

Ludlow Development Review Board
Meeting Agenda
Monday, July 8th, 2024
6:00 p.m. - Hybrid Meeting
Heald Auditorium

Members Present:

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

Members Absent:

John Boehrer

Recording Secretary:

Abigail Childs

Staff Present:

Jarrold Jowdy
Rosemary Goings

Public Present:

Eric Alden	Melissa Rockhill	Brian Porter	Robert Malecki
Noah Schmidt	Scott Baitz	Catherine Valente	Anthony Valente
Jay Lushinks	Judy Lushinks		

I. CALL MEETING TO ORDER:

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, July 8th, 2024 at 6:00 p.m. at the Ludlow Town Hall by Geoge Tucker, all members present.

II. RECESSED PUBLIC HEARING: Patrick Williams

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. Application No. 503-24-VA. Property Location: 2 Wilbart Avenue.
2. **MOTION by George Tucker Jr. and seconded by Julie Nicoll to close the hearing for Patrick Williams. Phil Carter asks if we've heard anything from him, and George Tucker says we have not had any additional information, and Rose had recommended at the previous meeting that we give him an additional month to see if he can make up the criteria but has not submitted anything additionally. Motion passed unanimously.**

III. 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. Application No. SUB24-003. Property Location: 81 Pleasant Street.
2. Ron was on vacation and did receive the new map that Jonathan did submit which includes a new driveway location but Ron said he did not submit a new access permit because his previous access permit for his previous location had been denied, so Ron said he has to reapply for it.
3. Phil Carter asks if there is any permit currently, and George Tucker confirmed. Tucker says that Ron's concerns were that with the grade of the terrain, a condition we should consider is a retaining wall for the slope to retain the bank if a driveway is ever installed but he has to apply for the access permit.
4. Julie Nicoll asks if we usually take engineers from other states. Tucker says he is approved in Vermont and we do require the Vermont engineering stamp. We are waiting for him to reapply for the access permit based on the one that was denied.
5. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the hearing for Jonathan Dubinski. Motion passed unanimously.**

VI. RECESSED PUBLIC HEARING: The Mill COA / Sheehey Furlong & Behm

1. The appeal is to contest a Notice of Violation issued to the Mill Condo Owner's Association on April 16, 2024. The project is located in the Village Residential-Commercial district. Application No. 502-24-AP. Property Location: 145 Main Street.
2. Brian Porter takes the stand to say he has two copies of the MOUs that were negotiated between their attorney and the town's attorney. He gave it to the board as evidence.
3. George Tucker says with the negotiated MOU, it will now remove the notices of violation.
4. Phil Carter says he is seeing it for the first time, and asked George Tucker if he had any questions, and he says his were answered by Chris Callahan.
5. Brian Porter says it is their intent to pay the town tomorrow because they missed the bank today.
6. George Tucker says the biggest hallmarks include the following: This seeks to resolve the outstanding violations and proceed with a clean slate. In order for the town to issue permits, The Mill must satisfy the requirements for the flood hazard review regulations which will require significant engineering and design work and approval from various state authorities, including the floodplain manager. Because of this, it might take months (paraphrasing) and this will grant them the ability to work on what is called "allowed work" which includes work on units 102 - 104 and 106, and proceed to return them to the same purposes and flood plans there were existing prior to the flood. They must meet the requirements of 660 which are the flood hazard regulations and take on all liability if something is found later that is not in compliance, and include the deck plans with a letter from Kyle. They will be paying a fine as part of removing the NOV. Upon completion and demonstration that the basement unit repair meets the public safety requirements, the town may let units be reoccupied as long as the Mill is proceeding diligently with improvements as necessary under section 660.
7. John Boehrer has now joined on via Zoom.
8. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for The Mill COA. Motion passed unanimously.**

