

**DEVELOPMENT REVIEW BOARD**  
**MEETING AGENDA**  
**Monday, June 12, 2023**  
**6:00 p.m. - Hybrid (Physical & Remote ) Meeting**  
**Town Hall Auditorium, 37 Depot Street, Ludlow,VT 05149**

**Information on how to access the meeting remotely:**

**Join Zoom Meeting**

**Meeting ID: 437 305 4865**

**Passcode: 138977**

**One tap mobile:**

**+3126266799,,4373054865#,,,,\*138977 US (Chicago)**

**+16469313860,,4373054865#,,,,\*138977 US**

Find your local number: <https://zoom.us/j/4373054865>

**MEMBERS PRESENT:**

George Tucker, Chairman

Alan Couch

Doug Sheehan

John Boehrer

**MEMBERS ABSENT:**

Julie Nicoll

**STAFF PRESENT:**

Rose Goings

Jarrold Jowdy

Lisha Klaiber, Recorder

**OTHERS PRESENT:**

Paul Alcorn

John Neal

Patrick Ross

Eric Alden

Nicholas Ratzer

Betsy Mitchell

Ted Reeves

**I. CALL TO ORDER**

1. George Tucker, Chair, opened the meeting at 6:00 p.m., all members present, except Julie Nicoll.

**II. RE-OPEN THE RECESSED PUBLIC HEARINGS FOR OKEMO LIMITED LIABILITY COMPANY - 21 Prospect Street**

1. George Tucker advised that this is an application for a Conditional Use Permit to convert an existing Multi-unit Family Residential Home into an Inn. The project is located in the Village Residential District. This hearing was recessed from the March 13, 2023 meeting.

2. George Tucker reminded all who had spoken previously at this hearing that they are still under oath and administered the oath to Rose Goings.
3. Ted Reeves advised that this is an application to change the use from a Multi-Unit family residential home to an Inn. On May 24, he submitted site and parking plans, including dumpster layout and corrected property lines. They have also submitted the requested bus schedule and a 24/7 contact phone number (at Jackson Gore Inn) for residents.
4. George Tucker said that answered some of the main questions that the public had asked. He asked about the bus turn around. He referred to the bus plan and asked if the bus would pull in or pull up alongside. He recounted that the testimony from a past meeting was that the bus would not use Dug Road in bad weather.
5. Ted Reeves said the turning radius is sufficient and the bus would turn around and go from Prospect to Depot Street.
6. John Neal said normally, the bus would pull up along the road.
7. George Tucker said that the board also did not want the bus lights directed at neighbors in the early mornings. He then said that it would be unreasonable to ask them never to have people staying at the house being outside and a 10:00 curfew was suggested. How can we contain the noise?
8. Ted Reeves said that in the winter, chances are not many people will be outside at night. That is also the reason we provided a 24/7 emergency contact phone number and if there is a problem, the neighbors may call.
9. John Neal said, in regard to limiting the house to Okemo employees, no other inns have that condition and Okemo is concerned that may be construed as discrimination if they may only rent to certain people. He said that some of the employees may have spouses who are not employees.
10. George Tucker said that is a big question. The capacity is 42 people.
11. John Neal said they never had that full capacity last year. He said that the Fire Marshall listed 42 as the maximum capacity, but we have has no more than 36 people.
12. George Tucker said we need to consider the character of the area. Employees are different than 42 different people. If Okemo sells the property, the permit follows the property.
13. John Neal said that at employee housing, the employees do pay a nominal fee. We don't want to make it too narrow. If another group, possibly the EMS needed housing, if this were limited to Okemo employees, we could not let the EMS personnel use it.
14. George Tucker said it is basically employee housing and the permit will carry with the property. It is a quiet neighborhood and this would be 42 unknown people. He asked what kind of compromise Okemo would suggest.
15. John Neal suggested "persons designated by Okemo.
16. John Boehrer said that the town does have limited rental space and Okemo purchased this property because of the limited rental properties. The town is talking out of both sides of its mouth and it is important to have rental places.
17. Ted Reeves said that the definition of "Inn" is not limited, but open to all transients. No other "inn" is limited.
18. John Neal said that Okemo has a 3-person staff that runs the employee housing and properties are checked regularly.
19. Doug Sheehan asked what the little white flags are for.
20. Ted Reeves said they were placed by David Rose when he did the survey.
21. George Tucker asked about outside refrigeration.
22. John Neal sad they added 3 refrigerators downstairs and there is a regular cleaning crew.

