

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*June 9, 2014*

**MEMBERS PRESENT:**

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

**OTHERS PRESENT:**

George Benson, Jr.	Steve Greene	Frank Provance
George Benson, Sr.	Jerry Hansen	Tom Ross
Trevor Benson	Marie Hasson	Linda Tucker
Matthew Birmingham	Justin Hyjeck	Chris Valente
Josh Carvajal	William Kennedy	Christa Valente
Doris Eddy	Ralph Michael	Lisha Klaiber, Recorder
Brigid Faenza	Will Nye	Vincent Guerrero, LPC TV
Paul Faenza		

1. **CALL TO ORDER**

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

***NOTE: AGENDA ITEMS 2 AND 3 REOPEN RECESSED PUBLIC HEARINGS FOR PAUL OLSON WILL BE ADDRESSED TOGETHER***

2. **RE-OPEN THE RECESSED PUBLIC HEARING FOR PAUL OLSON**

- A. Phil Carter advised that this hearing is an application for Flood Hazard Review to increase the volume of the enclosed interior space within the front setback. It was recessed from the May 12, 2014 meeting. The project is located at Sam's Steakhouse 91 Route 103 South in the Special Flood Hazard Area. He advised that this is application 411-14-FHR.

3. **RE-OPEN THE RECESSED PUBLIC HEARING FOR PAUL OLSON**

- A. Phil Carter advised that this hearing is an application for variance to increase the volume of the enclosed interior space within the front setback. This hearing was recessed from the meeting on May 12, 2104. The project is located at Sam's Steakhouse 91 Route 103 South in the Special Flood Hazard Area. He said that the project does not meet the front setback. He advised that this is application 412-14-VA.
- B. Phil Carter reminded Ralph Michael that he had been sworn in at the May meeting and was still under oath. Phil Carter administered the oath to all others wishing to speak at this hearing. Phil Carter also reiterated that John Boehrer had recused himself from these

hearings and would remain on recusal. Additionally, Linda Petty who had been absent from the May meeting has read the minutes and listened to the tapes and would be active on these two hearings. Phil Carter advised that the purpose for the recess was to tighten up some Flood Hazard Review issues.

- C. Ralph Michael said that at the request of the DRB he had requested and received a letter from Josh Carvajal of the ANR and he filed a response, on May 27, 2014 to that letter. He said that the letter from Josh Carvajal refers to Article 6: Flood Hazard Regulations dated December 2, 2007. Ralph Michael said that the new revised date is January 6, 2014. He said that the letter from Josh Carvajal reads that, "All development shall be...designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure..." Ralph Michael's response to this stated that as a result of storm Irene, the structure was not damaged by either hydrostatic or hydrodynamic forces. The structure had a high water level in the interior the same depth as on the exterior because the water entered the structure and maintained a level of equilibrium throughout the storm. Because of this the hydrostatic pressure on the structure walls was equal inside and out. Regarding flood gates, Ralph Michael explained that he and Josh Carvajal had inspected the structure and it was decided that flood gates would not be necessary. With respect to the comment from Josh Carvajal regarding materials, Ralph Michael said that he had prepared a revised plan and had addressed the notes for materials. He said that new exterior walls would be built in a similar 2x6 nominal stud construction with polyfoam insulation. He would use marine plywood for the exteriors and the interior walls would be flood resistant drywall. The exterior would have cedar shingles. In response to item #2 in Josh Carvajal's letter, Ralph Michael said that all electricity would be run in the ceiling or inside walls above Base Flood Elevation. He said that this project is a minor alteration to a much larger structure that is more than 60 years old. It is not a substantial improvement as it is under 50% of the value of the building. He said that a Project Review Sheet has been prepared and is included in the submittal. He added that reasons for the variance had been addressed and proven at the May 12<sup>th</sup> meeting.
- D. Josh Carvajal said that he sent a letter dated June 8, 2014 and is in agreement with Ralph Michael that the revisions are okay. He said that this is a unique project and the existing footprint will be the same. This project is not regulated in the same way as an addition. He said that he met with Ralph Michael and they cannot elevate the building or addition. The utilities do need to be above the Base Flood Elevation (BFE). Another area of concern is that the materials used below BFE must be flood resistant.
- E. Ralph Michael said that he has read the standards and will comply. He added that the decorative materials must match what is in the building now.
- F. Josh Carvajal said that a lot of materials are missing from the tables and he would generate a list for inside use. He asked Ralph Michael to send him a list of proposed materials and he would check the lists against the tables.
- G. Phil Carter asked Ralph Michael if the materials used would comply with FEMA standards.
- H. Ralph Michael said yes and that he would get a list to Josh Carvajal.
- I. **MOTION by Linda Petty and seconded by Richard Harrison to close this hearing.**  
**Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR PAUL AND BRIGID FAENZA**

