

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

April 9, 2018

MEMBERS PRESENT:

Phil Carter, Chair	Julie Nicoll	Dana Wilson
John Boehrer	Linda Petty (by phone)	

STAFF PRESENT:

Rose Goings, Zoning Administrator

OTHERS PRESENT:

Jon Folkersen	Jeff Milligan	Vincent Guerrero, Okemo Valley TV
Tracy Folkersen	Fred Moss	Lisha Klaiber, Recorder
Fred Glover	Mrs. Moss	
Ralph Michael	John Watanabe	

1. **CALL TO ORDER**

A. Meeting opened at 6:00 p.m. by Phil Carter. All board members present.

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR JOSSELYN PLACE, LLC**

- A. Phil Carter advised that this is an application to subdivide one lot into two separate lots and had been recessed from the meeting of March 12, 2018. The property is located at Tepper Drive in the Town Residential District and the Lakes District.
- B. Phil Carter reminded all who had testified at the last meeting that they are still under oath and administered the oath to Fred Moss. He advised that a new map had been submitted as evidence.
- C. Fred Glover advised that the new map is a revised draft of the subdivision. There had been an issue with access for Parcels 1 and 2. Parcel 2 is not going to be developed in the foreseen future and will be put into Current Use. The question is that the rules for subdivision kick in access requirements. As per Article 4, Section 461 technically the rules for private roads do not apply to subdivisions of less than 3 lots. The properties will access through a 50 foot ROW through Plymouth. The new plat reflects this. The access to the subdivision will be through that 50 ROW off Kingdom Road in Plymouth and will go through Parcel 2 to Parcel 1. There will be a restriction in the deeds that access to those lots will be through that 50 ROW, not Tepper Drive.
- D. Phil Carter asked how this would affect the Fleischman property.
- E. Fred Glover said the Fleischmans have a ROW across Parcel 1 and any sale of Parcel 1 would state that conveyance to the Fleischmans.
- F. Phil Carter asked why wouldn't Parcel 1 use that ROW.
- G. Fred Glover said it would be a condition in the deeds and permit.
- H. Phil Carter asked if the Fleischmans have a deeded 50 ROW through Parcel 2 to Parcel 1 to Tepper Drive.
- I. Fred Glover said yes.

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- J. Phil Carter asked if they could also access the 50 ROW to Kingdom Road.
- K. Fred Glover said he didn't think so.
- L. Phil Carter asked if, other than the new 50 foot ROW, were there any changes to the initial plat. He asked if the boundaries are the same.
- M. Ralph Michael said there only change was to extend the road to Parcel 1 from Kingdom Road.
- N. John Boehrer asked if the Fleischman's ROW to Tepper is across Parcel 1.
- O. Fred Glover said yes.
- P. John Boehrer asked if the access to Parcel 1 is through Kingdom Road.
- Q. Fred Glover said yes, there will be a 50 ROW and it will be in the deeds and possibly a condition of the DRB permit.
- R. Rose Goings said there are 911 standards about 3 parcels, it becomes a public, private road and must be named.
- S. Phil Carter said the Fleischman lot, or 3rd parcel is pre-existing and not part of this subdivision.
- T. Rose Goings said she disagrees and it is part of this subdivision.
- U. Fred Moss said the Fleischmans property has a ROW though Tepper and this has been deeded down since that lot was created.
- V. Phil Carter asked Rose Goings if she is saying that there are 3 lots, therefore it must be named.
- W. Rose Goings said she will have to check if it would be named through Ludlow or Plymouth. She believes that the Fleischman lot is the 3rd lot and does not know how it will work for 911.
- X. Phil Carter said, if the board closes this hearing, there may be language in the decision to conform to 911 standards. Would the applicant want to close the hearing or find out what those standards may be?
- Y. Fred Glover said it would be good to know what board imposed conditions would be in the permit. This conforms to the discussions from the last meeting and he was not prepared for 911. Parcel 2 is going into Current Use for the foreseen future and Parcel 1 will not receive a 911 address until someone starts to build.
- Z. Ralph Michael said wouldn't it be through Plymouth off Kingdom Road.
- AA. Rose Goings said this board has also not heard from Police, Fire and Ambulance. This was done for the Andover subdivision.
- BB. Fred Glover said 911 should not be a concern for this board, except for the portion on Parcel 1 to Parcel 2 to have a 50 ROW.
- CC. Phil Carter said there is nothing in our regulations for this board to deal with 911 contingencies. We grant subdivisions, and then you proceed with 911 and signs.
- DD. Rose Goings said this would normally be cut and dry.
- EE. Phil Carter said that the Fleischman parcel is not part of this subdivision. This board warned a 2-lot subdivision and the Fleischman property is not included. The question is does this part comply with out subdivision regulations. He said that 911 contingencies are not through the DRB.
- FF. Rose Goings said that 911 contingencies are done through her office.
- GG. Phil Carter asked if this subdivision comply with our subdivision regulations. He does not know how the DRB can do 911 because it is not in our regulations.
- HH. Rose Goings said it is state law. She said that 911 standards set in when 3 lots are created.
- II. Phil Carter said this is a 2-lot subdivision. The DRB has no guidance for 911 that we are required to address.
- JJ. Rose Goings said that subdivision regulations look at roads.
- KK. Phil Carter said that nothing is changing for the Fleischman parcel. It already exists and the deed gives them access to Tepper Drive. If they want to use the new ROW, they would have to go to Tepper LLC for access.
- LL. Fred Glover said the new 50 ROW serves 2 lots and Fleischman is not part of that.
- MM. Ralph Michael said the Fleischman lot was created in the early 1900's, prior to any regulations

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- NN. Phil Carter said the only way the 3rd lot comes into play is if the Fleischmans ask Tepper LLC for permission to use the new ROW,
- OO. Rose Goings asked if everyone will be happy with what 911 comes up with.
- PP. Fred Moss said in 2004, they tried to do a 5 lot subdivision and were denied.
- QQ. Phil Carter said that is correct, but this is different. At that time, all 5 lots wanted to use Tepper Drive. They can't take away the existing ROW. The new lots will use the 50 foot ROW to Kingdom Road
- RR. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR WINTERPLACE COA, Et Al.**

- A. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development Permit to turn attic space into a bonus room. The project is located at Winterplace, in the Mountain Recreational District for the following units:
- i. Maureen Dougherty, 91 Whiteloop, G201
 - ii. Brian Perry & Cheri Ferruccio, 91 Whiteloop, G206
 - iii. Zeno & Damien Chicarilli, 91 Whiteloop, G304
 - iv. Thomas & Francis Kuczarski, 22 Harrison Lane, L306
 - v. David & Karen Kleinman, 46 Stewart Lane, P304
 - vi. Joshua Rothman & Amy Tambini, 84 Harrison Lane, J304
 - vii. Matthew & Patricia Guiliano, 58 Harrison Lane, K302
- B. Rose Goings advised that this is application 081-94-PRD, Amendment #9. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website March 21, 2018, advertised in THE VERMONT JOURNAL on March 20, 2018 and abutting property owners were notified on March 20, 2018.
- C. Phil Carter administered the oath to all (John Watanabe, Jeff Milligan and Jon Folkersen) wishing to speak at this hearing.
- D. John Watanabe said that the DRB had previously seen an application and approved changing these spaces into bedrooms, for 5 other units. They are asking for the same change for 7 more units, pursuant to approval from the fire marshal. He referred to a letter from Chief Kolenda, required egress windows on all units. However, in one unit J303, it was not possible to add that window and Chief Kolenda acknowledged that and approved it. There are sprinklers through all of the units. In this application, the same situation exists for unit J304.
- E. Phil Carter asked if they have a letter from the fire chief for this application.
- F. Rose Goings said no.
- G. Phil Carter said that this application needs all new letters from Police, Fire and Ambulance.
- H. John Watanabe asked about fire safety.
- I. Phil Carter asked if anyone had been up to look at the units.
- J. Jeff Milligan said he is working on his application.
- K. Phil Carter said the real issue is fire safety.
- L. John Watanabe said that Chief Kolenda added the egress windows at the local level.
- M. Phil Carter said this board needs Chief Kolenda to look at the units and weigh in. He asked if the applicant wants to recess and come back with the required letters.
- N. Jeff Milligan said he has to set up a meeting with Fire Safety.
- O. Phil Carter said that the DRB needs their reports.
- P. Rose Goings said also police and ambulance.
- Q. Julie Nicoll asked if one month recess would be enough.

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- R. Jeff Milligan asked if the board needs to see the Fire Safety permit.
 - S. Phil Carter said yes, but if they are able to get a letter, Mr. Milligan can testify that Fire Safety was there and what was required.
 - T. John Watanabe said it would be prudent to recess the hearing.
 - U. Rose Goings said this is the same permit, just a change in use.
 - V. Phil Carter said that was a good idea because Fire Safety and Chief Kolenda may change the conditions from what was required last year.
 - W. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until May 14, 2018. Motion passed unanimously.**

4. **OTHER BUSINESS**

- A. None

5. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the March 12, 2018 meeting.
 - i. Phil Carter noted that on page 2, item 3P should read “Phil Carter asked Rose Goings....”
 - ii. Julie Nicoll noted that on page 2, item 3V should read “John Broker-Campbell said that their last...”
- B. **”MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes of March 12 2018 as corrected. Motion passed unanimously.**

6. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by John Boehrer to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:29 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Dana Wilson