

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**July 9, 2018**

**MEMBERS PRESENT:**

Phil Carter, Chair  
John Boehrer

Julie Nicoll  
Linda Petty (by phone)

Dana Wilson

**STAFF PRESENT:**

Rose Goings, Zoning Administrator

**OTHERS PRESENT:**

Glenn Heitsmith  
Jason Hochberg  
Steve Hochberg

Ralph Michael  
Larry Slason

Fred Marin, Okemo Valley TV  
Lisha Klaiber, Recorder

1. **CALL TO ORDER**

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

2. **RE-OPEN THE PUBLIC HEARING FOR GLEN HEITSMITH**

- A. Phil Carter advised that this is an application to amend a Local Flood Hazard Review Permit to remove and replace interior framing, flooring, plumbing fixtures and rewire all new electrical fixtures to the last two rooms of the Timber Inn Motel that were damaged in Tropical Storm Irene. This hearing was recessed from the meeting on June 11, 2018. Property is located at 112 Route 103 South, in the Special Flood Hazard Area of the Town Residential Commercial District.
- B. Phil Carter reminded all who spoke at the hearing last month that they are still under oath (Glenn Heitsmith). He advised that evidence was given at the last hearing, including costs for the substantial improvement. Quotes are now included. He asked Mr. Heitsmith if the value of the improvements is still under 50% of the value of the building.
- C. Glenn Heitsmith said yes.
- D. Phil Carter said that a letter has been received from ANR that contains the following bullets. He asked Mr. Heitsmith if he is aware of the letter and if he is able to comply.
- i. Buildings be designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood.
  - ii. Buildings be constructed with materials resistant to flood damage such as pressure treated lumber
  - iii. Buildings be constructed by methods and practices which will minimize flood damage
  - iv. Buildings be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or anchored to prevent water from entering or accumulating within the design components during conditions of flooding
- E. Glenn Heitsmith said yes to above.

- F. **MOTION by John Boehrer and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

**NOTE: PHIL CARTER ASKED THE APPLICANT IF THEY WOULD LIKE TO ADDRESS THE NEXT THREE HEARINGS CONCURRENTLY. ON BEHALF OF HIS CLIENTS, LARRY SLASON AGREED**

3. **OPEN THE PUBLIC HEARING FOR OKEMO MARKETPLACE, INC.**  
4. **OPEN THE PUBLIC HEARING FOR OKEMO MARKETPLACE, INC.**  
5. **OPEN THE PUBLIC HEARING FOR OKEMO MARKETPLACE, INC.**

- A. Phil Carter advised that this is an application to consider a Conditional Use Permit to modify the existing commercial building for the construction of a drive-through pharmacy dispensary for the Ludlow Pharmacy. Property is located at 57 Pond Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 470-18-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on June 12, 2018, advertised in THE VERMONT JOURNAL on June 20, 2018 and abutting property owners were notified on June 12, 2018.
- C. Phil Carter advised that this is an application to consider Flood Hazard Review to modify the existing commercial building for the construction of a drive-through pharmacy dispensary for the Ludlow Pharmacy. Property is located at 57 Pond Street in the Village Residential Commercial District.
- D. Rose Goings advised that this is application 468-18-FHR. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on June 12, 2018, advertised in THE VERMONT JOURNAL on June 20, 2018 and abutting property owners were notified on June 12, 2018.
- E. Phil Carter advised that this is an application Local Act 250 Review to modify the existing commercial building for the construction of a drive-through pharmacy dispensary for the Ludlow Pharmacy. Property is located at 57 Pond Street in the Village Residential Commercial District.
- F. Rose Goings advised that this is application 469-18-ACT250. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on June 12, 2018, advertised in THE VERMONT JOURNAL on June 20, 2018 and abutting property owners were notified on June 12, 2018.
- G. Phil Carter administered the oath to all (Ralph Michael, Larry Slason, Steve Hochberg, and Jason Hochberg) wishing to speak at these hearings.
- H. Larry Slason said there are 12 exhibits and Rose Goings has copies of all. He said that he prepared a Findings of Fact for each of the criteria. He said that drawings include site plans, dispensary design drawing, progress drawings and details. He pointed out that the drive-through will have a cantilevered canopy and will be 5'11" deep and 10 feet long. It will be supported by 6"x6" Douglas fir braces. There will be 3 recessed lights and will have a vehicle clearance of 10 feet. He addressed the criteria for a Conditional Use permit, adding that he had received letters of ability to serve from the Police, Ambulance and Fire Departments. He said that maintenance will be done by the owner. The hours of operation will be the same as the current pharmacy hours and this project will not cause additional traffic or need any additional traffic control measures. Larry Slason added that the drive-through will be an accessory use of the existing pharmacy and will be constructed with the

