

Ludlow Development Review Board
Meeting Minutes
January 22nd, 2024
6:00 p.m.

Public Hearing

1. Call to Order:

The regular meeting of the Ludlow Development Review Board was called to order on Monday, January 22nd, 2024 at 6:01 p.m. at the Ludlow Town Hall by Geoge Tucker.

Attendance:

Board:

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

Public:

Jerry Sheehan
Christine Tougas
Mike Forcum
Sheree Vaughn Tucker
Eric Alden,
Ron Parry,
Melissa Rockhill,
Brian Porter,
Wendy Wachtel,
Bob Malecki,
Jake Barow,
David Del Tufo, Noah Schmidt,
Scott Baitz,
Glen Heitsmeith,
Richard Kowalski,
Lorraine Hughes,
Andrew Becker,
Bill Faradie,
Nicholas Nitschke,
Patrick Smart

Board Absent:

None

2. Public Hearing: Doris Rose

1. Reason for hearing: application for flood damage repairs, and to elevate the double-wide mobile home residence above base flood elevation, in accordance with the Flood Hazard Regulations, Article 6.
2. Jarrod reads out the application name: #327-11-FHR Amd No. 2
3. The hearing date is today. Public postings were done on Dec. 1, 2023, and in the VT Journal on Dec. 1, 2023, and abutting property owners were notified on Dec. 9, 2023.
4. Melissa Rockhill was sworn in on behalf of Doris Rose. Doris was absent this evening. Doris was impacted by the July 10th flood and got 1-3 feet of water in her mobile home. She has applied for a permit to repair and elevate. She is repairing as close as possible to the pre-flood condition of her home. The interior and exterior will remain unchanged. The front deck was lost by the flood as well as the rear. She plans to raise or elevate to at least 985.6. A letter in the file regarding the flood elevations stated that the base flood elevation is 982.5. If raised to 985.6 that will be above the minimum. Two contractors want to increase the piers from 24 to 32 and expand to 5 feet high.
5. Alan asked Melissa if this was a new home or if she was repairing it. Melissa confirms she is repairing.
6. George notes we have received all letters except a comment letter from John Broker Campbell. Melissa says he has not gotten back to her for months.
7. Alan says she was allowed to repair her home pending elevation in the spring. He asks if this has progressed. Melissa says we have to wait for the spring to do the elevation.
8. George says part of the decision will have a date set for when the elevation is completed for permitting. Melissa says they do not want to raise it above what the town manager wants.
9. Melissa says she has spoken with John Broker Campbell and he wants things to go through the town and she is at a loss when she doesn't have the letter yet. George says he does not have authority over the letters.
10. Glenn Heitsmith was sworn in. He notes that John Broker Campbell is now the town manager in Hartland or Hartford. He asks if there is a different floodplain manager and if the board has been notified. George says whoever takes over his position, the outstanding letters would be briefed on what letters need to be fulfilled. Glenn asks if there is anything an applicant can do without the letter, and George confirms there is not.

MOTION: Alan motions to close the hearing and proceed with deliberation pending a letter from the state floodplain manager, assuming people will go forth to improve their property under Article 6 of our town and village flood hazard regulations. Julie seconds. All in favor.

3. Public Hearing: Mill Condominium Owners Assoc.

1. Reason for hearing: The application is a Flood Hazard review of the COA's responsibility to comply with the Ludlow Flood Hazard Regulations Article 6.
2. Jarrod notes the application is: 464-18-FHR, Amd. #2
3. The hearing day is today, public postings occurred on Jan. 5, 2024, and Dec 7th, 2023, abutting properties were notified on Dec 4th, 2023.
4. Brian Porter, Treasurer on the Board of Directors for the Mill has been involved in both of the projects we are talking about today. He notes there are two independent projects here to talk about. First, the rear decks had horizontal beams that cracked last January and they needed to get a permit from the state along with an engineered plan. Under the 2nd and 3rd floor deck. They worked with a structural engineer over 2023 and were in the field for several days. He concluded that they didn't have a two-beam repair problem, they had a risk of the entire back deck falling. The engineer told them to restrict access to the deck with chains and tape to prevent access. Todd then pulled together a comprehensive repair plan as an addendum to the permit

