

DEVELOPMENT REVIEW BOARD
MEETING AGENDA
Monday, October 23, 2023
5:00 p.m. - Hybrid (Physical & Remote) Meeting
Town Hall Auditorium, 37 Depot Street, Ludlow,VT 05149

Information on how to access the meeting remotely:

Join Zoom Meeting

<https://zoom.us/j/96035517223?pwd=aW1JUDRSTWNCMD1Gd1Q4M1ZxS1JHdz09>

Meeting ID: 945 1821 7131

Passcode: 516550

MEMBERS PRESENT:

George Tucker, Chairman	Alan Couch	Doug Sheehan
John Boehrer (ZOOM)	Julie Nicoll	

STAFF PRESENT:

Rose Goings	Jarrod Jowdy
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OTHERS PRESENT:

Eric Alden	Glenn Heitsmith
Tim Calabrese	Lorraine Hughes
Kathy Couch	Melissa Rockhill

I. CALL TO ORDER - Roll Call

1. George Tucker, Chair, opened the meeting at 5:01 p.m., all members present.
2. Julie Nicoll advised that while she did not attend the last 2 meeting, she has watched the videos and read the minutes.

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

1. George Tucker advised that this is an application to rebuild the interior of the Shaw's Supermarket, and the existing plaza. This hearing was recessed from the September 25, 2023 meeting.
2. George Tucker, Jr. advised that the board had received a letter from the applicant requesting recess until the November meeting, pending changes to their plans...
3. **MOTION by George Tucker and seconded by Doug Sheehan to recess this hearing until the November meeting. Motion passed unanimously.**

**III. OPEN THE RECESSED PUBLIC HEARINGS FOR DEL TUFO REAL ESTATE, LLP
(EIGHT OH BREW)**

1. George Tucker advised that this is an application for reconstruction of the interior units caused by extensive flood damage. He said that this hearing was recessed from the September 25, 2023. He called for and noted that there was no one present to represent the applicant.
2. **MOTION by George Tucker and seconded by Julie Nicoll to recess this hearing to the November meeting. Motion passed unanimously.**

IV. OPEN THE RECESSED PUBLIC HEARINGS FOR ERIC ALDEN

1. George Tucker advised that this is an application for reconstruction of the interior office units and lobby caused by extensive flood damage. This hearing was recessed from the September 25, 2023 meeting.
2. Eric Alden said that they are still gathering needed information and requested a recess to the November meeting.
3. **MOTION by George Tucker and seconded by Alan Couch to recess this hearing to the November meeting. Motion passed unanimously.**

V. OPEN THE RECESSED PUBLIC HEARINGS FOR KATHERINE AND ALAN COUCH

1. George Tucker advised that this is an application to rebuild and elevate a single-family residence above the base flood elevation, in accordance with the Flood Hazard Regulations, Article 6. The property is located at 21 Meadow Street in the Village Residential Commercial District. He advised this hearing was recessed from the September 25, 2023 meeting.
2. Alan Couch recused himself from this hearing.
3. George Tucker reminded all who spoke at the last hearing that they are still under oath.
4. Alan Couch said that he has researched the Flood Hazard Regulations for elevating his home. He does not have details as to how high they will be going. He said that he spoke to John Broker Campbell at the ANR and they agreed that they will adhere to Article 6 of the Flood Hazard Regulations and meet the Base Flood Elevation (BFE) and use FEMA required materials. He said that he has submitted a site plan with setbacks indicated. They took the elevation grade off the AND flood maps. They are similar to the survey, done by David Rose, across the street and the BFE. He said that David Rose got the Flood Elevation certificate and survey from the neighbor. He said it shows the lot lines. He added that his property borders Mill and Meadow Streets. He said he would like permission to elevate his house. He will apply for the appropriate permits. But, he needs permission from this board to raise the house in order to apply for FEMA grants and other funding.
5. George Tucker read from the letter from John Broker Campbell indicating that 21 Meadow Street has a ground elevation of 985 feet with at first floor elevation of 987.2 feet from the FEMA published cross-section immediately downstream. The existing structure is 988.9 feet. The substantial improvement structure must have the lowest minimum height of 989.9 and all mechanical equipment greater. Any space below the lowest flood must be retrofitted to floodable enclosure with flood vents properly installed to allow entry and exit of flood waters during an occurrence of base flood.
6. Alan Couch said that is correct.
7. George Tucker asked if Mr. Couch is working on getting something for this board that shows that information.

