

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

Monday – May 9, 2022

6:00 P.M

Join Zoom Meeting

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MEMBERS PRESENT:

Phil Carter, Chairman

Julie Bowyer

Doug Sheehan

John Boehrer

Julie Nicoll

STAFF PRESENT:

Scott Murphy

OTHERS PRESENT:

Troy Caruso

Ron Parry

John Watanabe

Maria Ferraro

Rich Russo

Jeff Wingate

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Phil Carter opened the meeting opened at 6:00 p.m. He advised that the Electronic Meeting Guidelines are still in effect.
2. Roll Call:
 - a. Phil Carter advised that all members are present. He advised that the DRB is an “On the Record” and we swear in anyone wishing to speak and we accept evidence.

II. OPEN THE RECESSED PUBLIC HEARING FOR COOL EDGE LAKE RESCUE ASSOCIATION, INC.

1. Phil Carter advised that this is an application to consider amending Permit SUB18-006 in order to change the dock location previously permitted to a new location. Property address is Route 100 North in the Lakes District. It is recessed from the meeting on April 11, 2022 in order to give both parties the opportunity to respond to Stowe Club Highlands Analysis. He said that we have received a letter from the attorney, Victoria Hone, to withdraw the application.

2. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

III. **OPEN THE RECESSED PUBLIC HEARING FOR OKEMO TRAILSIDE COMMUNITY ASSOCIATION, INC. (F.K.A. OKEMO TRAILSIDE MASTER ASSOCIATION)**

1. Phil Carter advised that this is an appeal to the Development Review Board from a Notice of Violation, dated February 22, 2022, issued by Rosemary Goings, Administrative Officer to the Okemo Trailside Master Association. Property is located at Okemo Trailside Condominiums in the Mountain Recreation District. This was recessed from the meeting of April 11, 2022. He has heard that there has been recent dialogue. This board wants to make sure that the properties are safe and in compliance with the regulations.
2. Scott Murphy said that Attorney Chris Callahan is working on behalf of the town and will be working with the attorney for Trailside. Scott Murphy said that today, Chris Callahan sent a letter to the association and we hope to have some movement by next month's meeting.
3. Phil Carter said that the DRB will keep this in the process. He said we want to get this cleared up.
4. **MOTION by Doug Sheehan and seconded by John Boehrer to recess this hearing until the June meeting.**
5. John Boehrer clarified that we are recessing this because there is some movement.
6. Phil Carter said they are aware that we are doing this. We are recessing this hearing on the part of the town as long as there is movement.
7. **Motion passed unanimously**

IV. **OPEN THE PUBLIC HEARING FOR MARIA FERRARO (185 Main Street)**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to change the use from a Veterinary Clinic to a retail store – Chocolate/Biscotti Shop. The property is located in the Village Residential Commercial District.
2. Julie Nicoll advised that this is application 292-06-CU, Amendment #1. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website April 19, 2022 advertised in THE VERMONT JOURNAL on April 20, 2022 and abutting property owners were notified on April 19, 2022. She advised that the property owners are Barb Storrs and Rich Russo.
3. Phil Carter administered the oath to Maria Ferraro and Jeff Wingate.
4. Maria Ferraro said that they hope to clean up the front of the building and paint it.
5. Phil Carter asked what they will be doing in the building.
6. Maria Ferraro said making and selling chocolates and biscotti.
7. Julie Nicoll said that in his letter, the fire chief wrote, "If any cooking or baking is proposed at this location, or any changes to the building is proposed, a permit is required from the Vermont Division of Fire Safety".
8. Maria Ferraro said that she will be using a hot plate.
9. Phil Carter said that the chief said if they would be doing any cooking, they would need a permit from the State Division of Fire Safety. He asked if this was new to her.
10. Maria Ferraro said yes. She said once they get the permit, they will be cooking and baking.
11. Phil Carter said they will need to get the permit from Fire Safety first. He added that the Planning office can help her get started on that.
12. Doug Sheehan said that the DRB Application listed this as a change of use from Retail store to restaurant.
13. Maria Ferraro said it will not be a restaurant.

