

Ludlow Development Review Board
Meeting Agenda
Monday, May 13th, 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:

Amy McKearney	Heather Valade	Scott Wunderle	Ted Reeves
Alan Couch	Bruce Schmidt	Patrick Jarvis	Charles Peel
Cathleen Ellmaker	Kathy Couch	Charlie E. (contractor)	John Watanabe
Alexandra Horst	Noah Schmidt	Marissa Szczepanski	Greg Kepler
Eric Alden	Mister Basquali	John Szczepanski	Marc Stuart
Scott Baitz	Rachel Diak	Art Randolph	Leslie Stuart
Lamontagne (no first)	Karen (no last name)	Dennis Stetsenko	Alexandra Horst

I. CALL MEETING TO ORDER:

1. The regular meeting of the Ludlow Development Review Board was called to order on Monday, May 13th, 2024 at 6:00 p.m. at the Ludlow Town Hall by Geoge Tucker, all members present.

II. ADMINISTRATIVE REVIEW: Robert Sullivan - Prospect Street

1. Reason for Hearing: To correct language for a 3 lot Subdivision within the June 22, 2023 Notice of Decision. Applicant # sub23-010

2. Jarrod Jowdy reads that no public postings were required and Chuck (Charles) Peel is here as a representative for Mr. Robert Sullivan.
3. Chuck says he was here last year for the same subdivision. He has lots on the riverside that meet the requirements but are not buildable due to being in the flood zone. The two lots on the riverside are not mentioned in the notice of decision. It only talks of a 3-lot subdivision. He thinks lots are being sold together. The A lots are not being listed, so they can't sell them. He has proposed changes to the board to get the lots on the market.
4. George Tucker says he received the letter with the provided changes. It was reviewed by Chris Callahan. The only change provided was to remove that all lots fit the 5,000 sq. ft minimum because it would reference that Lot A would be buildable.
5. Chuck Peel says he is ok with that change.
6. Julie Nicoll wants to note that the property is divided by the town road and is not continuous. She mentioned for setback reasons and would not use lot A as a setback.
7. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to approve the changed language. Motion passed unanimously.**

III. PUBLIC HEARING: Okemo Limited Liability Company

1. Reason for Hearing: To reopen the hearing of the relocation of the Starlight Carpet, for additional evidence. This project is located in the Town's Mountain Recreation district. Application #288-05-CU, 092-95-PUD, 478-20-ACT250.
2. Jarrod lists the hearing date is today, and public postings occurred on April 17th, 2024 and on the town website and public record on April 24th, 2024, and abutting neighbors were notified on April 25th, 2024.
3. Mr. Basquali, OML owner, takes the stand and thanks the board for reopening it in response to his letter. He is from Australia, so he apologizes for his accent. He and his wife live in the C Building at Okemo Mountain Lodge. He says they are an anomaly as the majority of the owners are just second-home owners. He says he has fallen in love with the town and purchased their unit after looking at A- and B- Buildings but didn't buy because they felt they were too crowded of areas. They like that C-Building is removed, isolated, on the ground floor, and is peaceful, though it is more expensive. This has become their primary residence and when he found out about the development, he was upset because the proposed build is close in proximity to his condo. He mentions there could be detrimental effects from a noise pollution view and thinks it will devalue his property. He objects to it for those reasons, and there are already 3 magic carpets on the Clocktower side. He notes there are also magic carpets at Jackson Gore. He questions the appropriateness of moving something that doesn't affect anyone to a location that will affect residents. He thanks the board for the opportunity.
4. Ted Reeves states the application in front of the DRB complies with the regulations and rules.
5. Julie Nicoll asks him to address the noise and construction part that Basquali is concerned about. Ted Reeves says there will be noise during the construction and talks about the actual structure of it. He says there is no loud jackhammering and big construction vehicles. He notes they have to bury the power line but it's not a big project and should cause little noise generally.
6. John Boehrer asks what the height of the magic carpet will be. Ted Reeves says it will be at ground level essentially. When they make snow, it will come up with the level of the magic carpet. Other than a pedestal, you don't see much of anything and it's not sitting up above the grade by several feet.
7. John Boehrer asks if there are any trees being removed. Ted Reeves says no.
8. Phil Carter asks Ted Reeves if there is anything there now, but there is not, Ted confirms. Phil Carter asks how kids won't get hit. The idea behind the magic carpet is to expedite movement and use the carpet instead of climbing up. The location is being used for the same purpose.

