

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

Monday – July 11, 2022

6:00 P.M

Join Zoom Meeting

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MEMBERS PRESENT:

Phil Carter, Chairman

John Boehrer

Julie Nicoll

Doug Sheehan

George Tucker, Jr.

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

James Almonte

Tom Berry

Kristen Careau

Paul Carrocchio

Kyle Cleveland

Lara Fram

Dan Hanover

Sandy Johnson

Christian Keane

Inger Kenworthy

Ed K?

Bill Leach

Carl Lisman

Chrissy Martino

Mariel Meringolo

Tom McGrimley

Denise Moloney

F. Daniel Moloney, Jr.

Aleks M?

Rebecca Nelson

Joe Poston

Ted Reeves

Tyler Rindler

Josh Sapp

Michelle Suker

Brian S?

Chad White

Michael White

Bob?

Becky?

Sarah?

Shelby (TPW)

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Phil Carter opened the meeting at 6:00 p.m.
2. Roll Call:
 - a. Phil Carter advised that all members are present. He said that this is hopefully the last ZOOM meeting and we will meet in person at the next meeting

II. **OPEN THE RECESSED PUBLIC HEARING FOR OKEMO TRAILSIDE COMMUNITY ASSOCIATION, INC. (F.K.A. OKEMO TRAILSIDE MASTER ASSOCIATION)**

1. Phil Carter advised that this is 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. Property is located at Okemo Trailside Condominiums in the Mountain Recreation District. He said that the DRB has been hearing the appeal and have been recessing it because we are hoping for some positive movement on Okemo's side, so we don't have to act on this at this point.
2. Carl Lisman said that in May, the association and the town manager signed a Memorandum of Understanding (MOU) – a copy of which is attached to the application filed this morning along with. There is also a letter from the fire chief to the property manager. We believe this application satisfies the MOU requirements that we file and application, although it will be a while before the engineer is in a position to submit final plans. The MOU talks about "acting in good faith and cooperatively." We believe that the application meets the requirements, to the end that we are requesting that the DRB schedule hearings, as it sees fit, on the application as filed. As you can tell from the letter from the fire chief, there's a substantial amount of work to be done. The sketch plan shows, generally speaking, where that will be done and the plan is to implement the construction, pending the receipt of all of the required permits in a timely fashion. There is also, on tonight's agenda, an application for work to be done in the Arapaho phase of the Trailside community. We wanted to be sure that you had the application as filed this morning- so there would be no delay in going forward with on item#7 on tonight's agenda.
3. Phil Carter asked for questions or comments from the board.
4. Julie Nicoll asked where the paperwork that was submitted today is.
5. Carl Lisman said in the Zoning Office.
6. Phil Carter said it sounds like there is movement going forward and that is a good thing. That puts this board in a position where we don't have to act on the appeal right now. So, I'm going to entertain a motion to recess this hearing for another month.
7. **MOTION by John Bohrer and seconded by George Tucker to recess this hearing until the August meeting. Motion passed unanimously.**
8. Phil Carter said we will revisit this next month and hopefully, the application will be complete with the engineering piece on it.

III. **OPEN THE PUBLIC HEARING FOR F. DANIEL MOLONEY (78 Main Street)**

1. Phil Carter advised that this is an application to replace the siding on the house and to repair the front porch. The property is located in the Village Historic Preservation District.
2. Rose Goings advised that this is application 488-22-CU. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, June 22, 2022 advertised in THE VERMONT JOURNAL on June 22, 2022 and abutting property owners were notified on June 22, 2022. She advised that letters have been received from Police, Fire and Ambulance.
3. Phil Carter administered the oath to F. Daniel Moloney, Jr.
4. Daniel Moloney said that his father purchased the house in 1974. He said that the siding is aluminum and the paint is peeling. He said that the porch is in bad shape and becoming a hazard. He would like to replace the siding and is not changing the color. The appearance will not change. They will be using 6" live span over hemlock, starting with the front and eventually working on the whole house. He said that the porch needs attention.
5. Phil Carter asked if he will be expanding the size of the porch.

