

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**June 11, 2018**

**MEMBERS PRESENT:**

Phil Carter, Chair  
John Boehrer

Julie Nicoll

Dana Wilson

**MEMBERS ABSENT:**

Linda Petty

**STAFF PRESENT:**

Rose Goings, Zoning Administrator

**OTHERS PRESENT:**

Patricia Harris  
Thomas Harris  
Glenn Heitsmith  
Angela Kissell

Fran Kissell  
Greg Mauriello  
Ralph Michael  
Alex Racicot

Shon Racicot  
Vincent Guerrero, 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, except Linda Petty.
- B. Phil Carter asked for a moment of silence in honor of Howard Barton, Jr. Howard was the chairman of the Select Board and very supportive of the DRB. He was a great guy and will be missed.

2. **OPEN THE PUBLIC HEARING FOR SHON RACICOT**

- A. Phil Carter advised that this is an application for a Conditional Use Permit to expand the existing ski shop, The Boot Pro, into two additional units that were previously permitted for office space. The property is located at 44 Pond Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 467-18-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on May 21, 2018, advertised in THE VERMONT JOURNAL on May 23, 2018 and abutting property owners were notified on May 22, 2018. She added that Police, Fire and Ambulance letters have been received.
- C. Phil Carter administered the oath to all (Shon Racicot, Alex Racicot) wishing to speak at this hearing.
- D. Alex Racicot advised that they have purchased two additional, adjacent units and would like to expand their existing business into those 2 new units. It will allow them to spread out and will provide a better shopping and working experience. The business has been there for 10 years.
- E. Phil Carter asked if there would be any exterior changes to the space.

- F. Alex Racicot said no.
- G. Phil Carter asked if they have contacted the State Fire and Safety unit.
- H. Shon Racicot advised that he has been talking to Steve Dumont and Mr. Dumont would like a load calculation and have microlam supports added in the basement.
- I. Phil Carter asked if they would be located in the cellar to support the first floor.
- J. Shon Racicot said yes.
- K. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

3. **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. Property is located at 112 Route 103 South, in the Special Flood Hazard Area of the Town Residential Commercial District.
- B. Rose Goings advised that this is application 367-13-FHR, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on May 21, 2018, advertised in THE VERMONT JOURNAL on May 23, 2018 and abutting property owners were notified on May 22, 2018.
- C. Phil Carter administered the oath to all (Glenn Heitsmith) wishing to speak at this hearing.
- D. Glenn Heitsmith explained that this is the third time that he has come back to the DRB for this project. He had a permit, but the time and money had run out. He is looking to complete the renovations to two units on the ground floor which were damaged in Tropical Storm Irene. He has already replaced some windows and doors. He would like to finish the project this year. When complete, there will be 17 guest rooms.
- E. Phil Carter asked if he has used those 2 rooms since the flood.
- F. Glenn Heitsmith said yes, as storage.
- G. Phil Carter asked if Glenn Heitsmith has contacted ANR.
- H. Rose Goings said she is waiting for a letter back from them. She said she sent them the information needed. ANR wanted information regarding substantial damage, or if the cost of repairs would exceed 50% of the cost of the building (\$672,500.)
- I. Phil Carter said the information taken tonight is evidence.
- J. Rose Goings agreed and said she would send it to John Broker Campbell. He is also mostly interested in whether the cost of the project exceeds 50% of the cost of the building.
- K. Phil Carter asked if John Broker Campbell wanted anything else.
- L. Glenn Heitsmith said not from him.
- M. Rose Goings said she has been working with John Broker Campbell on this project.
- N. Glenn Heitsmith said that 50% of the value would be \$336,250 and to date, the repairs are \$124,000 with an additional \$56,760. That is under the 50% mark.
- O. John Boehrer asked the usual turn-around time for responses from John Broker Campbell.
- P. Rose Goings said a couple of weeks, but he will be attending our next meeting to discuss this.
- Q. Phil Carter said it will be good to have John Broker Campbell in the room so we will know exactly what he is looking for.
- R. Rose Goings said this was originally permitted, Rebecca Pfeiffer was at ANR and she said the damages were not up to 50%, but she never sent a letter saying that. (In the minutes from August 12, 2012, this is also reflected.) Rose Goings said she has again requested this, but not received a letter.

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- S. Phil Carter asked if John Broker Campbell could request that letter.
  - T. Rose Goings said she will let John Broker Campbell know about this. She said she did send those minutes to John Broker Campbell. She said there are only 2 other hearings scheduled for the July meeting.
  - U. **MOTION by Julie Nicoll and seconded by John until the meeting on July 9, 2018. Motion passed unanimously.**
  - V. Phil Carter said that anything Rose Goings receives, she will let Glenn Heitsmith know about.