9. Alan Couch asks Ted Reeves to address the size, he believes it is a 650 ft. magic carpet, and asks about the potential bottleneck where the magic carpet might be close to the end units by the first aid station and how it may affect the owners there. Ted Reeves responds and says it is only 50 ft. long. The bottom end of the carpet is tucked up the hill enough in the island of trees and people will still be able to get around to their condo.
10. Anonymous Zoom chat question from Karen (no last name): Does this application require a variance of setbacks in C-Building to install this? Ted Reeves responds and says no, there are no variants because it is not a residential building so it is an accessory use.
11. Rosemary Goings says the person in the chat is Karen, with no last name. Rosemary also asks if there is one being added to Jackson Gore.
12. Ted Reeves said he made an error in the first set of drawings. The carpet leaving JG will go to the OML C Building. There is going to be a replacement from JG with a 100 ft. carpet.
13. Phil Carter asks if this will be primarily for younger children and if this will create a crowd. Ted Reeves says no, there isn't a real perceived increase in skier traffic because they are looping the same population of kids and not increasing the uphill carrying capacity of the lifts and the carpet is limited by the speed of the motor.
14. Julie Nicoll asks if we are dealing with the JG change, and George Tucker says yes, we are addressing the drawing error in tonight's meeting.
15. OML owner, Basquali, says that he noticed other magic carpets have huts at the top and bottom, and Ted Reeves says this lift will not have it. He says there are a couple of stakes in the ground and Ted confirms it is the proposed location within a couple of feet. OML owner asks if it will be that close to the trees, and he notes the scale of the drawings is different.
16. Ted Reeves clarifies that after Rosemary Goings got in contact after the last hearing, he placed those stakes just so that the residents and stakeholders could go up and see where the carpet is intended to go. They pulled distances off of the OML C Building at the top and bottom and those dimensions are on the drawing. 61 and 71 ft.
17. Phil Carter asks if it makes noise, and Ted Reeves says no you wouldn't hear it unless you were standing at the motor that drives it. Ted confirms it is an electric motor. They are really quiet.
18. **MOTION by Douglas Sheehan and seconded by John Boehrer to close the hearing for Okemo Limited Liability Company. Motion passed unanimously.**

VI. PUBLIC HEARING: Winterplace COA

1. Reason for hearing: Application to amend a Planned Unit Development Permit to convert attic space into bonus rooms. The project is in the Mountain Recreation District. Units include: H303, H302, and P306. Application 081-94-PRD
2. Jarrod states the public records were posted on April 17th, the town website on April 26th, and in the newspaper record on April 24th, and the abutting property owners were notified on April 26th, 2024.
3. John Watanabe notes there are three loft units looking to expand from unconditioned space to conditioned space. This is a continuation of about 60 units total with 40 more that would still be eligible.
4. George Tucker asks him to go through the changes provided on the plans. John Watanabe notes that they are building out into what is common space currently and what is qualified as a bonus room space and consists of no sleeping, plumbing, bathrooms, etc.
5. Julie Nicoll asks if he is aware of the non-spiral staircases to be used. She reads the letter about the units being updated and requests all units be marked on the outside door as well as the unit of the building. The attic units may not use a spiral staircase unless there is other means of

egress from the attic space that would allow the use of a stair chair to extract potential patients from that section of the unit. The space should also not be used as a bedroom.

