

Ludlow Development Review Board
Meeting Agenda
Monday, June 10th, 2024
6:00 p.m. - Hybrid Meeting
Health Auditorium

Members Present:

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

Members Absent:

None

Recording Secretary:

Abigail Childs

Staff Present:

Jarrold Jowdy
Rosemary Goings

Public Present:

Ted Reeves	Robert Sanford	Sal (Zoom)	Sean Murphy
Steve Meyers	Brendan Mcnamara	Robert & Stacy Malecki	Nicholas Nitschke
Jamie Dickey	Brian Faradie	Erin Welsh	Peter Raymond
Nadine Lynch	Noah Schmidt	Tom (Zoom)	Brian Porter
Eric Alden	Nicholas Low	James (Zoom)	Patrick Williams
Scott Baitz	Todd Lamoureaux	Patricia Murphy	Arthur Randolph
Annie Rickert	Donald Lagro	Jim Leahy	Gregory Mauriello
Nelson Rupert	Richard Courchene	Kim Gorman	Janet Johnson
Michelle Suker	Judy Lushinks	Jonathan Dubinski	Jay Lushinks
Serenity Wolf	Sheree Vaughn-Tucker	George Tucker	Ron Gary
Pat A.	Brian Glynn	Bernadette Curtis	Lawrence Sloan

I. CALL MEETING TO ORDER:

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, June 10th, 2024 at 6:00 p.m. at the Ludlow Town Hall by Geoge Tucker, all members present.
2. Agenda change: Item 7 will be in place of 6, and 7 with follow 6. (swap)

II. RECESSED PUBLIC HEARING: Shaw's Supermarket - 213 Main Street

1. Reason for Hearing: Application is for a Flood Hazard Review following damage from the Great Flood of 2023, plus reconstructing Shaw's interior and expand into Rite Aid section of building. The project is in the Village Residential-Commercial I district.
2. Shaw's Representative Nicholas Nitschke (architect) speaks about the Shaws remodel and floodproofing. There is an update to the previous set of documents after being viewed by the floodplain manager, Kyle Medash, and he approved the previous version with a freestanding floodwall on the front of the building. A portion of the FEMA publication listed an independent floodwall as not approved. The 6/3 packet shows the floodwall in line with the building wall itself and removing the brick veneer to make room to construct the new floodwall. The new floodwall extends to the footing for a monolithic floodwall and is in line with the structure itself and agreed to by the Floodplain manager, Kyle Medash. The document is updated in regards to construction details as well as the narrative and flood emergency plan, and it is stored on-site. This is the final and most recent design solution.
3. George Tucker asks if this will have a similar design to the closures, Nitschke confirms. He says the only adjustment is that instead of sliding doors, they will use swinging doors and they are less complex and more reliable. Tucker asks if the roll-up doors will all be slide or swing. Nitschke says all others will be swing doors and the drive-up window remains the same as before.
4. Phil Carter asks about the swinging entrance door; what happens when the staff at 2 pm realize there is an issue, what do they do? Nitschke says there is a whole procedure outlined in the document. The store is closed and all employees who aren't involved in floodproofing will leave, the customers leave the building, and the other connected buildings need to close so that there are no public in the building. The employees will install the necessary floodproofing portion for secure closures. The rear auto/garage doors have a track in the ground and the door swings into place to cover the opening and ratcheted into place. This becomes impermeable to water up to 4-foot elevation. They will be secured inside. With two people it will take 90 minutes and the more people, the faster it can be done.
5. George Tucker asks if these will be stored next to the locations, and Nitschke confirms.
6. Douglas Sheehan asks about an opening date, and Nitschke confirms it is the end of June.
7. George Tucker notes that the fire testing is being held after this meeting on the 13th. He asks Nitschke when he expects that report. Nitschke says it will be pretty quick after they do it.
8. George Tucker notes in the letter from Kyle Medash; that one of the requirements of submission is the dry floodproofing certificate. The DRB needs the elevation certificate, the fire report, and a CO inspection as well as approval from this board. Kyle references the dry floodproofing certificate which will protect the town from an NIFP from FEMA.
9. Nitschke clarifies the CO for the building and the timing for the FEMA certificate will be done after the floodproofing is completed. Kyle Medash recommended that the certificate be provided within a certain amount of time so there is time to do floodproofing. Nitschke says the floodproofing is to be done within 90-120 days after the approval to allow them to go with that approved design given there are some products that have lead times. The goal is to get it done ASAP.
10. Jarrod Jowdy asks how this affects the other tenants. Nitschke says their spaces will require work to their entries and windows and the facade. The intent is for the work to be staged in such a way that they maintain business and accessibility as usual for no effect as much as possible. Jowdy asks if there is a plan in place for the bank as it is a financial institution. Nitschke says he believes that for any work that needs to be done, they would use a representative from the bank on-site to

ensure work is being kept within the area only and no safety concerns arise. Jowdy says he understands they have been in contact with members from the bank and have gone over plans.

11. Rosemary Goings is concerned about the timeline and the CO, and perhaps a temporary CO is needed to get them opened and hopefully, in 3 months it will all be completed for the final CO.
12. A community member (no name given) stands and asks if there will be a pharmacy. Nitschke says yes, there will be a pharmacy in the new store, but Nitschke is not sure which one they are working with.
13. George Tucker asks him if there is a fair timeline for getting the fire report, and Nitschke says given that the test date is on the 13th, he would expect it to be ready before the end of next week (Friday, June 21st). He thinks that is an acceptable date
14. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for Shaw's Supermarket at the end of business day on June 21st. Motion passed unanimously.**