6. Daniel Moloney said no. He said the supports of the porch need to be upgraded, fixed or changed out. He said they haven't gotten in there, yet. He said there is a grate that the porch supports where people would kick the snow off and it would drop down through the grate. He said the wood around it is showing severe age. He said the roof is starting to sag and beginning to pull away from the house. He said the 3 struts need to be upgraded, the roof in particular. He said he is not looking to change anything, just to fix what is there.
7. Phil Carter asked for questions or comments from the board.
8. Julie Nicoll noted that it doesn't have to stay the same color, that's his choice.
9. Rose Goings said he can change it.
10. Daniel Moloney said he didn't realize that, but would probably stay with the same color.
11. Phil Carter said he thinks the intent of the Preservation District is to have the houses look comparable and looking good.
12. Daniel Moloney said he has owned the house for over 20 years and is trying to maintain it.
13. Phil Carter said these types of hearings have come before the DRB before, so we can make sure you are not going to do something "goofy."
14. John Boehrer said that the letters from the fire, police and ambulance departments. There are not comments.
15. Doug Sheehan asked if they will remove the aluminum siding.
16. Daniel Moloney said yes.
17. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR THE TOWN OF LUDLOW, 43 MAIN STREET**

1. Phil Carter advised that this is an application to create a bike trail on the back 40 woods behind the Ludlow Elementary School (LES.) Construction to include tree branch cutting, water run-off, trail signage for the length of the trail, 3,895 feet.
2. Rose Goings advised that this is application 489-22-CU. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, June 22, 2022 advertised in THE VERMONT JOURNAL on June 22, 2022 and abutting property owners were notified on June 27, 2022. She advised that letters have been received from Police and Ambulance. She said that Mariel Meringolo from OMS is here as Scott Murphy is at the Select Board meeting. She said that she has received 5 letters of support and also letters from Jason Rasmussen and Carol Lighthouse. She said that she has spoken to Chief Kolenda and he has absolutely no issues with this. She said that we have trail plans and plot plans submitted with the application.
3. Phil Carter administered the oath to Mariel Meringolo, Kyle Cleveland.
4. Mariel Meringolo said the idea of a bike bath started a few years ago. It will be multi-use, no motor vehicles, biking, hiking, snow shoeing and cross-country skiing. We will be working with the town recreation department, Expeditionary School at Black River (ESBR) and the Vermont Mountain Bike Association (VMBA.) We put out an RFP for professional trail builders. It will be easy to maintain the trail. We have formed the Ludlow Area Sports Trails (LAST) as a chapter of VMBA. VMBA is a great source for volunteers and financial support. We will be able to do the small amounts of maintenance needed. The town has looked into insurance and we will be covered under the town's insurance. Being a chapter of VMBA also provides additional coverage.
5. Phil Carter asked where the trail head is going to be, as there are going to be cars pulling in to park.

6. Mariel Meringolo said from the back to the Community Center, to the right side of Pullinen Field. This will all be on town property, not school property. They will use the Community Center parking lot.
7. Phil Carter asked about signage.
8. Mariel Meringolo said there will be good signs directing people and giving them the lay of the land and rules of the trail. They may also serve as a way for raise funds for additional loops and maintenance.
9. Phil Carter asked when they plan to start.
10. Mariel Meringolo said it would depend on the availability of contractors. One of them is J. Rosenbaum. If he wins, maybe in the fall. If not, early spring.
11. Phil Carter asked who will oversee the construction.
12. Kyle Cleveland the head of the non-profit trail association – VMBA. They will aid with insurance and maintenance. They will also spearhead volunteers for anything outside of the bid; for example, single track tractors and getting volunteers to help with the new trail creation. The trails will be properly signed from the parking area to any kind of marks and route maps.
13. Doug Sheehan asked how close this will be to LES.
14. Mariel Meringolo said the final trail plan is still to be determined. Their packets include the proposal. She added that they have spoken with and are working with Jacob Parker, kindergarten teacher and Ted Panasci the PE teacher at LES. They use the space in the woods. Our plan is to help them with entrance into the space by making sure that the forest is maintained. Currently, there is a lot of tree work needed. We were able to get the Town to send people up there to do tree work and maintenance up there. In order to keep the forest healthy and keep the land usable, it needs care. The trails will not be that close to the LES property, but near the area where LES uses town land.
15. Doug Sheehan asked if the trail would be open year-round.
16. Mariel Meringolo said we will focus on mountain biking in the summer, but the intent is to have trails open during the winter for cross country skiing or snow shoeing.
17. Kyle Cleveland said there is an outdoor classroom and we will not change it but build a barrier to create good separation between the trails for the public and the place where the kids may be. We want this to be successful year-round, but can only do maintenance when there is no snow or frost in the ground. It will be open 4 seasons.
18. Doug Sheehan asked if their group will do all of the maintenance.
19. Kyle Cleveland said yes. As a member of VMBA it gives us a large volume of volunteers and benefits to the town with us picking up all the maintenance.
20. Phil Carter said in the evidence given, there is reference to KSA Built, what is their role.
21. Mariel Meringolo said KSA is a contractor for mountain bike trails and one of those from whom we received a proposal/bid. A contractor has not been formally chosen.
22. Kyle Cleveland said that a big reason to contract this out is a lot of destination mountain bike trails require a piece of equipment such as a skid steer or mini-excavator – to enhance the draw for tourism. It's a great attraction.
23. Phil Carter asked, once a contractor is chosen, who oversees or guides them with storm water run-off and erosion. Who oversees that piece?
24. Kyle Cleveland said erosion control and storm water run-off control are absolutely critical for all mountain bike trails to be available for years. Once erosion takes over, the trail is gone. Best practices, Vermont State guidelines. VMBA organization works with ACT250 and other permit requirements. We will make sure that the contractor uses Best Practices for trail construction.
25. Phil Carter asked who that person would be that oversees the contractor; that walks up and says that they are doing it wrong.