6. Phil Carter asks John Watanabe if the fire department requires a permit regarding sprinkler coverage must be modified to all bonus rooms. John Watanabe testifies they will not be used for bedrooms.
7. Phil Carter says he has seen a lot of these come through and asks John Watanabe if he has processes in place to ensure they are not bedrooms. John Watanabe. says there is no process in place and is not sure that process could be put in place on any complex. Phil Carter notes a fire a few years ago, the chief was concerned there were people sleeping in part of a condo that they shouldn't have.
8. John says that state fire and safety has granted approval for those units to be used for sleeping though we agreed at the local level that it is not the case.
9. **MOTION by George Tucker Jr. and seconded by Julie Nicoll to close the hearing for Winterplace COA. Motion passed unanimously.**

V. PUBLIC HEARING: Ronald Kemperle

1. Reason for hearing: Application is for a Site Plan Review for residential landscaping. The project is located in the Mountain Recreation District. Application 500-24-SITE for 158 Snowbridge Road.
2. Jarrod notes the public records were posted on April 17th, the town website on April 26th, the newspaper record on April 24th, and the abutting property owners were notified on April 25th, 2024.
3. Julie Nicoll asks if anyone on Zoom wishes to speak, do they have to be sworn in too? George Tucker says yes, they do. Jarrod Jowdy is keeping an eye on that.
4. Scott Wonderly takes the stand. He grew up in Saxtons River and has been running a landscape architecture company out of Chester.
5. He notes he came at the projects from an ecological perspective and worked on the first house on the left as you go up the Sachem lift. Over three years, the project took on a character which is what in the studio they refer to as an ode to winter. The stonework will be all dry-set with a technical filler and the pond is proposed to be dug out with a protective liner but the overflow pipe will stay as it is now and there will be an overflowed section in case it floods. He notes concern about erosion and storm damage. The grating plan during and after construction will go into the pond so they have control of any silt and try to minimize that as they work at the bottom and up with plantings in phases. There will be temporary access roads put in so there is no equipment stuck in the mud. Some trees will be removed but lots of trees will be replanted. The features will be seen from the chairlift and believes it will be an addition to the environment. Overall it is a sculptural project that he expects the family will enjoy and they are looking forward to the project but happy to listen to concerns or questions about the process.
6. Julie Nicoll said she had a site review and was able to see how it will be the situation. Scott Wonderly says there were stakes put out to show where the project layout is. He says a crane will be brought in for the rock work to minimize driving.
7. George Tucker asks if the pond will be deeper. Scott Wonderly says it will be deeper because it hasn't been dug out in a long time, but in proximity to the ledge, it won't be that deep. There will be a shield to limit the bleeding of the pond into the dam but the capacity will be similar to when it was first built.
8. Phil Carter asks when it was built, but they don't know for sure. They think it may be in the 70s.
9. Phil Carter asks if the berm was an engineer or if an engineer was signed off on it. Scott Wonderly says no.

10. Phil Carter says that part of the mountain slid into the Okemo Marketplace last summer and thinks it was due to projects like this with drainage effects. He is concerned about the dam/berm. He asks how they can ensure that the berm will be good to go. He notes more water will go into the pond than the ground. There are pictures of the drain being clogged and there are 3 years of nobody looking at the pond or the overflow pipe.
11. Scott Wonderly says that they've been asking themselves the same question if it is safe and thinks they leave what has worked for a long time alone and add to that. They could pull it out and replace it with an engineered plan, but if it's worked since the 70s it's okay. Phil Carter says that it will change though because more drainage will come into the pond. Scott Wonderly says the stonework will be drylaid about a foot and a half under the stonework below grade so that acts like a dry well and gives the water a chance to percolate down through rocks and into the crushed stone. They did add pipes in that. They think they are slowing the water down by adding grass, plantings, and leveling areas, so they thought it was a wash, but if an engineered study is required, they will listen to recommendations. It is a small body of water. Phil Carter says if that berm blew out, the water would head downhill quickly and someone would be affected. Scott Wonderly says the pipe and the lower patio area stone will be protecting the pipe and you can clean it out. That pipe becomes part of the structure so you can access it. They think they should keep it as small as it has been to continue water flow. Scott Wonderly says the owner has asked for it to be cleaned out.
12. George Tucker says that based on the map, there is an existing water line and a proposed water line with a liner depicted and it looks like they will extend further into the setback - are you changing the shape? Scott says the pond goes close to the neighbors' property and they are pulling it back from the line to get away from that conflict and create more room for plantings. The new house built below the Kemperle 's will have more space.
13. George Tucker notes the drawing shows the existing pond water line looks further away from the new line. Scott Wonderly says the existing pond is tight to the property line so they are making the pond smaller. George Tucker says it looks like the pond is being enlarged on Plan Page 5. He wonders if it is a reshape. Referencing the lefthandside there is the existing pond water line and the proposed water line. Scott Wonderly says it is a bit of both by changing the shape and pulling it back from the property line where it pulls in and goes out. The dark line is the rubber. Phill asks what the purpose of that is. Scott Wonderly says during the spring you can't see it, but there is almost no water in it but they want to have a water feature in it. Scott Wonderly says they have had good luck cutting a vertical slot with a smaller excavator and dropping a sheet of rubber to seal it. The earth beyond that is for plants on the edges with no punctures in the rubber and an effective detail you won't see, it only adds structure and makes the dam more impervious.
14. On the berm near the new house being built, Phil Carter asks if there will be plantings there or anything to help stabilize. Scott Wonderly says on Sheet 5 there are circles to show the plants going in. Phil Carter asks what types of plants, and Scott notes on Sheet 12 that there is a planting list for location, a key for each plant, and a table that shows the name and size, maturity height, and number of plants.
15. Scott Wonderly says the idea there was to screen the neighbor, stabilize the bank, and soften the stonework. On the house side of the pond, they will create an edge to detail the pond and create a more fitting detail and no-mow grass.
16. George Tucker asks how much water will go in the energy still way that they are putting in. Scott says in a typical year, he doesn't think any would and hasn't seen water at the top of the dam instead unlike last summer. The watershed is cut off by the driveway, so you are only dealing with water on the parcel below the house. Last summer you didn't see any flat grass up there, they were surprised, no evidence of the pond being impacted.

17. George Shehhan asks if these patios would make more water go in the pond, and Scott says it wouldn't be more water, but it would make the water move more.
18. Scott says the diagonal staircase will be handset ledge stone and the filler between the rocks, but listening to the concerns, they think they can remove the grout in those sections to help slow the water into the crushed stone.
19. Phil asks how deep the pond will be. Scott says they are proposing 5-6 feet. It's not a big pond, it's a little place to ice skate, and it's more like a reflecting pool.
20. Scott Baitz says he took care of that house for many years and says the pond is very small and you won't get a whole lot of water and confirms Scott is right. It's a really small body of water, just barely enough to skate on.
21. Rosemary Goings says she looked at the maps and noticed the mountain recreation setback stops at a certain point and then it must be that the residential comes into it, or is that the end of the property line? She says the map was confusing in that area. She also asks about the lighting around the landscaping, and wonders if there is lighting around the pond, all the little buildings, and the walkways, and if so, were the night sky regulations looked at for this? Scott says all of the lighting proposes were little LED strips and they are downcast lighting and there is one electric line being run down to the lower patio where they hope to someday add lights someday. On the drawing set, there are no lights around the pond. There are lights around the parking area and details on the stonework to illuminate it for safe walking but they are all downcast. Rosemary asks if he does plan to put lighting around the pond, but Scott Wonderly says there is only conduit for future use but he can get a permit for that in the future. Rosemary Goings says regarding the setback, it doesn't meet the setback conditions and she is wondering if that is encroaching upon the setback. On the plans, she noticed that there was a line going through part of the area that was saying mountain recreation and asked if that was the end, or the end of the property line. Scott Wonderly says this is a question for Patrick Jarvis.
22. Patrick Jarvis says the inside line is the setback. The property line is on the outside of the pond. What they are doing with this is filling in the existing pond, and they are not changing the shape and just doing maintenance on the pond and excavating what has been filled in.
23. Rosemary Goings asks if the stone walls are also within the setbacks. Scott says yes they are quite a ways away from the property line.
24. John Boehrer asks if there is electricity there now, and Scott Wonderly says yes but they will get pulled out.
25. Rosemary Goings says she is just worried about the night sky regulations and wants to make sure there is not a glowing effect like there has been from previous projects in the past. Scott says the lighting is fairly subtle.
26. **MOTION by George Tucker Jr. and seconded by Douglas Sheehan to close the hearing for Ronald Kemperle. Motion passed unanimously.**

