

**DEVELOPMENT REVIEW BOARD
MINUTES**

February 13, 2017

MEMBERS PRESENT:

Phil Carter, Chairman	John Boehrer
Julie Nicoll	Linda

MEMBERS ABSENT:

Richard Harrison	Petty
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STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Charlie Eltinge	Ted Reeves	Ed McEaney – LPCTV
Kenneth Mitchell		Lisha Klaiber, Recorder

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. Richard Harrison absent.

II. OPEN THE PUBLIC HEARING FOR BETSY MITCHELL

1. Phil Carter advised that this is an application to amend a Planned Unit Development to change a former retail space into a one (1) bedroom apartment. The project is located at Unit 3B Lamere Square in the Village Residential Commercial District.
2. Rose Goings advised that this is application 51-92-PUD Amendment #11. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on January 20, 2017, advertised in THE VERMONT JOURNAL on January 25, 2017 and abutting property owners were notified on January 24, 2017. She said that letters had been received from the Fire and Ambulance departments, but not the Police Department.
3. Phil Carter administered the oath to all (Charlie Eltinge and Kenneth Mitchell) wishing to speak at this hearing.
4. Kenneth Mitchell explained that they want to change a retail space into a one bedroom, efficiency apartment.
5. Phil Carter asked where the applicants are with the state permitting processes.
6. Kenneth Mitchell said that had submitted the application to the state and would be meeting with the Fire Marshal this coming Thursday at 1:00 p.m.
7. Phil Carter said the Fire Marshal would send in his report with any conditions.
8. John Boehrer read the conditions imposed by the Ludlow Fire Department:
 - a. Permit required by the VT Division of Fire Safety
 - b. Provide at least one egress window (5.7 square feet of clear area when unit is open)
 - c. Provide smoke and carbon monoxide detectors
 - d. Provide at least one 5# ABC dry chemical fire extinguisher in the kitchen area

9. Phil Carter asked if there would be any changes to the exterior or footprint.
10. Kenneth Mitchell said no.
11. Phil Carter asked how many floors.
12. Kenneth Mitchell said one.
13. Phil Carter asked about parking.
14. Rose Goings said they would be required to provide two (2) dedicated spaces for the apartment.
15. Kenneth Mitchell said they would put a sign by the apartment and another by Main Street indicating parking for the apartment.
16. Rose Goings said that Jay Moody at the state spoke to Betsy Mitchell and they will probably require a 2 hour fire wall between adjacent units.
17. Charlie Eltinge said they would find out on Thursday.
18. Rose Goings said the state will have the usual conditions for commercial properties.
19. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**
20. Phil Carter said the board would get word out and send a decision within 45 days.

NOTE: Phil Carter advised that the following two hearings are for OKEMO and asked the applicant if they could be addressed concurrently. The applicant's representative agreed.

III. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to allow for the addition of one (1) biking trail from the summit. Property is located on Mountain Road in the Mountain Recreation District.
2. Rose Goings advised that this is application 430-15-CU, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on January 20, 2017, advertised in THE VERMONT JOURNAL on January 25, 2017 and abutting property owners were notified on January 24, 2017.
3. Rose Goings advised that letters have been received from Police, Fire and Ambulance.
4. Phil Carter administered the oath to all wishing to speak at these hearings (Ted Reeves.)
5. Ted Reeves explained that this is an extension of the mountain biking projects that was started a few years ago. They will use the Base Area A and B Quads to take bikers up to a series of trails. Last year, they started a trail from the Sunburst lift and completed ½ of it. They will complete it this summer. This application is for a second trail from Sunburst that will be similar but a bit more challenging, for intermediate mountain bikers. The trails are 3 feet wide except at corners where they are 5 feet wide. They have worked with the Forest Parks and Recreation Stewardship team regarding any wetlands and placement of trails. They have signed off on this. The trail will be about 9,800 feet long.
6. Phil Carter asked what they use for the trail.
7. Ted Reeves said glacial till soil. It provides a good base, good traction and has less erosion.
8. Phil Carter asked about grading.
9. Ted Reeves said they do grade it and have rangers on the trails all day long checking the trail, raking and also to provide first aid.
10. Linda Petty asked if they use these trails in the winter.
11. Ted Reeves said no and they are placed so as not to be a problem on the ski trails where they may cross over.