26. Mariel Meringolo said technically, the town is hiring the contractor and Nick Miele is the point of contact for the construction. She said that while she is not an expert, she would be available. That is why we felt it important to bring in a professional contractor with expertise in the field and knows how to build trails, so it will mitigate the effect of erosion and storm water run-off.
27. John Boehrer asked what the hours of operation will be, will there be any outbuildings or permanent structures.
28. Mariel Meringolo said no.
29. George Tucker asked about trash cans.
30. Kyle Cleveland said there will be trash cans at the trail head, and that is a massive part of the stewardship for most mountain bikers and he envisions, hikers. They leave no trash. We will be creating a website. In addition to monthly scheduled maintenance, people can leave messages on the website to let us know if something isn't right.
31. George Tucker asked about trash at the trail head.
32. Mariel Meringolo said Nick Miele and the recreation committee would take care of it.
33. Kyle Cleveland said that he will talk to Nick Miele, but he is not afraid to take on that responsibility himself.
34. George Tucker asked if they would be using the type of trash cans to prevent bears or raccoons from getting in – maybe animal deterrent style.
35. Mariel Meringolo said that is a great suggestion and will be incorporated into the plan.
36. Doug Sheehan asked if the trail would be one-way or two-way.
37. Kyle Cleveland said the plan suggests ways for ride the trails for cyclists. Hikers, cross country skiers and snow shoers may choose their trail. Mountain bikers have to yield to everyone else. We suggest routes for ways to go up and come down the trails.
38. Doug Sheehan asked how wide the trails will be.
39. Kyle Cleveland said the bids are for 6 to 10 feet wide.
40. Phil Carter asked if there would be anything like scenic views or picnic areas.
41. Kyle Cleveland said maybe in Phase 2, but we are already stretching our funds.
42. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR MICHELLE SUKER (47 Depot Street)**

1. Phil Carter advised that this is an application to add a bedroom to the second floor and existing commercial building, including lifting the roof line, adding a dormer and a staircase in the back. The project does not meet setbacks on the rear, left and right sides so this would require a variance. The project is in the Village Residential Commercial District.
2. Rose Goings advised that this is application 487-22-VA. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, June 22, 2022 advertised in THE VERMONT JOURNAL on June 22, 2022 and abutting property owners were notified on June 27, 2022. She advised that the property owner Michelle Suker. She said that the letters have been received from Police, Fire and Ambulance.
3. Phil Carter administered the oath to Michelle Suker and all those wishing to speak at this hearing.
4. Michelle Suker said that the building has a large attic that lends itself nicely to a good sized one-bedroom apartment. We are proposing to lift the roof line on the Downtown Grocery side of the building for a dormer. The roof line in the back will be lowered and we will remove part of the back of the building to allow for stairs and a parking space. We have letters from the Chamber of Commerce noting that it is important to have year-round workforce housing. She said that the