VI. PUBLIC HEARING: Leslie & Marc Stuart and Cathleen & Lee Ellmaker

27. Reason for hearing: Appeal is in opposition to an approved permit for a single-family residential home. The project is located in the Village Residential District. Application #501-24-AP for 00 Gill Terrace (3 Gill Terrace).
28. Rosemary states public postings were recorded on April 17th, 2024 and the newspaper record was done on April 24th and abutting owners were notified on April 24th.
29. Reason for appeal: Marc Stuart at 5 High Street on the corner of Gill Terrace has concerns. The grade of the hill, and the street is steep and is well-versed on the amount of water coming down Gill Terrace and that lot. When he purchased his home 30 years ago, the water would run into the dirt basement and would wash down the gravel hillside, and then terraced his backyard. With the recent storms, the water has created problems causing washouts. The water coming down Gill

Terrace is an issue with the storms, and Commonwealth Ave/South Hill etc. though not at the same scale. The storm drains were overwhelmed this summer. The other concern he has is privacy. His backyard he has a hot tub, outdoor shower, and bedroom view. The maple trees would have to come down too. Whether it is shrubbery or fences, how that is addressed, he is not sure. Another concern is the character of the neighborhood. We are in a historic neighborhood on High Street with the Black River Academy etc. and aren't sure if this applies, but what would go in there for a house he is unsure of the house design and where the water would go. The water will either go in his backyard or down Gill Terrace into the overwhelmed storm drains. It borders a historic area. His wife has been involved with the town and started Streetscapes to help maintain the character of the town with new streetlights and trees, and also has businesses in town and knows buildings will happen but wants the issues addressed. Overall, he wanted to voice his concerns.

30. Julie Nicoll asks if Leslie Stuart was sworn in. Leslie confirms.
31. Leslie Stuart says in December of 2022, the people who bought the house behind them had applied to the subdivision application and attended the hearing, and vocalized concerns about the subdivision which was submitted with an application for a 5-bedroom 3-bath house. At the time of the subdivision hearing, there was no application with a building plan and could only be concerned about the setbacks. It did meet the requirement of the subdivision and were told they were able to voice concerns if and when someone applied to build a home. They were told when they see a permit, they will address the issues. They welcome new people into the neighborhood and live in an old house in the preservation district and feel that the process seems that a permit shouldn't be approved until their concerns are addressed. They submitted a letter with an appeal citing regulations to zoning etc. Overall, Leslie Stuart asks that given the amount of water issues we've had in the past year, the fact that VT is ranked #4 for potential flooding and #27 for storm issues, they have concerns about their home, neighbors, etc. and asking they consider concerns and get help to look at a plan where they understand what is being built and what in writing are the water mitigation issues. What does a retaining wall serve if you can't see the flow? The trees have been a great screen, but all the trees are dead and a tree guy said several years ago they all have to come out except for the 2 closest to the street. They are looking for consideration in this process to protect their interests. They cited references and citations in their memos.
32. Rosemary Goings asks if the trees are on her property that they planted. They are 200 years old and technically on their property. If a house is built, they have to come down. Rosemary Goings says she submitted a defense for the approved zoning application and wasn't sure if she should go over it. She emailed a copy to Leslie Stuart and to Cathleen Ellmaker, and to the board, Jarrod Jowdy, etc. Phil Carter says he would like to hear from Rosemary Goings. Cathleen Ellmaker said she would like an opportunity to speak at some point.
33. Julie Nicoll asks if the applicants have a copy of the email, and they take it to review.
34. Rosemary Goings reviews the defense for the application. The single-family home is for 5-bedroom and the water allocations were all approved, including the building plans, the access permit, and the property itself. The application after reviewing was approved on March 22nd, 2024. At that time, and as soon as the permit was posted, the abutting appealed the permit. Drainage, flooding, screening, exterior lighting, property width, and driveway and lack of financial plan and hydrology settings and setback. The comments made by the DRB meeting in Nov & Dec in 2022 were regarded as a subdivision only. There was no development listed at that point so the DRB can't talk about it if it's not there. Approving the single-family residence did not require the items listed above that were mentioned. It must have a conforming site size, meets setbacks, approval of municipal sewer and water, and approved access permit with building plans, exterior, and floor plans. The application was submitted with everything they needed to be approved. In Section 222, the administrative officer shall issue a permit only upon finding that the application

