

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

**Monday – July 26, 2021
6:00 P.M**

PHYSICAL LOCATION: HOWARD BARTON JR, CONFERENCE ROOM
37 Depot Street, Ludlow, VT

Join Zoom Meeting Online:

<https://us02web.zoom.us/j/89445497136?pwd=aVI5WkVKOXN3VGdGZnFBN3lvQ2ltZ09>

Meeting ID: 894 4549 7136

Passcode: 480295

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MEMBERS PRESENT:

Phil Carter, Chairman

Julie Bowyer

Doug Sheehan

John Boehrer

Julie Nicoll

STAFF PRESENT:

Rose Goings

Lisha Klaiber, Recorder

Patrick Cody- Okemo Valley TV

OTHERS PRESENT:

Eric Alden

Marec Kovak

Chuck Peel

Paul Carrocchio

Carl Lisman

Brian Schwinn

Lara Fram

John Marchica

Michael White

Michael Goings

Mike Noone

S. Whelan

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. Phil Carter opened the meeting at 6:01 p.m. He advised that this is a hybrid meeting, with people at town hall and others in attendance via ZOOM. We asked those on ZOOM to mute themselves and if they want to speak, to wait to be recognized before unmuting and re-mute when finished.
2. Roll Call: Phil Carter noted that all board members are present.

II. OPEN THE PUBLIC HEARING FOR PIETRO & JANINE SEIPPEL SCOTTI

1. Phil Carter advised that this is an application Local Act250 Review.
2. Rose Goings advised that this is application 484-21-ACT250.
3. Phil Carter administered the oath to all (John Marchica, Chuck Peel) wishing to speak at this hearing.
4. Chuck Peel advised that the applicants have been trying to sell the property, but buyers have been scared by the ACT250 requirement. This is lot #7 of a subdivision. They have received a water/wastewater permit.
5. Phil Carter said that letters have been received letters from Ambulance, Police and Fire departments. He said that Local ACT250 has 3 requirements; impact on schools, municipal services and conformance to the Town Plan.
6. Chuck Peel said that all three departments have okayed the application. He said that the applicants do not intend to build on this property, so it will not affect the schools. He said that the permit would have to be amended, if the buyer wants to build. He said that a letter was submitted to the board and it says that there is no place in the town plan that says this would be an inappropriate use.
7. Phil Carter referred to the letter from the Police Chief, in which the Chief says that if the home to be built would be a second home, an alarm system should be installed. He asked if the applicants are okay with that. He then referred to the letter from the Fire Chief in which the Chief imposed the following conditions if a house were to be built:
 - a. Provide at least one egress window (5.7 square feet off clear area when unit is open)

- b. Provide hard wired smoke and carbon monoxide detectors with battery backup on every level
 - c. Provide at least one 5# ABC fire extinguisher in the kitchen area
 - d. If garage is attached, provide a one-hour fire wall between the garage and all living areas.
8. Chuck Peel said that would all be required by the building code and whoever buys the lot will have to do that if they build.
 9. Phil Carter said if it complies with the zoning and other regulations for a single-family home, they would only have to go to the Zoning Administrator.
 10. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

