

**DEVELOPMENT REVIEW BOARD
MINUTES**

June 10, 2019

MEMBERS PRESENT:

Phil Carter, Chairman (left at 6:42) Julie Nicoll
John Boehrer Dana Wilson

STAFF PRESENT:

Barbara Davis

OTHERS PRESENT:

Andy Becker	Glenn Heitsmith	Larry Slason
Matt Birmingham	Sal Marottoli	Eric Chattergee – Okemo Valley TV
Terry Carter	Jean Morrell	Lisha Klaiber, Recorder
Ed Floyd	Mike Peck	

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman Phil Carter. All members present.

II. OPEN THE PUBLIC HEARING FOR TIMBER INN MOTEL/GLENN HEITSMITH.

1. Phil Carter advised that this is an application to amend a Local Flood Hazard Review permit for interior repairs to the first floor of the Timber Inn Motel that were damaged from recent flooding. The project is located at 112 Route 103 South in the Special Flood Hazard Area of the Town Residential Commercial District.
1. Julie Nicoll advised that this is application 367-13-FHR, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website May 16, 2018, advertised in THE VERMONT JOURNAL on May 22, 2018 and abutting property owners were notified on May 16, 2018.
2. Phil Carter administered the oath to Glenn Heitsmith.
3. Glenn Heitsmith advised that he wishes to put the motel back into the condition that it was in prior to the flooding on April 15, 2019. This includes carpets, bathroom floors, sheetrock and wood trim
4. Phil Carter asked if the evidence submitted included cost estimates of the work to be done.
5. Glenn Heitsmith said yes. He said the estimates were based on bids.
6. Phil Carter advised, for the record, that the total costs for the repairs, including the repairs done after Irene; do not exceed the 50% threshold.
7. Glenn Heitsmith said that is correct.
8. Phil Carter asked if Glenn Heitsmith has read the letter from John Broker-Campbell. He asked if the work would be consistent with the state minimum requirements for development within the FEMA Special Flood Hazard Area.

9. Glenn Heitsmith said the work done will be consistent with those requirements.
10. Phil Carter asked if the materials will conform to FEMA Technical Bulletin 2-08.
11. Glenn Heitsmith said yes, they will meet those requirements.
12. Phil Carter asked when Glenn Heitsmith will start work.
13. Glenn Heitsmith said tomorrow. He asked the board for an Up/Down vote.
14. John Boehrer said that he feels bad that this has happened again.
15. Phil Carter said that the DRB, in the past, has approved an UP/Down vote for victims of floods.
16. The board agreed to an Up/Down vote
17. **Phil Carter asked the board if they approved the project. Board agreed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR JEWEL BROOK DEVELOPMENT, LLC**

1. Phil Carter advised that this is an application to amend to a Conditional Use Permit for minor changes due to state permitting. Property is located at 1 Parker Avenue, in the Village Residential Commercial District.
2. Julie Nicoll advised that this is application 300-07-CU, Amendment #5. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website May 16, 2018, advertised in THE VERMONT JOURNAL on May 22, 2018 and abutting property owners were notified on May 16, 2018.
3. Phil Carter administered the oath to all (Sal Marottoli, Mike Peck, Andrea Sanford, Jean Morrill, and Ed Floyd) wishing to speak at this hearing.
4. Ed Floyd advised that the changes discussed tonight are changes that came about at Act 250. They are from the Historical Preservation and fisheries departments. Regarding the building changes, he said that the dormers, round windows and gables would be changed. He said that the drive-through would be smaller.
5. Phil Carter said that there is a complete site plan in the Planning Office, on file and already permitted.
6. Ed Floyd said the architectural changes were changed.
7. Phil Carter asked if this was from Act 250.
8. Ed Floyd said it was in response to the Recess Hearing memo. He said that the applicants are ready to send in the response soon.
9. Phil Carter said that Act 250 may still require additional changes.
10. Ed Floyd said they don't expect Act 250 to require more changes after tonight.
11. Sal Marottoli said that the historical people requested them to reduce the overall appearance of the building. They requested removal of the dog-houses, removal of the arched windows and the gables on the ends of the building to be more consistent with the office building. They have removed the gables and the ends will now be hips. They will also lower the porte cochere as requested. He said it will have a lower roof height, but will still fit EMS vehicles. They will also have composting.
12. Dana Wilson asked if there will still be 3 unloading spaces.
13. Sal Marottoli said they will still be there.
14. Phil Carter asked about the siding.
15. Sal Marottoli said the top portion will be shake and the lower clapboard.
16. Phil Carter asked if there will be any other changes to the building.

