

DEVELOPMENT REVIEW BOARD

MEETING AGENDA

Monday, December 18, 2023

5:00 p.m. - Hybrid Meeting

Heald Auditorium

Join Zoom Meeting

Development Review Board Zoom Link – December 18, 2023

Meeting ID: 960 3551 7223

Passcode: 153190

MEMBERS PRESENT:

George Tucker, Chairman	Julie Nicoll
John Boehrer	Doug Sheehan

MEMBERS ABSENT:

Alan Couch

STAFF PRESENT:

Rose Goings	Jarrold Jowdy
Ulla Cook	Brendan McNamara

OTHERS PRESENT:

George Abraham	Bill Faradie	Ted Reeves
Eric Alden	Suzanne Garvey	Melissa Rockhill
Scott Baitz	Joe Girouard	Noah Schmidt
Jake Barrow	Kathy Grant	Gerry Sheehan
Andrew Becker	Patrick Griffin	Larry Slason
Elizabeth Calabrese	Glenn Heitsmith	Jeff Steinberg
Troy Caruso	Jon Kowalski	George Tucker
Jackie Cromwell	Nadine Lynch	Sherry Tucker
Marc Cromwell	Bob Malecki	Mike Virgona
David DelTufo	Nicholas Nitschke	Robert Wachtel
Lisa DelTufo	Kevin O'Connor	
Andrea Donohue	Ron Perry	
William Donohue	Cara Philbin	

I. CALL TO ORDER - Roll Call

1. George Tucker, Chair, opened the meeting at 6:01 p.m., all members present.

II. **OPEN THE PUBLIC HEARING FOR OKEMO MARKETPLACE, INC.**

1. George Tucker advised that this application is for Okemo Marketplace, 57 Pond Street and refers to all units involved. Property is located in the Village RC District. The Property owner will affirm that each tenant has reconstructed their businesses using the proper FEMA approved materials after the major flood damage from July 10, 2023. The Property owner will apply for a LOMA letter with FEMA to remove the property from the Special Flood Hazard Area
2. Jarrod Jowdy advised that this is Application 85-105-CU, Amendment #16. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 22, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 16, 2023. NOTE: Jarrod Jowdy said the we know that Okemo Market Place is above Base Flood Elevation and that precludes it from any future FHR hearings, but they still must comply with Ludlow Zoning Regulations. He said that we have received all letters and a letter from John Broker Campbell, building plans and flood plans. He said that all paperwork has been completed and stipulations have been met. The applicant is requesting permission to go forward with the project.
3. George Tucker administered the oath to Patrick Griffin and Glenn Heitsmith.
4. Patrick Griffin said that the FEMA map shows that the southern ½ of the property is in the FHR, but not the portion where the buildings are located. He said that the damage to the buildings was not caused by the flood, but by the railroad embankment that washed out and the undersized culvert. He said that there are 2 documents that show that the property is not in the flood plain: a May 1997 FEMA map revision and a letter from 2007 that indicated that a map to be published in 2008 that will show that the property is outside the special flood hazard area. We request that any future DRB hearings not include Flood Hazard
5. George Tucker, Jr. said that the DRB does not have the Abel-Mar LOMR (Letter of Map Revision.)
6. Patrick Griffin said he has the letter, adding that it is redacted.
7. Doug Sheehan suggested that it may contain the names of other parties.
8. George Tucker, Jr. said it does look like it references this property
9. Jarrod Jowdy said it is dated May 12, 1997 and there was also a letter in the packets dated October 9, 2007. It seems like a portion of the property remains in the Flood Hazard area and in the future, no further development may be made in that portion.
10. Patrick Griffin said he also sent a long document and it has a map, indicating where the buildings are apportioned.
11. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to close the hearing for Okemo Market Place. Motion passed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR SOUTHFACE VILLAGE AT OKEMO DEVELOPMENT COMPANY, LLC**

1. George Tucker advised that this is an application to make the “Temporary Information Center/Real Estate Office” into a permanent commercial building in South Face Village. Property Location is Lodge Road in the Mountain Recreation District