with the fire marshal. The intent was to work on that in July and August, but after the flood, the project was postponed. No work was done until December while the board was focused on other recovery work. They contracted with Summit Solutions to put in footers as part of the comprehensive plan from the engineer. A copy was submitted with the permit. Every footer needed to have a supplemental footer poured around it 3x3x3 feet (a yard of concrete). The idea is to place a beam behind the original beam vertically and horizontal beams up the building. Concrete was poured on December 5th and the citation came around December 15th. He says there was a miscommunication about not submitting a town permit, but they did get a state permit. He believes they did apply for that permit, and work on getting that permit approved to complete the work. He notes this is not the reconstruction of the rear decks, it is an emergency repair to buy the time they need for a full redesign of the deck to comply. The engineer said he is giving them a plan for 1-2 years lifespan. He notes the footers poured are intended to be temporary and they will be pulled out.

5. George says all permits are required before construction and appreciates him acknowledging the mistake. He says the documentation received was at the end of the day on January 18th, which was provided late to the board for the meeting for 100+ pages.
6. Brian now talks about the flood hazard review piece. He understands the owners of the basement units 102-107 had applied for the permits. There was discussion about the worth of the building being worth \$7-\$8M and the damage being significantly less than that. The association would get one permit for all of the work in the basement, rather than separate pieces. He says they have contacted surveyors about what is to be in the certification relative to the mechanicals and base flood elevation. He is trying to push the surveyor to get done ASAP.
7. George says typically whoever owns the unit, it is their space. To go around that level of FEMA we need some sort of proof whether a COA document of what the COA owns or how that is described because you cannot arbitrarily claim who owns which. The way it was presented was that certain parts of that unit were owned by the COA like electrical and mechanical, which the board needs proof from the COA.
8. Eric Alden says they can provide that information to the board. George says it is not the board's job to chase down documents.
9. George says an inspection was done and a violation was made about work that has already been completed in the basement.
10. George says we need the comment letter from John Broker Campbell as well.
11. Alan asks if they are severing the flood hazard review or if it is all staying as one. George confirms it is all staying as one.

MOTION: George motions that we recess the public hearing until the February meeting. George seconds. All in favor.

4. Public Hearing: Black River Mobile Home Court

1. Application for flood damage repairs and to elevate the mobile home above base flood elevations, in accordance with the Flood Hazard Regulations, Article 6.
2. Regarding 36 Main Street, Lot #4
3. Gerald Sheehan was sworn in. He tells the board that the board should have every time of the build from the slab count and weight, the weight of the home, concrete weight, etc. He went over and above on the strapping and installed more since the last board meeting. At the time he was going to do 4 straps on the ends, but he ended up doing 8 diagonal straps on each side, as well as installing additional tie-downs above and beyond what it needed. Each strap will hold down 3,600 pounds. As far as elevating it, he has gone beyond FEMA standards. He drilled four holes in each set of blocks, installed rebar through the blocks, and filled them with concrete. He had the

elevation checked, and he has elevated it 3+ feet above the required number from FEMA. He notes the board has all the information.