III. PUBLIC HEARING: Brookhaven Homeowner's Association - 32 Route 103 South

1. Reason for Hearing: Application is to replace pool fencing and patio surface damaged by the Great Flood of 2023. The project is in the Town Residential-Commercial I district. Application #361-12-FHR, Amendment #1.
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Jim Leahy, president of Brookhaven Homeowner's Association speaks about replacing the pool parts to withstand a future flood. The plan is to look at a permeable paver solution and he brought a landscape company along with him to speak to this today. The chainlink fence can be replaced with a more traditional ornamental fence to allow for more items to pass through. The pool itself survived and doesn't need much work, but they are using the opportunity to replace electricity with Chester Electric. He also added the specs for the fence to the packet tonight.
4. Jim Norman with Creative Exteriors stands and says he hopes to install a permeable paver, using the same footprint and is roughly 1,100 sq. ft. and 12" of base material including pavers (an XL paver). To make permeable, they use 10" of crushed stone on top of filter fabric and excavate 13" or so to lay filter fabric and compact layers with clean, washed gravel, and then tamped, and then pavers on top of different sizes and weights and then swept and compacted, then finally swept with grit for water to penetrate. A gator restraint is a motor-like substance at a 45-degree angle around the exterior of the pavers. He's had a lot of luck with this, and with 42 years of experience, he thinks they can make this work. The damage after the flood only damaged the fence and there weren't even any loose pavers after the flood.
5. Phil Carter asks what a "permeable paver" is. Jim Norman says they come in various sizes and they have tabs to keep them interlocked and keep the equal spacing, with the crushed stone and filter fabric so there are 10" of filtration. The seams are all the same between the pavers because of the tabs. The system allows for water to penetrate through and it will dissipate through. They are made of concrete. The gap is what allows it to be permeable.
6. George Tucker says the floodplain manager will have requirements for his fence post; ensure the concrete posts are deep enough and 4" vertically spaced fencing to allow for passage of water and debris, as well as no fill or increase.
7. Douglas Sheehan asks what material the fence is, and Norman says it is aluminum with concrete footings.
8. Jay Lushinks. a resident on Pleasant Street Extension, says the property of Brookhaven has the river behind it and there was debris pushed down into the river and the debris is still there. He

would like to see that they are required to clean up the flood mess along the river before more of it gets flowed into the river.

9. Jim Norman agrees with him, and he says he believes it is not on their property and it is on the next-door property line; the physical therapy office property line he believes. Phil Carter asks who is accountable for cleaning it up, and Jarrod says it is technically the person who put it there. Jim Norman says it was naturally placed by the flood. Rosemary Goings says whoever's property it is on now, should clean it up.
10. **MOTION by George Tucker Jr. and seconded by John Boehrer to close the hearing for Brookhaven Homeowner's Association. Motion passed unanimously.**

VI. PUBLIC HEARING: Michelle Suker & Vermont Bliss Catering - 47 Depot Street

1. Reason for hearing: Application is to convert two (2) parking spots into outdoor seating. The project is in the Village Residential-Commercial District. Application #22-485-CU, Amendment #1
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Michelle Suker, owned of The Eatery, has a proposal to use two of the four parking spots in front of her building as an outdoor eating area. The idea came when they had customers with animals last summer who wanted to enjoy their food with their pets. As well as folks looking for a takeout eating spot. She is looking to add plants to define the space as well as barriers around to make sure all customers have a safe and dedicated space with six proposed picnic tables. Her neighbor Paula of Hair by Paula, has no concerns.
4. Julie Nicoll asks about the police letter where he speaks about the parking because parking is always an issue. Suker can see how it would be a concern in the winter with added guests in town, but in the summer, between on-street parking and the walkability of the town, she believes there is enough parking in town. She wants to have these spots from Memorial Day to Columbus Day. She is also very generous with her parking and being available for her neighbors who are open during evening hours, the parking is usually used by DTG, and it's not a problem. Her neighbors on the street also provided letters with no concerns. She wants to note the impact this would have on her small business and says it will look inviting for her business and all of Depot Street and will add to the vibrancy of the summer community.
5. Phil Carter notes that there was 297 sq. ft. but Suker says 45 sq. ft. of that space is not usable; it is for the coffee station and the checking out space, and doesn't believe they could be used for seating.
6. Phil Carter asks if there are 4 spaces, and Suker says she has 3, and 1 for Hair by Paula. The 4th space on the end is not marked well, George Tucker says.
7. George Tucker asks the board how they feel about this being a summer-only proposal.
8. Julie Nicoll asks about where the deliveries come in, and Suker says she has a garage door at the back of the building. All deliveries are hand-carted to the back garage door. The delivery truck is parked in the back of town hall, Douglas Sheehan says. Michelle says it is usually about 15 minutes and was unaware they were parking there or that it was an issue.
9. Rose says she thinks it's a good proposal and other restaurants are doing it.
10. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for Michelle Suker & Vermont Bliss. Motion passed unanimously.**

V. PUBLIC HEARING: Gregory Mauriello and Janet Johnson - 410 Buttermilk Falls Road

1. Reason for hearing: Application is for the restoration and stabilization of a river bank damaged by the Great Flood of 2023. The project is in the Town Residential District. Application #041-92-FHR, Amendment #2.
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Greg Mauriello and his wife Janet Johnson propose for permission to move a pile of stone that was accumulated from the flood about 100 yards in the creek bed and move it to a section just between their house and the creek. It is a 75-foot max section of brook that washed out and the floodplain manager, Kyle Medash, has approved the plan and hasn't required any hydraulic studies and suggested the DRB look for pre-imposed construction photographs and that they work with the state engineer to get an alteration permit. Medash says there is no reason to think this project will have an effect on flooding. They are not adding materials to the creekbed; simply moving to another section of the bank that is more critical to them and in highwater situations, it will help them to not see water come over the bank and mess up yards, though it won't stop a major flood. State Engineer Scott Jensen has approved the mechanics of the project and he was satisfied that putting stone from that part of the river and putting it in their bank would be OK. Mauriello asks if there is approval for the project, and that the board keeps the permit open.
4. George Tucker Jr. says on the site visit they depicted the spot, and confirmed they are not repairing the old berm. It does fall within the FEMA regulatory floodway in association with the Branch Brook. The floodplain manager, Medash, doesn't believe an analysis is needed. There is zero impact on a hydraulic analysis. Using the native rock and material that was washed away, simply. The photo documentation and the stream alteration permit, which they have applied for are needed.
5. Douglas Sheehan asks how they will move the rock, and Mauriello says it will not be him and his wheelbarrow, and likely an excavator will be used. Sheehan asks if the excavator can get into the river and Mauriello says you will have to get into the river to do this.
6. Phil Carter asks if there is an idea of when the stream alteration permit will be done, and Mauriello says no, he didn't realize he needed the formality of the permit, and thought the floodplain manager's "OK" was all that was needed... he says the permit was just filed. Phil Carter asked if Scott signed off, and Mauriello believed he was on the one.
7. John Boehrer says from the site visit, the berm that eroded, there is a bend in the river; is that what they are talking about? Mauriello confirms that he doesn't care about moving stone for the sake of moving stone, they care about rebuilding and restoring the bank adjacent to their house, and by their luck, it is fortunate that the river caused that collection area just 100 yards from them because they wouldn't be able to bring in material.
8. George Tucker says due to the gentle timeline of 2 weeks, they have a few choices. They can close in 2 weeks and get the data in before the closure date, but if it's not received, they will have to reopen the hearing, or they can recess the hearing until next month and then close it. Mauriello thinks the first option makes the most sense (on the 24th) and if it doesn't happen, they will address the issue.
9. Don Lagro thinks the town needs to look at the entire brook itself because there are barriers that need to be built up higher along the roadway, and there are sections deteriorating near the road above Mauriello's house. Lagro says the road is washing already where the overflow from the ditch is, it is washing into the brook and running off. The road also needs to be taken care of a little bit better. There are boulders there too that need to be put back. There is a lot of water that comes down and has suffered with more water in their yard than ever before. It isn't going to get better, it will get worse.