- A. Phil Carter advised that this is an application to amend a Conditional Use Permit to change the current retail space into a bakery and retail space. The project is located at 28 Main I

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- B. John Boehrer advised that this is application 247-04-CU, Amendment #3. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 16, 2014.
  - C. Phil Carter administered the oath to all wishing to speak at this hearing.
  - D. Paul Faenza advised that they wish to open a bakery and retail bake shop in the building at 28 Main. They will be open seven days per week, M-F, 10 a.m. to 6 p.m. and Saturday and Sunday from 9 a.m. to 5 p.m. It will be a family business.
  - E. Phil Carter asked about parking.
  - F. Paul Faenza said there are 9 spots, 6 in the back and 3 on the gravel. There is a sign that says Parking in the Back. There will not be parking in the front and they may put a planter there to keep people from parking there.
  - G. Phil Carter asked if they could word the sign to say Bakery Parking.
  - H. Paul Faenza said that could be done.
  - I. Phil Carter asked if there would be any changes to the exterior.
  - J. Paul Faenza said they would fix the awning and chimney flashing.
  - K. Julie Nicoll asked about the square footage.
  - L. Paul Faenza said according to the town, 672 square feet.
  - M. Phil Carter asked about the interior.
  - N. Paul Faenza said there would be counters and behind that, the bakery and bathroom, sinks, refrigerators, stoves and work areas.
  - O. Phil Carter asked about seating.
  - P. Paul Faenza said there would not be any.
  - Q. Linda Petty asked about outside lighting.
  - R. Paul Faenza said they would use what is there.
  - S. Richard Harrison asked if they would take call in orders.
  - T. Paul Faenza said yes.
  - U. Phil Carter asked about the Fire Marshal.
  - V. Paul Faenza said that Landon Wheeler will inspect once the furniture is out. He said that Mr. Wheeler said it was okay to put in for a construction permit. He has had Green Mountain Fire in to look at the building.
  - W. Phil Carter said that if this board does issue a permit, any conditions from the Fire Marshal would be part of the permit.
  - X. Julie Nicoll noted that in his letter, Chief Billings referred to 2 parking spaces in the front.
  - Y. Paul Faenza said he would check with the chief on that.
  - Z. Julie Nicoll asked about hours of operation.
  - AA. Phil Carter explained that once they state the hours of operation, that becomes part of the permit and if they want to change them, they have to come back before this board. He said that always advise applicants about this.
  - BB. Brigid Faenza said the hours of operation would be 8:00 a.m. to 8:00 p.m., seven days per week.
  - CC. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing contingent upon conditions from the Fire Marshal. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR WILLIAM S. KENNEDY**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to re-establish the apartment and increase the seating in the restaurant from 16

to 22 seats. The property is located at 29 Main Street in the Village Residential Commercial District.

- B. John Boehrer advised that this is application 85-122-CU, Amendment #3. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. William Kennedy said that he is back in the building after 2 ½ years away. It will be the same business as he had before, but he does not know why the previous business reduced the number of seats to 16. He wants to put it back to 22 inside the building.
- E. Phil Carter asked about the apartment.
- F. William Kennedy said that the previous building tenant did not want the apartment, but he wants it back.
- G. Phil Carter read from a letter from Landon Wheeler that says that it needs to be inspected. Citing the letter, he read that the applicant needs to:
  - i. Contact the division of fire safety and schedule a site visit
  - ii. Complete and correct any violations there may be in regards to the apartment
  - iii. the first floor would also need to be inspected
- H. William Kennedy asked how long that would take.
- I. Richard Harrison suggested that William Kennedy drive over to Springfield and meet with them.
- J. Julie Nicoll said he could also just call them to schedule the inspection.
- K. Phil Carter said that if the DRB issues a permit, it would be contingent upon conditions from the Fire Marshal.
- L. William Kennedy said he would contact the Fire Marshal.
- M. John Boehrer asked if there would be any structural changes.
- N. William Kennedy said no.
- O. **MOTION by Richard Harrison and seconded by Julie Nicoll to close this hearing contingent upon conditions from the Fire Marshal. Motion passed unanimously.**