4. George says the one thing that was brought forth, the letters from Dave Rose, is we need the stamped and signed site plan. We have his hand-drawn maps, but they legally need a signed and stamped site plan.
5. Jarrod said Gerald had an older one and needs a new one now. He said we have the same one in Doris Rose's packet as well. George said it's more so that we need the official stamp and signed version.
6. Gerald asked if the space plan which they drew up - can he just stamp that? Jarrod says it either has to be a site plan or a flood certificate. George says it would be easier if Gerald supplied a whole site plan for the entire park, that encompasses #4 and all lots. Jarrod says he knows Dave Rose is an honest guy, but stating numbers on a piece of paper, everything has to hold up in superior or state court. As a letter, it is great but needs to be able to stand up in higher court.
7. Rosemary Goings says that the one submitted by Ralph Michael showed the whole park. Gerald says yes, but it is an old one with old numbers. Gerald hopes to get this document to him fairly soon, though Dave is busy.
8. John Boehrer notes the emails back and forth with John Broker Campbell, and he said he would have a letter to Jarrod for today's meeting. Jarrod says it says based on correspondence with Jerry, it must be in compliance.
9. Gerald said he emailed John Broker Campbell last week and read out the email. Regarding information creating a comment letter for the next meeting. He noted that he has met the Ludlow flood hazard regulations and John Broker Campbell did submit this letter. Gerald asks if this holds any weight. George says yes it does. The official came in this afternoon at 2:45 p.m. today.
10. Jarrod said the original one dated Jan. 17th holds more weight. He says at this point, all we need is a site plan stamped and signed.
11. George asks if we can get the stamped and signed document in two weeks. John B. says we can reset a date depending on when he gets the document. Gerald hopes to have it in two weeks.
12. Gerald has a document he wants to submit as evidence with strapping, blocks, tie-downs etc. He gives this to Jarrod.
13. John says we need to know if it is delayed.

MOTION: John motions to close this hearing on February 5th. George seconds. All in favor.

5. Recessed Public Hearing: Black River Mobile Home Court

1. Application is to affirm that all homes comply with Ludow Zoning Regulations Article 6, following the flood of July 10th, 2023.
2. 36 Main Street, All lots.
3. Gerald gives an update on the project.
4. George knows we have a John Broker Campbell letter for you and we need the stamped and signed letter from David Rose.
5. There is no new discussion
6. Gerald thinks he can get the document for this hearing

MOTION: George motions to close this hearing on February 5th. Doug seconds. All in favor.

6. Recessed Public Hearing: South Face Village at Okemo Development

1. Application to make the "Temporary Information/Real Estate Office" into a permanent commercial building in South Face Village.
2. Alan notes he feels he is sufficiently informed to make a decision on the recessed hearings from here on forth.

3. George says that other than having a 911 address sign visible, there are no further conditions.
4. Andrew Becker was previously sworn in and says there is nothing else to note today.

MOTION: George motions we close the hearing four South Face Village. Alan seconds. All in favor.

7. Recessed Public Hearing: Shaw's Supermarket

1. The application is to reconstruct the interior area of the Shaw's Supermarket, plus expand into adjacent unit.
2. Bill Faradie says that Shaw's is looking to move into the Rite Aid space. The current plan is to start on February 12th for interior design. The Flood Mitigation is going to take us longer and asks if the board can split the approval process into two phases. The expansion into Rite Aid and interior design is a separate phase. While the flood mitigation process is separate. He wants to start as soon as possible with a construction start date of March 4th or sooner if possible. He hopes to open up to the community before July 4th and a grand reopening around June 28th. To achieve that, he hopes to split this into two phases: the renovation portion and the flood mitigation portion. He spoke to Jarrod about the "DUG", which is the drive-up-and-go operation inside the space. He wants to build up the wall in the space before they start the construction and pull a permit just for that. He says the longer this takes, the longer until it opens.
3. Bill asks if Jarrod has all of the letters, and Jarrod thinks we are missing the ambulance letter only now.
4. Bill asks if there is anything they can do to apply for the dug space permit and split it into phases.
5. George says in regards to the drive up and go space, he asks if this will be temporary or permanent. Bill says it is currently temporary but in a spot that they will permanently go into. Currently, they are in the way of an active construction site and are looking to have them partitioned. George confirms that they would like to have this smaller portion completed now before the rest. Bill confirms. Bill says construction for the first phase would be beginning of March.
6. Rosemary comments that if they are going to work in the interior and have permission from the fire marshall, it would only help Ludlow in getting the store open sooner. She says that getting it approved sooner than from the new agency of natural resources flood manager. She thinks getting the interior is important to get moving on.
7. George asks Rose if they need any additional paperwork submitted. She says that with the fire marshall's approval, it would be an OK start for them.
8. John Boehrer thinks if it's done in good faith, that this would be a good plan. George says he would like to see the documentation on the entire project. He says he would like to see a more clear plan of the applicable section for the drive-up-and-go section. Bill said he would talk to Ben the fire chief. George says he needs an updated permit from him, and as long as he's ok with that, we will go forth with that in good faith.
9. Rosemary says the renovation inside needs to have Ben's approval first for the rest. She wants to make sure the DUG is said for sure.
10. Nicholas Nitschke, an architect, shares a Dry-Floodproofing Design Progress and Methodology packet. He shares the design team partners including a civil engineer, structural engineer, architects, etc.
11. Nicholas shares the design intent and goals. The goal is to provide FEMA-certified dry-floodproofing for the entire building. The floodproofing is being designed to be 48" above the finish floor and base flood elevation (1007').
12. Nicholas shares a floor plan showing concrete blocks around the back of the building and reinforcing the wall structurally to withstand floodwaters. He notes vulnerable areas including egress doors, exterior grocery freezer, electrical panels, tenant gas and electric meters, trash compactor container, and drain lines.