10. Brian Glen, of Godfrey Road, has 20 acres and he abuts the east side of the river. He doesn't know what Mauriello is talking about. George Tucker says they will be entering and exiting the Mauriello property. Brian Glen says he wouldn't want any fill taken from his property. George Tucker says it will be moved from the river to his berm. Mauriello confirms his location from Rod and Gun Club to Buttermilk Falls and owns it on the other side of the creek heading north. Brian Glen asks for a copy.
11. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for Gregory Mauriello and Janet Johnson. Motion passed unanimously.**

VI. PUBLIC HEARING: Jewell Brook, LLC - 1 Parker Avenue

1. Reason for hearing: Application is for Final Plat Approval for a subdivision of one 2.2 acre parcel into four (4) parcels. The project is located in the Village Residential-Commercial district. Application #SUB24-001, Amendment #1.
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors, were notified on May 24th.
3. George Tucker clarifies this hearing is for only the final plat approval.
4. Larry Slason says the final sketch was reviewed on February 12th, 2024 and the DRB approval was on March 11th and in that approval, they asked that the applicant provide the additional materials which were given to Rosemary Goings on March 26th, and believes all documents have been filed and all fees have been paid. He notes the owner is on via Zoom and Serenity Wolf is here as the engineer. The March 26th letter includes the letter from Chief Collenda with fire access and that the program is in the umbrella remediation program and the corrective action plan has been approved. He provided the letter that all sources of contamination have been approved and there is no objection. The applicant has paid in full for the wastewater allocation. They provided the access permit application to Jarrod Jowdy on February 12th and have been approved, though Slasons says he has not seen them. There were no other outstanding letters. Ludlow Electric analysis was submitted to them too.
5. George Tucker asks for the final plat approval for access on Lot 1; how does that work? Slason has engineer, Serenity Wolf, note the access points on Parker Avenue. Slason says there is planned development, and they are using easements, or "blanket easements" and each lot owner can use both access points for maintenance of their units and are granted to service providers by the HOA. Slason is creating a nonprofit association, the HOA, and they have a full legal responsibility to maintain all common areas and they have the title to the land.
6. Phil Carter says he is not going to vote on this because he was not part of this when it came to the board.
7. Rosemary Goings says she doesn't have any input.
8. **MOTION by George Tucker Jr. and seconded by John Boehrer to close the hearing for Jewell Brook, LLC. Motion passed unanimously.**

VII. PUBLIC HEARING: Jewell Brook, LLC - 1 Parker Avenue

1. Reason for hearing: Application is to review a condominium development project that consists of 4 buildings and a total of 44 bedrooms. The project is located in the Village Residential-Commercial district. Application #300-07-CU, Amendment #8 & 458-17-ACT250, Amendment #4.
2. Owner is Salvator Maritoli (on Zoom)

3. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th. It was warned in newspaper as 22, not 44 bedrooms.
4. Larry Slason says that this part of the application is seeking construction approval with local Act 250 approval. They submitted the application on December 19th, 2023 as a binder that lawyers like to submit. It included all details and data of the proposed project and additional use, site plan, and local Act 250 criteria. They supplemented with the letters to Rosemary Goings in March. All are in possession of the board. In terms of the conditional use review, the criteria were itemized and all responses are set forth in that December 19th binder in section Exhibit 5 with standard information for the public hearing. The questions were answered and the number of bedrooms were described, and the chief has now approved the final letter as well as responses in letters from all other folks. The important ones from the police, fire, and emergency they have. The character of the area was responded to on page 3 and there is a correction made that it is a 1.98 acre, not a 2.21 acre parcel. This is reflected in the final plat. There is reported milar, and George Tucker knows they have possession of this. The buildings are described as none exceeding zoning height, and all-natural materials are being used. The traffic impact analysis was completed too, and there would be a nominal impact at the highest peak time; no impact to local roadways. The site distances were shown as well, and access points were determined to be accessed for highway engineers; there are ample site distances at the two points. Conditional use approval; the board already approved the four lots and the subdivision plat approved shows all the setbacks being preserved. This is a residential subdivision, and there will be construction noise for a period of time. There is a lighting plan that is already submitted in the binder in Exhibit 11 and Serenity Wolf can address that. The fixtures all have downward light. The landscaping shows on the color diagram that there is street landscaping along Route 100, Parker Avenue, and parking on Parker Avenue. There are no flammable liquids and no above-ground tanks, there will be 4 tanks for each building. The minimum parking is provided; the legislature has amended a number of requirements for parking and what is permitted vs. conditional uses served by public water and sewer and starting on Dec. 1 there are only 1.5 parking spaces needed. They are meeting their requirements presently and going beyond when that goes into effect. The site plan review is always part of the conditional use criteria, so he addresses the vehicular circulation, the access points, ample parking, and spaces, the adequacy of landscaping, and the lighting is limited, all of which have been addressed. Ludlow has chosen to do a local Act 250 review and notes it is a second-home residency, not seen to be a primary residence. It will not cause a burden on the town and all wastewater fees have been paid. It will be a net-positive fiscal impact. The chief was pleased with changes to access for emergencies and thought there was more than enough accessibility. The municipal plan notes this is a mixed village using an extension of the traditional village center and he thinks the engineer and the architects have designed a tasteful project. It has been downsized from a 71-unit hotel, then to a project with 28, now down to a project with 22 units; 6 in the large and 4 units in the smaller, and will keep the historical building on site.
5. Phil Carter wants to talk about the soil. Some of the information we have says there is still stuff in the soil, and says it will be addressed in future corrective actions. Where are we at with the cap program, BRELLA, and where are we at with this and where do we need to go? Slason says it has been enrolled in the BRELLA program and they have been amended for this project. The excerpt by Eric Ulrich from Atlas, says that the plan has been approved and all substantial contaminants have been removed from the site. Phil Carter asks if there is any more work on their part that needs to be done. Slason says any remaining soil has to be removed in an approved manner/location. Serenity Wolf of Steves and Assoc. says the BRELLA program has a requirement that they remove hazardous contaminants, so there is an existing cap and there has