4. **OPEN THE PUBLIC HEARING FOR JANE WALLACE C/O JIM WALLACE**

- A. Phil Carter advised that this is an application to subdivide one lot into two separate lots. Property is located at 1358 Route 100 North in the Lakes District.
- B. Rose Goings advised that this is application SUB18-006. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on May 22, 2018, advertised in THE VERMONT JOURNAL on May 23 2018 and abutting property owners were notified on May 21, 2018.
- C. Phil Carter administered the oath to all (Ralph Michael, Greg Mauriello, Tom Harris, Fran Kissell, and Angela Kissell) wishing to speak at this hearing.
- D. Ralph Michael advised that the applicants wish to subdivide a 2.9 acres parcel into two parcels: parcel #2 will be 1.9 acres and has an existing house on it. Parcel #3 is 1 acre. Both parcels are in the Flood Hazard area (FHA), but the house on parcel #2 is .85 feet above base flood elevation and follows the 1,050 contour. The building is not in the FHA. Properties on Lake Rescue are required to have a 50 foot buffer from the lake; the property has a 70 buffer. The only easement is a shared driveway that circles around the house, and goes straight into the one acre parcel. Only lot #2 has a building and any building must stay within the confines of the setback. The building is nestled off Route 100 and the house can barely be seen from the road. Landscaping is not needed. Parcel #3 may not be developed within the Shoreland Protection zone. There will be a 6 foot wide footpath to the lake with stairs, a landing and dock. No motor boats will be allowed at the dock. This will be a condition of the permit. He sent letters to the Police, Fire and Ambulance departments. If lot #3 is conveyed there will be language in the deed that the lot may not be improved.
- E. Phil Carter asked who enforces the Shoreland Protection area/
- F. Ralph Michael said the ANR.
- G. Phil Carter asked if someone does clearing in that area, where the complaints go.
- H. Ralph Michael said to the ANR. He said that part of what he will include in the deed is what the approved uses will be. He said that the location of the 6 foot footpath may change.
- I. Phil Carter asked if the state will be aware of this plan.
- J. Ralph Michael said yes.
- K. Julie Nicoll asked if there would be public access to the lake.
- L. Ralph Michael said only from the property across the street. He said the 9<sup>th</sup> lot owned by the applicant was 60 – 70 acres, on both sides of Route 100. The original camp was built in the 1940s. He said that 8 lots were developed on the west side of Route 100.
- M. Phil Carter asked who will own that lot.
- N. Ralph Michael said that is not yet determined. No one owns the other 7 lots except the group.

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- O. Greg Mauriello said if the lots are sold, there would be language in the deed and covenants. Usually it would be conveyed to an unincorporated association.
  - P. Phil Carter said this would not affect this application for a subdivision. He added that based on the drawing, both lots have frontage on Route 100, although access may change in the future.
  - Q. Ralph Michael said the applicants will still own the property, but they want to sell the house and it would be easier to sell the lots across the road.
  - R. Phil Carter referred to the letter from Police Chief Billings suggesting warning signs be placed north and south of the entrance to parcel #3 warning of vehicles exiting and entering the area.
  - S. Ralph Michael said that area is a straight-away, but it would not hurt to cut back some brush.
  - T. Phil Carter said that is a state highway and asked if we could put up signs there.
  - U. Ralph Michael said that would be up to the state, but it could be requested.
  - V. Fran Kissell asked who polices the dock and lake area.
  - W. Phil Carter said if someone is doing something they shouldn't be doing, the neighbors can report it. He said that people are usually protective of their areas. If complaints are reported to the Zoning Officer and it is not within our area, she will forward the complaint to the correct party.
  - X. Ralph Michael said this will be in the covenants.
  - Y. Tom Harris said that he is concerned that 2 parking spaces will be created in an open access area to the lake and he is concerned that it will become a "party area" because of the absentee owner.
  - Z. Phil Carter said policing starts with the owners and neighbors, we (the DRB) don't create lots with the intent of creating party spots. He added that he never knew there was a house in there.
  - AA. Fran Kissell asked if the owners of the other lots can use the dock for fishing.
  - BB. Ralph Michael said the owners set the regulations to avoid that issue - No motor boats can use that dock.
  - CC. Fran Kissell asked what if someone docks 15 foot out.
  - DD. Ralph Michael said the language will be created to avoid that.
  - EE. Phil Carter said if someone does put their motor boat in there, it does not belong there. He added that this board is not here to police it. What was warned was purely a subdivision and it is not the job of the DRB to police boats. If there is a violation of the zoning regulations, it is the Zoning Officer's job to handle it. This board is not for enforcement.
  - FF. **MOTION by Julie Nicoll and seconded by John Boehrer to close this. Motion passed unanimously.**

5. **OTHER BUSINESS**

- A. There was none.

6. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the May 14, 2018 meeting.
  - i. Julie Nicoll noted that on page 4, item 5R should read "... when we start construction..."

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- ii. Julie Nicoll noted that on page 6, items 7Aiii should read “departments know that letters are required from them before the hearings...”
  - iii. Phil Carter noted that on page 2, item 2EE should read “comply with our subdivision...”
  - iv. Julie Nicoll noted that on page 2, item 2GG should read “if this subdivision complies with our...”
  - v. Julie Nicoll noted that on page 3, item 3L should read “Chief Kolenda required the egress windows ...”

B. **MOTION by Phil Carter and seconded by Julie Nicoll to approve the minutes of May 14, 2018 as corrected. Motion passed unanimously.**

7. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Phil Carter to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:45 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