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- State has grants that she can apply for. We are committed not to have this as a vacation rental and know that there is a shortage of work place housing.
5. Phil Carter said that this is a non-conforming building and does not meet setbacks. It never would be allowed today. Ludlow Zoning does not allow boards to increase the non-conformity. By adding the second story, you will be increasing the non-conformity. Hence, there is a need for a variance. You are asking this board to override Ludlow Zoning Regulations for this project and in order to do that, by State Statute and our zoning; you have to meet the criteria for 5 basic requirements. You haven't submitted anything that addresses that. It has to be a very good argument.
 6. Michelle Suker said that she thought they would discuss that tonight.
 7. Phil Carter said if you want to go through them tonight, you can. But they have to be intense. You have really drill down into the 5 reasons; you kind of have to pass. If you fail one, you are done. You have to meet all 5 of them. Before you start, I just want you to totally understand the seriousness of this. You have the opportunity to speak to that right now and give us your evidence and we will go with it. Or, you can take some time and maybe come back next month after you have really driven down into this and really come up with some solid evidence that is exactly what you want to present to the DRB. I am just trying to give you that option. I don't want you to get stuck here.
 8. Michelle Suker said she doesn't want to get stuck. She said that Joe Poston, from Wright Construction is here. He is doing the deli and apartment work.
 9. Joe Poston said that he hadn't read the 5 criteria and cannot address them. It is not a bad idea to hold off and regroup.
 10. Phil Carter said that Rose Goings can assist.
 11. Michelle Suker said she spoke to David Rose about the setbacks and he can do a formal survey, but is booked up. He did say that the left, right and rear setbacks are non-conforming. We are not seeing an increase in footprint.
 12. Rose Goings suggested that they wait and she will assist them with the 5 criteria. She asked if Joe Poston has drawings.
 13. Michelle Suker said they were attached to the application.
 14. Rose Goings said she didn't know if there were any others.
 15. Michelle Suker said that she and Joe Poston met at the building with Casey from NBF Engineering to fine tune the interior drawing for the deli. They will be a need for structural engineered drawings for the upstairs and not anything that I had plans to go forward with that, until I received the approval from the DRB because it would be throwing money away.
 16. Rose Goings asked if she has spoken with the Fire Marshal.
 17. Michelle Suker said yes, both about the deli and the upstairs. They know the plans will be coming for their approval. They talked about the need for 2-hour fire separation. We would need to design that. Also, egress windows from the bedroom. All safety for upstairs.
 18. Rose Goings said sometimes the Fire Marshal will look at the plans and they will tell you exactly what you need to do. That will help you with the 5 criteria. Because the Fire Marshal said you need to do something, it will add to your 5 criteria. We have had that happen quite a bit before.
 19. Joe Poston said that Casey from NBF knows what the life safety requirements will be before we submit to the Fire Marshal and what is attached to the permit application. We wouldn't expect the Division of Fire Safety to come in and change as far as the 2-hour separation. NBF is on it.
 20. Phil Carter said that is the type of evidence that the DRB needs. But, it needs to be coagulated to the 5 criteria. Look at the 5 criteria and work with Rose Goings and incorporate whatever you can get for evidence. Think on it so we can make a good decision.
 21. Rebecca Nelson is an abutter. She said that Michelle Suker referred to parking. There isn't any parking. The parking situation is disastrous at best. Our driveway gets turned into a street and

everyone uses it to access the town hall. All of the delivery trucks for the Downtown Grocery use our driveway to go in and out. Michelle Suker has no easement around her building and the setbacks don't exist. Where is she going to put parking? It is not going to be on our property. She said that the drawing we got shows building steps that come off onto our property. How does that work

22. Phil Carter said we haven't gotten into that part of the hearing yet. But, we certainly will discuss parking and everything else that we have to consider. Now, I just want to concentrate on the 5 required criteria.
23. Rose Goings noted that for the apartment, she is only required to have 2 parking spaces.
24. Michelle Suker said that the drawings show that we are actually removing part of the current building.
25. Phil Carter said we are going to address all of these things on a systematic, organized way, but not right now. This is going all over the place. We will talk about the building, what's going to happen to the building. We will talk about parking, staircases, every single thing. But, right now, we are talking about recessing this meeting so that they can proceed with the 5 criteria. That's where we are at.
26. Christian Keene said that he lives in the same building as Rebecca Nelson. He just wants to mention that our property also abuts theirs and there are parking spots here. I will be contesting that this meets the 5 criteria of the variance.
27. Phil Carter said we have not addressed the 5 criteria, so this is putting the cart before the horse. I am just giving her the opportunity to address the 5 criteria and have a complete application, because without the 5 criteria, we can't rule on or hear a variance. She can withdraw and end this whole thing right now or she can accept a recess and come back with a complete application.
28. Michelle Suker said she is happy to accept the recess and would like to meet with Rebecca Nelson and Christian Keene. She is not looking to cause any hardship.
29. **MOTION by John Bohrer and seconded by Doug Sheehan to recess this hearing until August 8th. Motion passed unanimously.**
30. Phil Carter said for Michelle Suker to work with the 5 criteria and back with a complete application. Then we will address everything.