6. **OPEN THE PUBLIC HEARING FOR JUSTIN HYJECK**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to change an art gallery into an inn and coffee bar. The property is located at 119 Main Street in the Village Residential Commercial District.
- B. John Boehrer advised that this is application 187-01-CU, Amendment #1. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Justin Hyjeck said that they wish to convert the gallery into an inn and coffee bar. He submitted blue prints. He said that the coffee bar would be 190 square feet. There would not be any changes to the exterior of the building. He said that he is working with Landon Wheeler. They will remodel the kitchen into a commercial one. There are 9 parking spaces, 6 bedrooms. There is a studio apartment that will not be changed. He has a letter from Mel Fink allowing them to use parking at his location. This is within the required 300 feet from the establishment.
- E. Linda Petty asked about the coffee bar.
- F. Justin Hyjeck said they would not be serving breakfast, but may have bag lunches or premade salads.

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- G. Richard Harrison asked about snow.
  - H. Justin Hyjeck said he would have friends plow.
  - I. Phil Carter asked if – at this point – this would be an inn, not a B&B.
  - J. Justin Hyjeck said yes.
  - K. Phil Carter asked if the current business in the building would vacate the premises.
  - L. Justin Hyjeck said yes, adding that there is storage in the barn.
  - M. John Boehrer asked if they would have sufficient parking.
  - N. Justin Hyjeck said they would have 9 and 1 could be handicapped. They can use the street and there would be 3 at Mr. Fink's.
  - O. Phil Carter asked if they would leave the workshop in the garage.
  - P. Justin Hyjeck said yes.
  - Q. Phil Carter asked about exterior lighting.
  - R. Justin Hyjeck said there would be no changes. He added that on a site visit, Landon Wheeler said they would need to close in the open staircases. They will comply with all laws.
  - S. Phil Carter asked if they had a letter from the fire department.
  - T. Justin Hyjeck said he had not received one.
  - U. Phil Carter said that the DRB had received one and it calls for a permit from the fire marshal, one 5.7 square foot egress window in every bedroom, fire extinguishers, and smoke and carbon monoxide detectors and or a fire alarm system.
  - V. Justin Hyjeck said he is putting a sprinkler system in the building.
  - W. Linda Petty asked about seats in the coffee bar.
  - X. Justin Hyjeck said there would be 4. He said there are 24 seats in the dining room.
  - Y. Phil Carter asked the hours of operation.
  - Z. Justin Hyjeck said 24/7 for the inn and 7:00 a.m. to 11:00 p.m. for the coffee bar.
  - AA. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing contingent upon conditions from the Fire Marshal. Motion passed unanimously.**

7. **OPEN THE PUBLIC HEARING FOR CHRIS AND CHRISTA VALENTE**

- A. Phil Carter advised that this hearing is an application for an amendment to a Conditional Use Permit to allow for an ice cream trailer behind The Cooks Cupboard. The property is located at 211 Main Street in the Village Residential Commercial District.
- B. John Boehrer advised that this is application 185-01-CU, Amendment #1. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Christa Valente said that they wish to put a trailer behind Cooks Cupboard to sell hard and soft ice cream.
- E. Phil Carter asked them to describe it.
- F. Chris Valente said it is a concession type trailer and would be there for the season. It is 21' x 8' and has 3 windows.
- G. Phil Carter asked if they would serve anything else.
- H. Chris Valente said for now, ice cream.
- I. Phil Carter asked about electricity.
- J. Chris Valente said there is a post nearby with an outlet.
- K. Phil Carter asked how people would get to it.