2. Jarrod Jowdy advised that this is Application 334-11-CU, Amd. #5. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 22, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 20, 2023. He said that we have received all letters and a letter from John Broker Campbell, building plans and flood plans. He said that all paperwork has been completed and stipulations have been met. The applicant is requesting permission to go forward with the project.
3. George Tucker, Jr. administered the oath to Andrew Becker, Larry Slason and Glenn Heitsmith.
4. Larry Slason said that the building was approved in December 2016 as a Sales office. Since then, it was granted a 3 year period with the option to relocate or extend. In April, 2020 they received another 3 year extension. In October 2022, they requested and were granted an additional one year extension. They are here tonight seeking to make this a permanent sales office. It is very useful to the project as a Sales office but also a meeting place for buyers, contractors, State and Local officials for inspections, and service providers. The building is 20' x 20', with a brown deck, minor, down facing lighting and fully screened. There is a small parking area. There is easy access for all EMS vehicles and it is adjacent to the entrance road. In his letter, he explains that there is no other impact to the project or the town. The extension remains in conformance to the Ludlow zoning regulations. The project was originally permitted in 2011 and received ACT 250 permits in 2013. The original 2,000 square foot restaurant has been removed, with this 400 square foot commercial office. This conforms to the original intent and the zoning regulations.
5. George Tucker, Jr. said this is a request to change the use from temporary to permanent. The board will need new letters from the Police, Fire and Ambulance departments.
6. Larry Slason said they would get them. He said the original letters are on file.
7. George Tucker, Jr. said since this will be a permanent change, we want to make sure the input from the department heads has not changed.
8. Doug Sheehan asked if it will remain an office.
9. Andrew Becker said yes, that is the intention. He said that of the 208 unit approved, 46 have been built. The office is invaluable to us and is not visible from the road.
10. George Tucker, Jr. said if the board permits this as a Sales Office, and you want to change the use in the future, you will have to come back to this board.
11. Andrew Becker said he understands.
12. Larry Slason suggested that when the board is writing the decision, they include in the uses: meeting place for contractors, State and Local officials and not limited to sales. Also, Space not to be used for retail purposes.
13. George Tucker, Jr. said that can be added to the decision.
14. Andrew Becker said that the decision could also include: there is no intention to use the space for retail purposes or concessions.
15. George Tucker, Jr. asked the applicants to please get the updated letters from Police, Fire and Ambulance.
16. Glenn Heitsmith asked about public restrooms. He said that was in the original South Face permit.
17. Andrew Becker said there will be a single restroom in the building, not open to the public. He said that the original permit included an 88 seat cafeteria, with a great room and public restrooms. The permit was amended to eliminate all of that space.
18. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to recess this hearing until the January 2024 meeting. Motion passed unanimously.**

IV. OPEN THE PUBLIC HEARINGS FOR GILL TERRACE, LLC

1. George Tucker advised that this application was originally warned as a subdivision of a 2.8 acre lot into three (3) parcels. It is now the subdivision of the adjacent lot of 1.36 acres. Property is located at 15 Gill Terrace.
2. Jarrod Jowdy advised that this is Application SUB23-015. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 16, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 22, 2023.
3. George Tucker administered the c George Tucker, Jr. administered the oath to Jackie Cromwell, Marc Cromwell, Andrea Donohue, Will Donohue, Peter, Ted Reeves and Eric Alden .
4. Ted Reeves said that his paperwork shows 1.5 acres. It will be subdivided into 3 lots: Lot #2 has the existing house and is 10,058 square feet. Lot #1 is a proposed house site with 10,604 square feet and Lot #3 is the remaining portion with 44,900 square feet. They went to the Trustees and Water Commissioners and were granted Water and Wastewater allocations. Lot #3 is deferred use and there are no plans to develop. They will apply for the State Water and Wastewater permits for Lot #1 and the subdivision.
5. George Tucker, Jr. said that this board did not receive copies of the Ludlow Water and Wastewater letters.
6. Ted Reeves said they were given to Jarrod Jowdy.
7. Jarrod Jowdy said he has the utility letter.
8. Ted Reeves said the Water and Waste Water allocations were approved on November 1, 2023.
9. George Tucker, Jr. asked Ted Reeves to send copies of the approvals to the board.
10. Ted Reeves said this application is for a subdivision.
11. George Tucker, Jr. said that on the site visit, they discussed that the existing driveway will be moved to Lot #3. He asked about Lot #2.
12. Ted Reeves said there will be an easement for Lot #2 across lot #3 for access.
13. Doug Sheehan asked about the garage.
14. George Tucker, Jr. said it is on lot #3.
15. Marc Cromwell said that most of the properties in the neighborhood are at least ½ acre and most of the Gill Homes are single residences. He has an issue with the existing house and carriage house. This will turn the neighborhood to high density and change the character of the neighborhood. These will be postage sized lots. He said that his lot is .49 acres. He said that proposed lots #1 and #2 are not compatible with the character of the neighborhood and will cause an adverse effect and degrade the neighborhood. He said the slope to the driveway has a steep incline. The road has no sidewalks and is not a legal width. It is a challenge to drive up and down. A 5-bedroom house will be compressing the issues. In the winter, with the snow plows, coming out of the driveway will be an issue.
16. George Tucker, Jr. said this hearing is not an application to build a house, just to draw lines on a map.
17. Jackie Cromwell said she is concerned that a 5-bedroom house will increase traffic and there are 2 very tight turns. The new house may be a rental and the renters will speed across our lawn, miss the turns. We already have a traffic problem from non-residents who speed up and down the road. The new lot in front of 17 Gill will block their view and diminish the value of their property.
18. George Tucker, Jr. noted that the letter from the Police Department has not been received.
19. Ted Reeves noted that he also has not received that letter, but will follow-up with the Chief. He also hasn't seen the Fire and School letters.

20. George Tucker, Jr. said the board has the Fire and Ambulance Letters and will forward a copy to Ted Reeves.
21. John Boehrer asked what the actual size of the lot is.
22. Ted Reeves said parcel 040255 is 1.55 acres.
23. George Tucker, Jr. said the web says 1.36 acres.
24. Ted Reeves said he was going by the survey done by David Rose.
25. George Tucker, Jr. said we need to confirm that.
26. Eric Alden said this is a hearing for a subdivision and not for development. He said that he has spoken with the Cromwells and if we do plan to develop the property, I will let them know. He said that he cut off the portion listed as Lot #1 because the owners of 17 Gill expressed an interest in purchasing the lot. We listed possible development as a 5-bedroom because that is the maximum option. He added that he can't imagine building a house with that many bedrooms, there. He said his phone number is available. At this time, he has no plans on developing that lot.
27. Jarrod Jowdy said he has the Waste Water allocation letter.
28. George Tucker, Jr. said the Police Department letter is the only one we need now. He said that the other issue is if developed, they would need an easement.
29. Rose Goings said if the application for the preliminary plot is approved, the Final Mylar is due within 6 months or the permit is void.
30. George Tucker, Jr. said that this board is not approving permits at meetings.
31. **MOTION by George Tucker, Jr. ad seconded by John Boehrer to close this hearing.**
32. Julie Nicoll suggested adding the conditions that any conditions required in the letter from the Police Chief will be conditions of the permit of the subdivision.
33. George Tucker, Jr. and John Boehrer approved of the addition to the motion.
34. **MOTION passed unanimously.**

II. OPEN THE PUBLIC HEARINGS FOR BLACK RIVER MOBILE HOME COURT

1. George Tucker advised tonight that this is an application for Flood Hazard Review and for the owner to affirm that all homes in Mobile Home Court's Floodway and Flood Plain meet requirements of Ludlow Zoning Regulations, Article 6, Section 660, A.3 (lowest floor is at least one foot above Base Flood Elevation (BFE.)). The property is located at 36 Main Street.
2. Jarrod Jowdy advised that this is Application 327-11-FHR Amendment #3. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 22, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 22, 2023. George Tucker, Jr. noted that tonight we will be reviewing amendments #3 only. Amendment #2 will be reviewed next month.
3. Jarrod Jowdy said initially, John Broker Campbell suggested that the property owner affirm all mobile homes meet all conditions of Article #6 and are 1 foot above BFE. He said that one trailer was washed away and that Amendment #1 was approved by the Zoning Administrator.
4. George Tucker, Jr. administered the oath to Jerry Sheehan and Glenn Heitsmith.
5. Jerry Sheehan said that he has turned in all the required documents and gone through each home to see what has been done and how the repairs were made. Also, there are single items for each trailer indicating BFE and ground elevations. He has a small map that details each item. Each trailer is tied down with either high tension stainless steel straps or turnbuckles. This is as per the design by Ralph Michael after Irene, based on the weight and how much concrete block. 2.37 yards of concrete, weighing 9,598.5 pounds each, with holding power of 38,394. The homes are less than 27,000 pounds. The new home has an Alaska Slab as now