VI. **OPEN THE PUBLIC HEARING FOR OKEMO HEIGHTS**

1. Phil Carter advised that this is an application for an 8-lot subdivision in the Village Residential District.
2. Rose Goings advised that this is application 486-22-ACT250 and SUB22-05. It is for an 8-lot subdivision and Local Act 250 and site plan approval. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, June 22, 2022 advertised in THE VERMONT JOURNAL on June 22, 2022 and abutting property owners were notified on June 27, 2022. She advised that Ted Reeves is here to represent the Okemo Heights LLC. She said that the letters have been received from Fire and Ambulance and wastewater approval. We also received evidence for Local Act 250.
3. Phil Carter administered the oath to Ted Reeves and all those wishing to speak at this hearing.
4. Ted Reeves advised that this is an 8-lot subdivision and the property has a long history. The Perino's started the process to subdivide and went as far as having Ralph Michael design a plan for wastewater and the permit was granted by the state in 1989. Permits were different at that time and the town started taxing each lot individually. Okemo Heights has purchased the property and their goal is to try and complete the subdivision on the drawings. In the application package are the 3 original drawings from Ralph Michael that were reviewed and approved by the

State. As well as my drawings that update some of the subdivision to address certain issues that are in the subdivision and zoning regulations, for example: current subdivision regulations require a 75-foot cul-de-sac for emergency vehicles to turn around – that is now included. The subdivision in the 1980s is the subdivision we are trying to complete now.

5. Phil Carter said back in 1980, they didn't get a subdivision permit from the state. They got a state wastewater permit. Ludlow didn't have subdivision regulations at that time.
6. Ted Reeves said that is what he understands. He said he doesn't know what happened in the late 1980s or why this didn't go forward. There was a project review sheet done in the Act 250 office, but they never pursued the Act 250 permit, but he doesn't know why. He said that after we get through this process with the Town, we still have to go through Act 250 and get a review done there.
7. Phil Carter said the state wastewater permit runs with the land and is still effective.
8. Ted Reeves said that is correct and he has talked to Terry Sherer, the regional engineer for the state and he has confirmed that the plans that Ralph Michael did and the permit issued at that time is still valid. Okemo Heights LLC could take those drawings to a contractor and tell them to build this and they have, at least from the state's standpoint, the permit required to do that.
9. Phil Carter said that the unfortunate part is the lots don't exist. If they existed, you wouldn't be here.
10. Ted Reeves said that's true, but because we don't have a subdivision permit, from the town, and we don't have the required Act 250 permit. Yes, but they have been taxed as 8 individual lots for a long time.
11. Phil Carter asked are they permitted as 8 individual lots.
12. Ted Reeves said in one respect yes, but no in other aspects.
13. Phil Carter said if the lots existed, you wouldn't be here.
14. Ted Reeves said that is correct.
15. Phil Carter said as far as the town is concerned, they don't exist. We need to create these lots.
16. Julie Nicoll asked have they been paying for water and sewer on those lots all these years.
17. Ted Reeves said no, because water/sewer doesn't exist on the lots or the need for that. Although, as part of the application, I went to the Trustees and got the necessary sewer allocation.
18. Phil Carter asked if the this is the town water and sewer.
19. Ted Reeves said town sewer, but they will have individual wells.
20. Doug Sheehan asked who will maintain the road.
21. Phil Carter said that we are not up to that point, yet
22. George Tucker asked what about the map with the identified additional portion.
23. Phil Carter said that's coming. He wants to zero in on the wastewater permits from the state and how it relates to the town. We have determined that the state has granted the wastewater permits for the lots, but the lots are not deeded in the town and are not on the record as individual lots.
24. Ted Reeves said not to my knowledge. I don't know what happened in the 1980s and what kind of records may exist.
25. Phil Carter asked to start talking about the road.
26. Ted Reeves said from the western edge of the property that is Okemo Heights. They will maintain the road: plow it, sand it as well as would maintain the wastewater collection system that is proposed and is permitted. There is an association set of documents that may have been distributed to you. That is all defined in the association documents.
27. Ted Reeves said correct.
28. George Tucker said that Rose Goings shared a lot map where she outlined Parcel #35. That's the access to the current road. Who owns that parcel and is there an easement?