III. OPEN THE RECESSED PUBLIC HEARING FOR LARA FRAM

1. Phil Carter advised that this is an application to appeal the Decision by the Administrative Officer for the denial to allow for mudroom expansion on the Trailside condominium unit. The property address is 166 Trailside Extension, Unit 20B, located in the Mountain Recreation District. This hearing was recessed from the June 14, 2021 meeting.
2. Phil Carter reminded all who spoke at the June 14th meeting that they are still under oath and administered the oath to S. Whelan). He explained that we need to clarify the conditions on the permit asked that all be respectful of others. He wants to get this issue fixed to what the town and state require.
3. Carl Lisman advised that today, they submitted a packet to the Zoning Administrator that was primarily the documents located by the Zoning Administrator. He would like them entered into the record.
4. Phil Carter asked if there was anything in the packet that was different from what the Zoning Administrator sent to them.
5. Carl Lisman said that most of the packet was what the Zoning Administrator had sent, but there were additional documents that they located from the association records.
6. Phil Carter said that the board does have the same records. He said there is a lot of evidence that is applicable. This is a question of fire protection for the Trailside Condos. He referred to a letter dated July 22, 2021, from Chief Kolenda (copy attached) and said that it is not clear what the Chief wants with regard to the water supply. The letter does say that the plan to correct these deficiencies should be put on the fast track. Phil Carter said that he sees the need for the conditions to be amended and brought up to date. The way to do this would be to apply for an amended permit. Then, the chief will say exactly what he wants; number of fire hydrants and where they would be located and details about the pond. He asked if there is any work being done on Fire Protection.
7. Carl Lisman said that it is the Fram's position that it doesn't matter. They feel their application is consistent with the ordinance for their renovation and the water safety issue is outside the scope of this application.
8. Phil Carter said that for the town to approve any construction that is not safe in the world of fire protection, how that would benefit your clients.
9. Carl Lisman said what they propose doesn't make fire safety any better or worse in any respect, nothing changes in that regard.
10. Phil Carter said so, if any construction was to go forward and there was a fire and someone was hurt, harmed or died, would that be the town's liability.
11. Carl Lisman said he is not in a position to answer.
12. Julie Nicoll asked if there is any other construction being done at Trailside.
13. Phil Carter said that he has heard, on the street, that there is work going on up there and asked if any of it is in the fire safety world, such as work on the pond, fire hydrants or storage tank.
14. Paul Carrocchio said there has been pavement replacement; work on the culverts and replacement of the potable water storage system tank. He added that Chief Kolenda is aware that the fire pond was dredged 2 years ago.
15. Phil Carter asked if it is hooked up to the hydrants.
16. Paul Carrocchio said they have met the permit conditions. There is a 180,000+ gallon fire pond, with 3 fire hydrants, sufficient flow and an 8" main.
17. Phil Carter referred back to the chief's letter and asked what deficiencies he is referring to.

18. Paul Carrocchio said that he doesn't know. He said that in a conversation with Chief Kolenda, the said can we please resolve this so he doesn't have to come to tonight's hearing. Paul Carrocchio said that he told the chief that he should come to the meeting tonight. These are 2 different issues and he said he told the chief that he is not solving this on the side with him as a side deal. This has to go through the legal process and you (the chief) need to tell me exactly what you want done at Trailside and what direction you have under the law and you should hold everyone in Ludlow to the same standard. He said we have presented a corrective plan 2 years ago and the chief sat on it. Then, he had written us 2 letters without any direction on how he feels about the corrective action plan. The association has probably spent \$40,000 on design work through Otter Creek to try to get some solution what could be presented to Chief Kolenda on the community side. Tonight's hearing is not about the community. It is about a unit looking to put on a mudroom expansion, which you've approved over 2 dozen over the last 15 years. We have been working with the town, state and ACT250. We have not waited one minute on this fire protection matter. But one owner comes to you for a mudroom expansion and you deny it after you, as the board, have approved them for the last 20 years. This is crazy.
19. Phil Carter said he thinks this whole thing might be kind of crazy. There is so much stuff. He said that he has gone through the evidence that was submitted. He said he found tons of stuff and he doesn't know what was or wasn't done. He said, obviously, there's an issue with fire protection. He said that he is not sure if he knows, from chief's letter, exactly what it is.
20. Paul Carrocchio said if the chief would tell us exactly what he wants and to what letter of the law and hold that standard to everyone in Ludlow, this association would have a direction of where to go. He said that he can't convince 209 owners to spend \$2,000,000.00 at Chief Kolenda's whim and he hasn't really given us a direction, nor have you.
21. Phil Carter said that his direction would be to come in and amend the permit, once and for all. We need to get everybody to the table, talking the same language and figure out exactly what everybody wants.
22. Paul Carrocchio said please show us the permit, we haven't seen the permit.
23. Phil Carter said I have seen it and there are conditions all over the place. I'm not going to read them. He said he would read one and asked if they ever built a 2-bay fire substation. That's a condition.
24. Paul Carrocchio said that Chief Kolenda said that the fire chief was paid off \$50,000 not to build that. Paul Carrocchio told the board to ask Pete Kolenda.
25. Phil Carter said that means nothing what Pete Kolenda may have said. The permit is the permit. He said that the permit dates 3/22.1985 listed a 2-bay fire substation as a condition. He added that he is not saying that you need it and maybe Chief Kolenda doesn't care about it. The permit needs to be amended and you need to make it go away. He asked if they ever put in the 100,000-gallon fire-fighting tank. He said that he knows it wasn't done. So, if you don't want to do it or can't do it, fire-fighting apparatus has changed over the years to provide a safe environment for the people up there. Let's amend the permit and get it fixed.
26. Paul Carrocchio said that Chairman Carter is paraphrasing the documents. You need to go directly to the documents. You need to go through every document, chronologically.
27. Phil Carter said that he was not paraphrasing anything. He was reading directly from the document.
28. Phil Carter said chronologically, there are 2 fire chiefs, Harrison and Kolenda that have both said that there is sufficient fire protection at Trailside for all of the apartments, subsequent to those permits. We understand that it's a mess, but as far as we are concerned, these are 2 different matters.
29. Carl Lisman said they are 2 separate issues and the DRB is obligated to issue the pending permit for the project for which the application was made. He said that he doesn't need to say anything more. These issues are outside this application. He said they may be valid or may be invalid, but they are not both.
30. Phil Carter said, so if the DRB was to approve this mudroom expansion, what is to prevent the DRB from laying all these conditions on that project.
31. Carl Lisman said the DRB certainly has the right to impose conditions, but whether the conditions are appropriate is not for him to say.
32. Phil Carter said if we impose all of the conditions that have been imposed on this mudroom, then you are stuck with them all. They are not going away. So, why don't you want to come in and amend the permit and get it all straightened out so future projects can go through without this hassle.
33. Carl Lisman said that the lists that we applied for are not part of what the DRB is focusing on.
34. Phil Carter asked for board comments. There were none.
35. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
36. Doug Sheehan asked why it's not up to Trailside to get what they need from Chief Kolenda.
37. Phil Carter said the board needs to discuss this in Deliberative Session.

