some of the Town zoning regulations.
4. George Tucker, Jr. said that this project must comply to the Town and Village of Ludlow Subdivision Regulations.
5. Jason Waysville said he had not read the entire document. He said that overshadowing is not allowed. He checked with Terry Shearer from the Vermont Drinking Water and Groundwater Protection Division. He said that VT 145 says that abutting property owners must be notified within 2 weeks by certified mail of overshadowing. The project contractor must prove no interference.
6. George Tucker, Jr. said that this board has a policy of not allowing well shield encumbrances by other properties. He said this project has almost 10 shields that may be encumbered. He suggested that Jason Waysville read Sec 2 Article 2.1 regarding sketch plan applications. He said the requirements are lettered A (alpha) to J (Juliet). He added that the setbacks are not listed. He said that once a permit is issued, it is in perpetuity. If the current property owner sells, the lot size, setbacks and building size must be on the plat and the permit stays with the land. He said this board likes to the plans, he said that we do have permits and the developments have not been built.
7. Jason Waysville said the storm water has multiple levels and is questionable. The score may be in the Low, Moderate or High Risk levels. The impervious includes gravel and roof. He said that this property falls less than moderate, but greater than low. In the moderate level, a construction general permit from the state is required.
8. George Tucker, Jr. said that this board understands the state statutes. We have the ability to look at potential state permits outlines and how to mitigate storm water damage. Since the last storm event, we are really looking at specifics. The state does not see the character of the land and the abutting properties like we do. What are you going to do to mitigate.
9. Jason Waysville said infiltrations and grasslands.
10. George Tucker, Jr. said if you are using those methods, show it on the map, swales, etc. Show us where and how much. There are 2 different ditches that run to the road. At the last meeting, Phil Carter brought up that is a lot of water for 2 ditches. We just want to make sure it is not astronomical.
  - a) Have permit with the state
  - b) specifics for what you want to do

- George Tucker, Jr. continued, since no additional documents have been submitted for this hearing, we can't give feedback on information we don't have. He asked the board if they have any questions or comments.
11. Jason Waysville said that every town has different regulations
  12. George Tucker, Jr. said the Subdivision document is 24 pages and outlines the requirements. He added that there were new pictures in the packets.
  13. Jarrod Jowdy said they are GIS maps showing biodiversity, landscaping and wild life corridors. They may be pertinent.
  14. George Tucker, Jr. said the board will review them. He asked about potential screening for abutting property owners: trees and replantings.
  15. Jason Waysville said that screening also provides a buffer.
  16. George Tucker, Jr. said that the abutters are concerned about the water.
  17. Jason Waysville said that if our shields and wells are 100 feet from each other the state may require more. Typically, this is a non-issue.
  18. George Tucker, Jr. asked if they would have the ability to change the well shields.
  19. Jason Waysville said there are 8 lots and no cross contamination
  20. George Tucker, Jr. said we need to see the location of the abutting property shields. It is okay to overlap within a development and if they can shift within the setbacks, that would lessen the encumbrances.
  21. Jason Waysville said he would look into it, but it is fairly tight.
  22. George Tucker, Jr. asked if it would fall within the setbacks and maybe even move 5 feet.
  23. Jason Waysville said it is 15 feet now. He said it is 25 feet for waste water and will hopefully not encumber.
  24. George Tucker, Jr. said that this may affect some of the abutters. He said that nothing can be built within the setbacks and if encumbrance is needed, it must be the least possible.
  25. Julie Nicoll said that that area has a lot of issues with water and they need to make sure there is enough water.
  26. Jason Waysville said that would be up to a hydro geologist. He thinks they have enough information.
  27. George Tucker, Jr. asked Jason Waysville if they would have the needed information by next month.
  28. Jason Waysville said absolutely.
  29. Joe Tito submitted a sketch with the locations of the wells and shields on the properties. He said it is not to scale. He has contacted all of the neighbors. He said the septics, leech fields and wells are pretty close to Rich Votto's property. He said there is a single well for 3 properties
  30. Jason Waysville said he has the location of Mr. Tito's wells on file.
  31. Joe Tito said there were 2 shields and one failed. He reiterated that there are 3 smaller properties and if the one well goes bad, we have an issue.
  32. John Finkel said that his lot is on the corner of Edelweiss and the smaller lot. His concern is this is a shared well and if it needs to be replaced, there is no space. The space is encroached. My lot is 80' x 80'. This is a long term issue.
  33. Jason Waysville said that Mr. Finkel would not qualify – with the state- for a replacement well. They would have to deepen or hydrocrack the existing well. I would not encroach on that lot.
  34. George Tucker, Jr. said that shared well is very close to the boundary.
  35. Jason Waysville said there is a dilapidated rock wall as a boundary – about 12 feet.
  36. George Tucker, Jr. said that John Finkel's lot is previously non-conforming. If Jason Waysville is able to move away from the shared well, please try.
  37. John Finkel said, of the 3 parcels, we would hate to be penalized for this.
  38. George Tucker, Jr. asked Jason Waysville if they will be ready for the meeting next month.