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29. Ted Reeves said that on the lister's web page, Culture Works, LLC is listed as the owner. He said that he went to the attorney for Okemo Heights this afternoon because he had new information today. He said in an email to me:
There are several references to ROW easements in the deeds and chain of title.
I have not traced these out of maps, but one of them indicated that it is intended to be a continuation of the present Okemo Heights Street, granting access to the property. That's what I can tell you about this particular issue.
 30. George Tucker said potentially there is some sort of ROW that's been previously sited that was unknown depths is this time.
 31. Ted Reeves said there is some kind of easement or ROW that crosses that land that goes to Okemo Heights' property. That section of road is only a 36 ROW, 2 rods and current town requirements are 50 feet for a ROW, but the ROW coming off the property is only 36 feet wide and that's an existing condition.
 32. George Tucker said that the letter from Scott Murphy discusses how the road on the town side may not even be capable of supporting additional units.
 33. Rose Goings asked Ted Reeves if he had received that email.
 34. Ted Reeves said yes and asked how come, when he was in the office recently, he was not told about this at that time.
 35. Rose Goings said that Ron Tarbell was out and that approached this morning by Ron Tarbell to talk about this. It was brought to my attention this morning. She said that she was told that by Ron Tarbell that he feels that he cannot handle Okemo Heights Road in the winter because in the winter that road is narrow, going out to where the road would and he can't handle it. She said the Fire Chief came in today, with his letter and he said it absolutely has to be built to the town highway specs and that the road leading to it would also have to be built to town highway specifications.
 36. Ted Reeves said that it is an existing town road and has been that way since the 1950s and when I spoke with Ron Tarbell, back in February, he didn't mention anything about the condition for the road leading to it and said it's fine, you are good to go and back in his letter, he didn't mention anything about it in his response. He said that he understands that there are some safety concerns, but it is an existing town road and the town does an adequate job of maintaining that road currently.
 37. Phil Carter said for clarification, Okemo Heights Road comes in but doesn't it terminate and then cross private property and then your subdivision.
 38. Ted Reeves said this was news to him today that it was crossing private property.
 39. Phil Carter showed a map showing where the road comes in.
 40. Ted Reeves said that he has seen the map.
 41. Rose Goings said that when Chief Kolenda came into the office today, he said that the map he received was small and he didn't see the numbers on it, but that he did know that it was a 75-foot ROW, but thought that the road was 5 foot all along. He didn't know it was 35 feet then went to 50 feet. She said that he told her it has to be built to town highway specs and the road going in has to be built to town highway specs. She said that she explained to the chief that the road was not going to be and can't be, according to Ron Tarbell and this is where we are. She said that this all came to her today.
 42. Ted Reeves said that their section of the road will be built to town highway requirements. So, anything that's on Okemo Heights' property will be built to town specs and that is what is in our plans.
 43. Rose Goings said he also mentioned that the lots were very steep; the first 3 on the right-hand side are over 12% grade.