- L. Christa Valente said there is one driveway and parking. People can also park at the municipal lot where IGA used to be.
- M. Phil Carter asked about hours of operation.
- N. Christa Valente said 9 a.m. to 11 p.m. 7 days per week.
- O. Linda Petty asked about seating.
- P. Chris Valente said lawn chairs and a picnic table.
- Q. John Boehrer asked about lighting.
- R. Christa Valente said it would be the same as what is there now.
- S. Chris Valente said they may also have some decorative lights.
- T. Richard Harrison asked about the Fire Marshal.
- U. Chris Valente said they just need to go to the State Agricultural Department.
- V. Tom Ross said he has concerns about debris, parking and hours of operation.
- W. Phil Carter said they would need to check about signage with Rose Goings. They may be about to have Ice Cream Parking signs. He said that parking is an issue in the town and the board tries to make it fair.
- X. Christa Valente said they would have trash receptacles.
- Y. Julie Nicoll asked about the trees.
- Z. Christa Valente said they may just trim them.
- AA. **MOTION by Richard Harrison and seconded by John Boehrer to close. Motion passed unanimously.**

8. **OPEN THE PUBLIC HEARING FOR MARIE HASSON**

- A. Phil Carter advised that this is an application for a variance to build a roof over an existing deck that does not meet setback requirements. The property is located at 74 Slacks Pasture Road in the Lakes District.
- B. John Boehrer advised that this is application 414-14-VA. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He said that the board will consider criteria for a variance.
- D. Marie Hasson said that her project does not meet the 15' required side setback. The roof is a necessity because of her age and the severity of the winters. The snow comes off the roof right over the main entrance to her home. She said it took 3 days to clear it after one storm this past winter. She is fearful after it snows. There is a wraparound deck and the roof across the front and part of the side dumps snow by the main door. If there was a roof on the deck, it would dump the snow beyond the deck. It would be a metal roof like the house.
- E. Phil Carter noted that there was a letter received from the neighbor, Cecily DiPiro who wrote for all of the owners of the abutting property stating that they have no objection to the project. He said that the situation of having the snow fall onto the deck does pose safety concerns.
- F. Marie Hasson said she has owned the house for 40 years and lived here full time for 20 years. There is always ice on the deck in the winter and it is getting harder to move quickly. It is a tenuous situation.
- G. Phil Carter explained that on their site visit, he could not see another way to do this.
- H. Julie Nicoll agreed.
- I. Richard Harrison said it does make a hardship.
- J. Phil Carter explained that the board looks at the least possible deviation from standards.

- K. Julie Nicoll said that more than 75% of the project does conform to zoning.
- L. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

9. **OPEN THE PUBLIC HEARING FOR GEORGE BENSON, SR. AND GEORGE BENSON, JR.**

- A. Phil Carter advised that this is an application to consider a Conditional Use permit to tear down a building designated as an historical structure. The project is located at 223 Main Street in the Village Residential Commercial District.
- B. John Boehrer advised that this is application 415-14-CU. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He advised that this is the first part of the project, tearing down a building.
- D. Matt Birmingham advised that at the site visit, the board members could see the condition of the house. The house has been vacant for many years and is in terrible condition. The windows are gone; trees are growing into the building. The building is used by others for “recreational purposes.” The building is long past its prime and a potential danger added to misuse of the building by others. If the building were gone, the line of site on the corner would improve. The trees would be removed. The building will fall down. You can see through the chimney. The owners are worried about children getting in there. They want to improve the site. Benson’s is the oldest continual family-owned Chevrolet dealership in Vermont. The Town Health Officer or the Fire Department could condemn the building as a public safety nuisance. He said that the Fire Department did ask how the building got in that condition. The owners could not sell it, because it needs parking spaces, the corner is a bad corner. Removal of the house would improve the appearance of the rest of the project.
- E. Ralph Michael said that the Village of Ludlow does have an ordinance that addresses vacant and dangerous buildings. The Village can inspect the building or have the Fire Department or Health Officer inspect it. If it is deemed vacant and dangerous, the owners can be required to take the building down and this would keep it out of the Act 250 hearings, where removal may be prevented. He said that he has addressed the criteria for removal. The structure is an imminent threat and unsafe. He provided pictures. It is an undue hardship on the owners to keep the building. There is a better use for something safer. Removal would improve the site distance for the adjoining property. He said that he wrote a letter to James Duggan from the Historic Preservation Division explaining that in order to comply with the town plan, the structure should be demolished. He sent photos to Mr. Duggan. He said that Act 250 requirements for allowing a building to be demolished are not as simple as the Village ordinance.
- F. Gerry Hansen said that he had had a discussion with James Duggan and was told that the Historic Preservation Division does not have the authority to say the building cannot be demolished if the local authority says to demolish it. The division makes comments and recommendations to Act 250. It would not be a problem if the building meets the criteria for demolition. Mr. Duggan’s only reservation is if there are any archeological findings.
- G. Phil Carter asked if they had spoken to Frank Heald about an inspection.
- H. George Benson, Jr. said the Frank Heald and the town health officer did a walk through.
- I. Matt Birmingham said that Frank Heald did a walk through with Act 250 representatives of the entire project.