- required. The slab contains about 23 yards of reinforced concrete 12” outside thick, straps, 7 high tension and 2 diagonal in the front and in the rear. Holding power of 92,421 pounds. He said the other homes have turnbuckles with 5/8” stainless steel cables. He said #14 is scheduled to be elevated and strapped down. All repairs and improvements are in excess of 1’ over BFE. Trailer #4 is of concern because it has had more frequent damage and we are spending the money to repair it now. It will be higher than FEMA requirements. He said that he goes over all of the FEMA standards. It will have reinforced concrete blocks - over and above FEMA requirements. He discussed the propane tanks with Irving, Cota and Cota and Suburban. Irving has the strictest requirements - 6” x 4’ x 8’ feet pads that weigh more than the 2 tanks combined. He said he explained that to John Broker Campbell and Rose Goings.
6. George Tucker, Jr. said the board appreciates the detail, but the board still has not received the letter from John Broker Campbell.
 7. Jerry Sheehan said he spoke to John Broker Campbell and he knows that Jerry Sheehan goes over the required standards to keep the homes and residents safe.
 8. George Tucker, Jr. said the board needs that letter. Also, we have not received a letter from the Fire department. We do have Police and Ambulance. He asked Jerry Sheehan to reach out to them.
 9. Julie Nicoll asked if recessing to the January meeting will give Jerry Sheehan enough time to get the letters from John Broker Campbell, Ambulance and Police.
 10. Jerry Sheehan said he will reach out to them again.
 11. Glenn Heitsmith said to the board that anything they can do to get more housing is great.
 12. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to recess this hearing until the January 2024 meeting.**
 13. Jerry Sheehan asked if he would have to come to that meeting.
 14. George Tucker, Jr. said either Mr. Sheehan or a representative or he can attend by ZOOM.
 15. **Motion passed unanimously.**

III. OPEN THE PUBLIC HEARING FOR SHAW’S SUPERMARKET

1. George Tucker advised that this is a new application to reconstruct the interior area of the Shaw’s Supermarket, plus expand into the adjacent unit, after major flood damage on July 10, 2023. The property owner will also testify that each tenant reconstructed their businesses using the proper FEMA approved materials in accordance with Ludlow Zoning Regulations and Flood Hazard Regulations, Article 6. Property is located at 213 Main Street in the Village Residential Commercial District.
2. Jarrod Jowdy advised that this is Application 88-221-CU/FHR, Amendment #11. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 22, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 16, 2023. He said that we have received all
3. George Tucker administered the oath. George Tucker, Jr. advised that there is a change to the next hearing. A new permit application 88-221-FHR #
4. Jarrod Jowdy advised that the applicant is Vertek
5. George Tucker, Jr. administered the oath to Bill Faradie, Nicholas Nitschke, Mike Virgona, and Nadine Lynch and Glenn Heitsmith.
6. Bill Faradie advised that Vertek is responsible for the Architectural, Mechanical and Structural Engineering. Shaw’s owns the entire plaza. RiteAid has left and Shaw’s will be moving into that space. We expect to start construction in January. We are providing drive up service, initially in a tent, but now pick up is through the RiteAid entrance. We dropped off the Police and Fire letters today, but Stephanie Grover (Ambulance) is sick.