23. Paul Alcorn said that the DRB should contact the Planning Commission because it is working on a definition for “employee housing.” He said it may be premature to okay this before the Planning Commission changes the rules. He said that Okemo has been using this property for about 9 months and he doesn’t think they should make a decision until the Planning Commission changes the regulations.
24. George Tucker explained that the DRB’s decisions are based on the current regulations.
25. Paul Alcorn said that he doesn’t think that 60 days is too long to wait.
26. Rose Goings said that originally, this application was listed as a “rooming house” and asked how it changed to “inn.” It may not fit under the “inn” category.
27. John Neal said that the original sewer allocation was wrong and Scott Murphy recommended that they change it from residential use to commercial use. He asked how we can continue to use this as employee housing. He said that this has not occurred with the other places we use for employee housing.
28. Rose Goings said the increase in the sewer allocation came up with the Fire Marshall. She added that when the Pettigrew Inn changed to employee housing, they never came in for a permit. How can this fit under “inn” unless they offer meal service. It doesn’t say employee housing. Rooming house fits better.
29. John Neal said that Jay Moody (Fire Marshall) only required sprinklers and fire suppression.
30. Rose Goings said in her opinion, it doesn’t fit under “inn.” It is more of a “rooming house.”
31. George Tucker said it was the number of bedrooms.
32. Ted Reeves said the Fire Marshall gave us “inn” as an option, with the fire codes; “inn” is the closest definition. He said that included in the paperwork a copy of the email from Jay Moody.
33. George Tucker asked if they could suggest compromise language.
34. **MOTION by George Tucker and seconded by Doug Sheehan to recess this hearing until July 24<sup>th</sup> meeting.**
35. Ted Reeves suggested “Okemo designated tenants.”
36. Alan Couch said that is negating the definition of “inn.”
37. Ted Reeves suggested “Okemo designated transients.”
38. George Tucker suggested “Owner designated transients.” He withdrew his motion. (Number 34.)
39. John Neal agreed to “Owner designated transients.”
40. **MOTION by George Tucker and seconded by John Bohrer to close this hearing with “Owner designated transients” as a condition of the permit. Motion passed unanimously.**

**III. RE-OPEN THE RECESSED PUBLIC HEARING FOR OKEMO TRAILSIDE  
COMMUNITY ASSOCIATION, INC. F.K.A. Okemo Trailside Master Association**

1. George Tucker advised that these hearings are for an appeal to the Development Review Board from a Notice of Violation, dated February 22, 2022, issued by Rosemary Goings, Administrative Officer to the Okemo Trailside Master Association. This hearing was recessed from the DRB meeting held on February 13, 2023. Property is located at Okemo Trailside Condominiums in the Mountain Recreation District. George Tucker said that there is a current Memorandum of Understanding and this was recessed pending continued efforts on the behalf of the applicant to come into compliance with permit. The applicant has done that.

2. **MOTION by George Tucker and seconded by John Boehrer to recess this hearing until July 24, 2023. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR OKEMO TRAILSIDE COMMUNITY ASSOCIATION-Okemo Trailside Condominiums**