- J. Gerry Hansen said that the state said that no site visit is needed unless there are archeological finds. He said that they have met the criteria to meet the requirements. They can make recommendations or defer to the DRB.
- K. Phil Carter explained that the DRB does look at all of the evidence and makes a determination at the local level. He asked if there is anything worth salvaging in the building.
- L. George Benson, Jr. said only the slate roof.
- M. Phil Carter noted that on the site visit, they had seen many feral cats and asked where they would go.
- N. George Benson, Sr. said there is a lady who feeds them and he has told her to stop.
- O. Julie Nicoll suggested that they call TARPS and they will take the cats.
- P. Gerry Hansen said the building is a drain on safety services.
- Q. Richard Harrison asked who would remove the roof. He said the contractors would have to assume the liability.
- R. Ralph Michael said that VOSHA has requirements for that.
- S. Phil Carter said that from the site visit, it appears that children or others have been in the building.
- T. Matt Birmingham said yes and it is dangerous.
- U. Linda Tucker said that she is with the Black River Historical Society and they inspected the building and it is not in the historic district. They are more concerned about the Woodard Building. She said this building is in bad shape.
- V. **MOTION by John Bohrer and seconded by Linda Petty to close this hearing.**  
**Motion passed unanimously.**

10. **OPEN THE PUBLIC HEARING FOR GEORGE BENSON, SR. AND GEORGE BENSON, JR.**

- A. Phil Carter advised that this is an application for a Conditional Use permit and Local Flood Hazard Review to consider the construction of a new Chevrolet Dealership. The project is located at the Corner of Pond and Main Streets in the Special Flood Hazard Area of the Village Residential Commercial District.
- B. John Bohrer advised that this is application 416-14-CU/FHR. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Matt Birmingham said that the Bensons wish to move the dealership across the street and the present building would remain as an annex. The property across the street is 6.84 acres. The new building would be one floor and 15, 605 square feet. They will get a Waste Water permit. They will need an access permit and will plug one. The site will be landscaped. Access will be around the building. It will be a typical Chevrolet dealership. The Bensons want to stay in Ludlow. Schematics and site plans have been submitted.
- D. Ralph Michael referred to the site plan and indicated various parts of the building (service area, entrance, showroom and offices.) He indicated how traffic would flow and showed the existing entrance by the crosswalk. There would be 2 curb cuts on the corner. He said the present entrances are not in a good place and do not have good site distance. The plan would be to have the entrance nearer to Bowkar Street. Traffic would flow around the building. There would be parking spaces for 98 vehicles and this would meet the Ludlow Zoning Regulations for the size of the building. A part of the total square footage would be for storage and that does not count toward parking spaces. He indicated the contours for

the Base Flood Elevation (BFE) and where the Special Flood Hazard boundaries are. The building would be 2 ½ to 3 feet above BFE. It would have a 5' cross wall and concrete slab. A hydro cad study was done for the water shed to the center line of Pond Street. Runoff would be collected from all impervious surfaces and treated. There will be no greater peak discharge after the project as there was before the project. There will be 4 drainage areas with catch basins. He indicated the locations of the basins on the drawings along with the piping and noted that they will all drain away from the building. The project will require a Storm Water Discharge Permit and Construction Permit.