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44. Ted Reeves said they're not. Our design can't be over 12% grade. The lot is over 12%, but the design for the driveways, going to the house, would not be. The house may have a grade level garage entrance and the main living space above that.
45. Phil Carter said that – for the record, the Ludlow subdivision regulations say:
Lots not having frontage on a public highway shall have access to a public highway by a 50 foot deeded ROW and such ROW shall be laid out so that it can conform to the appropriate highway standards.
Phil Carter said that perhaps Okemo Heights Road and your subdivision could eventually meet that, but you still have a chunk of private road in the middle.
46. Ted Reeves said that they don't own that portion or control it.
47. Phil Carter said, so, how do you get to your lot. You would have to get across that. He asked, if they have a ROW across it.
48. Ted Reeves said that his client's attorney told him that there is an easement across it.
49. Phil Carter said he's going to have to show us it is a 50-foot easement.
50. Ted Reeves said the ROW through there is only a 36 feet ROW. That's an existing condition. The boundaries of the lots encroach on each other enough so there's only 36 feet between the 2. When the road gets onto our property, it will widen to 50 feet.
51. Phil Carter said, but you need 50 to access the town highway. You have a section that is only 36 feet; you need that to be 50 feet to connect your piece to the town highway.
52. Ted Reeves said he doesn't know how to solve that.
53. Phil Carter said this is what we have in front of us.
54. Rose Goings said that Scott Murphy has asked for a traffic study.
55. Ted Reeves said that he would like to have more specifics about that because a traffic study means a variety of different things. Does he want to know about the road widths, travel ways and movements? Does he want to know how many cars going in and out? He said that he would like to have a better idea. He said that he did see Scott Murphy's note, but would like to have more specifics about what would be needed for that traffic study.
56. Rose Goings said it all came up today, but she thinks that we are looking for something that would gear towards how many cars would be coming in and out of there in the winter and she doesn't know how you would do that. She suggested that Ted Reeves talk to Scott Murphy, Ron Tarbell and, possibly Chief Kolenda at the same time because they are all very concerned about this project. The regulations are the regulations and can't be changed with the subdivision. She said that if we can't get around this or find a solution, maybe you don't have to worry about this part. She said she is not sure.
57. Phil Carter said the subdivision regulations say, "lots not having frontage on public highway." The regulations do not say that the public highway has to be 50 feet. He added, but then it says, that to get to it you have to have 50 feet. He said that he is zeroing in on that private piece of road.
58. George Tucker asked where they have the 36-foot easement.
59. Phil Carter said between where Okemo Heights Road ends and the subdivision there's a privately owned section of road that you need to cross to get to your project that is not 50 feet.
60. Ted Reeves said that's the interpretation of what we found out today, that we have to cross that. That is more information that we have to sort through.
61. Phil Carter added Okemo Heights Road is a town road and that's what you're going to have to discuss the Ron Tarbell and Scott Murphy and everyone else about what works for that piece.
62. Dan Hanover, abutter, said that this property may have been approved for something at the state level, but the state doesn't always know what's best for Ludlow. He has 3 issues
a. Smallest - disruption to the residents of the street

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- b. Medium – infrastructure addition and adding more homes, machines, equipment and road construction. He said that some of our residents may not even be able to get to the grocery store during some of the construction.
- c. Most of all – there are some real safety concerns. He said that he doesn't think that anybody envisioned Okemo Heights Road would ever support any 2-way traffic. To get in and out of Okemo Heights, you have to go up and down that narrow stretch from Depot Street that has a 12.5% peak angle. It is not easy on snow and ice and it wasn't easy last weekend. We are talking about adding a bunch of homes, with an average of 2 cars, maybe 3 or 4 on weekends. He said that national statistics said that people leave their homes twice a day. We all know Ludlow during the winter, every weekend, tripling or quadrupling cars on the street. That road cannot function as a 2-way road. The only reason the current residents manage to make it work is because there are so few of us. Also, one of the homes has been empty for years and all but 3 homes are full time residents. This development represents a safety risk liability to the town. It's going to be a snowy day, cars going up and down and, at some point someone will have to back down the road, into Depot Street, right into the traffic way. He said that many of us have children and this is a real safety issue. He is worried about accidents, fatalities. There is a municipal liability claim and large safety risk. You can't widen Okemo Heights Road or make it one-way or divert traffic. He said that the owner of Culture Works doesn't think there's an easement and he will protest any easement to travel over his property.
63. Phil Carter said that will all come out. He read part of the letter from Scott Murphy to Rose Goings:
"It was brought to my attention that while the developer must build a road that meets town and village specifications, we are uncertain whether the existing road leading up to the development is sufficient to handle the proposed number of units being built. We would recommend that a traffic study be completed before approving the application. This study should include winter maintenance and other issues associated with the \ increased winter traffic
- He said that town highway foreman Ron Tarbell and the town manager are all involved in this now. He asked Ted Reeves if he had seen the letter.
64. Ted Reeves said yes. There is a lot to be discussed.
65. Sandy said she has lived there since 1995 and has seen an increase in traffic. She said that she can't imagine having many more people and cars going up and down this narrow road and it's not just in the winter. She said they get all kinds of traffic. She said that she owns the property right up to the road that is private.
66. Phil Carter said the DRB acts as a court. We take evidence. So, we are going to take all of the evidence we can get from you, Ted Reeves, the highway foreman, the town manager. They want a traffic study. Once everything is in, then the board will review and make decisions. It doesn't always work because we like or don't like something. It's going to be based on the evidence. Ted Reeves knows what he as to do.
67. **MOTION by John Boehrer and seconded by George Tucker to recess this hearing until August 8th.** Ted Reeves said that he does not know the availability of traffic engineers and he hasn't had a chance to speak with his client. We'll say August 8th, but I may have to ask for a continuance to September.
68. Phil Carter said that is fine. We'll keep the hearing open. If you can't get the evidence in time for the August 8th, please let Rose Goings know. Send her a letter requesting a time to recess to and we will recess it until then.
69. **Motion passed unanimously.**