been remediation performed on-site. When approved, the earth moving would require further study. Capping is an abbreviation for an action plan and acts as a protective closure for contaminants that may remain in the soil. This is designed by the environmental engineer and it can be a certain amount of clean soil above the contaminated soil or it can be a combination of soil, gravel, asphalt, and concrete, so the finished surface would meet the cap requirements.

6. Phil Carter asks Slason about providing evidence for covenants and restrictions through the HOA, but on every page, it says "draft"; are they subject to change, and if it doesn't, who enforces it and would he have a problem if they took it as presented and included in the permit. Slason says there is standard language and thinks there could be modest changes. The covenants protecting homeowners will likely not change as it is standard stuff. Phil Carter says it is important for the town because there is stuff that establishes the nature of the project and how it is handled. Slason says they are comfortable with the restrictions on Article 13 and it is the intention of this declaration that his plan development will be primarily owner-occupied. That is still the case. They provided a draft of Article 9 noting the HOA will own all permanent areas, and this could be modified, not in a significant way, but when the law firm creates the plan, there is always a little bit of wordsmithing that goes on. He can say the property will be owned by the HOA and they will have a legal duty to maintain it and collect the dues.
7. Phil Carter says a lot of the stuff dictates the character of the area and if one homeowner goes outside of the covenants/restrictions, what can neighbors do to complain of a violation? Slason says if it is a violation, the HOA has an obligation to enforce the rules and regulations. If a private person is a unit owner and is in violation of a regulation, that falls outside of this. If it is affecting another person in town, they can step forward and seek enforcement. Phil Carter notes you can't do auto repairs in the parking lot. He is comfortable with their requirements and restrictions.
8. George Tucker goes over the letter from Pete. All conditions dated Sept. 17th will apply. Tucker reads this letter regarding the HOA and restrictions as well as patio areas and snow removal in regard to emergency access, and includes fire codes. Slason says he is ok with all of these, and the reason is that most of those are part of public requirements for the state. Fire hydrant placement approval was not requested so Serenity Wolf removed them from the detail sheet and is happy to add it back in.
9. Phil Carter notes the police letter from Chief Billings and asks if there are additional police for entrance blockages while entering onto Parker Avenue as well as a camera system to be installed on the outside of the buildings. Slason says he has no issues with it.
10. George Tucker reads the ambulance letter needing adequate space, properly numbered units visible from the driveway and numbered outside the main door with E911 standards. Slason says those are accepted.
11. Phil Carter asks about the landscaping abutting Jean Strong's property and asks if that is an accurate number of trees shown/depicted. There was concern about screening from both directions. Serenity Wolf says there is an easement on the property to the north that restricts screening, which is Jean Strong's property. Along Route 100, all that is shown is the trees and they have not shown any shrubbery or lower bushes in that area, there is a request that no lower planting was there to inhibit the zones and there were plantings adjacent to the courtyard/buildings. The parking lot that you see first, is lower than the grade of Parker Ave for additional screening by natural grade. George Tucker notes the C3 layout and the 10-ft zoning setback, and Wolf plans to plant there but can move them if needed. Douglas Sheehan asks what trees are on the Andover side, and Wolf says they don't know if they have exact species. Sheehan asks if there will be visibility issues, and Wolf says they will put in trees that will mature out.
12. George Tucker says the map shows a buffer from the river, a 50-foot buffer cuts across some of the developed area, and when referencing the VT Agency of Natural Resources acceptable

activity within the zone, they are generally undisturbed. Serenity Wolf says there was a buffer management plan that would decrease the impact.

13. Rosemary Goings asks about the riparian buffer and it is her understanding that they need a letter of approval to be working in that area, so she wants to make sure they have that. Regarding the fire hydrant location; did Pete ask for them to be removed and should they be readdressed? Serenity Wolf said Pete did not specifically ask for one on-site, and she can reach out to him. Rosemary Goings asks if they have copies of the riparian buffer permit, and Wolf believes they are on Act 250 records. They have not submitted the Act 250 permit yet.
14. George Tucker notes on Exhibit 1 with project summary re: lot coverage... the percentage given only included the buildings and he was wondering if it includes pervious surfaces. The only impervious surfaces on site are the buildings, stairs, and the concrete dumpster pad. They will also be using pervious surfaces and allow stormwater to be stored into a crushed stone reservoir and into the soil surfaces. Serenity Wolf notes all the areas shown in gray and in the yellow color are the vehicular circulation and pedestrian circulation areas. The difference is aesthetics and what loads they are designed for and that will impact the amount of stone provided. The color rendering shows the aesthetic impression of the site and expects the client to pick one set of pavers for the parking area and the pedestrian areas. George Tucker notes the paver area in the middle needs to meet the fire truckload, Serenity Wolf confirms it will be designed to do so.
15. George Sheehan asks what is in front of Building 3, and Serenity Wolf notes it is a pergola, but she believes it will be removed from the comments from the Chief and it was large enough for him to have concerns.
16. George Tucker asks for a walk-through of entrances and exits. Serenity Wolf says there are entrances and exits from both sides of the long edges of buildings. Primary entrances for 1, 2, and 4 will be on the west side. The entrances for the east side will be sliding doors for a more private feel as opposed to a primary entrance. Building 3 will have primary on the north and sliders on the south side.
17. Phil Carter notes that the office building will remain, and Serenity says that the historical building. The owner Sal Maritelli says it is somewhat undetermined and thinks it may be a common gathering place, perhaps with a pool table or coffee bar, etc. Larry Slason notes that there would be a conference room section in that building for the HOA buildings, and Sal Maritelli confirms. Combination of light recreational and table for meetings.
18. George Tucker notes there are two dumpsters depicted, and Serenity says there will be dumpsters in two locations with common pickup and individuals will bring their garbage to the dumpster so there is no individual pickup from units. George asks if they will be fenced, and Serenity confirms. Julie Nicoll asks about recycle separation and Serenity that would be in the enclosed area too.
19. Phil Carter asks about snow removal; Slason says the homeowners have a responsibility to keep it clear. Carter asks if there is not a good plan for snow removal, will they end up parking on Parker Avenue? Carter says there is a condition that snow removal is prompt/thorough. Slason thinks they have done that with other projects in town, within 48 hours usually, and should be accessible during the winter along with the fire lane.
20. George Tucker asks about the lighting plan. Serenity Wolf notes C5 - Utilities Plan - there are 3 forms: building mounted lighting, parking/pole lighting, and ballard lighting, with the objective for adequate lighting without overlighting and the majority of the lighting will come from the building and supplemented by pole lighting in parking areas. Buildings 2 & 3 and 2 & 1 have additional ballard lighting with lower-to-ground to reduce potential impacts to neighbors and will be down-shielded night lighting. Ballard lighting is 36" or less as opposed to 12' for the parking area. Ballard lighting is shown with a circle with lines radiating from it, like a sun. Pole-mounted lighting

