

**DEVELOPMENT REVIEW BOARD
MINUTES**

June 12, 2017

MEMBERS PRESENT:

Phil Carter, Chairman	Linda Petty
Julie Nicoll	Dana Wilson - Alternate

MEMBERS ABSENT:

John Boehrer	Richard Harrison
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STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Rob Bellezza	Jen McBride	Adam Sayre – LPCTV
Chrisandra Burgess	Rosa Son	Lisha Klaiber, Recorder
Pete Josselyn	Ian Stuart	

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. John Boehrer and Richard Harrison absent.

II. OPEN THE PUBLIC HEARING FOR ROBERT AND KATHERINE BELLEZZA

1. Phil Carter advised that this is an application for Local Flood Hazard Review to raise the house out of the base flood elevation, add square footage to the existing deck and enclose it as a screen porch and add square footage to the existing mudroom. Property is located at 71 Thomson Drive in the Special Flood Hazard Area (SFHA) of the Lakes District.
2. Rose Goings advised that this is application 456-17-FHR. 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, 2017, advertised in THE VERMONT JOURNAL on May 24, 2017 and abutting property owners were notified on May 22, 2017. She advised that there is a letter from John Broker Campbell.
3. Phil Carter administered the oath to all (Pete Josselyn, Robert Bellezza) wishing to speak at this hearing.
4. Pete Josselyn advised that the applicants want to raise their existing house to make it 18 inches above base flood elevation (BFE). They want to extend the existing deck 5 feet toward the lake and screen it in and put a roof on it. They currently have a 6' x 9' entryway and want to increase its size to 8' x 14' with a small deck to approach it. They will be putting in new windows.
5. Phil Carter noted that he did not have a copy of the letter from John Broker Campbell.
6. Rose Goings read from the letter. New regulations for SFHA has required that new development be reasonably safe from flooding and be:
 - a) Designed and adequately anchored to prevent flotation, collapse, or lateral movement
 - b) Constructed with materials resistant to flood damage such as pressure treated lumber
 - c) Constructed by methods and practices which will minimize flood damage

- d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and /or anchored to prevent water from entering or accumulating within the design components during conditions of flooding
- e) The value of the proposed improvements is greater than 50% of the Fair Market value of the structure, making this a substantial improvement. This requires that the entire structure must be brought into full compliance with Section 660 of the Zoning Regulations. It must be 1' above BFE; enclosed areas below BFE must be used for building access, vehicles or storage and must have flood vents; a completed FEMA Elevation Certificate must be submitted at the completion of construction and filed with the town.

Rose Goings continued noting that the site map shows the BFE, and vent sizes and locations.

7. Pete Josselyn said that Todd Hindinger suggested 6 flood gates and straps to precast piers.
8. Phil Carter asked if the structure will be in compliance with the regulations.
9. Pete Josselyn said yes.
10. Linda Petty asked if the precast piers would be partially underground.
11. Pete Josselyn said yes, about 6 to 8 inches below ground.
12. Linda Petty asked if they would be making interior improvements.
13. Pete Josselyn said no.
14. Rose Goings said the drawing shows new siding.
15. Pete Josselyn said that is correct and also a metal roof over the porch and mudroom.
16. Linda Petty asked if there would be a basement.
17. Pete Josselyn said a crawl space.
18. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR CIRCA 1810 – JENNIFER MCBRIDE**

1. Phil Carter advised that this is an application to consider an amendment to a Conditional Use Permit to add outdoor seating on the porch and on the brick patio. Property is located at 11 Main Street in the Village Residential Commercial District.
2. Rose Goings advised that this is application 88-191-CU, Amendment #6. 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, 2017, advertised in THE VERMONT JOURNAL on May 24, 2017 and abutting property owners were notified on May 22, 2017. She added that letters have been received from the Police and Ambulance and she had spoken to the Fire Department and was told that a letter was not needed.
3. Phil Carter administered the oath to all (Jen McBride, Rosa Son, Ian Stuart and Chrisandra Burgess) wishing to speak at this hearing.
4. Jen McBride said that she would like to put 2 bistro tables with 2 chairs each out on the deck. There would not be smoking, or music. This would be for wine tasting only. Her patrons are quiet. She has not received any complaints.
5. Phil Carter asked about tables on the sidewalk.
6. Jen McBride said that the Police Chief was not in favor of that, so the tables will just be on the deck. The deck area is 9' x 7' and the tables will be located right in front of her business. The COA says no cigarettes and the tables have to be brought in at night.
7. Dana Wilson asked if there would be any changes to the lighting.
8. Jen McBride said no. They will close by 9:00 on Saturdays, but mostly it will be from 4:00 to 8:00 p.m. She added that she is permitted for 32 seats, but does not have that many.
9. Rosa Son advised that she owns the condo directly above this and is concerned about noise, smoking, there are not fire sprinklers on the porch and does not know what the Fire Marshal said