39. Jarrod Jowdy said that the deadline for turning in information to the Planning and Zoning office is this coming Wednesday. Since this was a recess, we can be a little more lenient, but definitely by the end of next week.
40. Jason Waysville said he can do this
41. George Tucker, Jr. said this board has to make copies for review and if your paperwork will not be available, please let the Planning and Zoning office know.
42. Jason Waysville said he will have it done by next Friday.
43. **MOTION by George Tucker, Jr. and seconded by John Boehrer to recess this hearing until the February 2025 meeting. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR RORY WILL**

1. George Tucker advised tonight that this is an application for a proposed 3 lot subdivision. Project is located at Route 100 North in the Town Residential Commercial I District.
2. Jarrod Jowdy advised that this is Application SUB24-017. Posted in the Town Hall bulletin boards on and the Post Office Bulletin Board and on the website December 19, 2024, advertised in THE VERMONT JOURNAL on December 20, 2024 and the abutting property owners we notified on December 20, 2024. He said that the index lists documents provided for the project.
3. George Tucker, Jr. administered the oath to Ted Reeves.
4. Ted Reeves said the original parcel is 10.6 acres and the owner would like to subdivide it into 3 lots at: 1.86, 5.3 and 3.51 acres. He said that he has submitted site plans, road crosses and erosion control plans. The project is adjacent to the Black River and parts are in the flood area. All of the development will be outside of the wills and the shields will be located on the parent property. He said the road will be a 50' wide ROW with 2 11' wide travel lanes and 2 3' wide shoulders for a total of 28 feet. He said there is an existing easement across that goes to Ludlow Electric and they have permission from Ludlow electric for a 2 foot diameter culvert. There is a Quit Claim deed in the file, along with the survey plat. He said they have completed the needed questionnaire.
5. George Tucker, Jr. said the board appreciates the questionnaire; they have a copy of the easement and have read through the agreement. They and the letters from Police, Fire and Ambulance. George Tucker, Jr. read from page 7, of the questionnaire:

“We also note that there is an existing canal easement that bisects the property. This easement is in favor of the Ludlow Electric Light Department. This canal easement is not currently used. We have an easement in place that allows the applicant to install a culvert and fill a portion of the canal to allow for access to Lots 2 and 3. A copy of the Quit Claim Deed from the Ludlow Electric Light Department is attached to this application”

- a. Fire Department Letter Conditions:
  - Road and access shall be compliant with the state adopted edition of NFPA 1 and the Vermont Fire and Building Safety Code at the time of construction.
  - Hardwired photoelectric or UL217 compliant smoke and carbon monoxide detection shall be installed on each floor of all occupied buildings and within 20' of each bedroom including the basement. Additional hardwired photoelectric or UL217 smoke detection shall be installed within each bedroom. Hardwired carbon monoxide detection shall be installed within each bedroom with a fuel burning appliance.

- All bedrooms and living spaces shall have a primary and secondary means of escape in compliance with the state adopted edition of NFPA 101 and the Vermont Fire and Building Safety Code regardless of use.
  - The 911 address for all buildings shall be clearly visible and identifiable from the roadway.
  - Any building that is intended to be used as a public building in accordance with 20VSA173 shall be permitted by the Vermont Division of Fire Safety and meet all code requirements of that state adopted edition of NFPA 1, 101, and the Vermont Fire and Building Safety Code prior to construction.
  - Attached garages shall have a UL listed 1 hour rated fire rated wall between the garage and any living space.
- b. Ambulance Letter Conditions:
- We request that all properties be numbered in accordance with E911 standards and houses be numbered with reflective numbering visible from the roadway
- c. Police Department - No conditions
6. Ted Reeves said that there are no proposed public buildings in this project.
  7. George Tucker, Jr. said this would apply to future buildings.
  8. Rose Goings said that if the subdivision application has a 50' ROW it is considered a private road and will have to be named by the property owner. One condition is access be granted to other lots
  9. Ted Reeves said that is not an issue.
  10. **MOTION by George Tucker, Jr. and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

