

Ludlow Development Review Board  
Meeting Agenda  
Monday, August 12th, 2024  
6:00 p.m. - Hybrid Meeting  
Heald Auditorium

**Members Present:**

George Tucker Jr.,  
Douglas Sheehan,  
Phil Carter,  
Julie Nicoll,  
John Boehrer

**Members Absent:**

**Recording Secretary:**

Abigail Childs

**Staff Present:**

Jarrold Jowdy

**Public Present:**

Eric Alden	George Abraham	Libby Cressy	Lucinda West
Richard A. Bulat	Andria Donohue	Cheryl Williams	Vincent West
Nick Cardi	Jonathan Dubinski	Brendan McNamara	Scott Baitz
Nicole Cardi	Katie Knoll	Gary Macintyre	Ted Reeves
Kathy Grant	Sheree Vaughn-Tucker	George Tucker	Maegan Mcelwain
Theresa S.	Robert Stanles	Martha Benoit	Jake Baraw
Thomas Kelly	David Del Tufo	Noah Schmidt	Bruce Schmidt
Alan Couch	Marjorie Macintyre	George Thompso	

**I. CALL MEETING TO ORDER:**

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, August 12th, 2024 at 6:00 p.m. at the Ludlow Town Hall by Geoge Tucker, all members present.

**II. RECESSED PUBLIC HEARING: Jonathan Dubinski**

1. Application is for the subdivision of one 2.45-acre parcel into three (3) parcels, 0.61, 0.62, and 1.24 Acres. This project is located in the Village Residential District. Property location: 81 Pleasant Street. Application No. SUB24-003

2. George Tuckers note that the DRB received his second access permit from Ron Tarbell where it lists the culvert size and access; it must be installed according to town specs, and water must be directed away from the road.
3. George Tucker says his concern is the slope of the terrain, so when he installs the driveway, the slope of the terrain will likely need a retaining wall in order to meet the 20ft. and 3-degree requirement. Ron Tarbell expressed that is the only way to make that possible.
4. Jonathan Dubinski says the first permit showed the wrong boundary, which is actually right past the bridge on Mill Street and it's not very steep there; it has been moved now.
5. Julie Nicoll noted that the minutes don't have the State of Vermont seal; are they on the original one? Jonathan Dubinski says he sent a sealed version with the seal on it along with specs for the 3rd lot... he thinks his engineer might have inquired and was told he didn't need to send in 7 new copies. George Tucker says as long as they have the master copy it's OK.
6. Jonathan Dubinski asks if they got a response from the state about the railroad right-of-way. George Tucker confirms they have it as part of the file.
7. George Sheehan asked about the retaining wall, and Tucker said they had changed the location.
8. **MOTION by Julie Nicoll and seconded by John Boehrer to close the hearing for Jonathan Dubinski.**

### **III. REOPEN PUBLIC HEARING: Gregory Mauriello and Janet Johnson**

1. Application is to reopen the hearing for the restoration and stabilization of a river bank damaged by the flood of July 10th, 2023. The project is in the Town Residential District. Location: 410 Buttermilk Falls Road. Application No. 041-92-FHR, Amendment #2.
2. Gregory Mauriello and Janet Johnson asked to be recessed while they await their stream alteration permit.
3. **MOTION by Douglas Sheehan and seconded by John Boehrer to recess the hearing for Gregory Mauriello and Janet Johnson until next month. Motion passed unanimously.**

### **VI. REOPEN PUBLIC HEARING: Shaw's Supermarket**

1. Application is to reopen the hearing for further evidence regarding the addition of Mart-Carts and Floodproofing status. The project is in the Village Residential-Commercial District. Property Location: 213 Main Street. Application No. 88-221-CU/FHR, Amendment #11.
2. The DRB received a letter from Shaw's to recess until they have more evidence.
3. Phil Carter asked Jarrod Jowdy, "What is going on here?". Jowdy said they have plans awaiting to be reviewed as early as tomorrow to be reviewed by the state fire marshal. Phil Carter says we just dodged a bullet with Debbie, and he says they are under a temporary CO... "Do they understand what that means?". Jowdy says he has communicated that with them. George Tucker says that they have had meetings with subcontractors and hopefully will have more next month. Phil Carter says the town is taking a risk by granting them a temporary CO and nothing looks like it is really happening here. Jarrod Jowdy says he has no other information other than what he was told today about meeting with the fire marshal to move along with the floodproofing construction.
4. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the hearing for Shaw's Supermarket. Motion passed unanimously.**

### **V. PUBLIC HEARING: DeI Tufo Real Estate, LLC - Eight Oh Brew**

1. Application is for Flood Hazard Review and to rebuild from the damage caused by the flood of July 10th, 2023. The project is located in the Village Residential Commercial District. Property Location: 145 Main Street. Application No. 464-18-FHR, Amendment #3.
2. Public postings were completed on June 14th, 2024, and in the newspaper of record, the Vermont Journal on June 19th, 2024, and the abutting property owners were notified on June 21st, 2024.
3. Jake Baraw takes the stand. He has added in a few extra things in the current packet, one being a case from the head of the floodplain department for the state, stating anything in the building could be replaced as-is without the FEMA-approved materials, even though they already built with FEMA-approved materials.
4. George Tucker says looking at the letter for Kyle Midash on July 1st; where he speaks about the key permit concerns about any new or replaced utilities or mechanics must be elevated above design-flood elevation, etc. Tucker says it references replaced things, instead of repaired things. Inside the packet, Tucker says that after reviewing the packet there are lots of electrical and utilities below base flood elevation, and asks Baraw what has been replaced. Baraw says most were replaced. Baraw says Jarrod Jowdy had been sent a letter from Kyle Midash's higher-up referring to a case without them being up to code, and they were going to apply for variance but instead were curious about this. Tucker says new and replaced utilities get elevated, repaired can stay as-is. Tucker asks if that is what he is referencing, Baraw says yes, and Tucker asks if they were repaired, Baraw says yeah, they've been repaired. Baraw says a lot of the electrical was replaced. Baraw says that before they applied for the variance, they didn't have to do it. Jowdy said that replaced and new have to be above the level, in particular the electric panel. Baraw says he would have applied for the variance if that was the case.
5. David Del Tufo takes the stand and says what he did down there was repair; the electrical panel, the outlets, everything is a repair.
6. Phil Carter says he hasn't been in, so he is trying to get a picture of this whole thing. Carter asks if they own the unit, and Del Tufo and Baraw confirm they do own the interior. Carter says during the flood they obviously got hammered, so the question here, is about the electrical situation. George Tucker says the big things outlined are utilities and electrical. Phil Carter asks if all this stuff was repaired, and Baraw and Del Tufo confirm. Del Tufo says the electrical panels are the same as were in the lower level that operate the heat and hot water for the whole building. Del Tufo continues to say The Mill repaired, we repaired, he said, it's the same scenario. Del Tufo restates it was a repair as well as the fire suppression for the whole building that also has electrical gauges.
7. Phil Carter asks if anything was replaced. Baraw says the flooring, the sheetrock, the bar, bench seats, etc. Carter asks if they had to raise the floor up, Del Tufo says no. Baraw says they used all of the FEMA-approved materials. Carter says he is drawing this out because it's a new hearing and trying to get this on the record to paint a good picture about what they are doing.
8. John Boehrer asks if the bar or the inside of the place has been replaced. Del Tufo says yes, they have been ready since December.
9. Alan Couch, 21 Meadow Street, is sworn in and comments. Couch comments on when you talk about splitting hairs with replacing or repairing, he says for example they are replacing wiring which by law has to be replaced if it has been wet, and they put in another panel because it is just \$100... so does the board require them to abide by the FEMA regulations and raise everything up, even if you raise the mechanicals above base flood elevation you still have to run wires to electrical outlets above flood levels. He asks if there is any wiring that is flood-resistant, rhetorically. Couch says by law you have to replace wet wiring; if your extension cord gets wet, it has to be replaced, and there is no flood-resilient electrical wiring that he knows of. When replacing an electrical panel, does that require everything to be flood-resistant too? Couch thinks there are contingencies the board can make to facilitate people to develop their property within

the rules and regulations that they have set. George Tucker thanks him for his comments. Baraw says he appreciates Couch coming forward to speak.

10. **MOTION by Juile Nicoll and seconded by Douglas Sheehan to close the public hearing for Del Tufo Real Estate, LLC. Motion passed unanimously.**