14. Phil Carter asked if there will be any seating.
15. Maria Ferraro said no.
16. Phil Carter asked if they can operate without cooking or baking.
17. Maria Ferraro said yes.
18. Jeff Wingate said that they can postpone baking until they get the permit. They will do it at their other shop in Massachusetts.
19. Maria Ferraro said she will be using a hot plate and asked if that would be considered cooking.
20. Phil Carter said yes. He asked, if the town issues a permit with the condition, that they will not include baking and cooking at this time – until they receive a permit from Fire Safety.
21. Maria Ferraro asked if she could get a permit and apply again when they get the other permit from the state.
22. Phil Carter said we are trying to help you get up and running. The board can put the condition on the permit that there will not be any cooking until they receive the permit from Fire Safety.
23. Maria Ferraro said this is very expensive. They had hoped to have a soft opening on Memorial Day weekend and the grand opening on July 4th weekend.
24. John Boehrer asked if they can cook offsite until they get the state permit. He asked if they would agree to this condition.
25. Maria Ferraro said yes.
26. Phil Carter said that Rose Goings can help them start the process with Fire Safety. He asked if they would be making any changes to the outside of the building.
27. Maria Ferraro said they will take the awning down and put up a 3' x 5' wood sign. They will paint and do some landscaping and clean up the driveway.
28. Phil Carter asked if they would be making any structural changes to the outside of the building.
29. Maria Ferraro said no.
30. Phil Carter asked about outside lighting.
31. Maria Ferraro said there are lights there now and they hope to use them or get an electrician to replace them.
32. Julie Nicoll asked about hours of operation.
33. Maria Ferraro said 8:00 a.m. to 11:00 p.m., 7 days per week.
34. Doug Sheehan asked if the parking would stay the same.
35. Maria Ferraro said yes.
36. Phil Carter said this is a change of use and the board would normally close the hearing, make a decision and get it out to them.
37. Julie Nicoll asked if the board could do a floor vote – up/down.
38. Phil Carter said if they go that way, they would the hours of operation, follow up on cooking, get permit from the Division of Fire Safety, lighting for less impact. He said that the DRB does not allow lighting that will disrupt the neighbors or traffic.
39. Maria Ferraro said that would not be a problem.
40. Phil Carter said he wants to make sure that any outside lighting is downward facing.
41. Julie Nicoll noted that in their letter, the Ambulance service "...suggested that all employees be trained in CPR and if feasible a public access AED be in the facility and registered with the state." Julie Nicoll said this is the first time that she has seen this in the letters.
42. Phil Carter said the key word is "encourage." He said they can ask for an up/down vote with the conditions that they may not cook until they receive a permit from the Division of Fire Safety, the hours of operation will be from 8:00 a.m. to 11:00 p.m. and any outside lighting be in compliance with the Town of Ludlow zoning regulations.
43. Board consensus for an up/down vote.
44. Doug Sheehan said that in his letter, Chief Billings mentioned Extra Seating.
45. Phil Carter said that Maria Ferraro testified, under oath, that there will not be any seating.
46. **MOTION by Phil Carter and seconded by Julie Nicoll to grant this permit with the 3 conditions that they may not cook until they receive a permit from the Division of Fire**

Safety, the hours of operation will be from 8:00 a.m. to 11:00 p.m. and any outside lighting be in compliance with the town of Ludlow zoning regulations. Motion passed 3 in favor.

47. Phil Carter said that the Planning office will contact them. They can plan to open Memorial Day weekend as long as there is no cooking.
48. Maria Ferraro said they would like to hang a banner inside, in the window.
49. Phil Carter said that would be okay.

V. **OPEN THE PUBLIC HEARING FOR OFF THE RAILS RESTAURANT (64 Pond Street)**

1. Phil Carter advised that this is an application to amend a Conditional Use permit for Off the Rails Restaurant to construct an outdoor deck. The deck is for outside dining for up to 50 seats. The project is in the Village Residential Commercial District.
2. Rose Goings advised that this is application 84/85-199-CU, Amendment #5. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website April 19, 2022 advertised in THE VERMONT JOURNAL on April 20, 2022 and abutting property owners were notified on April 19, 2022.
3. Phil Carter administered the oath to Troy Caruso.
4. Troy Caruso showed a video and said he wants to put a deck where the patio is.
5. Phil Carter said this is an on the record hearing and we receive evidence, not videos. He asked where the deck would be located.
6. Troy Caruso said it would be attached to the left side of the building.
7. Phil Carter asked if that would be the south side.
8. Troy Caruso said yes.
9. Doug Sheehan asked if that would be where the picnic tables are.
10. Troy Caruso said yes.
11. Phil Carter asked how the deck would be accessed.
12. Troy Caruso said there will be a door from the restaurant, there is an existing overhang and the deck is the same height as the building.
13. Phil Carter asked if it is designed for 50 people.
14. Troy Caruso said Ted Reeves did the engineering.
15. Phil Carter asked if there will be waitresses and other staff.
16. Troy Caruso said 2 waitresses.
17. Phil Carter said that the issue is that the drawing must be stamped by a structural engineer.
18. Troy Caruso said he has spoken with Ted Reeves, he is a civil engineer and this is a gray area. He said that Ted Reeves will work with Jay Moody, from Fire/Safety.
19. Phil Carter said that this board needs the permit from Fire/Safety.
20. Troy Caruso said that Ted Reeves feels that he has done this before and will work it out.
21. Phil Carter said it is not the job of the DRB to litigate. This evidence is not conclusive and you need to get a permit from the state.
22. Troy Caruso said he hopes for an answer tomorrow.
23. Phil Carter said that this did look easy, but we will need to recess this until it is stamped by a structural engineer, for 50+ people.
24. Troy Caruso said it is a basic deck with railing.
25. **MOTION by Julie Nicoll and seconded by Doug Sheehan to recess this hearing until the June 13th meeting. Motion passed unanimously.**

VI. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from April 11, 2022 and he would like to table this until the June meeting.

VII. **OTHER BUSINESS**

1. **AED**
 - a. Julie Nicoll said that this letter from the Ambulance Service was the first times that she has seen this reference.
 - b. Phil Carter said that he has seen it with big projects.
2. **Cool Edge Dock**
 - a. Julie Bowyer asked, she thought they withdrew the petition to move the dock from the existing permitted location to another location. What will happen.
 - b. Phil Carter said that have to put the dock where it was permitted to be. They have violated their ACT250 permit and have to restore the area. He said that ACT250 is driving this. They want the riparian areas restored. He said this is the 4th time.
3. **Off The Rails Deck**
 - a. Scott Murphy asked how the state Fire Marshall got involved. He already had the building permit.
 - b. Phil Carter said he had to get an amendment for added seating capacity. He said the Fire Marshall saw the drawing. He said it happened today. Rose Goings said that they needed to have it signed by an engineer. The Fire Marshall said it has to be a structural engineer.
 - c. He said the Fire Marshall in the office last week. We would have had it before.
 - d. Julie Bowyer said they thought Ted Reeves was a structural engineer, but is a civil engineer.

VIII. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Julie Nicoll to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:39 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Julie Bowyer