8. Alan Couch said that when the time comes and we have determined how high to go up, all of that information will be available.
9. George Tucker said that this board will need some of that information. It can be fairly basic.
10. Alan Couch said on the elevation that I submitted, I show grade elevation according to the maps. I show where our 1st floor is – the BFE is 988.9 feet. He's (John Broker Campbell) is quoting anything must be 1 foot above that.
11. Alan Couch said that the 988.9 is the existing structure.
12. George Tucker said other people have shown something that shows they will be above that height.
13. Alan Couch said we haven't come to the final design and haven't been able to secure a structural engineer to come to the site to check things out. We are here tonight to ask for your permission to go through that process.
14. George Tucker said that this Board needs that information in order to proceed. How high are you going to go.
15. Alan Couch said we are going to go so we max out at no more than 35 feet. We haven't finalized our plans, but in order to apply for grants, we need this board's permission/
16. George Tucker said the application says, "one foot about BFE as per Article 6. He suggested that Mr. Couch get all of the paperwork together before this board will close the hearing.
17. Rose Goings suggested that the board can write a decision with conditions that include the requirements as listed in the letter from John Broker Campbell.
18. **MOTION by George Tucker and seconded by Julie Nicoll to close this hearing with the conditions that all requirements as listed in the letter from John Broker Campbell will be part of the permit. Motion passed unanimously.**

VI. OPEN THE RECESSED PUBLIC HEARING FOR 31 ROUTE 103, LLC. (AKA MR. DARCY'S)

1. George Tucker advised that this is an application to construct a two-storied porch for outside dining and a 100 square foot platform for a freezer, in accordance with the Flood Hazard Regulations for floodways in Article 6. He said that this hearing was recessed from the September 25, 2023 meeting. He advised that the board had received a letter from the applicant requesting recess until the November meeting.
2. **MOTION by George Tucker and seconded by Doug Sheehan to recess this hearing until the November meeting. Motion passed unanimously.**

VII. OPEN THE RECESSED PUBLIC HEARINGS FOR JEWELL BROOK, LLC.

1. George Tucker advised that this is an application for twenty-two (22) residential units, with two (2) bedrooms each. These hearings are recessed from the September 25, 2023 meeting He advised that at the last meeting, information was brought forth that the decision issued for the subdivision in Conclusion #4 required that the final Mylar and 2 PFD copies be submitted within 6 months of the date of the decision. This has not been done. He quoted the following sections from the Subdivision Regulations:
Section 2.2 - Within six (6) months of the Development Review Board completing its review of the sketch plan, and providing written recommendations and requests, the subdivider shall submit an application to the Zoning Administrator for final subdivision plat approval.

Section 2.1 B - Names of owners of record of abutting properties; and, proof of notification of all abutting property owners (See Section 5.1 (4)).

Section 2.1 C – Date, true north arrow, scale (numerical and graphic), date, and number of sketch plan revision, if any.

Section 2.1 D - Boundaries and area of all contiguous land belonging to the owner of record, including land separated by a public right of way

2. George Tucker said that due to non-compliance this application is invalid.
3. **MOTION by George Tucker and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