#### **VI. PUBLIC HEARING: Vincent and Lucinda West**

1. Application is for a Flood Hazard Review and replacement of home substantially damaged by the flood of July 10th, 2023. The project is in the Lakes District. Property Location: 62 Red Bridge Road. Application No. 502-24-SITE and 506-24-FHR.
2. Public postings were completed on August 24th, 2024, and in the newspaper of record, the Vermont Journal on August 24th, 2024, and the abutting property owners were notified on August 26th, 2024.
3. Lucinda West says this home has been through 3 floods and they are proposing to demolish the existing home and put in a 5-foot foundation and modular home. It is currently 4-feet below the existing base flood elevation. They propose to place the new structure farther away from the lake and also meet setbacks.
4. George Tucker says one of the biggest components of this, regarding a letter from Kyle Midash, the floodplain manager, which shows the guidelines. Replacement of two-bedroom home with a concrete foundation, and must be 1-foot about BFE. Tucker reads the full letter regarding fuel tanks being anchored, though they were not noted on the application. Midash recommends the stairs be anchored to concrete piers, and oftentimes the stairs can float away and destabilize the deck and header boards. Midash also recommends adding an exterior access door in the lower space with floodvents to allow water to go in or out for easy cleaning access.
5. Phil Carter asks the Wests if they have seen the fire department letter from Chief Whalen. The West's have not, and Carter says they have some conditions. The house should be hard-wired with CO2 detectors, each bedroom shall have a hard-wired smoke detector with battery backup, and egress windows information, and if the building is going to be used for any use other than owner-occupied it must meet the requirements regarding fire and safety.
6. Julie Nicoll asks if the location on the plans is correct, and Lucinda West confirms.
7. Phil Carter asks if the lake went through the house, and Lucinda says Lake Rescue went through the house and Pauline came up. Vincent West says he was given a great heads-up from Angela to get things to high ground or to their storage lockers, and notes water did go through the house in the flood of 1973 and during Irene, too.
8. George Tucker asks if they are going to replace the septic, but Lucinda West says it is going to be repaired and extended.
9. George Tucker asks if anyone else has comments on this hearing.
10. Tom Kelly, the West's neighbor on the left side says he hopes the board will grant them a permit. He knows the hardship of rebuilding after a flood. Kelly has a major concern about the septic system that is proposed; it is a mound leaching field and understanding the area and what takes place during a flood is that from Red Bridge to his driveway, the road is higher, and dips down at the West's driveway and his, and the overflow comes through Steve Greene's driveway which is across from the West's, and erosion begins to wash out the road. Kelly says this is the main volume of water, so when it does overflow, it goes right through the area, tears up the road, and a stream goes through the West's driveway and into Lake Pauline. Kelly is concerned the mound septic system, which is a pile of sand, won't be able to take the volume of water in rapid succession and remain there which can affect the natural flow. The town has built 5-8 inches of the road from Red Bridge to his road, over the existing road, it has been built up so even more water is going to be channeled from Red Bridge to this area of Steve Greene's driveway and

increasing the water flow. He thinks the new road is wonderful, but by putting gravel beneath to raise up the road, and when the water rises, it is going to cause an issue. This isn't just a backup of Lake Pauline that takes place here, it is an absolute torrent of water that overflows and runs through this and that area becomes totally eroded, and would hate to see the West's put in a septic that gets ruined. Kelly doesn't know if the engineer or designed this really understands the water flow. It becomes a secondary river in this area. George Tucker thanks him for his comments.

11. Melisa Rockhill from Black River Valley Resources would like to ask the board to approve the application on its own merits to rebuild their home and says it is a key milestone for them moving forward. It was done by the state engineer and she hopes it wouldn't get destroyed in another flood, and maybe the West's can ask the engineer to move forward. Rockhill asks if the septic is part of this review. Phil Carter says they let the professionals do it, which in this case is to be state-approved and look at the floodplain, gravel, ground, etc., and will be signed off by their engineers.
12. Lucinda West says they already have a permit from the state and had already wanted to improve the septic before the July flood, and the permit was granted.
13. **MOTION by George Tucker Jr. and seconded by Julie Niocll to close the public hearing for Vincent and Lucinda West. Motion passed unanimously.**

#### **VII. PUBLIC HEARING: Gill Odd Fellows Home of VT**

1. Application is to subdivide 1 parcel into 2 parcels. One parcel will have 13.94 acres and be a vacant lot, and the Gill Home will keep a parcel with 10.63 acres. The project is in the Village Residential District. Property Location: 8 Gill Terrace. Application No. 501-24-SITE and 497-24-ACT250.
2. Public postings were completed on July 24th, 2024, and in the newspaper of record, the Vermont Journal on July 24th, 2024, and the abutting property owners were notified on July 26th, 2024.
3. George Tucker says all of the information in the warning was correct aside from the application number.
4. Ted Reeves, an engineer from Chester, is representing the Gill Home. Reeves says it is a simple two-lot subdivision. The first lot will be retained by the Gill Home and the second lot is a deferral lot with a wastewater permit from the state. Reeves says the board has the site plat from Dave Rose as well as a copy of his site plan.
5. Phil Carter asks about lot one acres, and Reeves says it is 10.63 acres. The new lot of 13.94 acre lots fronts Gill Terrace, for a short distance, but it does.
6. Douglas Sheehan notes the acreage on the map and asks if the first number is correct. Reeves says the first number of total acres should be 24.57 acres, it is the sum of the two numbers of 10.63 and 13.94. Reeves says he can ask the state to correct the issue.
7. George Tucker asks if anything will change about the right-of-way that is depicted. Reeves confirms that nothing changes at this time, and if anything changes on Lot #2 they have to go back to the DRB and the wastewater permit from the state would have to be reviewed too.
8. Phil Carter asks if there is anything historic on the lot, and Reeves says no there is nothing that shows on the state inventory.
9. Douglas Sheehan asks if lot 2 can be developed, and Reeves confirms that the future owner would have to go back to the DRB to do so, as well as get the wastewater permit.
10. **MOTION by John Bohrer and seconded by George Tucker Jr. to close the public hearing for Gill Odd Fellows Home of VT. Motion passed unanimously.**

## VIII. PUBLIC HEARING: Okemo Limited Liability Company - Vail Resorts Incorporated

1. Application is for renovations to some commercial areas at the Clocktower Base and Jackson Gore. This project is located in the Town's Mountain Recreation District and the Jackson Gore Recreation District. Property Location: 77 Okemo Ridge Road. Application No. 288-05-CU, Amendment No. 3, 092-95-PUD, Amendment No. 5, 478-20-ACT250, Amendment No. 3. Purpose: The My Epic Gear Program project.
2. Public postings were completed on August 24th, 2024, and in the newspaper of record, the Vermont Journal on August 24th, 2024, and the abutting property owners were notified on August 26th, 2024.
3. Ted Reeves says this project is about the My Epic Gear program which is a subscription program that Vail is incorporating into resorts nationwide as a flexible gear rental program for Okemo's customer base and is a lower rate than purchasing gear to help people experience with high-end equipment and can change up what they want to use for their equipment. The proposed renovations are minimal in scope, it's a lot of changing lighting, paint and paper, installation of equipment, and furnishings for the program. The renovations for the Coleman Brook Tavern are minimal and include the construction of a new partition wall, ceiling tile, and paint. There are no changes in traffic. The package includes the local ACT250 review with letters and pending permits from the VT Fire & Safety division.
4. Phil Carter asks if these are all inside, and Reeves confirms. Reeves says they are renovating existing commercial spaces. Carter says there are a few conditions from the Fire Department letter and asks if he has any issues with that. Reeves does not have an issues.
5. George Tucker asks if this will be ready for the year, and Reeves says this is the hope. Tucker asks if people will come to this space, and Reeves says it is a little bit of both. Reeves says if you have boots you rent, they will be delivered to your room at the Jackson Gore Inn and the skis you requested would be brought slopeside.
6. **MOTION by George Tucker Jr. and seconded by John Bohrer to close the public hearing for Okemo Limited Liability Company. Motion passed unanimously.**
7. *Discussion: George Tucker asks if he has any questions regarding the ACT250 review, and he does not and addressed those in the document he submitted. Reeves says it mostly addresses the consistency of this project with the recreational and mountain district.*

## IX. PRELIMINARY REVIEW: Okemo Limited Liability Company

1. Informational meeting to present the new Okemo Master Plan. Property Location: 77 Okemo Ridge Road.
2. Jarrod Jowdy says this is an informational review.
3. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the preliminary review for Okemo Limited Liability Company for next month. Motion passed unanimously.**

## X. MINUTES

1. July 8th, 2024:
  - a. John Bohrer notes that he was not absent.
  - b. Julie Nicoll suggests that when names are written, we need full names. "Ron" and "Kyle" need last names.
  - c. Doug Sheehan should be George Sheehan
  - d. Stephanie Grover - need the last name.
  - e. Page 2 - #8 change to George Sheehan.

- f. Page 1 - #3 first sentence about Phil Carter asked if any access permit is granted, and George Tucker granted there is one.
- g. Page 1 - #6 add Kyle Midash last name.
- h. Page 1 - #6 add "Section" to 660.
- i. **Julie Nicoll motions that we approve the July 8th Minutes as amended. George Tucker seconds. All in favor. Motion passed.**

#### **XI. OTHER BUSINESS**

- 1. Review weekly letters from The Mill, as a condition of the M.O.U. - George Tucker says this is an information review and it is their update that was given on August 4th, and they are meeting the requirements and operating in good faith and in conversation with Brendan McNamara.

#### **XII. ADJOURN**

- 1. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to adjourn. Motion passed unanimously.**
- 2. The meeting adjourned at 7:02 p.m. on Monday, August 12th.

Respectfully submitted,  
Abigail Childs