conforms to regulations. At the time of submitting, the building met the setback at 25 feet from the center, 12 feet from the left, 16 feet from the right, and 96 feet from the road. It was approved by the town highway foreman and the town manager. The curb cut will be 30 ft. wide but the driveway is only 20 ft. wide. Municipal sewer was approved for a 5-bedroom and the floor plan showed only 4 bedrooms. No basement, a modular home, a two-story traditional style home with shutters, and conforms to surrounding homes in the area. Section 420 talks about the residential district in the village, and the property is not in the historical or preservation district, it is in the village residential district. Everything listed in that, the property owner had submitted and conforms to. Section 221 for applications, the single-family home needed 2 copies of the plot plan, sewer connection approval, and any other possible permits from the state. They had their subdivision regulation decision approved and locations and identifications of any specific directions will be the responsibility of the applicant. Rose says the information she has received, this permit was able to be approved.

35. Phil Carter asks Rosemary Goings if the building permit had an egregious addition, how do you handle that? Rosemary Goings says other than not meeting the setbacks, it would be denied and referred to the DRB. In this case, the contractor moved the driveway from the bottom of the parcel closer to the Stuart's property. The driveway is no longer right in their backyard.
36. Phil Carter asks if the only course is to deny the permit, and Rosemary Goings confirms. Rosemary Goings doesn't have the authority to move the house, etc. Other than the structure, the sewer, driveway, etc. that is based on someone else's approval.
37. Leslie Stuart says she was under the impression that when an application went before a zoning administrator they would review it or refer it to the DRB for review, or deny it. Given the fact there was a folder for the subdivision that didn't have a plan, but had a permit for a 5-bedroom house, it would setup red flags for the zoning department before they granted approval. Now they are working backward. Marc Stuart states that when it was subdivided, they had concerns and were promised then that their concerns were not appropriate to address at that time. He says they have been diligent of following the process and feels now is the time to address them.
38. George Tucker says this is the next process, so this is the right way.
39. Cathleen Ellmaker says she sent over a letter stating objections and items wanting to be addressed, and they moved the house between the time of the letter and the hearing. It appears closer to her property at 3 High Street. Her carriage house will sit very close to this house. She is in the preservation district and has concerns about the house. There are no foundation plans. She doesn't know what this house will look like, what they will dig out, the foundation, how it's leveled, retaining walls, and what that water does coming back down to the back of her property and Marc and Leslie's house. She thinks it is very loose with how this house will be completed. The slope is very steep and it's unclear what that will look like, and a privacy standpoint for both the Stuarts and herself. She is also concerned about how much driveway space there is, and it was bought by an LLC and doesn't appear to be a single-family home and she thinks it will be a tourist home that is rented and will need additional parking spaces. A 20ft. long driveway and four parking spaces are assumed. She wants to understand once the snow piles up, what will that look like. Nothing about exterior lighting or screening in any plans or in the building permit.
40. Phil Carter says that this is the process and it is not going to end and they will get the information from the builder with mitigation plans and will address the issues regarding screening, lighting, runoff, all of it. This is the beginning. Marc Stuart asks if the board will research and investigate the concerns and doesn't know if the board will come to a conclusion, or if they can give more input. Phil Carter says the hearing is open and feels it will be recessed pending all of this information going out to the builder. Phil Carter says they will have another chance.
41. Charlie E. is the contractor.