same building clapboard as the existing building and will not adversely affect the character of the area. It will be a modest extension and in scale with the existing building. It is located in the Village Residential Commercial District and consistent with the land use and development of the area. He said that the drive-through will be safer for the elderly and parents with small children, and will reduce the need for some on-site parking, by allowing customers to remain in their cars while receiving prescription drugs and services. He said that there is adequate site distance. Regarding the Ludlow Zoning By-laws, this is a professional service that is highly regulated. He said "The professional nature of pharmacy practice and the highly regulated nature of prescription drugs distinguishes the drive-through pharmacy dispensary from a customary retail store." He added that the drive-through meets front (20') and side (15') setbacks and minimum lot size. He then addressed Section 550 standards. He said that there will be 3-downward facing recessed lights and they will not produce glare. He said the circular vehicular pattern at the south end of the pharmacy will have ample space for the safe flow of traffic. He said that there will not be any new landscaping because it is a paved parking lot and the addition of landscaping would reduce parking. He addressed the Local Act 250 criteria; the addition will not add to the work force or affect the schools. He said that it would not require any additional municipal services and it conforms to the town plan in that it is located within the commercial center of the town. The Village is mixed use and this addition keeps the services within the village center. Addressing the Flood Hazard Review, Larry Slason advised that most of the Okemo Marketplace is not in the Flood Hazard Area, but that a portion of the property is. Ralph Michael has provided an Elevation Certificate based on a 1976 study and FEMA maps. He said the elevation of the lowest floor of the accessory structure is 1008.5 feet and is 4.5 feet the BFE which is 1004.0 feet. Larry Slason said that there is a letter from John Broker Campbell regarding this. In his letter John Broker-Campbell said "If built as proposed, the small addition would be in compliance with the floodplain development standards. I encourage the town to request as-built data and an updated FEMA Elevation Certificate upon construction completion." Larry Slason said the structure will be built to be safe from floods. The electrical, heating, ventilation and air conditioning equipment will be designed and/or anchored to prevent water from entering or accumulating within the design components during flood conditions. He said that there will not be any plumbing. He added that the structure will be designed with the cantilevered roof and there will not be any tanks. He said that in his letter with the Elevation Certificate, Ralph Michael writes, "It is my best opinion that the proposed pharmacy drive-through structure conforms to the DEC flood hazard area and river corridor protection procedure as shown herein." Larry Slason said that this project complies with the Conditional Use permit criteria, the site plan criteria, Local Act 250 and meets Article 6 of the Special Flood Hazard area standards.

- I. Phil Carter asked Rose Goings if she had any questions.
- J. Rose Goings said that John Broker-Campbell had called and confirmed his suggestion about the Elevation Certificate at the completion of construction.
- K. Larry Slason said the applicant would provide it.
- L. Phil Carter asked about traffic signage.
- M. Steve Hochberg said they would put signs in the windows directing traffic.
- N. Ralph Michael said it would be a left turn and there would be a "DRIVE-THROUGH ONLY" sign.
- O. Steve Hochberg asked if they have to apply to have banners like Taggart's does.
- P. Rose Goings said they don't need to apply.
- Q. **MOTION by John Boehrer and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

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- R. Larry Slason asked if the board would consider an Up-Down vote tonight, subject to any issues. They need to go to Act 250 to amend the permit for Okemo Marketplace.
  - S. Phil Carter polled the board and all agreed to the Up-Down vote.
  - T. Phil Carter asked all in favor. Vote passed unanimously.

6. **OTHER BUSINESS**

- A. There was none.

7. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the June 11, 2018 meeting.
  - i. Julie Nicoll noted that on page 1, item 2D should read "... they have purchased two additional..."
  - ii. Phil Carter noted that on page 3, item 4G should read "where should the complaints go..."
  - iii. Phil Carter noted that on page 4, item 4W should read "...to the Zoning Officer and it is not within the jurisdiction of the DRB..."
  - iv. John Boehrer noted that on page 4, item 4BB should read "No motor boats can use that dock..."
- B. **MOTION by Phil Carter and seconded by Julie Nicoll to approve the minutes of June 11, 2018 as corrected. Motion passed unanimously.**

8. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Dana Wilson to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:31 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Linda Petty

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Dana Wilson