is shown as a square with crosshatching. George Tucker wants to know what the building-mounted lighting is symbolized by, but Serenity doesn't know.

21. Sal Maritoli says if you do run out of space for parking, they do move excess snow off-site, which is not uncommon and that would be a condition we put on our snow removal folks.
22. Jean Strong of 7 Parker Avenue asks about the easement at the end of the development; is it the same dimension as the easements shown in other projects - Serenity Wolf confirms and believes it is to her benefit. Strong asks about the tree line and she asks to be consulted for part of the tree line so that it is not big pine trees. George Tucker says there are currently only 2 trees and asks if they are the same variety on the road; a redbud and sugar maple on sheet C3. Strong needs to think about the trees if they are accessible. Regarding snow removal, one of the things that happens on Parker Ave beyond this project is cars are not able to get up onto certain roads so a lot of people park on the road and when they do that another car can barely get by, especially a fire truck. Phil Carter asks if the applicant should place no parking signs on Parker Avenue and Slason says he isn't sure if they have jurisdiction to do that. He doesn't want their client responsible for town road parking signs. Strong says it seems like there are not many trash containers for that many buildings. She would like information on how to contact the HOA, and one may be a sign on the community building with a contact sign; Slason agrees.
23. Andrea Sanford thanks the board for this ongoing situation and is looking for closure on this. She is concerned as an abutter; several years ago it was a brownfield assessment site meaning it was polluted and had toxins. She worked with the state to check for contaminants and she does believe an air pollution study or some kind of intervention study needs to be done as this is the residential components. She says it will change the landscape and lifestyle of Andover Street and is concerned about parking. The abutters need to know if they got a copy of the environmental protection people... George Tucker says they have a copy of several different sources that were provided. Serenity Wolf says the site is enrolled in the BRELLA program for contamination oversight and an environmental engineer is working with them for adequate protection of abutters and all public information.
24. Larry Slason says the town put in money to make sure the site had an action plan and Maritoli has used personal resources to make the site much more approved than what it was and will work in conformance for the state of Vermont.
25. Pat Rushimo lives on Andover Street and notes about various duties and responsibilities will be turned over to the HOA and wants to know more about that. She thinks there would be a period of people moving in so there may not be a lot of homeowners to take on responsibilities; what will bridge that gap? Slason says there is a transition and the project developer maintains responsibility until turned over to the HOA. As units are sold and people purchase, they are part of the HOA and they assess dues on an annual budget, and when it gets to 80% and HOA takes over. George Tucker says it was outlined in #9. A lawyer sets it up legally, and all unit owners will be members. This legal document, AKA a declaration, will list all the rights/responsibilities. When owners take a deed, they sign and it is a legally binding document.
26. Steve Meyers says the soil samples delivered from the state deemed it unusable for residential areas. Since the building came down, there has been zero soil removed from there. He says this work has never been done he believes. Serenity Wolf clarifies the soil was not removed, they were remediated. Some soil will be removed, and that would go to a hazardous landfill. Meyers says the soil had to be dug up, sat, and then replaced for a year but he says none of it has been one. Serenity Wolf says her understanding is if soil currently on site has to be removed for grading of the site, those soils will have to go to a hazardous landfill and do not currently meet the requirements for on-site fill. Meyers says nothing has been done soil-wise there. He will fully attest that nothing has been done with the soil and taking a dice roll that it will have cured itself because it was deemed contaminated and not deemed residential use.

27. Sal Maritelli says 16 years ago when he purchased the property, the Mill building was there and they worked closely with the state and the contamination was fuel oil. That fuel oil was removed and what is remaining the engineer and BRELLA are informed with a corrective action plan to remediate if they find anything. A soil testing program is done and a hot spot can be removed if needed. BRELLA and the engineer will ensure that if there is anything left there it will be removed.
28. Larry Slason says that BRELLA will not authorize residential dwellings until they are satisfied.
29. Steve Meyers says he believes it was over 1,000 cubic yards that needed to be removed tested and kept on site for over a year to be deemed residential use. He thinks a permit shouldn't be given without that being dealt with.
30. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for Jewell Brook, LLC. Motion passed unanimously.**

VIII. PUBLIC HEARING: Jonathan Dubinski - 81 Pleasant Street

1. Reason for hearing: 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 #SUB24-003
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Jonathan Dubinski stands to note he installed two tiny homes along 1,200 ft. along Pleasant Street and there is a river and an old dilapidated shack that has been there for a long time. There is a flat spot there and he doesn't have plans to build it soon and wants to subdivide it for future plans if needed. The topography of the land where it is steeper could have lots of run to get to where it gets flatter at the top of the slope. The divide makes sense should someone choose to develop because they don't need that much acreage.
4. Julie Nicoll asks if the shack is permitted and if they pay taxes on it. Dubinski says there are no utilities on it, and it was there when they got it, there are telephone poles for a foundation, and it is falling apart and he doesn't think it is considered on the tax bill.
5. Julie Nicoll asks to talk about the right-of-way on the railway. The railway was notified of this and from the center track, it wasn't much, but the concern is the topography, and doesn't think they are close to their right-of-way or easement. The deepest part is 200 feet. They are conforming lots and fit all the frontage and total lot sizes, etc.
6. George Tucker says you need an access permit when creating a new lot. Dubinski says they applied for the 3rd lot (Lot 2C) and they sent the plans to Ron but he didn't know he was on the calendar for June. Jarrod Jowdy confirms they received the application and they are waiting on Ron for access to Lot 2C. Dubinski says it goes down to the far end and west of the other stream down the railroad tracks.
7. Douglas Sheehan says it is a steep bank and Dubinski says that is why they are giving so much run should someone want to do something with the lot.
8. Julie Nicoll asks what the right-of-way from the railroad track is and if he doesn't have access to the permit from Ron.
9. Rosemary Goings thinks that Julie Nicoll has a good point and we need to have a permit for access. A letter from the railroad is usually needed too even if it is a proposal. There is a culvert at the bottom of the area and she doesn't know if they have to move it to allow access. Dubinski says they spoke of the culvert and it is more like drainage for the shoulder and said that putting a driveway on top doesn't impact because you don't dig down which is why he gave them the permit for Lot 2B.

10. George Tucker says they need the 3rd access permit and a comment letter from the railroad about subdividing the land. The railroad can weigh in on that impact.
11. Dubinski asks who he can contact and Jarrod Jowdy says he can find it.
12. **MOTION by George Tucker Jr. and seconded by John Boehrer to recess the hearing for Jonathon Dubinski. Motion passed unanimously.**

9. PUBLIC HEARING: Gill Terrace, LLC - 15 Gill Terrace

1. Reason for hearing: Application is for Final Plat Approval of a subdivided 1.5 acre lot into three (3) parcels. Application #SUB23-015, Amendment # 1.
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Ted Reeves is present as the speaker for this matter. Reeves Consulting is the engineer doing the work for Gill Terrace LLC. This is for final plat approval after being reviewed in the fall. The result was asked to address several comments in that decision and a letter on May 13th addresses those. A wastewater permit from the state of Vermont was given to the board. This property is so small so it doesn't require a stormwater permit or an operational permit because they don't trigger the ½ acres threshold. The package has a recordable milar and all pins were set by Dave Rose on the property.
4. George Tucker says there is a proposed house on the lots and this only has to do with the final plat. Lot 1 is a five-bedroom single-family residence that is a development that could potentially take place but Gill Terrace LLC will not do the building. The next owner would do that with a permit application. For on-record purposes. Reeves says Lot 3 is the "deferral lot" in terms of wastewater permits and they can't do anything without a wastewater allocation.
5. Bernadette Curtis lives at 16 Gill Terrace and on the plot it is Tax Lot 4265 and was purchased from Donahue a few years ago. She wants to make a statement whether she says something or not; she feels that the recent purchase or sale of Lots 1, 2, 3, and the 2.7-acre lot that borders the Gill retirement home is part of a multi-phase project that is being hidden from the development and asking for the board to be approving lot 1. The applicant feels traffic is not going to be consequential because this meeting is just about lot 1, but the traffic and other issues about density... she hopes the board is looking ahead to lot 1 and lot 2 and lot 3 and the 2.7-acre lot. She hopes the board is thinking ahead and mindful of the fact that even though specific questions were asked and answered in regard to lot 1, they should know it is a multi-phase project, potentially totaling 11-12 lots including the 2.7-acre lot. Section 12 of the subdivision says the intention of the board is to protect the area rural character, etc. She bought a beautiful lot with lots of greenery and views and thinks this will have an impact on the neighborhood.
6. **MOTION by George Tucker Jr. and seconded by John Boehrer to close the hearing for Gill Terrace, LLC. Motion passed unanimously.**

10. PUBLIC HEARING: The Mill COA/ Sheehey Furlong & Behm P.C.

1. Reason for hearing: 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 #502-24-A.
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.

3. Pete Raymond from Sheehy Furlong & Behm P.C. stands to speak about the appeal on April 16th. The NOV is the 2nd one it is unclear on the specific conduct that is alleged to be the violation but taking a step back there are two projects going on at The Mill; the basement units and the rear deck work/safety repair. The basement units are the flood remediation work. The rear decks are separate from the flood repairs and are a safety concern that was noted prior to the flooding. A series of emails were provided to the town from their office from January & February of this year for background. The work is relevant and helpful to understand because once the basements were flooded and the rear deck needed repairs, they required permits, and violations were issued. Moving ahead to February, there were discussions for two things; one is temporary repairs to the decks because of safety and direct unit access with temporary stabilization plans, and two, repairs to basement units to allow them to be reoccupied. Ongoing at the same time is to bring units to be compliant with flood hazard regulations. The requests at the time were to let the safety repairs to the rear deck continue and basement work be continued for potential to reopen for engineering plans to be approved etc. It is the Mill's understanding that it was approved by the board. There was sheetrock work and mud being removed in February. The work occurring on April 16th, on or around, there was a lack of clarity on what could be done in the floodway. The temporary deck plan called for pylons along the edge of the deck and a number of them being poured caused the violation. The plan was to move forward with those, the town planning and zoning checked into it, and the floodplain manager was contacted the response was received in the afternoon so that the work was stopped and it took about an hour for it to stop. Jake Barlow went down to stop and no new footings were poured. There were boards there for what could be used for concrete pouring. The Mill is asking for this to be withdrawn or deemed cured for three reasons: 1. They are operating under good faith with the board gave approval and were doing the work to get permits. 2. If there was a potential violation, all work was immediately stopped the decks are still unsafe for use and the basement units are no longer close to being occupied and no work has been done. 3. They submit that at this point knowing the existence of the NOV, the town has leverage and enforcement capabilities. Due to the lack of reasonable misunderstanding and knowing there was an existing violation, the work was done with the intent it was approved. A piece he failed to mention was that the temporary work that was done encompasses and takes into account the plans of the temporary solutions. They are not changing the facts on the ground. The Mill will do what they need to do to meet the flood hazard standards. They submit there is no additional reason for another NOV and it could hinder further efforts by The Mill and add another layer of complexity to their transactions and what they need to do. What he would like to do now if the board permits, he would like to ask Brian Porter if he has any additional facts to fill in with discussions from the town in January and February of this year and how the April 16th day transpired.
4. Brian Porter says that the copy of the plans were sent from the engineer to the board and they were given verbal permission to proceed with safety and flood recovery work while working on finding engineers to make it flood-compliant with Stevens and Associates as well as for the construction of all the decks. On April 16th, Eric called him at 10:15 am and the guys were working on footers in the floodway. Brian says they must have missed those footers in the February DRB meeting, which caused the violation. They were on the plans and always part of the scope of the work. It is their intent to have them evaluated; those in place and not yet in place and in compliance with flood regulations. They brought it to Kyle's attention at 10:18 am and called Jarrod Jowdy to tell him this work is going on and it is part of the plan and he would get back to him if a problem. Floodplain manager communication via email was sent with him saying there is work being done and he asked them to stop. They have not done work since. They were working under what they thought was the authority of this board and planning and zoning.

5. George Tucker says he has the string of emails from Kyle and he thought it was made clear that anything in the floodplain or floodway would meet those hydraulic studies. When you step into the world of the state floodway, you are now in the governance of the state. Not asking and getting the proper permission, even though it may have been implied that it was an emergency repair, they were let on that they were already done.
6. Response from Kyle Medash: Just issued them another violation in the same template as the first. It is essentially the same thing. Calling Jarrod this morning to notify the town that they have construction equipment in the river is not acceptable. They are plenty aware of the regs. A resolution will occur in the same fashion as the exiting. They will get an H&H study and should. Kyle was not happy.
7. Brian Porter says the work they have bid is based on the engineering plan and they have never not thought that was included in the H&H work and would be included in, and thought it was always included in the violation of December 15th because it was all part of the same plan. The remedy for all of it includes those two unbuilt footers. He didn't recognize that they missed those footers in December and the contractor saw it and they asked him to keep working toward completing the plan. They were the two footers and didn't say they were forming it up. George Tucker says that in the meeting, all the work in the floodplain was for the temporary repairs. Brian says he may have misspoken. Tucker says any work in the floodway requires permission from Kyle Medash. In hindsight, they didn't know he and he takes their word for it but since that and realizing they shouldn't have done it, he thinks their go-ahead of whether or not continuing repairs would have been a different verbal answer knowing they would have had to pour more footings.
8. Brian Porter said he called Jarrod Jowdy because he realized it could be a potential problem for the town and the state. He would have asked the board about the two footers if he had known. They have felt the violations included not just the work in place but the work that was planned, and to bring them into compliance. H&H was given copies of plans and states they say this is what they have to make compliant.
9. Phil Carter asks where they are at now. Brian Porter says they are on hold with temporary deck work and flood recovery work in the units. Carter asks what are we waiting on? George Tucker says they are waiting on the accompanying whole package that they enter into a memorandum with the town and it has not been signed and agreed to despite the efforts of the town's lawyer. No new information has been provided for those hearings, so there is no reason to open those hearings.
10. George Tucker says this NOV is around work conducted for these two footings. Rosemary Goings confirms.
11. Brian Porter says they hired Peter to try to make progress on the MOU. George Tucker says they don't have a signed MOU and it has been many months. After draft 5, there is not a whole lot of progress made. The last communication was that the town was not interested in an MOU. Tucker says they were willing to convey pretty much everything and will talk to the lawyer for input. The purpose was for work, and despite being an unknown mistake for the two footings, that is why they are here tonight. This one is focused on two footings that may have been a miscommunication of all parties.
12. Brian Porter says there were two footers that were being formed, there was a little bit of digging and they are just two holes and a box. George Tucker says that being that Kyle Medsah was the one who really pushed for us to issue this, he would like to hear his input.
13. Phil Carter wants to know what Kyle Medash wants and why they don't have it. Peter says in order for him to issue the letter for the assessment of whether work in the floodway will have a change, that requires a hydraulic study of the work that will be done... that is what he is waiting on. George Tucker understands it takes time, but as for Mesdash's response to this, it didn't

allude to the fact of adding more footers. If he had been aware of that, they would have contacted him for his opinion. Tucker says that Medash wants input on this.

14. Brian Porter says in terms of providing additional information to the board and planning and zoning; they don't know what H&H required and hired Stevens & Assoc. for scopes of work. Stevens & Assoc. Met with Kyle Medash last week and the result is a clear scope of work back to the H&H engineers to bid that. They are waiting to hear from the engineers to get the work started. The earliest availability was late July and now they are looking at August or September for something to give to Kyle Medash for the whole project. George Tucker asked if he was happy, and Brian said there was an agreement between Stevens & Assoc. And Kyle for what was needed for the rear deck temporary repair work. There will be H&H work relative to their floodproofing and compliance. Tucker confirms these were for the repairs, or the bigger repairs of the deck, and Brian confirms it was for all of the repairs. Brian Porter says they now know what Kyle Medash needs and it has been communicated with them and hope it will be soon to hear back.
15. Rosemary Goings thinks the whole thing could have been solved a long time ago if they had applied for a permit with documentation and may not have needed to do an H&H study and now Kyle Medash is requiring that. We still don't have any type of permit application or documentation that we have asked for in the past. The MOU hasn't been signed at all and now they have the second violation.
16. Brian Porter says their attorney and the town's attorney have been going back and forth on the MOU. There were milestones in the MOU draft and they have hit or almost hit all of the milestones so far, and have hired an engineer to floodproof the building, redesign decks, and have reported to the town on progress. They have tried to comply with the draft anyway even though it is not signed. Pete Raymond says they don't have an MOU to sign at this point and the town's attorney took it off the table. Raymond addresses the chair about what Kyle Medash needs and getting his input; are you looking for his input on the two footers and his take on what needs to be done or are you referencing more about what he needs for the H&H?
17. George Tucker asks if they wish to conduct the emergency repairs before the project goes forward - are they needed to secure the deck? Brian Porter says we are fine with holding on to these two footers and all work outside floodwall, so anything between the building and river, and hold on until they have letters from Kyle until he is happy with the plan. The only thing that they would request respectfully if they could proceed with work behind the floodwall and they have 4 units that have access via rear deck that haven't had access to their units for 4 months. If they can complete that work, then those unit owners can have access... none of the work is in the floodway for those. Brian says they would fill the holes back up if they asked. George Tucker says that is Medash's jurisdiction.
18. George Tucker says he was not happy with what happened, and they've been in contact with Medash since, and the board is curious to hear what information he needs to be happy to either let you do it or not let you do it because that is what pertains to this violation. If Medash is ok with anything being removed, George Tucker thinks the board would like to hear that.
19. Rosemary Goings says with two violations of notice on the property as a condo-owners association it puts everything in violation and she doesn't agree to allowing any construction on the building and there is still not a permit. If they want to file for a permit to finish the decking around the condos then that's a start. The MOU was never signed because neither party could come to an agreement and it is a waste of time to strike the document to make people happy this is the same thing - why let any construction go on that has two NOV, no permit, and no MOU.
20. Phil Carter agrees with Goings.
21. George Tucker says he needs to talk to Chris Callaghan on this issue.