13. Nicholas shares multiple options for the front of the building and the different parts of construction. Including high-visibility storefronts, brick facades, and wall reinforcements so that the wall itself acts as a flood barrier.
14. Nicholas comments on the window design to make sure it is protected from flooding as well... they are naturally protected by their elevation with very few points of failure. He wants to maintain the look and feel of the store so that it matches the overall design of the building.
15. Nichols comments on the Front Facade Encapsulation concept is a flood barrier built at the front edge of the sidewalk to encapsulate the building. It would require no modifications to the existing building, which would mean no disruption to the tenants. Limits the number of openings for fewer points of failure.
16. Nichols notes the next steps include continuing documentation and details of the flood remediation methods at all vulnerable points around the building. They will evaluate all possible interventions based on floodproofing, practicality, and cost comparisons.

MOTION: George motions that we recess the Shaw's hearing until the February hearing. Doug seconds. All in favor.

8. Recessed Public Hearing: Divided Sky Foundation

1. The application is to replace the swimming pool with a buried 13,000-15,000 gallon fiberglass storage
2. Patrick Smart is sworn in. Looking to upgrade the water storage.
3. The current reservoir is a swimming pool, and the permit application proposes to replace the pool and replace with a fiberglass storage tank to hold the required volume.
4. George confirms with Jarrod that we did receive some letters, but we need one from the Ambulance and the State Fire Marshall. Patrick says we have received a permit from fire and safety. George asks that the maps and legends are legible. Patrick says he will ensure to provide updated copies of maps.
5. Patrick says aside from asking the ambulance about receiving a letter, is there anything else he can do other than ask for another copy of the letter. George says that Patrick does have to ask the ambulance again. But the biggest one is getting the fire permit from Fire and Safety.

MOTION: George motions to recess the Divided Sky Foundation until the February meeting. Julie seconds. All in favor.

9. Recessed Public Hearing: Del Tufo Real Estate (Eight Oh Brew)

1. Applications for reconstruction of the interior units caused by extensive flood damage on July 10, 2023.
2. Jake Beareau says he thinks the board has everything. George says they need an elevation certificate and it sounds like based on the presentation from another hearing, they will be providing that for Del Tufo Real Estate. George says they did receive the additional estimates that were required. Jake asks if the board had a chance to read the documents he sent and George confirms they read them.
3. Rich Kowalski from 45 Main Street Unit 206 - He notes they have talked to Eight Oh Brew about plans for sound mitigation. They have a hybrid plan led by sound engineers that were hired by the Mill board association. He has a comprehensive type solution to manage the sound at The Mill. They have reached a deadlock today in terms of the execution of a plan. He says he can submit the proposal. The distribution of costs was talked about. Installing ceiling tiles for sound management was part of the conversation. He is asking the board to consider Section 550.1 Section 2 Part B to manage the loud repetitive sounds produced on site. He says he is looking to implement some version to achieve the soundproofing. He wants to make it a contingency of the

approval. He was able to locate the supplies and contractors to put this in place before the bar reopened.