IV. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC**

1. Phil Carter advised that this is an application for Local Act 250 Review to allow for the addition of one (1) biking trail from the summit. Property is located on Mountain Road in the Mountain Recreation District.
2. Rose Goings advised that this is application 431-15-ACT250, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on January 20, 2017, advertised in THE VERMONT JOURNAL on January 25, 2017 and abutting property owners were notified on January 24, 2017.
3. Rose Goings advised that letters have been received from Police, Fire and Ambulance.
4. Phil Carter administered the oath to all wishing to speak at these hearings (Ted Reeves.)
5. Ted Reeves addressed the Act 250 Local Review issues.
 - a. Educational Services – there will be no residential construction and they will use existing staff. There will not be an impact on the Educational Services of the town.
 - b. Municipal Services – letters have been sent to Fire, Police and Ambulance Departments. This is a second trail by Sunburst and the infrastructure is in place. This will not impact Ludlow Electric. This project will not cause any changes to water, sewer, and roads and there will not be any new curb cuts.
 - c. Municipal Plan – This project is located in the Mountain Recreation District and will be part of the existing mountain biking project. This project is considered outdoor recreation.
6. Phil Carter said the state will send a field review.
7. Ted Reeves said they had walked the trail with people from the Springfield office and Okemo uses them to help define locations. There will not be any formal reports.
8. Rose Goings noted that the Ambulance letter has conditions.
9. Ted Reeves read the conditions and said that they are similar to the conditions on the last mountain biking application. The conditions include:
 - a. Interdepartmental Training – at least one annual joint training with Okemo Mountain Patrol, Ambulance, Police, Fire and any other pertinent entities
 - b. Communications - Better communication is needed between “ski patrol” and Emergency Services
 - c. Trail Signage – Trails should have signs depicting a marked location so that if a person is lost or injured signs could be used as reference land marks during a rescue operation
 - d. Access Point Signs - There needs to be predetermined access points to trails for EMS.
10. Ted Reeves said that Okemo would not have a problem with any of the conditions.
11. **MOTION by Linda Petty and seconded by Julie Nicoll to close these two hearings. Motion passed unanimously.**

NOTE: Phil Carter advised that the following two hearings are for OKEMO and asked the applicant if they could be addressed concurrently. The applicant’s representative agreed.

V. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to amend pre-construction traffic mitigation and monitoring requirements to reflect existing conditions and law enforcement preferences. Property is located in the Jackson Gore Recreational District.

2. Rose Goings advised that this is application 152-00-PUD, Amendment #27. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on January 20, 2017, advertised in THE VERMONT JOURNAL on January 25, 2017 and abutting property owners were notified on January 24, 2017.
3. Phil Carter administered the oath to Ted Reeves.
4. Ted Reeves explained that since the beginning of the Jackson Gore projects, Okemo has provided funding for traffic counts from Okemo Ridge Road to Chester. Okemo has also been required to provide uniformed traffic control during peak demand hours. The two intersections where this has been provided are at the entrance to Jackson Gore (Route 103 and Okemo Ridge Road) and the intersection of Route 103 and Route 100 North. Additionally, control was also provided at the intersection of Route 103 and Buttermilk Falls Road. The Windsor County Sheriff has been contracted to provide this coverage. Okemo was also required to build a left turn lane in the northbound lane of Route 103 for traffic turning into Jackson Gore. This was done in 2014. In 2008, the Windsor County Sheriff notified Okemo that their officers would no longer get out of their vehicles, but would only have the blue lights flashing and that proves to be more of a distraction to traffic. For years, the sheriffs have just sat in their cars. Also, Chief Billings has worked closely with the Windsor County Sheriff coordinating times when the sheriff would be present and when they were not needed. When they were not needed, they would be notified by Chief Billings, but still charged Okemo for the services that they did not provide. During last year's ski season, they provided no traffic control at all. Okemo has to guarantee hours to the Sheriff and they get paid even when they are not there. Ted Reeves said that he has discussed this with Frank Heald and Chief Billings and they both feel that this traffic control is not warranted and he is here to request that this requirement be removed from the permit.
5. Phil Carter noted that a traffic light is scheduled to be put at the intersection of Route 100 North and Route 103.
6. Ted Reeves said that is scheduled for the Fall of 2017. That light will provide additional traffic control and be a huge mitigating factor.
7. Phil Carter asked if this requirement was removed, what would spark having to put it back in place and what can the DRB do to address this.
8. Ted Reeves said that parking at Jackson Gore is limited with about 95 spaces at this time and possibly up to 200 more. It is pretty well defined. The traffic from Rutland is something that we have no control over and as it increases, we may have to have traffic control, but whose responsibility is that. Cars are coming from Killington. Killington recently applied to a new project permit and there are no traffic control requirements for them or any mitigation of traffic down through here. They may decide to do traffic control at Killington, but it only has to pay for 20% of the cost and who pays for the balance. This is a regional issue and bigger than just Okemo. The problem is much larger than Okemo traffic.
9. Phil Carter asked what if Chief Billings needs an officer at Okemo Ridge Road.
10. Ted Reeves said if Chief Billings needs help, I would be happy to have that conversation with him, but at this point, the chief does not feel it is warranted.
11. Phil Carter said he would like to leave the door open.
12. Ted Reeves said he is handcuffed to the Windsor County Sheriff and can manage much better with the Ludlow Police Department.
13. Phil Carter asked about Special events.
14. Ted Reeves said during large scale summer events last year, they did hire the Windsor County Sheriff. He would coordinate this with Chief Billings.
15. Phil Carter said if we pull out of the agreement with the Windsor County Sheriff, we would need to involve Chief Billings.
16. John Boehrer said the chief would need to be involved in summer events.