VIII. OPEN THE PUBLIC HEARINGS FOR LORRAINE HUGHES

1. George Tucker advised that this is an application to replace a substantially damaged residence from the flood on July 10, 2023 with a new residence that will meet the regulations in Article 6 of the Zoning and Flood Hazard Regulations. Property location is 18 Meadow Street.
2. Rose Goings advised that this is Application 498-23-FHR.. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 4, 2023, advertised in THE RUTLAND HERALD on October 6, 2023 and abutting property owners were notified on October 4, 2023. She said that we have received all letters and a letter from John Broker Campbell, building plans and flood plans . She said that all paperwork has been completed and stipulations have been met. The applicant is requesting permission to go forward with the project.
3. George Tucker administered the oath the Lorraine Hughes and later Melissa Rockhill.
4. George Tucker said that the notes in the letter from John Broker Campbell show her lowest elevation to be 990.0 feet.
5. Lorraine Hughes said that the letter said 2 feet with the BFE to be 992.65 in the designs.
6. Melissa Rockhill said that it will be above what is needed.
7. George Tucker said that will be a condition of the permit. He said that in the letter from the Fire Department, he requires 5/8" fire rated sheetrock. George Tucker noted that on the drawings, there are a couple of variations with the outside stairwell.
8. Lorraine Hughes said the drawing without the built in porch.
9. George Tucker said that the most recent drawing he has is dated 10/12/2023. He asked about outside lighting.
10. Lorraine Hughes said she would like to have outside lighting.
11. Doug Sheehan asked if there will be a roof over the deck.
12. Lorraine Hughes said yes.
13. John Boehrer asked how much water she had.
14. Lorraine Hughes said about 4.5 feet.
15. **MOTION by George Tucker and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

IX. OPEN THE PUBLIC HEARINGS FOR FLETCHER FARM, INC.

1. George Tucker advised that this is an application for a multi-use trail system at Fletcher Fields accommodating hikers, bikers and cross-country skiers off all abilities.

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2. Rose Goings advised that this is Application 4977-23-ACT250.. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 4, 2023, advertised in THE RUTLAND HERALD on October 4, 2023 and abutting property owners were notified on October 4, 2023.
 3. George Tucker administered the oath Tim Calabrese.
 4. Tim Calabrese said they are proposing to build 5 miles of trails at Fletcher Farms, behind the dining hall in the wooded area. The trails are going to be a combination of beginner, kids and a few expert trails. They will be directional – one way up the hill and one way down. He said that the reason they are proposing to do this is there is a big demand for mountain biking and hiking in the Ludlow area and there are not many designated areas for mountain biking. He said this would be a positive opportunity for the town and visitors and great for businesses. He said there will be 8 parking spaces at the bottom by the dining hall. There will be an information kiosk with trail maps, rules and regulations and other information. There will be a sign in book. One of the big concerns for this project was safety. He said he met with the Ludlow Fire, Ambulance and Police departments. They want the trails to be 6 feet wide so they could carry a litter if needed. Trails will be marked and at every intersection there will be signage with directions on where the trails are, trail names. Trails will be color-coded so they should be easy to navigate. Trails will be for biking, hiking, cross-country skiing and snowshoeing. The trails will be closed during hunting season.
 5. George Tucker asked if they are going to have hours of operation for the trails?
 6. Tim Calabrese said during daylight hours. He said this will be noted at the kiosk.
 7. Doug Sheehan asked about snowmobiles at night.
 8. Tim Calabrese said the trails will not be able to accommodate snowmobiles, but the VAST trail does run up through the center of it and most of the hiking trails are pretty close to it. Only one trails, (Upper Techie Loop) is near the power lines. We are proposing to build the trails in 2 phases.
 9. George Tucker said the trash could be a problem with the wildlife and asked if they have trash mitigation plans.
 10. Tim Calabrese said we are hoping to do carry-in/carry-out. We would like to avoid having trash barrels if possible. We are hoping that people will respect the property and carry their trash out.
 11. George Tucker asked if they think it's potential to have an animal-proof trash can for those who may not carry out, rather than having people tossing it on the ground. He asked if Fletcher Farms has other trash cans in the area.
 12. Tim Calabrese said no.
 13. Julie Nicoll said that she thinks carry-in/carry-out is a better solution, being on the main highway. She said that she thinks it's become a dumping ground for garbage.
 14. George Tucker asked if carry-in/carry-out will be on their signs.
 15. Tim Calabrese said absolutely.
 16. Julie Nicoll said that people driving by probably throw their trash there, too, at the container. With carry-in/carry-out they may respect it.
 17. Tim Calabrese agreed. We are hoping that people who are hiking or biking may not have a lot of things on them.
 18. Alan Couch asked if it will be dog-friendly.
 19. Tim Calabrese said that he does not believe dogs will be forbidden. He said that there was a dog park across the street and hopefully it will be rebuilt.
 20. Jarrod Jowdy asked if they are going to put color indicators on trees as you would normally see on hiking trails or are you going to have little signs.