VII. **OPEN THE PUBLIC HEARING FOR OKEMO TRAILSIDE COMMUNITY ASSOCIATION**

1. Phil Carter advised that this is an application from Okemo Trailside Community Association for Okemo Trailside Condos, Arapaho Village, Buildings 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24. This is an application to replace glass roof areas with shingled roofs, roof insulation and porch roof replacement. The project is located in the Mountain Recreation District.
2. Rose Goings advised that this is application 128-98-PUD, Amendment #62. She said that the warning was incorrect; listing building #22 was listed twice. There are only 11 buildings in the application. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website, June 22, 2022 advertised in THE VERMONT JOURNAL on June 22, 2022 and abutting property owners were notified on June 27, 2022. She advised that Josh Lapp is here to represent the Trailside. She said that we have received the plans with the application and also the letters have been received from Police, Fire, Ambulance and the Schools.
3. Phil Carter administered the oath to Josh Lapp and
4. Josh Lapp said this project started 2 years ago. Arapaho Village had numerous leaks. We looked into roofs, attic spaces and since have been working with getting bids. The plan is to remove the roofs that are there, add better insulation in the attic spaces, put on the front porch, add dormers because of the amount of snow load that comes off onto the walkways. The other part – on the back side on some of the units, on the decks is an 8 panel (some 10) glass atrium roofs over the decks. The plan is to remove that and replace it with shingles due to maintenance, they are expensive to repair, they leak because of the icy and weight on them. They will make them full shingled roofs.
5. Phil Carter asked about the dormers and if they would be adding bedrooms.
6. Josh Lapp said no. They will be just like a dormer pitched over the entrance on the roof. This is just to divert the snow off to the sides of the deck, where it has been falling.
7. Phil Carter asked, like a gable end.
8. Josh Lapp said yes. He said that they have been working with an architect, helping with the designs and to make sure that everything works properly.
9. Phil Carter asked if this is basically a maintenance project, it's not really new construction.
10. Josh Lapp said that the only newer construction portion is the gable ends. There will be no increase in the size of the roof in any way, just a peak over the entrance.
11. Phil Carter asked if here are all going to be shingled roofs
12. Josh Lapp said yes.
13. George Tucker said, from the plans, it looks like it noted that some of the metal roofs, on some of the units will also be removed and replaced with new shingles.
14. Josh Lapp said yes, one unit #15 has a metal roof that will be replaced. They want to conform to the rest through the village.
15. George Tucker said that he noticed some have metal edges, a drip edge. Will they be reinstalled or all shingles?
16. Josh Lapp said all shingles with better insulation and ice/water shield. It is better protection.
17. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing.**
18. John Boehrer asked, with the new dormer, does that change the building permits or affect Act250.
19. Phil Carter said he does not believe that it does.
20. Rose Goings said it is up to them to contact Act250 to check if they will need permits from them.
21. Phil Carter said it sounds like a maintenance job.
22. **Motion passed unanimously.**

VIII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from June 13, 2022, but he would like to hold off until the August meeting for Lisha to be there.

IX. **OTHER BUSINESS**

1. Lara Fram
 - a. Rose Goings said they should discuss this.
 - b. Phil Carter said he has a question for board members. Right now, this mudroom project is currently in the Environmental Court. We are trying to make progress with Okemo to hear their applications. Would this board consider having the court remand this back to us to hear the hearing? It would be a legalese thing to the court for it to remand the hearing back to us and then we would hear the hearing. Think about it. It's out there right now. So people at the Trailside can start getting their projects done. We are trying to act in good faith to get this stuff resolved. However, the Notice of Violation can still stand. If it doesn't go away. This would allow them to start moving forward.
2. Divided Sky
 - a. Phil Carter asked if we have heard anything about the drug rehabilitation project.
 - b. Rose Goings said she hasn't heard about the mediation.
 - c. Phil Carter said we know there is a mediation going on between the Attorney Roy and the condominium owners. He said that he does recall there being some talk about it – either having it resolved in August or just goes back to court. He asked board members to think this over for next month's meeting.
3. George Tucker
 - a. John Boehrer welcomed George Tucker back and said that we had all been concerned about him.

X. **ADJOURN**

1. **MOTION by Phil Carter and seconded by Doug Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:34 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

George Tucker, Jr.