17. Ted Reeves said that Okemo would work with the Chief on that.
18. John Boehrer said the traffic light is long overdue.
19. Ted Reeves said there was also talk about a traffic circle and lowering the speed limit up there to 40 MPH.

VI. **OPEN THE PUBLIC HEARING FOR OKEMO, LLC**

1. Phil Carter advised that this is an application for Local Act 250 Review to amend preconstruction traffic mitigation and monitoring requirements to reflect existing conditions and law enforcement preferences. Property is located in the Jackson Gore Recreational District.
2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on January 20, 2017, advertised in THE VERMONT JOURNAL on January 25, 2017 and abutting property owners were notified on January 24, 2017.
3. Phil Carter administered the oath to Ted Reeves.
4. Ted Reeves addressed Local Act 250 Review Issues:
 - a. Educational Services – there will be no residential construction and they will use existing staff. There will not be an impact on the Educational Services of the town.
 - b. Municipal Services – letters have been sent to Fire, Police and Ambulance Departments. Okemo wishes to eliminate the use of the Windsor County Sheriff and this is supported by the town of Ludlow and the Ludlow Police Department. He submitted a letter from Frank Heald to him regarding this.
 - c. Municipal Plan – This project is part of the Jackson Gore Recreation District and part of the Master Plan. Traffic is covered in Section 8 of the Ludlow Municipal Plan. Traffic is an issue in Ludlow and a large part of it is from Killington. Bruno Engineering has done studies and said that traffic control is not warranted. They also said that traffic levels have never gotten to the originally projected levels. As required by the permit, Okemo did construct a left turn lane into Jackson Gore. A traffic light is scheduled to be installed at the Intersection of Route 103 and Route 100 North.
5. **MOTION by John Boehrer and seconded by Linda Petty to close these two hearings. Motion passed unanimously.**

VII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from January 9, 2017.
2. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from January 9, 2017 as presented. Motion passed unanimously.**

VIII. **OTHER BUSINESS**

1. Permits from Last Meeting
 - a. Ross – Buttermilk Falls Road - approved
 - b. Creaser – South Hill Crossroad – approved
 - c. Winterplace COA - approved
2. Town RC1 and RC2 District Standards
 - a. Rose Goings said that she has included in their packets, copies of the district standards for RC1 and RC2 and would like the board to review them.

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- b. Phil Carter said the language does not prevent or oppose business, but gives the DRB more latitude to listen to residents' comments and concerns regarding the impact that a business may have on the character of the area or quality of life. It is more interpretive.

IX. **ADJOURN**

1. **MOTION by John Bohrer and seconded by Linda Petty to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Linda Petty

Richard Harrison