

Ludlow Development Review Board
Meeting agenda
Monday, February 12th, 2024
6:00 p.m. - Hybrid Meeting
Health Auditorium

Members Present:

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

Members Absent:

Alan Couch

Recording Secretary:

Abigail Childs

Staff Present:

Jarrold Jowdy

Public Present:

Sheree Vaughn-Tucker	Jake Baraw	Eric Alden	Serenity Wolf	Larry Slason
George B. Tucker	Heather Tucker	Alex Del Tufo	David Del Tufo	Lisa Del Tufo
Scott Baitz	Glenn Heitsmeith	Cara Philbin	Jean Strong	Steve Meyers
Craig Kovalsky	Brian Porter	Patrick Ross	Wendy Wachtel	Robert Wachtel
Rebecca Prasse	Andrea Sanford	Bob Sanford	Richie Kowalski	Mike Vergone
Karen (Zoom)	Nancy (Zoom)	Brendan Mcnamara	Bill Faradie	Nicholas Nitschke

I. CALL MEETING TO ORDER:

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, February 12th, 2024 at 6:01 p.m. at the Ludlow Town Hall by Geoge Tucker, all members present.

II. OPEN THE PUBLIC HEARING FOR THE KEENLAND GROUP, LLC

1. Jarrod announces this application is 083-88-CU, Amd No.6. The application is for a covered dining patio with outdoor seating, and flood damage repairs, in accordance with the Flood Hazard Regulations, Article 6.
2. Rebecca Prasse and Criag Kovalsky take the stand. They have been renovating the Blue Duck Deli since August of 2022 and after the flood, they were left with a decision on how to move

forward and what is most resilient for future floods as well as what will look best for the historical area.

3. They hope to turn the barn that was demolished into an outdoor seating area.
4. Doug Sheehan asks how much longer until they are ready. Rebecca said mid-May would be a great opening time and the construction of the patio would not take place until the summer.
5. George notes that a site visit was done and asks what area the new patio would take up. Rebecca says the patio wouldn't take up more space than where the barn used to be. A new solid foundation was created but the outline of the footprint is identical to the original structure.
6. George asked if there would be new lighting. Rebecca said there would be no lighting for parking, but something in place for the outdoor seating.
7. Rebecca said the electrical repairs were not much damaged. The meter panel is moved to the other side of the building and is well above the regulations at 6.5 feet approximately.
8. George said that the agency of the department of A.R. today. He asked if there was anything that concerned Craig and Rebecca about the outlined items. Rebecca said she doesn't have any concerns with that.
9. George said there are no restrictions to the permit as well.
10. Glenn Heitsmeith asks to urge the board to positively consider this application because it is a good thing.
11. Jarrod asked about the safety of patrons while on the patio dining and the proximity to the parking lot and if there would be a deterrent to keep vehicles from going too far. Rebecca said the patio is raised from the patio and there will be a small ramp to allow ADA access. As far as traffic deterrence, they do plan on putting large heavy-duty planters in the area so that it won't be an eyesore but will protect the public as well.
12. **MOTION by George Tucker Jr. and seconded by Julie Nicoll to close the hearing for The Keenland Group, LLC. Motion passed unanimously.**

III. OPEN THE PUBLIC HEARING FOR JERRY AND HEATHER TUCKER (68 FLATOW ROAD)

1. Jarrod announces this application is for the Subdivision of one 10.01-acre lot into two lots. This project is located within the Town Residential District.
2. Heather Tucker takes the stand and shares that the subdivision is to make an additional building site for the family in the future.
3. Doug asked about the driveway, and Heather said the subdivided property would have a separate driveway.
4. Lot 1 would be 3.75 and Lot 2 would be 2.62 acres, as stated by George.
5. George said we do have the letters and if a building is built in the future, it has to follow restrictions such as egress, 911 address, etc.
6. **MOTION by Douglas Sheehan and seconded by George Tucker Jr. to close the hearing for Jerry and Heather Tucker. Motion passed unanimously.**

IV. OPEN THE PUBLIC HEARING FOR JEWELL BROOK, LLC

1. Jarrod announces the application is a subdivision of a 2.2 acre lot into four lots. This project is located within the Village Residential-Commercial District.
2. Larry Slason shares the board is aware that they failed to file but during that period of time, they were able to secure a survey which they are submitting with a sketch plan review and hopes the board sees it meets all final requirements.
3. Serenity Wolf walks us through the subdivision.

4. The existing parcel is at the intersection of Parker and Route 100. The four lots may have setback requirements of 8 feet and a rear of 15 and 10 feet side. The minimum lot size has been calculated for the proposed units though that is not what we are talking about tonight.
5. Julie asks Serenity to break down each lot. Lot 1 is .41 acres. Lot 2 is .55 acres. Lot 3 is .53 acres. Lot 4 is .72 acres.
6. Serenity confirmed there are four lots and repeated the lot sizes.
7. A member of the public asked how many vehicles could fit, and George said this was only about the subdivision.
8. Glenn Heitsmeith says the drawing shows buildings and they require information about vehicles, and George says this is only about the subdivision and the sketch plan. It only draws lines on a piece of paper and the drawing is more detailed than what is necessary.
9. **MOTION by George Tucker Jr. and seconded by John Boehrer to recess the hearing for Jewell Brook, LLC. Motion passed unanimously.**

V. OPEN THE PUBLIC HEARING FOR MILL CONDOMINIUM OWNERS ASSOC.

1. Jarrod announces the application is for a flood hazard review of the COA's responsibility to comply with the Ludlow Flood Hazard Regulations Article 6, in addition to the repair of pedestrian decks on the rear of the building.
2. George says there was a site visit today.
3. The Mill, as of last week, has submitted all of the information that was requested including a flood certification, and the deck repair information, and hoping the board considers the permit request for the rear deck as well as the recovered work from the flood. He understands the planning and zoning and is looking for information from the state flood office, but they don't have that yet. At the last DRB meeting, the board asked them to stop work, and they did. Prior to that, they were working under an informal agreement to proceed with recovery work while the permit was in place and now asks the board to consider allowing them to get back to doing work.
4. George says the main reason why it was brought up at the last meeting, was that the good faith piece, they were expecting a slightly faster process to give the documentation required. George says it feels like the board has gotten radio silence.
5. They saw the BFE markings at the site visit and asked him what the plan was to solve moving the system.
6. One of the citations was related to the rear deck work and it is a temporary plan to secure the deck so that it is safe, it is currently unsafe as per the engineer. He thinks it is more feasible to make it waterproof rather than water-tolerable due to the systems in the basement. He would like to commit on the record to plan for floodproofing in conjunction with planning for rebuilding the decks and believes there is an overlap between the two. He wants to get all of the planning done in the same time period, over the next 24 months, and completed before then.
7. George touches on the name Kyle M. is one of the gentlemen who is taking over for John Broker Cambell, and he will be providing the letter and site inspection. George says we can only provide a permit with a plan in place because it puts us at risk and it is against the FEMA regulations.
8. Regarding flood repairs of the deck, George says the electrical being below BFE is against regulation when it is not floodproof. He says this is true. George says in the eyes of FEMA, but that brings us forth into losing the town's protection and the NFIP program.
9. George says we would like to see that plan for that portion. He asks if there is a memorandum in place that could solve it. George says he will talk to him about it, and makes sure we put it on the record. He thinks the memorandum would fill that void and will take his council on that.
10. He says the 24 months are in place because the engineer says it has to be done by 2025 because he thought we would be starting the deck plans last summer but that didn't happen due

to the flood and thinks the repairs are good for 24 months; it is the life of the repairs. After that, the deck is not safe.

11. The board has a consensus that they are ok with continued repairs for safety. George says the board appreciates the hard work and noting mistakes they made. Kyle will be in touch to provide his letter and recommendations.
12. He asks if they can also get back to work on doing repairs in the basement and in the office space. Douglas says he doesn't have a problem with that. Julie says they are waiting on a letter from the town attorney and don't expect it until next month. The board confirms they can get back to work on the basement area repairs.
13. **MOTION by George Tucker Jr. and seconded by John Boehrer to recess the hearing for Mill Condominium Owners Assoc. until next meeting. Motion passed unanimously.**

VI. OPEN THE RECESSED PUBLIC HEARING FOR SHAW'S SUPERMARKET

1. Jarrod announces the application is to rebuild the interior of the Shaw's Supermarket, and the existing plaza, after receiving major flood damage on July 10.
2. Bill Faradie says there is a permit to start the DUG area. He spoke to the fire marshal, who will get a drawing, and then it sounds like they can move forward with the DUG portion. As far as the drawings, he asks Jarrod how many sets, and confirms it is 8. George requests full sets for each board member to review.
3. Nicholas Nitschke , the engineer is assembling a full set and notes that it is printed half-size but still legible.
4. The board should have the drawings by the end of the week from the engineer.
5. Nicholas updates us on the flood mitigation portion. He said there is a good process for the plans and shares his screen.
6. Last month they were at the stage of identifying the potential vulnerabilities around the building and ways to offer flood protection where possible and not possible with deployable floodproofing measures. They are now refining concepts and doing product research. The goal is to get 360-degree protection of the building. Floodproof coating around the masonry blocks of the building is in the plans as well as paint to resist the force of the flood waters. The key is to make sure there is no structural failure to protect those portions. All of the egress doors will be replaced with flood doors, which are ADA-compliant and designed specifically as flood barriers. They will operate under egress conditions and use conditions for the tenants but will resist flood waters around the back of the building.
7. There are some conditions in the front left and back right of the building where there is a freezer box. They are proposing to put in a flood stem wall that is built in front of the existing wall and that acts as a monolithic barrier so they don't have to rebuild from flood damage.
8. The loading dock doors will have tractor-trailers backing into them, and this location takes a lot of damage. They want to insert a plank the is inserted into a track, and in the event of a flood, this type of situation can be installed by one or two people in 5 to 10 minutes for each opening. This is their proposed solution for rapid deployable mitigation.
9. Across the front of the store where there are the largest storefront windows, they are building a flood wall in front of it. They will raise the sill. The idea is that it will have somewhat minimal impact on the design and facade itself. They can paint it, and they want to get as much daylight as possible still into the building.
10. Across the left side of the building where there is a covered crossway, this is the most challenging part. The method they propose is a freestanding flood wall at the edge of the canopy/sidewalk which will have a nice finish and can prevent flood waters from getting anywhere near the front

facade of the building. It would be difficult to modify the current wall, so this new method would be a good way to offer protection. This is the most foolproof method that they came up with during their research for this portion of the building.

11. The doors themselves are a sliding panel that stays right next to the opening. With potential flood waters, there is a hinged cover that covers the bottom track where the gate slides. When closed, it provides smooth ADA access to and from the building which is extremely important. It provides unobstructed access. When deployed, the panel swings up out of the way and the door slides into place with mechanisms to tighten it. Nothing needs to be brought off-site and can be done with one to two people in 5 to 10 minutes. This would happen in three places along the front; the main entrance, and the two other tenant entrances.
12. The bank drive-thru window will have protection as well. Where the bank teller window is, it has to be down at a certain elevation for the functionality of it, so similar to the loading dock doors they propose a channel is installed around the opening that slides into the opening to provide protection. If the bank is closed, it can be secured.
13. The next step is to create a packaged set for the contractor to build these and hope to have it ready for the board's review at the next meeting.
14. Julie asks when speaking of the loading docks, would it be the employees who put them up? He confirms that part of this plan is to create an emergency preparedness plan through training via managers/assistant managers. It would instruct anyone there to execute the plan with a direct outline. Training would be provided. A maintenance program will be in place too.
15. Glenn Heitsmeith says the board hasn't gone over the minutes yet, and a number of items were mentioned last meeting, there was some uncertainty on when this project is going to finish up. Reading from the unapproved minutes, item 7 subsection 2. Before July 4th and a grand reopening around June 28th. He asks if that is what they are shooting for, and there is some disagreement in the community. Glenn says that the flood on December 18th was done on frozen ground, the application should make sure there are plans in place for frozen.
16. Nicholas says the timeline goals are accurate. Billy says on behalf of Shaws they would like to reopen sooner if possible but it depends.
17. George says that Glenn did bring up a good comment and would like to hear about how the protection will differ in snow, and ice, because we did have a storm in those conditions. Nicholas agrees it is an excellent point and will work with the vendors to research the products they are using. He notes clearing sidewalks, making sure it is not slippery, etc., and routine maintenance is applicable for the sliding doors to make sure they do function when the time comes.
18. Douglas asked if DUG would be permanent. Billy confirms it will be permanent.
19. **MOTION by George Tucker Jr. and seconded by John Bohrer to recess the hearing for Shaw's Supermarket until the next meeting. Motion passed unanimously.**

VII. OPEN THE RECESSED PUBLIC HEARING FOR THE DIVIDED SKY FOUNDATION

1. George notes they were looking for a fire and safety letter, which we did receive with conditions.
2. Doug and Julie do not have any questions. No public comments.
3. **MOTION by George Tucker Jr. and seconded by John Bohrer to close the hearing for Divided Sky Foundation until the next meeting. Motion passed unanimously.**