21. Tim Calabrese said there will be a sign at each intersection with directional signs and most likely small signs or spray painted templates on trees.
22. Jarrod Jowdy said he is concerned about people with color blind disabilities. Is it possible to put up a number or something like or name the trails.
23. Tim Calabrese said there will be trail names.
24. Rose Goings said that Tim Calabrese mentioned that the trails will be closed during hunting season. She said she is curious if they will post the lands or do you have something like that during hunting season because there are various hunting seasons from September through December. Do you plan to be closed all that time.
25. Tim Calabrese said no, he believes closed for the general hunting season which will start in a few weeks. He said that he doubts it will be closed for muzzle-loading season.
26. George Tucker asked, just for rifle season/deer.
27. Tim Calabrese said yes.
28. Rose Goings they will have to put signs up for things like that.
29. Tim Calabrese said yes, they can.
30. Doug Sheehan asked if there will be someone there during the daytime.
31. Tim Calabrese said the Ludlow Area Sport Trail Association will have a trail boss who will coordinate maintenance, but trails won't be staffed every day.
32. George Tucker said that in his letter, Fire Chief Kolenda said they had talked about requirements for liability insurance. to cover it.
33. Tim Calabrese said yes.
34. George Tucker asked if they have a plan for liability insurance.
35. Tim Calabrese said yes, the Vermont Mountain Bike Association (VMBA) has insurance that will cover any volunteer workers..
36. Jarrod Jowdy asked if there would be trail cams at the trail head or one or two here and there for safety purposes.
37. Tim Calabrese said they had not considered that, but that is something we can ask VMBA.
38. Jarrod Jowdy asked if there will be a record of who is going up at the kiosk.
39. Tim Calabrese said we are going to have a sign in book which will help that, but not everybody will sign in. We can entertain that. He said there is only one way in and one way out and all start at the dining hall.
40. **MOTION by George Tucker and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

X. MINUTES

1. Minutes from the Meeting of September 25, 2023.
 - a) Julie Nicoll noted on page 2, item #8 should read "George Tucker, Jr. said if trash overflowing"
 - b) Julie Nicoll noted on page 2, item #12 should read "John Neal said Okemo requests that the condition be changed to allow Okemo to schedule dumpster pick up for this times the building is not being used"
 - c) Julie Nicoll noted on page 3, item #4 should read "The remediator took down the wall..."

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- d) Julie Nicoll noted on page 4, item #14 should read “and a group went after their liquor license because of a noise problem.”
 - e) Julie Nicoll noted on page 5, item #3 – should remove 2nd George Tucker administered the oath.
 - f) Julie Nicoll noted on page 6, item # 5 – two references to WE should read we.
 - g) Julie Nicoll noted on page 7, item #3 - should remove 2nd George Tucker administered the oath.
 - h) Julie Nicoll noted on page 7, item #5 – should read “indicated.:
 - i) Julie Nicoll noted on page 8, item # 19 – should read “Troy Caruso said that Frank Provance had spoken to Chris Kelly’s brother...”
 - j) Julie Nicoll noted at the bottom of page 9 COA was used. Should it be HOA. They will be condos, COA is correct.
2. **MOTION by Doug Sheehan and seconded by George Tucker to approve the minutes from the September 25, 2023 regular meeting as corrected.. Motion passed unanimously.**

XI. **OTHER BUSINESS – FOLLOW-UP MEETINGS**

1. George Tucker, Jr. the next meeting is scheduled for November 13, 2023 at 6:00 p.m.
2. Julie Nicoll noted that they should recognize Lisha Klaiber for taking the minutes for the last 20 years. She will be missed.

XII. **ADJOURN**

1. **MOTION by Doug Sheehan and seconded by Alan Couch to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 5:42 p.m.

Respectfully submitted,

Lisha Klaiber

George Tucker, Jr., Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Alan Couch