4. George said he appreciated his comments.
5. Wendy Wachtel - Unit 204 at The Mill. She is respectfully asking the DRB to include sound mitigation as part of the permit after spending lots of time and money on this. She notes that they want to be good neighbors but they need to be good neighbors as well. They are willing to put up \$35,000 of their own money for Eight Oh Brew. The HOA and all of the owners are willing to use discounts, house people, and do everything they can to make this work. She says they want them to open but need to be able to protect their own business as well. She says it is not the STR level that is the issue, it's the music through the floors that it doesn't give an environment for customers and ruins their business. It would only cost Eight Oh Brew about \$7,000. She says they would like to all work together and have this done before their opening date to not cause further issues of them not being open.
6. George thanked her for Wendy's comments.
7. Rosemary asks if Rich gave George documents because we can give them to Jarrod as evidence for tonight's meeting. She wants to make sure everyone is aware that a permit has not been issued and they have to receive a permit from the town first.
8. Jake comments on the previous comments from Rich and Wendy and says that the meeting last Saturday left with an agreement on a solution to strapping material to the ceiling. He says during the evaluation in the report it stated that it got over 60 a few times in the unit, and 35-55 during operating hours in the most abutting unit. With the 45 SEC added to that, it will be reduced. He says this plan is something they are on board with and can have this completed in two weeks.
9. Wendy says they agreed on phase one at this time, and look at phase two next. She says the engineer can speak to the \$90,000 stage, and now he has done more research and is able to do the full project at \$42,000, which is now the full solution option. She says we can do more sound tests if needed. Additionally, some of the materials would have impeded sound mitigation.
10. Rosemary wants to remind the condo owners association, Eight Oh Brew, and Mr. Alden that none of those have a permit in the village to do any type of work in the units and the COA has no work being done. She said it is being done in a violation if any work is being done. Until they get permits, they are not permitted to do work.
11. Eric asked Rose to clarify because he thought the general sentiment was folks could start work as long as they were working toward the flood work in the permit.
12. Rose says it has now been 7 months since July and has repeatedly asked for documentation to have the structures up and running and has received pushback. She says they have asked for documentation showing that they are taking care of electrical and mechanical issues. She has been told by the Agency of Natural Resources that at this point, it is way past the deadline. Permits and documents should be had at this point. She says violations are now being sent out.
13. Jake asks if we can do work now. George says no you cannot. Jake thinks they have permission from the board. George says without documentation, you are operating outside of good faith. George says at this point, it is unacceptable to say we are still in crisis.
14. Rose says the fire marshall put a note on their door that no one was allowed in the basement area for quite a while so they were not even allowed to work downstairs at all. She said the fire marshall is the only one who has given them permission to work downstairs.

MOTION: George motions to recess this hearing until February. John B. seconds the motion. All in favor.

10. Recessed Public Hearing: Eric Alden

1. The application for reconstruction of the interior units caused by extensive flood damage on July 10, 2023.
2. Eric says the initial permit was pulled and that the unit owners would be required to pull the permits, so this has since changed. He is not sure what the procedure is here because the permit is not necessary any longer.
3. George asks
4. Eric says he will have zero expense in his units as the owner.
5. George says the only items missing are the letter from the floodplain manager and the elevation certificate. He doesn't think it is necessary to mark it as closed.

MOTION: George motions to recess the hearing for Eric Alden until February. Doug seconds. All in favor.

11. Recessed Public Hearing: 13 Route 103 LLC (aka Mr. Darcy's)

1. George is opening a public hearing for 13 Route 103 and notes they requested recess until spring/early summer.
2. Alan asks if we should recess it until May and if needed, go to June, in case they get their ducks in a row.

MOTION: George motions to recess the hearing until May. Julie seconds. All in favor.

12. Minutes

1. **George is not going to review the minutes tonight, so they will be pushed to the next meeting.** (December 11, 2023 & November 13, 2023)

13. Other Business

1. George notes about clarification regarding storage tanks.
2. John asks Jarrod if the packets can be sent via email.

14. MEETING ADJOURNED

MOTION: George motioned to adjourn the meeting. John Boehrer seconds the motion. The meeting was adjourned at 7:34 p.m. by George Tucker.

Minutes submitted by: Abigail Childs

Minutes approved by: