

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

Special Meeting and Regular Meeting

August 10, 2015

MEMBERS PRESENT:

Phil Carter	Richard Harrison
John Boehrer	Julie Nicoll

MEMBERS ABSENT:

Linda Petty

OTHERS PRESENT:

Derk Beardmore	Terry Di Napoli	Lisha Klaiber, Recorder
Frederick Detar		Patrick Cody, LPC TV

SPECIAL MEETING – REORGANIZATION

1. **CALL TO ORDER**

- A. Meeting opened at 6:02 p.m. by Chairman Phil Carter. All board members present, except Linda Petty.

2. **ELECTION OF CHAIRPERSON**

- A. **MOTION by John Boehrer and seconded by Julie Nicoll to elect Phil Carter as chairman. Motion passed unanimously.**

3. **ELECTION OF VICE-CHAIRPERSON**

- A. **MOTION by Julie Nicoll and seconded by Phil Carter to elect John Boehrer as vice-chairperson. Motion passed unanimously.**

4. **ELECTION OF CLERK**

- A. **MOTION by Phil Carter and seconded by Julie Nicoll to elect Rose Goings as clerk. Motion passed unanimously.**

5. **APPOINTMENT OF RECORDING SECRETARY**

- A. **MOTION by Phil Carter and seconded by John Boehrer to appoint Lisha Klaiber as recording secretary. Motion passed unanimously.**

6. **DESIGNATION OF NEWSPAPER OF RECORD**

- A. Phil Carter advised that the previous newspapers of record were THE VERMONT JOURNAL and THE RUTLAND HERALD (as back-up).
B. **MOTION by Julie Nicoll and seconded by Phil Carter to keep this the same. Motion passed unanimously.**

7. **ESTABLISH MEETING DATES AND TIMES**

- A. Previous DRB meeting schedule was to hold regular meetings at 6:00 p.m. on the second Monday of each month and alternate dates on the 4th Monday of the month.
B. **MOTION by Phil Carter and seconded by John Boehrer to keep the schedule the same. Motion passed unanimously.**

8. **ADOPT RULES OF PROCEDURE**

- A. Phil Carter advised that the DRB has, in the past, adopted a set of Rules of Procedure. He asked if anyone had any changes or suggestions. There were none.
- B. **MOTION by John Boehrer and seconded by Richard Harrison to re-adopt the Rules of Procedure as written. Motion passed unanimously.**

9. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by Julie Nicoll to adjourn the special meeting. Motion passed unanimously.**
- B. **Phil Carter adjourned this special meeting at 6:05 p.m.**

REGULAR MEETING OF THE LUDLOW DEVELOPMENT REVIEW BOARD

1. **CALL TO ORDER**

- A. Meeting opened at 6:05 p.m. by Phil Carter. All members present, except Linda Petty.

2. **OPEN THE PUBLIC HEARING FOR DAVID CUMMING, TRUSTEE**

- A. Phil Carter advised that this is an application to amend a Planned Residential Development Permit to allow for a dormer. The property is located 320 Okemo Trailside Extension, Trailside Iroquois 36E Middlesex, in the Mountain Recreational District
- B. Rose Goings advised that this is application 128-98-PRD, Amendment #53. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 17, 2015, advertised in THE VERMONT JOURNAL on July 22, 2015 and abutting property owners were notified on July 20, 2015.
- C. Phil Carter administered the oath to all (Derk Beardmore) wishing to speak at this hearing.
- D. Derk Beardmore said that the applicant wishes to build a dormer on the condominium in order to extend the master bathroom. He noted that this has been done on 3 or 4 other units and the reason is that the bathrooms are very small.
- E. Phil Carter confirmed that is it just a dormer and asked if the footprint and height would be the same.
- F. Derk Beardmore said yes.
- G. Phil Carter asked if there would be a window.
- H. Derk Beardmore said yes.
- I. John Boehrer asked if Derk Beardmore know the numbers of the other units that have done this.
- J. Derk Beardmore said he did not know, but they are in the same village.
- K. Phil Carter asked if all of the outside finishing material would match the existing unit.
- L. Derk Beardmore said yes.
- M. Phil Carter asked if Derk Beardmore had contacted the Home Owners' Association.
- N. Derk Beardmore said no, just the abutter.
- O. Phil Carter advised that a letter had been received on August 10th, dated August 6th, from another condominium owner, stating that the dormer would change the look of the building and introduce a lack of uniformity to the complex. The letter inferred that there were no other such dormers.
- P. Derk Beardmore said that the unit belonging to the author of the letter is behind them and there are already 2 other dormers right by the writer's unit. He said that when complete, you will not be able to tell that it is there.
- Q. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR FREDERICK DETAR**

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- A. Phil Carter advised that this is an application to appeal the Notice of Violation issued by the Zoning Administrator. The property is located at 134 North Village Road in the Mountain Recreation District.
 - B. Rose Goings advised that this is application 436-16-AP. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on July 17, 2015, advertised in THE VERMONT JOURNAL on July 22, 2015 and abutting property owners were notified on July 20, 2015.
 - C. Phil Carter administered the oath to all (Frederick Detar and Terry Di Napoli) wishing to speak at this hearing. He asked Rose Goings to give the background of the violation.
 - D. Rose Goings explained that the violation had been brought to her attention. She looked up the Sotheby's Real Estate sale listing and it appeared that there were several kitchens. The listing also included mention of apartments. The number of bedrooms listed, was over the permitted number. She contacted the owner. She, along with Lister, Terry Thayne and her assistant went to see the building. They noted that there is a 3-bay garage with 3 bedrooms framed out as well as a kitchen started. The house had 2 other kitchens. They counted 9 bedrooms, including those framed out in the garage. She issued a Notice of Violation and the owner was in Florida and unable to get back to her. She started the Violation process. She advised that on tonight's visit, one of the bedrooms in the garage was gone and the stove in the downstairs kitchen had also been removed. However, it is still considered a unit.
 - E. Phil Carter said that they have copies of the listing and pictures. He said the information shows a first floor kitchen and an in-law apartment with kitchen.
 - F. Terry DiNapoli said when the agents are putting together listing, they have a selection of many things to use. She said that at the time of the listing, Fred Detar had not done work in the garage.
 - G. Phil Carter said the information shows 3 bedrooms and a full kitchen in the basement, one bedroom and a full kitchen on the main floor and all the electrical work and plumbing started in the 3-bay garage for the kitchen and bathroom there.
 - H. Rose Goings advised Phil Carter that the notes that he was reading from were not from Terry DiNapoli.
 - I. Fred Detar said that an ex-girlfriend of his has made the phone calls and even had said it was a B&B. The electrical work is not done in the garage. He said that the house was never used as anything but a one-family home.
 - J. Phil Carter asked how many bedrooms the house is permitted for.
 - K. Rose Goings said 6, along with sewer allocation for 6 bedrooms.
 - L. Fred Detar said he listed the house with Sotheby's in 2006 and has rented it out. He said the current listing may be seen online. He said that it can be set up to rent as 3, 4 or 6 bedroom, and sleeping 10 to 20 people. He has always rented the whole house to one lease. They can lock off the basement if someone only wants to rent the top.
 - M. Phil Carter asked if the bottom floor was ever rented separately.
 - N. Fred Detar said no. He said that the bottom can be used for a family with children and an au pair. People can't access the hot tub unless they rent the whole house.
 - O. Phil Carter said then they would only need one kitchen.
 - P. Fred Detar said they took out the downstairs kitchen and left it as a wet bar. He added that without the downstairs, he could not lease it because it would only have one means of egress. They try to rent the whole house. He is not here in the winters.
 - Q. Phil Carter asked when the listing was written.
 - R. Terry DiNapoli said many years ago. She said that she had also met with Rose Goings about the 2nd kitchen and the mother-in-law apartment.
 - S. Julie Nicoll noted that the listing was dated 2013.
 - T. Fred Detar said the house has been on the market since 2006. He said that he has to rent it to pay the bills.
 - U. Phil Carter said it is currently permitted for 6 bedrooms. He said that Fred Detar would have to take out 2 bedrooms or change the listing. He noted that there are currently 8 bedrooms and Fred Detar doesn't have a sewer allocation for 8 bedrooms. He asked how this could be corrected.
 - V. Rose Goings said that Fred Detar could apply for allocation for 2 more bedrooms.
 - W. Phil Carter said he would have to apply to the Village Trustees for that.
 - X. Fred Detar said he would never finish the 3 bedroom apartment in the garage.
 - Y. Phil Carter said that if Fred Detar wants to keep the 2 extra bedrooms, he would have to apply for the change. He said there is still the issue of the kitchen downstairs.
 - Z. Fred Detar said he would lock it out.
 - AA. Phil Carter said that would not work, it is still a kitchen.
 - BB. Rose Goings said that in the Mountain Recreation district, you must have .92 acres for a dwelling unit. Mr. Detar's property is not that big, but was grandfathered. In order to have 2 dwelling units, you must have 1.84 acres. Two dwelling units would not be allowed on that property.
 - CC. Phil Carter said that Mr. Detar would have to remove the functioning kitchen area downstairs.

- DD. Fred Detar asked if he could leave the wet bar.
- EE. Phil Carter said yes, you just can't have a functioning kitchen.
- FF. Fred Detar said that it was never rented out separately.
- GG. Phil Carter said but it could have been. He said if the property is sold, the new owner could use it as a 2-unit property. He asked Fred Detar to get it fixed; remove the kitchen and apply for the 2 additional bedroom allocation.
- HH. Rose Goings said that Mr. Detar was told in 2000 to remove the downstairs apartment and did not do it.
- II. Phil Carter told Fred Detar to get the additional sewer allocation for the 2 extra bedrooms and to remove the kitchen downstairs.
- JJ. Fred Detar said the 8 bedrooms may help sell the house.
- KK. Phil Carter said they would have to make sure that any new owner did not finish the garage apartment.
- LL. Fred Detar said they would have to get a permit.
- MM. Phil Carter asked Terry DiNapoli to tell any prospective buyers that they would have to apply for a permit and sewer allocation to finish the garage apartment. He noted that, as a real estate agent, Terry DiNapoli is bound, by law, to disclose this to any prospective buyer.
- NN. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**
- OO. Phil Carter said the board would have the decision written up, but that Fred Detar could still go to the Municipal Manager's office to start the application for the allocation for the 2 additional bedrooms.

4. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of July 13, 2015.
- B. Julie Nicoll noted that on page 1, Item 4 should read "An", not "and."
- C. Julie Nicoll noted that on page 2, Item 3C, last line should read "addressed" not addresses.
- D. Phil Carter noted that on page 2, Item 3 should read "...is present to speak on behalf of the applicant..."
- E. Julie Nicoll noted that on page 3, Item 11, should read, "...only current egress for emergencies such as fire..."
- F. Julie Nicoll noted that on page 3, Item 19, should read "...possible suggestion would be to put a hole in the deck..."
- G. Julie Nicoll noted that on page 5, Item 1e should read, "if they approve it, can..."
- H. Julie Nicoll noted that on page 5, Item 1p should read, "...how would they know if it is a single."
- I. **MOTION by John Boehrer and seconded by Phil Carter to approve the minutes from July 13, 2015 as corrected. Motion passed unanimously.**

5. **OTHER BUSINESS**

- A. **Approved Permits from last Meeting**
 - i. Kelsey Nassetta - to open consignment store in LaMere Square
 - ii. Okemo Mountain Local Act 250 – to put bubble over chair lift at Jackson Gore
 - iii. Stone - to enclose deck to make mudroom in Mountain Recreation District
 - iv. Griswold – to enclose deck to make mudroom in Mountain Recreation District
 - v. Burch – variance for small stairway on lakeside in Lakes District
- B. **OMS Appeal**
 - i. Phil Carter said they had received the briefs from the Rolka Appeal.
 - ii. Rose Goings said they had not received any word from Chris Callahan or Larry Slason yet.
- C. **Next Meeting**
 - i. Rose Goings said the next meeting is on September 14, 2015 and they have a couple of hearings scheduled. She added that people have until this coming Friday to get on the agenda for the September meeting.

6. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Julie Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison