

Ludlow Development Review Board
Meeting Agenda
Monday, March 11th, 2024
6:00 p.m. - Hybrid Meeting
Health Auditorium

Members Present:

George Tucker Jr.,
Douglas Sheehan,
John Boehrer,
Alan Couch,
Julie Nicoll (Zoom)

Members Absent:

None

Recording Secretary:

Abigail Childs

Staff Present:

Jarrold Jowdy

Public Present:

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|-------------------|----------------------|--------------|
| Rosemary Goings | Arthur Randolph | Noah Schmidt |
| Sean Murphy | Sheree Vaughn-Tucker | |
| Nicholas Nitschke | Brian Porter | |
| Nicholas Low | Robert Malecki | |
| Eric Alden | Jake Baraw | |
| Wendy Wachtel | David Del Tufo | |

I. CALL MEETING TO ORDER:

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, March 11th, 2024 at 6:00 p.m. at the Ludlow Town Hall by George Tucker, all members present.

II. RECESSED PUBLIC HEARING: SHAW'S SUPERMARKET

1. Reason for hearing: Application to rebuild the interior of the Shaw's Supermarket, and the existing plaza, after receiving major flood damage on July 10, 2023.
2. Nicholas Nitschke (Shaw's architect for floodproofing) introduced Nicholas Low who is part of their team.

3. Nicholas Low is an attorney based in Montpelier and practices in land use and municipal law, etc. He has been brought onto the team to put the application together to make sure it applies to the Ludlow ordinance and federal counterparts. He invites the DRB to ask him to pay attention to specific things the board may have to present to him.
4. Nicholas Nitschke notes in the next two weeks is to submit the complete package for review and does not have new documents at this time. He notes the DRB has the interior models and asks if we have any questions.
5. Alan Couch appreciates the 360 flood protection plan. He would like an update about the work that has been done and he is curious if they think they will make the end of June/beginning of July timeframe opening and how the board can help facilitate.
6. Nitschke says the goal is still the end of June/early July for opening. The most critical thing is to get the authorization to proceed with the interior remodel portion which the board has done by looking at and reviewing the drawing of the DUG package to get that operation up and running, to allow it to stay running while the rest of the store is remodeling. Along with the floodproofing package, the review and approval of that is really the final key in allowing the full package to be completed. Starting with the interior package is ideal to allow for the ordering time.
7. Arthur Randolph, VP of M&T Bank, a tenant of the space takes the stand. Average daily foot count of 100+. He respectfully requests that the opening in the flood protection barrier be located closer to the entrance of the branch than as shown in the drawing.
8. George Tucker Jr. asks Shaw's Representatives if they can accommodate. Nitschke says yes, they do have some flexibility. They are limiting the number of openings. They want to take into account the tenants. He appreciates Art's comments and will discuss them with the team and seems like a very reasonable request.
9. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the hearing for Shaw's Supermarket. Motion passed unanimously.**

III. RECESSED PUBLIC HEARING: MILL CONDOMINIUM OWNER'S ASSOC.

1. Reason for hearing: Application is a Flood Hazard Review of the COA's responsibility to comply with the Ludlow Flood Hazard REgulations Article 6, in addition to the repair of pedestrian decks on the rear of the building.
2. A representative of the Mill, Brad Porter, and a Mill board member take the stand. He believes we concluded last month a memorandum of understanding between the town and The Mill. He has spoken with Chris Callahan several times, most recently this past Friday. They have an agreement on all the timetables and scope of work and we are just down to one issue that we were not able to resolve. He requested a meeting with Rosemary and Brendan and then we have a document to sign.
3. George asks what is the issue. Porter says it is a permit issue. Tucker said, based on the current document that the memorandum sets a very understanding and acceptable goal for the tenants and units too. Tucker says we will issue a permit after the memorandum. The permit will be about the memorandum. Porter says it was not in line with what we spoke to with Callahan. Tucker said he would talk with the attorney but said the memorandum of understanding needs to be signed first. It gives the town assurance that in good faith you are going to work forward. Porter understands and agrees, and all of the benchmarks and dates they have an agreement on. George says part of the issue is the documentation, and the MOU is not the only one not submitted. Tucker says the violations have been typed up as semi-comprehensive and based on Callahan's conversation, that Porter was concerned about them, however, the memorandum would note that the violations would be removed. George says once an agreement is agreed to

then a permit can come into consideration by this board. Porter says this was not what he took away from his meeting with Callahan.

4. Tucker says he believes Porter was made aware of emails regarding closing the loops on certain items and bringing certain things into compliance. Porter says he is working on a plan of compliance and plans to share with the town. Tuckers says that will be a required document.
5. Porter says that Kyle Medash has asked to provide him with a hydrology study of the deck repairs and the Mill has to connect with the contractor anyway and will try to have that by next month.
6. **MOTION by George Tucker Jr. and seconded by John Boehrer to recess the hearing for Mill Condominium Owners Assoc. Motion passed unanimously.**

IV. MINUTES

1. February 12, 2024 minutes will be corrected with Julie for next month.

V. OTHER BUSINESS

1. None

VI. ADJOURN

1. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:15 p.m. on Monday, March 11th.

Respectfully submitted,
Abigail Childs