## VI. OPEN THE 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.
2. Jarrod Jowdy advised that this is Application 485-22-CU, Amendment #1, 485-22-PUD, Amendment #1 485-22-ACT250, Amendment #1. Posted in the Town Hall bulletin boards on December 19, 2024 and the Post Office Bulletin Board and on the website December 19, 2024, advertised in THE VERMONT JOURNAL on December 24, 2024 and abutting property owners were notified on December 20, 2024.
3. George Tucker administered the oath to Ted Reeves.
4. George Tucker, Jr. said that the package was submitted including an Index with items 001 - 053. He administered the oath to Ted Reeves.
5. Ted Reeves said that he has had history with this project since May, 2006 and it was permitted by the DRB on 12/8/2021 with the condition that construction start within one year. The permit lapsed. The project being presented tonight is the exact same project except for the changes in the State Drinking Water and PFOA compliance. Inside the exact building there are 2 more granular activated carbon filters to treat the water. This will comply with the Drinking Groundwater regulations. Peter Kolenda, retired Ludlow Fire Chief, and had been involved in this project since the beginning. We have an easement from Okemo for the building and existing storage tanks and the project. Kettlebrook was built in 1984. Financing will be from the Drinking Water State Revolving Fund (DWSRF). We have ACT250 approval. We have to reapply for the permit for Construction. This project will go out to bid. We sent notices out to disadvantaged and minority contractors. They

- hope to get the bid package out within 30 days with opening late March, hoping to start construction in May. They are applying tonight for Local ACT250, as well as DRB approval of amendments for a conditional use permit and a planned unit development permit. Board packets include Plat by David Rose, Site plans. Sketch 2 of the tank building elevations, cross sections of the tank, noting the pitched roof at the request of Okemo Realty. Screening of the tanks from Okemo Realty.
6. George Tucker, Jr. commented on the planting side.
  7. Ted Reeves said plantings will be on the east and north sides (long face into Okemo Realty property.) There will not be plantings for the trails.
  8. George Tucker, Jr. said there is no North-South delineation of the map. He said that he has read through the previous permit and the requirements set by the Town of Ludlow, State Division of Fire and Safety and Ludlow Electric. He noted that there was no letter from Chief Whalen, fire department.
  9. Ted Reeves said he has the letter from Fire and Safety and Act 250. He will send a letter to Chief Whalen,
  10. George Tucker, Jr. said the board will need that because rules have changed since the previous permit was issued. He asked how many buildings the new system will serve.
  11. Ted Reeves said it will serve the existing residences at Kettlebrook, Okemo Mountain Lodge, the building that was the Administration building, the Welcome Center and the lower base lodge.
  12. George Tucker, Jr. asked if there will be any ability for others to connect.
  13. Ted Reeves said the system will supply the current connections and if anyone else is interested, they are not inclined to add anyone else.
  14. George Tucker, Jr. confirmed that the wells are adequate to supply the current connections and there is not enough supply for excess.
  15. Ted Reeves said there are 5 wells now.
  16. George Tucker, Jr. asked and that is where they pull the water from.
  17. Ted Reeves said yes.
  18. ACT250 Responses
    - a. Ability of the Municipality to provide Education Services - no impact
    - b. Ability of the Municipality to provide municipal or governmental services - the Fire Department has been awaiting this upgrade
    - c. Conformance with the Municipal Plan - Bull Run Water System provides a critical infrastructure need to the connected users of the water system. Without it, there is a potential for added stress and need on the existing public utilities owned, operated and maintained by the town.]
    - d. Ted Reeves added that the system also serves some firefighting capacity. He said when flushing the hydrants, there is no 4" steamer connection. We assumed the hydrants were not flushed. Now the fire system will have 60,000 gallons more storage. There were 2 fires at

- Kettlebrook in the past and Peter Kolenda said the Fire Department had all the water it needed.
19. George Tucker, Jr. asked about temporary supply during construction.
  20. Ted Reeves said there will be 10,000 gallons, plus tanker trucks piped in series. They will treat the potable water.
  21. George Tucker, Jr. said, considering the recent fire, how long will there be decreased capacity.
  22. Ted Reeves said no more than from April 15 - November 15, 2025. We will also have access to Okemo's snowmaking water.
  23. George Tucker, Jr. said the board still needs to see: Division of Fire and Safety letter, response from Chief Whalen, particularly addressing the reduced capacity during construction.
  24. Ted Reeves said the project will increase the fire capacity from 35,000 gallons to 100,000 gallons. He said he will email Chief Whalen tomorrow.
  25. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to recess this hearing until the February 10, 2025 meeting. Motion passed unanimously.**
  26. George Tucker, Jr. advised Ted Reeves that there will be a one year clause and he understands that they intend to do this project this summer.
  27. Ted Reeves said the Board of Directors of Bull Run is driving hard to get this project done.

#### VII. MINUTES

1. Minutes from the Meeting of December 9, 2024.
  - a. George Tucker, Jr. advised that Lisha Klaiber will be taking the minutes from the December meeting from the Okemo Valley TV website. We will have them for review at the February meeting.

#### 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 haven't seen anything.

#### IX. ADJOURN

1. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to adjourn. Motion passed**

2. **unanimously.**  
Meeting adjourned at 7:09 p.m.

Respectfully submitted,

Lisha Klaiber

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George Tucker, Jr., Chairman

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Julie Nicoll

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John Boehrer

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Doug Sheehan

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Phil Carter