V. PUBLIC HEARING: Anthony and Catherine Valente

1. Application is for the subdivision of one 10.35 Acre parcel into two (2) parcels of 6.99 and 3.36 Acres. This project is located in the Town Residential district. Application No. SUB24-005.
Property Location: 197 DeRoo Lane
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on June 14th, and town website on June 14th, as well as the newspaper record on June 19th, and the abutting neighbors were notified on June 21st.
3. George Tucker swore in applicable parties.
4. Anthony Valente takes the stand with his wife Catherine Valente to speak about subdividing their property to allow their daughter to build a house.
5. George Tucker says they do have all their letters in hand. Valente says they had a lot of help from the office, including Jarrod and Rose. Tucker says he has the fire letter from the Fire Chief with his requirements, and Stephanie's requirements as well.
6. Phil Carter asks to clarify that their 10.35 Acre parcel will be subdivided into 6.99 Acres and 3.36 Acres with the 6.99 Acre access being on DeRoo Lane. Valente notes that this is for their current residence. Valente says there will be a separate access and Catherine notes on the map where the access is.
7. Phil Carter asks if there is any wetland or any historical things, and both Catherine and Anthony Valente say no.
8. George Sheehan asks if they are on town water and sewer, they say no.
9. John Boehrer asks if this is the last letter that the Fire Chief signed before his departure. George Tucker says no, this was signed in February.
10. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the public hearing for Anthony and Catherine Valente. Motion passed unanimously.**

VI. MIINUTES

1. May 13th, 2024 minutes:
 - a. Julie Nicoll notes to correct the name of the auditorium to Heald Auditorium
 - b. Page 2 #10 - Anonymous Zoom chat - Karen (no last name). George Tucker says it is evidence that won't be used
 - c. Page 3 - Ronald Kemper: #6 the first sentence needs to be adjusted to "how it will be situated".
 - d. #9 - Phil Carter asks if the berm "was engineered or if an engineer was signing off on it" needs to be added
 - e. Page 4 #16 - George Tucker asking how much.... Change to spillway
 - f. Page 4 #17 - Should be George Tucker, not Doug Sheehan.
 - g. Page 7 #35 - Second to last sentence: move the driveway from the bottom of the parcel to the upper part of the new project.
 - h. Page 8 #44 - Second line down- should be changed to "end" look.
 - i. Page 8 #43 - First sentence near the end "is basement under it and he does have that plan" - remove "and". All the questions are questions not on the permit and happy to address them - George Tucker says he was open to answer any questions on the permit application. Edit sentence.
 - j. Page 9 #55 - Edit to "detrimental"
 - k. Page 9 #61 - Get rid of the last 3 words - not necessary to be there. George says yes, because it was an appeal.
 - l. Page 10 #a - "His name has to be added to the BLANK" should be attendance.

m. George Tucker motions that we approve the May 13th minutes as amended. Phil Carter seconds. All in favor. Motion passed.

2. June 10th, 2024 minutes:

- a. Page 1 #12 - A community member with no name should be Andrea Sanford.
- b. Page 2 #3 - Change landscape company with "representative"
- c. Page 2 #6 - George Tucker says it should be a "no filler increase of material in area" because they are not bringing in additional material into the mass. In this case, there is not going to be an increase and in their eyes it is a net-zero.
- d. Page 4 #6 - Mauriello believed he was "on" - remove word.
- e. Page 5 #4 - Chief Collinda spelling mistake - should change to Fire Chief.
- f. Page 7 #6 - "If it doesn't, who enforces it and would he have a problem if they took it and included in the permit" - who is "they" should be clarified per Phil Carter. George Tucker says "they" are the applicant, which they did agree to.
- g. Page 8 #13 - Change both references of Pete to the Fire Chief.
- h. Page 8 #13 - Change from George to Doug Sheehan.
- i. Page 8 #17 - change Serenity says "that is an historical building" and remove it.
- j. Page 9 #26 - Typo should be "has been done" not "one"
- k. Page 11 #5 - "development" should be change to "DRB"
- l. Page 12 #3 - "violations were issued" by the Planning and Zoning Dept. should be added
- m. Page 12 #3 - "board gave approval, they gave approval" should be DRB.
- n. Page 12 #4 - Brian Porter says the plans were sent from engineer to the board and were given permission by the "DRB".
- o. Page 13 #7 - Tucker says any work in the floodway... should be "him" not "he"
- p. **Julie Nicoll motions that we approve the June 10th minutes as amended. Douglas Sheehan seconds. All in favor. Motion passed.**

VIII. OTHER BUSINESS

1. Rosemary Goings says that she missed the first two public hearings so she's not sure what motions they made for Patrick Williams and Jonathan Dubinski. George Tucker says that Patrick Williams is closed and Jonathan Dubinski is recessed. Rose asks if they attended, and they did not.
2. Rose also asks who is doing the minutes tonight, and George Tucker said that Abby Childs will type them up from the recording.

IX. ADJOURN

1. **MOTION by George Tucker Jr. and seconded by John Boehrer to adjourn. Motion passed unanimously.**
2. The meeting adjourned at 6:30 p.m. on Monday, July 8th.

Respectfully submitted,
Abigail Childs