- about that. She said it is hard to police smoking. She thinks there should be very little commercial activity there. She added that at the November meeting, it was said that 5 parking spaces were required and a drawing was submitted. The drawing was not accurate. The official survey was done in 1988 and shows 16 spaces, with 12 of them for residential and 4 for the commercial units. She is concerned that parking will become an issue.
10. Phil Carter asked if there has been an issue with parking.
 11. Rosa Son said there wasn't one this past winter, adding that the All Seasons was closed.
 12. Jen McBride advised that the All Seasons did not close until April 14th or 15th.
 13. Rosa Son said that she has not contacted the insurance agent yet, but expects that the COA will.
 14. Chrisandra Burgess said that there have not been any parking issues. She said that there have not been any issues with smoking on the deck. She said that she also has a small table on the deck and people do not smoke there. She said that businesses in the building bring tourists to the downtown area. She added that there is no issue with not having sprinklers on the deck and if there are NO Smoking signs, people won't smoke on the deck. She said that the bistro tables will look welcoming and draw more business. She is all for it.
 15. Ian Stuart said it is a quality of life issue for them with the noise and smoke. The only other place in town with outdoor drinking is the Pot Belly.
 16. Jen McBride said that the Home Style across the street also has outdoor drinking.
 17. Chrisandra Burgess added that the Inn Town will open soon and have a bar.
 18. Jen McBride said that tasting is 4 one ounce glasses. Some people may order a glass.
 19. Phil Carter asked if they serve other alcohol.
 20. Jen McBride said they are producers and have a Manufacturer's License. They cannot sell other alcoholic drinks.
 21. Ian Stuart said their window is right above it.
 22. Rosa Son said that the condominium bylaws prohibit cocktail lounges. She is concerned that the business is creeping. She thought it was just tasting and now they sell glasses. She said they also sell cheese.
 23. Jen McBride said they sell cheese and charcuterie.
 24. Rosa Son said it is becoming a wine bar/restaurant and she does not want it. The tables will be 8 feet from her living room couch and 16 feet from their bedroom.
 25. Phil Carter said that the DRB will take this into consideration.
 26. Ian Stuart said that the Condo board approved this because it is common use space.
 27. Phil Carter asked if association can give approval and also take it away.
 28. Ian Stuart said yes.
 29. Dana Wilson said the business has been open since January and asked if there have been noise complaints.
 30. Jen McBride said no. She added that most people come in to taste and leave pretty quickly.
 31. Ian Stuart said in the winter, their windows are closed.
 32. Julie Nicoll asked them if they hear noise from the Homestyle as it is just across the street.
 33. Ian Stuart said no.
 34. Chrisandra Burgess noted that there is a roof over the porch.
 35. Julie Nicoll said that noise would have to go up and around the roof.
 36. Rosa Son said she can't say, because they haven't been here to hear it. She added that Ian Stuart studied acoustics and said there will probably be a noise problem. There is the potential for 32 people in the unit and it could become loud. It's fine if it stays inside.
 37. **MOTION by Linda Petty and seconded by Dana Wilson to close this hearing. Motion passed unanimously.**

IV. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from May 8, 2017.
2. Julie Nicoll said that she did not see any typos.
3. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from May 8, 2017 as presented. Motion passed unanimously.**

V. **OTHER BUSINESS**

1. **Permits from Last Meeting**
 - a. Valente - Gym approved
 - b. Cohen – Mudroom approved
 - c. Dana Wilson asked when people can begin construction.
 - d. Phil Carter said they can begin at their own risk until the permit is issued and the appeal period has passed.
2. Next Meeting – Rose Goings advised that there will be a special meeting on Thursday, June 22, 2017 at 6:00 p.m.
3. Next Regular Meeting – Monday, July 10, 2017. Rose Goings advised that she will not be at the July meeting.
4. Rose Goings advised that John Broker Campbell will be at the meeting on August 14th to go over Ludlow’s Flood Hazard Regulations.

VI. **ADJOURN**

1. **MOTION by Linda Petty and seconded by Dana Wilson to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison

Dana Wilson