IV. **OTHER BUSINESS –**

1. Next Meeting

- a. Rose Goings said the August meeting will be on August 9, 2021.
- b. Phil Carter said it will be in-person.

V. **MINUTES**

1. June 14, 2021

- a. Julie Nicoll noted that on page 2, item #II4 should read “...The next day he called and said they wouldn’t...”
- b. Julie Nicoll said page 2, item #II6 should “Rose Goings said that she went up last week...”
- c. Julie Nicoll referred to page 4, item II36; she wanted to make sure that the comment was in the minutes about the double bunk beds.
- d. Julie Nicoll referred to page 4, item II37, and about the sewer ordinance. (The condos are on the town sewer system.)
- e. John Boehrer referred to page 4, item II57 and said that the “A” in quotes does not need to be in quotes.
- f. **MOTION by Julie Nicoll and seconded by Julie Bowyer to approve the minutes from June 14, 2021 as corrected. Motion passed unanimously.**

VI. **ADJOURN**

1. **MOTION by Doug Sheehan and seconded by John Boehrer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:31 p.m.

Respectfully submitted,
Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

Julie Bowyer



Ludlow Fire Department

P.O. Box 355, Ludlow, Vermont 05149

E-mail: ludlowfire@comcast.net



July 22, 2021

Mr. Paul Carrocio, Managing Agent, Okemo Trailside Association
P.O. Box 155
Ludlow, VT 05149

Re: Okemo Trailside fire protection

Dear Mr. Carrocio,

The water supply for firefighting has been an issue at Okemo Trailside for years. A comprehensive plan to correct these deficiencies should be put on a fast track.

The plan from Otter Creek Engineering for extending the 8" main from the fire pond and additional hydrants will work with the following conditions:

The proposed project must meet the NFPA requirements in regards for use of fire ponds for fire protection.

Hydrant locations to be discussed and an additional hydrant to be added.

Otter Creek Engineering to provide estimated fire flows from the new hydrants and estimated usable volume in the pond for fire protection. This department must approve these estimates.

In a pre application review from the Department of Environmental Conservation item # 4 stated:

"The existing fire pond will need to be cleaned out (assumed as a maintenance activity) to restore the volume needed for fire protection, and may include a mechanical mixer or aerator to eliminate ice buildup to increase useable volume for fire protection.:

An act 250 permit is required.

The fire hydrants proposed to be connected to the new 8" main from the fire pond will not be disconnected from the domestic water supply until the new main is in place.

If you have any questions, feel free to call me at 228-5627

Peter Kolenda, Fire Chief
Ludlow Fire Department

Cc: Ludlow Zoning Administrator