7. George Tucker, Jr. said this board still needs the letter from John Broker Campbell as well as the Ambulance letter. George Tucker, Jr. said that the board members read the brochures on devices to prevent flooding - but we need more details.
8. Bill Faradie said Nicholas Nitschke is working on the flood plans. We will be doing the project in 2 phases - one to rebuild and the other will start in the spring. We will be providing more details.
9. George Tucker, Jr. asked for a timeline on the documents
10. Nicholas Nitschke said they have a Civil Engineer doing a survey of current conditions and coming up with flood proof mitigation plans. We can't do the rebuild drawings for the store until we get the survey and it is hard to make a time line. We hope to have the full scope drawings in January or February for the flood proofing. We will keep this board informed.
11. George Tucker, Jr. said this board needs to see the drawings. We have seen the literature (brochures), but also need to have a plan on implementation, training and maintenance. We would like an update in January 2024.
12. Nicholas Nitschke said they can come back.
13. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to recess this hearing until the January 2024 meeting. Motion passed unanimously.**

IV. OPEN THE PUBLIC HEARINGS FOR DIVIDED SKY FOUNDATION

1. George Tucker advised that these are applications to replace the swimming pool with a buried 13,000 to 15,000 gallon fiberglass storage tank that will have a piped connection to the existing buried piping for the fire protection system, water flow via gravity from the buried tank to the booster pump and sprinkler system, as necessary. The property is located at 265 Fox Lane.
2. Jarrod Jowdy advised that this is Application 474-21-CU Amendment #1 and 475-21-ACT250, Amendment #1. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website November 22, 2023, advertised in THE VERMONT JOURNAL on November 22, 2023 and abutting property owners were notified on November 20, 2023.
3. George Tucker asked if anyone is present to represent this hearing. There was no one.
4. **MOTION by George Tucker and seconded by Doug Sheehan to recess this hearing until the January meeting. Motion passed unanimously.**

V. OPEN THE PUBLIC HEARINGS FOR DIVIDED SKY FOUNDATION

1. Combined with Agenda Item IV for Divided Sky.

VI. OPEN THE RECESSED PUBLIC HEARINGS FOR ERIC ALDEN

1. George Tucker advised that this is an application for reconstruction of the interior office units and lobby caused by extensive flood damage. This hearing was recessed from the September 25, 2023, October 23, 2023 and November 13, 2023 meetings. George Tucker, Jr. advised that a letter was received from the applicant requesting a recess until the January 2024 meeting
2. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to recess this hearing until the January 2024 meeting. Motion passed unanimously.**

VII. **OPEN THE RECESSED PUBLIC HEARINGS FOR DEL TUFO REAL ESTATE, LLP
(EIGHT OH BREW)**

1. George Tucker advised that this is an application for reconstruction of the interior units caused by extensive flood damage. He said that this hearing was recessed from the September 25, 2023, October 23, 2023 and November 13, 2023 meetings. This is for Mill units 106 & 107.
2. George Tucker, Jr. reminded who had spoken to this hearing at previous meetings that they are still under oath.
3. Jake Barrow said that he sent an email from RSG Sound Engineers regarding the unit above. It states that on St, Patrick's Day weekend, the sound did not go above 65dCb and meets the performance standards as per section 550 of the zoning regulations. The report shows that we meet the standards and he doesn't believe that a Conditional Use permit is required. He said they will add some sound-proofing, cut off the music at 11:00 and lower the speakers. They are desperate to re-open.
4. George Tucker, Jr. said referred to the letter from John Broker Campbell outlining the Mill Associations potion of the rebuilding. He added that there is still a Notice of Violation and no permits may be issued until the Notice of Violation is resolved. The Mill Association claims ownership of all of the interior walls and this is relative to the rebuilding. They have to conform to BFE and electrical requirements. He hopes that the Mill Association will bring the building into compliance. He thanked the applicants for the work they have done.
5. Jake Barrow said they have been working with the other owners in the building.
6. **MOTION by George Tucker, Jr. and seconded by Julie Nicoll to recess this hearing until the January 2024 meeting.**
7. George Tucker, Jr. administered the oath to Robert Wachtel.
8. Robert Wachtel said that the noise, with the bands and patrons, from Eight Oh Brew, makes our unit uninhabitable and is detrimental to our peace and well-bring. He said that the people from Eight Oh Brew are unwilling to compromise. Some of the other unit owners volunteered to pay part of the costs for soundproofing and the noise is inequitable to the costs of our businesses. He said that there is no agreement in place for noise abatement to adequate levels. There is noise in the parking lot and garbage. They have said that 95% of the garbage is items they do not sell, but it is coming from their customers.
9. George Tucker, Jr. administered the oath to Robert Wachtel.
10. Robert Wachtel said that he sent a video to the board demonstrating the noise until 2:00 a.m. And, even a noise machine can't mask the noise. They need to comply with Section 550 so we can get some peaceful nights' sleep. The Mill Association represents both sides. The RSG analysis shows that the noise exceeds code requirements. They are at a stalemate and it is not fruitful. This issue was raised over one year ago and nothing has been done. There is no sound barrier and we can even hear regular speech (at 4:00 p.m.) Imagine the noise at 12:00 a.m. with 50 customers. He said that some of the bands have 5 members. There is no sound mitigation between the floors. When the bands stop, they continue with the jukebox after 11:00 p.m. We offered to pay part of the sound mitigation costs but they only want to pay 10%. We want them to manage the noise when they are open and have proper sound management in place. They said the bar is 100% loss.
11. Jake Barrow said the RSG report did exceed 75 decibels during the testing when they had it at maximum settings. We have been more than willing to negotiate.
12. John Boehrer asked if the Mill Association has bylaws.
13. Jake Barrow said they have not infringed on any bylaws.
14. George Tucker, Jr. administered the oath to Jeff Steinberg.