VIII. OPEN THE RECESSED PUBLIC HEARING FOR DEL TUFU REAL RESTATE, LLP (EIGHT OH BREW)

1. Jarrod announces this application is for the reconstruction of the interior units caused by extensive flood damage.

2. He thanks the board. The elevation certificate is in and the only question he has, and if we are still attached to their permit.
3. The Mill will write up a memorandum of understanding and with that approval, it will suffice with the restrictions for their unit and other units.
4. During the site visit, they can see the BFE marks and that is the answer to the electrical and mechanical issues.
5. Wendy Wachtel, owner of #204, is speaking on behalf of several other owners. She could not find on the website where to submit it. She rereads the cover letter. She notes there is no ill-will at all.
6. She says there was an initial proposal and a recognition put forth of \$92,000 which is important because the owners and homeowners association is offering 5/6 part of the bill so that we can all live harmoniously together. The Del Tufo's would be responsible for some of it. She says there was more research done after this initial study and a solution of \$42,000 has now been discovered. At the time of that research, there was consultation with RSG and felt it was a viable solution. There are concerns from the Del Tufo's understandably so, and the Mill HOA has retained RSG to do studies on this solution and products. They do not have the results yet.
7. John Boehrer asks when they expect the results of this. The only thing that is left is to evaluate differing ceiling tiles for their effectiveness. It has been put on hold because the bar says they do not want any ceiling tiles, and they will not pay an engineer to cover that. It is a small project and can be done on short notice. Wendy says the last call was that they were moving forward to consider it.
8. John asks if the homeowners association includes Eight Oh Brew. She confirms they are. She says the % is comprised of owners as well as the HOA considering a portion. John confirms that all the unit owners as well as the homeowners association, so everyone is splitting equality between six parties.
9. Wendy says the only one qualified to speak to it is RSG, and in the packet is a sound study dated May 3rd, 2023. She wants to bring the board up to speed on the efforts they made. There will also be the Mill's actions lined out and the \$42,000 solution.
10. Wendy says they can have the engineer available at the next meeting if the board likes to answer technical questions.
11. George says because the packet is large, they will decide once the board reviews it.
12. Patrick Ross stands to say as a business owner and personal friend, since the flooding and the lack of amenities for businesses and restaurants that have been closed due to the flooding, the sooner they open the better. He says they had a 20% loss of revenue and still trying to get people in the stores. He wanted to give a voice to the other business owners in town that the sooner we can get places like Eight Oh Brew and Mojo's going the better.
13. Jarrod says if there is a memorandum, our acting floodplain manager should have contributed by then if there is one.
14. Del Tufo asks if it is recessed because of the information in front of us. George says no, the building goes hand in hand with the HOA's responsibilities and it falls into that jurisdiction. George says he believes this is similar to the studies previously submitted.
15. John asks if he wants to talk about the ceiling tiles. He says they are open to it but didn't want to do the ones recommended. The ones they did talk about in their space have a better finish. We are trying to avoid doing that. Wendy comments that the plan was to always have the plan choose the color they want. She says the study is currently having them done in an effective finish. This has become a sticking point and there are currently ceiling tiles dropped down in their space just not all of it and are willing to have them visually modified.
16. John Boehrer asked when it was \$92,000, where they prepared to pay % of it and Wendy says it wasn't an acceptable solution anyway and it was a foolish move on anyone's part.

17. Del Tufo says he always felt it has been an internal issue. The packet given doesn't fall under town ordinance and they are not loud compared to the village decibel levels.
18. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the hearing for Del Tufu Real Estate, LLP until the next meeting. Motion passed unanimously.**

IX. OPEN THE RECESSED PUBLIC HEARING FOR ERIC ALDEN

1. This application is for the reconstruction of the interior until caused by extensive flood damage.
2. Eric Alden says he believes all documents have been submitted so he is not sure where the board is going to go with this. He has done everything that was needed.
3. They will fall under the same conditions of the HOA and if it falls under the memorandum it will apply there.
4. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to recess the hearing for Eric Alden until the next meeting. Motion passed unanimously.**

X. MINUTES

1. November 13th: Julie asks the secretary to write who seconds it. She also asks to include last names.
2. **Motion to accept the correct minutes for November 13th. Doug seconds.**

1. December 18th: Julie says on page 8 on #4, she would like to take out the word "said" under George Tucker Jr. "said" referred and the second line should be "portion" instead of "potion"
2. **Motion to accept the correct minutes for December 18th. Doug seconds.**

1. January 22nd: Page 3, under the highlighted motion, she wants to change it to Douglas seconded it. The secretary can number the pages as well. Page 6, #15, and #16 to change to Nicholas from Nichols. On page 7, George thanked her for her comments, which sounds confusing.
2. **Motion to accept the correct minutes for January 22nd. Doug seconds.**

XI: OTHER BUSINESS

- 1.

XII. ADJOURN

1. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:14 p.m. on Monday, February 12th.

Respectfully submitted,
Abigail Childs