1. George Tucker advised that this is an application to comply with the Ludlow Fire Department's fire protection improvements and a Local Act 250 review.
2. Jarrod Jawdy advised that this is Application Nos. 128-98-PUD Amendment #68 and 496-23-Act250. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website May 24, 2023, advertised in THE VERMONT JOURNAL on May 24, 2023 and abutting property owners were notified on May 26, 2023. He said that letters have been received from police, fire and ambulance.
3. George Tucker administered the oath to Rose Goings, Josh Sapp, and Nicholas Rutzer.
4. Nicholas Rutzer said they reviewed the site for compliance. They have looked at the fire pond for capacity and will expand the fire protection systems. They are working with Chief Kolenda. They have done a flow test performance of the system. They have met the Chief's requirements with regard to the placement of hydrants. They hope to put RFP out in the fall of 2023 with construction in 2024 and completion by 2025.
5. George Tucker said they did a walk through on the site visit and noted that in his letter of January 18, 2023, Chief Kolenda wrote: "Upon review of the MSK Engineers report and proposal dated January 11, 2023 and a discussion with Nicholas Rutzer, Project Engineer at MSK Engineering, the proposed fire protection system improvements outlined in this report are approved by this department. One note: I would like one additional fire hydrant located at the entrance to Algonquin Village...The proposed upgrades to be completed in a three year time frame starting this year."
6. Nicholas Rutzer said the additional hydrant will not affect the performance of the system and he revised the drawings today.
7. George Tucker asked for an updated copy of the drawings. He noted the new 8" line connecting to an existing 6" line.
8. Nicholas Rutzer said the Chief a 6" water line to potable water to Lower Village 4 would be easy to connect. Our design is for an 8" line to the hydrant, not connecting to the 6" line because we don't know the integrity of the existing 6" line. We will run a new line to Lower Village 4.
9. George Tucker asked about a maintenance schedule.
10. Nicholas Rutzer said we will provide an operations and maintenance schedule to Okemo Trailside at the end of the project.
11. George Tucker said he would like to see the documents.
12. Nicholas Rutzer said he can provide one saying when to the exercise the system and when to purge it, plus documents on dredging the system. He can provide this information.
13. John Boehrer said this can be a condition of the permit to provide this information.
14. Doug Sheehan asked how long the project will take.
15. Nicholas Rutzer said a summer's worth of work – 2 to 3 months.
16. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing with condition of providing operations and maintenance instructions and schedules. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARINGS FOR TYGART MOUNTAIN SPORTS – PATRICK ROSS, LAMER SQUARE UNIT 2C**

1. George Tucker advised that this is an application to amend a Planned Unit Development to convert the second floor office space into retail space. The project is located in the Village Residential Commercial District.
2. Jarrod Jowdy advised that this is Application 51-92-PUD, AMD # 15. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website May 24, 2023, advertised in THE VERMONT JOURNAL on May 24, 2023 and abutting property owners were notified on May 26, 2023. He said that letters have been received from police, fire and ambulance.
3. George Tucker administered the oath George Tucker administered the oath to Rose Goings, Pat Ross and Betsy Mitchell.
4. Pat Ross advised that they wish to convert the second floor space became available and they would like to use the space for storage and a main office for the business. There will not be retail activity on the second floor
5. George Tucker asked if there would be any changes to signs or lights.
6. Pat Ross said no, but they will be connecting the 2 units with a walkway. This will not change the footprint.
7. Doug Sheehan asked about parking.
8. Pat Ross said there are 3 spots on one side and 2 on the other side of the bridge.
9. John Boehrer asked when they plan to open.
10. Pat Ross said June 30<sup>th</sup>.
11. John Boehrer asked about the bike riders' group.
12. Pat Ross said they ride on Tuesday nights and it is a "no drop" group, all ride together. It is a community gathering, ranging from 8 to 10 to as many as 28 riders.
13. Rose Goings asked if they had spoken with the Fire Marshall.
14. Pat Ross said yes.
15. Rose Goings said there is nothing in the file about this.
16. Pat Ross said he will get a copy to the office tomorrow.
17. **MOTION by George Tucker and seconded by Alan Couch to close this hearing. Motion passed unanimously.**

VI. **MINUTES**

1. Minutes from the Meeting of February 13, 2023 and March 13, 2023.
  - a) May 8, 2023 – Special Re-organization and
  - b) May 8, 2023 - Regular meeting.
2. **MOTION by John Boehrer and seconded by George Tucker to approve the minutes from the May 8, 2023 Re-organization meeting and the regular meeting as presented. Motion passed unanimously.**

VII. **OTHER BUSINESS**

1. There was none.

VIII. **ADJOURN**

1. **MOTION by George Tucker and seconded by John Bohrer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:51 p.m.

Respectfully submitted,

Lisha Klaiber

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George Tucker, Jr., Chairman

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Julie Nicoll

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John Bohrer

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Doug Sheehan

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Alan Couch