15. Jeff Steinberg said there was a history of coexistence. He said that his unit is un-occupiable and they have not been able to use it since Eight Oh Brew opened. We have had to return rental monies because the unit is unsleepable. We can't even watch TV. With the permit, they have to comply with Section 550 sound requirements.
16. John Boehrer asked if the Mill Association has been heard from.
17. George Tucker, Jr. administered the oath to Bob Malecki.
18. Bob Malecki said the Mill Association has been involved in the discussions. We tried to facilitate the sound installation issue and think there is some progress.
19. John Boehrer asked what progress?
20. Bob Malecki said that the report from RSG documents noise levels and possible solutions. We have been meeting with contractors to price out solutions. We received a quote last week.
21. **Motion passed unanimously.**

VIII. OPEN THE RECESSED PUBLIC HEARING FOR 31 ROUTE 103, LLC. (AKA MR. DARCY'S)

1. George Tucker advised that this is an application to construct a two-storied porch for outside dining and a 100 square foot platform for a freezer, in accordance with the Flood Hazard Regulations for floodways in Article 6. He said that this hearing was recessed from the September 25, 2023, October 23, 2023 and November 13, 2023 meetings.
2. George Tucker, Jr. reminded who had spoken to this hearing at previous meetings that they are still under oath. He administered the oath to Troy Caruso and Liz Calabrese.
3. Liz Calabrese said they had submitted site plans, showing BFE from the ANR atlas. They sent it to the zoning office and John Broker Campbell. They are waiting to hear from John Broker Campbell.
4. George Tucker, Jr. asked about parking. How many square feet of dining area will there be including the deck levels 1 and 2. We need that to verify number of parking spaces required. It is 150 square feet and there are 18 parking spots based on the existing plus the outside. He said that the board needs new number and which portions.
5. Liz Calabrese said there are 8 spaces for the inside and 10 for the outside.
6. George Tucker, Jr. said this board is looking for the actual numbers.
7. Liz Calabrese said 1200 sq. ft. inside based on 80 occupancy and 1500 sq. ft. additional with the decks. This makes 2,700 (18 x 150 sq., ft.)
8. Troy Caruso said the inside has not changed.
9. Liz Calabrese said that is still 18.
10. George Tucker, Jr. said this board is looking for the letter from John Broker Campbell. We do see the BFE numbers. John Broker Campbell wants the Elevation Certificate. Signed off.
11. Liz Calabrese said they were unclear. .4' below BFE. We thought it was high enough above. She said the dimensions are on the site plan. The parking lot is at .4' and the first floor is about that.
12. George Tucker, Jr. said even though the building may be above BFE, John Broker Campbell still wants the information, his letter requires it.
13. Liz Calabrese said we submitted everything to John Broker Campbell. We thought it was complete. She would rather have him said that we need it.
14. George Tucker, Jr. said John Broker Campbell has required that information for all of the hearings we have had.