22. Peter asks if the board is open to keeping the hearing open to see if Medash can add his input on this. George Tucker thinks it would work well for the board to recess until next month.
23. **MOTION by Phil Carter and seconded by Douglas Sheehan to recess the hearing for The Mill COA/Sheehey Furlong & Behm P.C. Motion passed unanimously.**
24. Discussion: George Tucker says good communication between everyone might make everyone happy and make disagreements go away.
25. Erin Welse of #406 tried to input but she did not speak before the hearing was recessed. George Tucker apologized that the hearing has been recessed. She said, "Are you serious...you guys are unbelievable".

10. PUBLIC HEARING: Patrick Williams - 2 Wilbart Avenue

1. Reason for hearing: Application is for a variance to install a deck and hot tub that extends beyond the property setback regulations. The project is in the Village Residential-Commercial District. Application #503-24-VA
2. Jarrod Jowdy reads that public records were at the town clerk, town hall bulletin board, and post office on May 15th, and town website on May 24th, as well as the newspaper record on May 22nd, and the abutting neighbors were notified on May 24th.
3. Patrick Williams at 2 Wilbart Avenue stands and said he wants to put a deck and a jacuzzi at the house. He had contractors come by to assess and most of them were too busy to do any work, but they all said the same thing; a jacuzzi would have to be put in the back of the house because there are two structures: the house and garage. He was unaware of this and rented prior to buying the house, but the snowfall of the roof would slide on the pitch of the roof and it would damage the jacuzzi and could hurt people. They said to put the jacuzzi on the back of the house. They are unaware of the 15-foot no-build area from the property line. They contacted the railroad and asked for permission if they could get a variance to build because they are 9.5 feet from the property line and the railroad company said they have no problem with it but they don't really own the property, the state does. They contacted the state and they came out and measured and said they didn't have a problem with the build of the deck. They have a letter from the state, the railroad, and two separate contractors stating that the only practical place to put the jacuzzi is in the back of the house. They purchased the jacuzzi from Knight Tubs and they also looked at the property with a letter stating the only other place they could put it is the front of the house and the front of the house is owned by Okemo Mountain. It is an old Inn that they turned into an apartment. It is a pretty big house and to put the jacuzzi in front of the house would be tacky, he has young daughters in front of the house, so he doesn't think it would be a good idea. He also has a letter there from his neighbor at 1 Wilbart and they wrote a letter to the board stating they wouldn't have any objections to them putting the deck at the back of the house. Nobody can see it and they are at the end of a dead-end. He took pictures of the snow from this year to show how much snow does come down from the pitch of the roof. They thought about putting a pergola but said it would still be damaged and a letter from Knight Tub saying the same thing. He is asking for a variance.
4. George Tucker asked if he was made aware of the 5 criteria that were required by law to be issued a variance and you must meet all 5, Patrick Williams confirms he was aware. Tucker asks what criteria he would go against the zoning and why they should break the rules for him.
5. The first is unique features, and why should they go against traditional zoning. Williams says there is no other place to put the jacuzzi. Tucker asked if he was aware of the property line when we bought the house. Williams says yes, generally.
6. The second is that there is no other place to develop, and Williams confirms.

7. The third is existing hardship, and Williams says that by him not having a hot tub, how is that existing hardship? Tucker says the way the state approaches variances with these categories no matter the size of the project. Williams says there is no other place he can put it.
8. Phil Carter says the request is a deck and a hot tub, so why couldn't they put a hot tub on the side of the house between the garage and the house with a little roof over it? The contractor said they would have to change the pitch of the roof. Carter says right under the eave, put a little hip roof and the snow would go left and right. When they did a site visit today, they could put it on the side with a roof and it is a done deal. George Tucker says the variance criteria are very strict and it could be looked at as they could put it on the land on the other side of the barn vs. behind the house. Variances are very difficult to maintain.
9. Rosemary Goings says regarding the hardship, she doesn't know if the property owner is aware of it when they spoke to him, it was her understanding that they had a reason for the hot tub for arthritis, or a bad back, or something like that and she doesn't remember that being included in the documents and maybe it can be a second chance for the homeowner to write up documents. George Tucker asks if Williams would like to readdress the criteria and see how they can best meet the criteria.
10. **MOTION by George Tucker Jr. and seconded by Phil Carter to recess the hearing for Patrick Williams until next month. Motion passed unanimously.**
11. John Boehrer wants to make sure they don't seem to come across as short at all after a long night. We don't have any wiggle room with the criteria and want to do the best we can but all five criteria need to be met to allow this variance and there is no other way to do this. Williams says since the neighbors don't have an issue or problems... he was unaware that when he bought the house there would be an issue with snow.
12. George Tucker says the state has set those restrictions inherently tight. He appreciates Williams for working with planning and zoning.

MINUTES

1. April 8th, 2024 minutes:
 - a. **Postponed until next month.**
 - b. Rose said there are two April 8th minutes and one said amended. She said to look at the minutes on the web and there are two sets of minutes.
2. May 13th, 2024 minutes:
 - a. **Postponed until next month.**

VIII. OTHER BUSINESS

1. None

IX. ADJOURN

1. **MOTION by George Tucker Jr. and seconded by PHIL to adjourn. Motion passed unanimously.**
2. The meeting adjourned at 9:37 p.m. on Monday, June 10th.

Respectfully submitted,
Abigail Childs