17. Sal Marottoli said no. He said we need this board's approval. He said that they have addressed all of the Act 250 issues.
18. Phil Carter asked if the composting area will change the site plan.
19. Ed Floyd said it will be by the dumpster.
20. Phil Carter asked if they are adding a composting system, won't that be a change to the site plan?
21. Ed Floyd said it won't be a system, just a bin.
22. Mike Peck said that as of July 2020, the state is requiring composting. Here, it will just be a bin that will be removed by the waste company.
23. Phil Carter asked if it will be taken off-site.
24. Ed Floyd said yes.
25. Jean Morrill asked how often it will be removed. She is concerned about bugs, animals and smells.
26. Ed Floyd said that would depend on the season. He said that in the heavy occupancy times, more often.
27. Sal Marottoli said the recycle bins are animal proof.
28. Ed Floyd said it will be located in the back of the site (indicating the location on the drawings.)
29. Sal Marottoli said the site plan is the same. The historical people want a lawn gathering area by the office. He said that 2 of the parking spaces on the NE corner had to be moved and a third also moved. These were indicated on the drawing. The lawn was indicated on the drawing. Sal Marottoli said that the maximum building height was still no more than 3 feet. He said that the fisheries department requested changes of the plantings within the riparian area. The total number of plantings will remain the same. Changes were made to include native species. Rose bay rhododendrons were changed to rhodora rhododendron. A shadblow and one white spruce were changed to Norway spruce and white pines were added. Also, spirea within the riparian zone was changed to dogwoods.
30. Phil Carter asked if this was between the parking lot and the brook.
31. Ed Floyd said yes.
32. Phil Carter asked where the 3 parking spaces were moved.
33. Ed Floyd indicated the locations on the drawings. He said that the total hard surface has not changed.
34. Dana Wilson asked about smoking on the premises.
35. Sal Marottoli said the whole property is non-smoking.
36. Phil Carter asked about operational changes. Are there changes from what is on the original plans?
37. Ed Floyd said he doesn't think so.
38. Sal Marottoli said they went through everything very carefully and what is on the list of changes they provided are the changes being made. They (Act 250) wanted clarification.
39. Phil Carter explained that there is a disconnect between Act 250 and the local DRB. We (the DRB) are not getting correspondence, but the Planning Commission and Select Board do. We are the permitting body.
40. Sal Marottoli agreed and added that they have to make the changes required by Act 250.
41. Jean Morrill asked about the restaurant being open to the public and if there is enough parking.
42. Ed Floyd said that a traffic study was done and there is sufficient parking, including a restaurant open to the public.
43. Sal Marottoli said the plans always included a restaurant open to the public. There is no need to make changes.
44. Jean Morrill asked about the conference center.