15. Rose Goings said he (John Broker Campbell) definitely always requires the Elevation Certificate and will probably require it for the final project. She added that John Broker Campbell has some concerns about the cooler location.
16. Liz Calabrese said the 12/7 site plan is based on the cooler in the back attached. The BFE is 975.6 feet and the statute calls for 2 feet above and waterproofing and to be structurally sound.
17. Rose Goings said John Broker Campbell has had plenty of time to look it over and he may be concerned about that. She suggested that Liz Calabrese prepare the Elevation Certificate and leave the cooler as is until John Broker Campbell sends his letter. She asked if there will be upstairs seating.
18. Troy Caruso said yes. He asked why it is so hard to get a response from John Broker Campbell.
19. George Tucker, Jr. said it is a busy time. We forward the documents as they are provided and he responds when he feels he has all of the proper information.
20. Rose Goings said she thinks they have provided most of the information we required. She said that the Certificate of Elevation is required in Article 6.
21. Liz Calabrese said she thought the Certificate of Elevation was an “or” situation.
22. Troy Caruso asked Liz Calabrese to get the Certificate of Elevation.
23. Liz Calabrese said it would be nice if John Broker Campbell would let us know that more information is needed, but he didn't say we needed the Certificate of Elevation, he just mentioned the cooler box location. That is what he asked for.
24. Rose Goings repeated that John Broker Campbell always requires it and it is a condition of the permit. She said it is in the regulations for the floodway.
25. Julie Nicoll asked if all of the parking spaces are on their property.
26. Troy Caruso said yes.
27. Liz Calabrese said the site plan shows the boundaries based on the survey by Ralph Michael. There is plenty of room
28. Doug Sheehan asked where they will plow the snow in that little space.
29. Liz Calabrese said there is also room in the back.
30. Troy Caruso said they will not plow the snow onto the neighbor's property.
31. George Tucker, Jr. said there was a violation earlier this year.
32. Troy Caruso said he had met the neighbor on site and sent her pictures of the work done (about a month ago.)
33. George Tucker, Jr. said the board will require proof that the violation has been cleared. We cannot issue a permit without it being cleared.
34. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to recess this hearing until the January 2024 meeting. Motion passed unanimously.**

IX. MINUTES

1. Minutes from the Meeting of October 23, 2023.
 - a) Julie Nicoll noted on page 4, item #3 should read “George Tucker, Jr. administered the oath to Lorraine Hughes...”
 - b) Julie Nicoll noted on page 4, item #8 should read “...the drawing is shown without the built in porch”
 - c) Julie Nicoll noted on page 5, item #13 should read “... she thinks that it could become a dumping ground for garbage.”
 - d) **MOTION by Doug Sheehan and seconded by George Tucker to approve the minutes from the October 25, 2023 regular meeting as corrected. Motion passed unanimously.**
2. Minutes from November 13, 2023

- a) Review of minutes from November 13, 2023 was tabled for clarifications.

X. OTHER BUSINESS

1. George Tucker, Jr. said the next meeting is scheduled for January 22, 2024 at 6:00 p.m.
2. Troy Caruso asked if the board has any idea when Shaw's will reopen. He is wondering about food for restaurants.
3. George Tucker, Jr. said we have no date at this time.
4. Doug Sheehan said probably not before June.
5. Melissa Rockhill asked about fuel storage tanks in the Special Flood Hazard Area. She said Article 6 says that fuel storage tanks must be a minimum of 1 foot above BFE and securely anchored to prevent flotation: or storage tanks may be placed underground if securely anchored as certified by a professional engineer. She said that Melissa Rockhill said Article 6 says that fuel storage tanks must be a minimum of 1- foot above BFE and securely anchored to prevent flotation: or storage tanks may be placed underground if securely anchored as certified by a professional engineer. She said that she has seen tanks that do not comply to that.
6. she has seen tanks that do not comply with that.
7. Rose Goings said the oil and gas companies don't know how to handle this.
8. George Tucker, Jr. said to reach out to the Planning and Zoning Office.
9. Jake Barrow asked about a letter to proceed
10. George Tucker, Jr. said this board can't. It is standard practice that all paperwork is turned in.

XI. ADJOURN

1. **MOTION by George Tucker, Jr. and seconded by Doug Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7: 55 p.m.

Respectfully submitted,

Lisha Klaiber

George Tucker, Jr., Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Alan Couch