42. Marissa Szczepanski, the owner, states the LLC is not to be a business, only for estate planning. They've been coming to Okemo for years, love the town, and are in a spot to build a second home that they want to enjoy with their 3 teenagers.
43. Charlie E. is the General Contractor on the project and there is nothing "loosey-goosey" about it and they have hit everything on the town zoning permit and the only thing that is incorrect is there is a basement under it and he does have that plan and although it wasn't submitted with permit. All the questions are questions not on the permit and happy to address them. They hit everything on the permit. Phil Carter says this is the next level.
44. Phil Carter asks how the roof will face, and Charlie E. says the gable faces the road. Charlie E. says the same water would head down the hill and look at excavation to put water toward storm drain but not create any more water. Phil Carter says the impervious surface has changed. He asked if there was a plan for water coming down the hill or roof, and noted Marc Stuart put in terraces, and the problem will be exasperated. Charlie says Ron Tarbell wants them to pave the skirt so that the water on the lot stays, the curtain drains into the storm drain. Phill asks where the storm drains are, and Charlie says it will be around the fence line. Phill asks if the grade could be changed, and asks if they can do that Charlie says yes, they can. Charlie says they have to level it for construction and they can set it toward the road and sway it a bit.
45. Marissa Szczepanski said they are happy to work with any of the neighbors with screening and they have privacy in place in their home in NY. They would want privacy as well so they are happy to work on that. With lighting, they don't plan to do anything obtrusive and maybe the side slider will have a motion-activated type of light and nothing out of the ordinary as far as lighting goes.
46. Rosemary Goings says on the building application it does not have the basement that Charlie E. just mentioned and no basement plan and wonders if that was added after the building permit was taken out because they don't have the drawings. She asks if adding a basement, will that raise the height, and Charlie E. says no. George Tucker Jr. asks if they can provide those plans, and Charlie says absolutely and can do so by the next meeting. He says they have lost 2 months of building time and says waiting for another DRB meeting is a burden. George understands that and asks how long it would take to get the documentation, Charlie says 7 days.
47. Rosemary Goings says the permit is now appealed and until the DRB gives the decision, there is no approved permit currently.
48. Phil Carter asks the applicants if these are resolutions and if they want to hear more. Marc Stuart wants to see where the water goes because the field has a big permeable surface. He would like to see those plans, and Charlie E. will provide them, Phil Carter says. Leslie says they respect their time, though they do have concerns, and they don't see themselves going anywhere and wants to protect what they have. If there isn't something that shows exactly what is being done, how do they know how it will work and flow? What recourse do they have if it doesn't work? The lawn was a sponge and absorbed a lot of water and now the house is there, along with a deck that is not noted, so they want to see more specifics. She thinks these need to be addressed in light of everything happening with water in this town.
49. Cathleen Ellmark says she would like adequate time to review those plans so they can have their people look at it and make sure it address their concerns. They are only building to make sure their house works, and not how it affects the town.
50. George Tucker notes they are looking for basement plans, water mitigation plans, lighting location, and site work for drainage.
51. Julie Nicoll asks if the driveway will be paved in one area, and Charlie E. confirms with gravel in the rest.
52. Rosemary Goings says while thinking about the water erosion, etc. the burden of proof is on the appellant, and maybe the neighbors can work together on this but the appellants are the ones

who should be having something given to the board to prove there is that much water coming off it and that it will cause a hardship for them, etc. because that is the way it works.