45. Sal Marottoli said that has always been included.
46. Jean Morrill asked about sidewalks for walking to the village.
47. Phil Carter said that has not been addressed by Act 250. He said if it comes to us, from Act 250, the applicant will have to come back to us for changes to the permit.
48. Andrea Sanford said that this area is part of the Village Residential Commercial district. She said that, for many years. She said that people have been using her driveway for turning around and even parking. She is concerning that this will be added to by the project. She said that she has signs up, but the project will need to put up proper signs. There should be signs on Andover Street. This is an invasion of her privacy.
49. Phil Carter asked why people turn around in her driveway.
50. Andrea Sanford said she doesn't know.
51. Phil Carter asked if she was a party to Act 250.
52. Andrea Sanford said her husband was.
53. Phil Carter asked, once operational, what can we do to mitigate the situation? He said that we can't have signs up and down Andover Street.
54. Ed Floyd said there will be 24/7 management and she can call the front desk.
55. Andrea Sanford asked if there would be lights shining at night in her windows.
56. Ed Floyd said no, based on all of their studies and analyses there should not be a lighting problem.
57. Phil Carter asked if the lighting would be downward directed.
58. Sal Marottoli said they would be dark sky lights, downward directed. He added that they have tried to be good neighbors, but it is hard to anticipate what may happen in the future. If something does happen, she can call the front desk. There will be 24/7 management and she can make a phone call.
59. Phil Carter said we are leaving the door open for future communication.
60. Andrea Sanford asked if the parking plan has been approved.
61. Phil Carter said yes.
62. Dana Wilson said that he can understand how, if a person misses the hotel driveway, they would turn around in her driveway.
63. Phil Carter said this board can't anticipate problems. The applicants are saying, under oath, that they are willing to work with you.
64. **MOTION by John Boehrer and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR SOUTHFACE @ OKEMO DEVELOPMENT CO., LLC**

1. John Boehrer advised that this is an application for a Local ACT250 review to substitute 3 duplex buildings in place of the proposed 12-unit condominium building C-5. Project is located at Village Center Road in the Town Residential and Mountain Recreational Districts.
2. Julie Nicoll advised that this is application 475-19-ACT250. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website May 16, 2018, advertised in THE VERMONT JOURNAL on May 22, 2018 and abutting property owners were notified on May 16, 2018.
3. John Boehrer administered the oath to Larry Slason and Andy Becker.
4. Larry Slason advised that the original plans were for Building C-5 to a 12-unit Town House/Condominium building. We are replacing it with 3 duplexes. This was approved in May by the DRB. Our original plans were approved by ACT250, with a total of 208 units. We are here tonight for our Local ACT250 approval. This change will not increase the impact

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- on Municipal Services, Educational Services and does comply with the Ludlow Town Plan. This change does not change the original findings and conclusions.
5. Educational Services
 - a. Larry Slason said that there is no impact to the educational services. The number of units is being decreased from 12 to 6. Also, the units are for year round residents.
 6. Municipal Services
 - a. Larry Slason said that the original plans had not impact on municipal services. The project has paid impact fees, sewer fees and fire department fees. The owners are responsible to finance and construction costs. The waste system is downsizing from 12 to 6. The fire, police and ambulance departments are okay with the change. The projected town revenues for the project exceed the municipal expenses.
 7. Conformance to the Town Plan
 - a. Larry Slason said that there is no change in the compliance to the town plan. The name of the district was changed from the Mountain Recreation District to the Outdoor Recreation District. The project complies with the definition of the district. The project is a conditional use in the district.
 8. Larry Slason added that the project will have a total of 145 acres of conserved land, 101.78 of which is next to the Okemo State Forest. He said that all of the development is at the lower end of the mountain. He said that they also have a permit from the Army Corps of Engineers.
 9. John Boehrer asked about the sewer allocation. Since they lowered the number of units, would the unused allocation be banked?
 10. Larry Slason said the total waste load would remain the same. The waste water threshold will be the same.
 11. **MOTION by Dana Wilson and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

V. **OTHER BUSINESS**

1. Barbara Davis advised that there will not be a DRB meeting in July.

VI. **APPROVE MINUTES**

1. John Boehrer advised that the minutes to be reviewed are from May 13, 2019 and May 28, 2019.
2. Julie Nicoll said that the minutes from the meeting of May 13th are complicated and she suggested that they postpone review of them until Phil Carter can be present.
3. Minutes from May 28, 2019
 - a. Julie Nicoll said that on page 1, item II-1, should read "...Municipal Proprietary District had been pulled at the last meeting. The applicants have returned tonight."
 - b. Julie Nicoll said that on page 2, item II-18 should read "...but you won't see the structures that are above grade..."
 - c. Julie Nicoll said that on page 3, item II-22 should read, "circumstances or conditions, there is not a possibility..."
 - d. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from May 28, 2019 as corrected. Motion passed unanimously**

VII. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Julie Nicoll to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:54 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Dana Wilson