53. Leslie Stuart says in one of the things submitted, it says the board shall require the developer to submit standards without impact on properties, so why do they have to prove this when the zoning regulations say the board can require the developer to submit the information as well as the landscaping and screening, and she respectfully disagrees with Rose on that. Rose says that is the subdivision regulations which is different from zoning, but the reason why is because you've appealed so it's like going to court that is on the record.
54. Marc Stuart has photos of water runoff, storm draining cleanouts, etc., and asks if that is information or evidence he can provide. George Tucker says it has to be quantifiable evidence of damage, etc. It is to prevent from someone crying wolf. The board will gladly take all evidence you have to provide.
55. Cathleen says you can site visit and see it is on a steep slope, so she doesn't think their concerns are unfounded and that it would have a deleterious effect on those below it, and it's a permeable piece of land now, and it will be highly impermeable with a house on it and would like their concerns addressed.
56. George Tucker says they have addressed some of this and they will provide documents to the board for review and we can touch on lighting again, but all lighting in the village is all downcast.
57. Phil asks if the builders have an idea of their responsibilities on them. Charlie says yes and understands the concerns. Marissa Szczepanski is not looking to cause any concerns.
58. Marissa Szczepanski asks regarding timing questions, how will the timing work if Charlie E. can get you documentation? George Tucker says the next DRB meeting would be the next time to review.
59. George Tucker asks if one week of time to review the documentation provided is enough. Cathleen Ellmaker says she is out of the country and would not have time to review. George Tucker says they are able to close a date on a set date before the next DRB meeting and could close in 2 weeks with all documentation due in 1 week. The board would then deliberate on the decision and provide an answer. Is one week reasonable?
60. Marc Stuart just wants to be treated fairly and understands the timeline.
61. Charlie E. wants to make a point that they did answer every question on the permit to build and are being asked to do extra on the permit.
62. Julie Nicoll says that they did not include the basement. Charlie says yes, his mistake.
63. Cathleen says she would like at least 3 weeks to respond in writing back. Douglas says she has internet and travel plans do not affect this.
64. Phil Carter says the permit could get denied, so it's on the owners to get what they need to mitigate these concerns and come to an agreement.
- 65. Tuesday, May 28th 2024, is when it would close with all documents due by May 20th, 2024.**
66. Leslie Stuart asks about the timeline. The further discussion will be amongst the board only.
67. Marc Stuart asks if they don't get to voice them, but they do via letter (no meeting). They are to review evidence and the board will either agree with them or not. Leslie asks if they can't get an expert to look at it without an engineer to review it. If that is the case, Phil says they can reopen the hearing for additional evidence.
68. **MOTION by Phil and seconded by Douglas Sheehan to close the hearing in two weeks, and in one week, the owners have all information to the planning office for appellants to review and comment, and then back to the DRB for review. Motion passed unanimously.**

VII. MINUTES

69. April 8th, 2024 minutes:

- a. Alan Couch: in the hearing for Okemo Limited Liability, there is a gentleman named Bruce McGrath and he was not listed but he was here via Zoom Julie said he was listed under #10. His name has to be added to the
- b. #1 - remove "present" on the end.
- c. III - Page 1 #4: (name) should be "Phil"
- d. Tucker Hearing - Page 1 #4: Phi Carter asks was the 1.9 acre lot going to be added to tax lot 10-2-24 and that is what the lot line adjustment is
- e. #6 - change to tax lot 10-2-24
- f. #7 - last sentence: which will be added to tax lot 10-2-18
- g. Okemo Limited Liability #6: add Stephanie Grover for last name
- h. Page 2 #13: missing "is" going to be bigger
- i. Page 2 #13: concerned about the ambulance regarding CPR training
- j. Julie Nicoll Page 2 - fix name spelling
- k. Other business: referencing George Tucker recessed NOT closed.
- l. **MOTION by Julie Nicoll to accept the minutes as corrected for April 8th, 2024. Seconded by George Tucker Jr. Motion passed unanimously.**

VIII. OTHER BUSINESS

1. Eric Alden: says earlier in testimony there was a question from an anonymous, and as this is an on-the-record board and if anonymous questions are included on the record. George Tucker says it will not be used in the determination for the decision.
2. Alan Couch: if the state issues an ACt 250 permit, would the application still need to abide by the village or town regulations/zoning. Couch asks about a grating issue. Rosemary Goings says that was a violation that has been remedied. She says there was a death and it wasn't able to be done at the time and with other work done on the house, they needed to issue a notice of violation and needed to do work above elevation. The berm was a big part of it and it is on the river bank but the new floodplain managers were very aware of what was going on and have properly gotten pictures or visited the site. There is also a sale coming up on the house and they've done everything they are supposed to do.
3. George Tucker says he is not aware of the case he is discussing but will gladly answer any question to the best of their ability and the zoning office can answer questions better. Couch says he assumes that grating in a flood hazard area whether dictated by the state, he assumes in Article 6, number 7 is a conditional use and Tabel 5.2 in the special flood hazard area, it is a conditional use and assumes it has to come forth to this board. George says that is where direction to the planning office is necessary.

IX. ADJOURN

1. **MOTION by George Tucker Jr. and seconded by PHIL to adjourn. Motion passed unanimously.**
2. The meeting adjourned at 8:05 p.m. on Monday, May 13th.

Respectfully submitted,
Abigail Childs