- E. Phil Carter asked about water coming off the shed.
- F. Ralph Michael said it would slope towards the catch basins.
- G. Gerry Hansen said they do not want to encroach on abutting properties.
- H. Ralph Michael said that the system has not been completely sized, yet.
- I. Phil Carter asked if it would be designed to go to a dry detention basin.
- J. Ralph Michael said the natural soil is gravelly and sandy. The pipe overflow will go to the detention pond and meet requirements for peak discharge for a 10 year storm.
- K. Phil Carter asked if the drainage system would be cleaned regularly.
- L. Ralph Michael said yes.
- M. Phil Carter asked who would monitor this.
- N. Ralph Michael said the permit runs with the land and the permit requires the owners to inspect the system yearly and file a report. Every 5 years it must be inspected by an engineer.
- O. Josh Carvajal said it is an operational permit.
- P. Phil Carter asked, if no reports come in to the state, does it flag a report.
- Q. Josh Carvajal said yes.
- R. Ralph Michael referred to the drawings and indicated where lighting would be for safety and security. He said they need more pole lights and also wall packs on the building that would cover small areas by the building. The pole lights would be mounted at 25 feet and be cut-off luminaires that would spread the lights downward and not be seen from the highway. There are already some lights on the west side of Pond Street, but they don't do too much. There will be new lights on the west side of the parking lot. They will plant a few trees along the shopping center side.
- S. Gerry Hansen said that there was a traffic study done and it received positive comments for the change in the entrance.
- T. Ralph Michael said there would not be any curbs and the pavement would be the same level and blend toward the grass. Parking will be delineated and there would not be parking on the corner.
- U. Phil Carter asked about deliveries and car carriers.
- V. Ralph Michael said there would be plenty of room for car carriers and trucks.
- W. Phil Carter asked if the car carriers would park on Pond Street or Route 103.
- X. Gerry Hansen said there are provisions to pull onto the property.
- Y. Phil Carter asked if they could fit.
- Z. Ralph Michael said there is plenty of room behind the building.
- AA. Phil Carter suggested that if a permit is issued it may be conditioned to have no parking or unloading on Main Street.
- BB. Matt Birmingham said they want to make it safer and improve that area.
- CC. Richard Harrison asked if the building would be fully sprinkled.
- DD. Ralph Michael said it has not been designed yet.
- EE. George Benson, Sr. said they may sprinkle the shop, but not the showroom.
- FF. Phil Carter said that the Fire Marshal would weigh in on it.

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- GG. Richard Harrison said that Peter Kolenda should have a lock key.
- HH. Phil Carter asked if people would be crossing the street to go between the buildings.
- II. George Benson, Jr. said there would be no reason to, as there wouldn't be any services there.
- JJ. Julie Nicoll asked if you would be able to drive from Shaw's to their property.
- KK. Ralph Michael said no.
- LL. Phil Carter asked what would be between the new building and the Shaw's parking lot.
- MM. Ralph Michael referred to the drawing and indicated a 2' high wall.
- NN. Phil Carter asked if a situation would be set up that may push water into the Shaw's parking lot.
- OO. Ralph Michael said the wall would be there and the slope would be pitched away. He added that there is also a grassy area over there.
- PP. Phil Carter asked if they would fence in the area where the building would be down.
- QQ. Ralph Michael said they would remove most of the trees and put in some landscaping.
- RR. Phil Carter asked if it would remain 2 separate lots.
- SS. Ralph Michael said they would probably merge the lots.
- TT. Phil Carter asked if the parking lot, where the house is, is level with the Shaw's lot.
- UU. Gerry Hansen said it is about 4' to 5' higher.
- VV. Ralph Michael said it is in the flood plain.
- WW. Linda Petty asked how many vehicles they have in inventory.
- XX. George Benson, Jr. said about 110 to 115.
- YY. John Boehrer asked the hours the lights would be on.
- ZZ. George Benson, Jr. said now, there is only the Chevy sign and the street lights, basically dusk to the first thing in the morning.
- AAA. Linda Petty asked how much illumination there would be.
- BBB. Gerry Hansen said they would use energy efficient lighting and heating and waiting to get that information from GM.
- CCC. Linda Petty said that she is concerned about the lighting effect on the houses across the way.
- DDD. Gerry Hansen said they would use down lit lights with a sharp cutoff and the wall packs on the building would wash the side of the building and go out about 10' to 15'.
- EEE. Ralph Michael said they would be using the walk lights from the outdoor lighting book. The pole mounted lights will be about 400 watts and said that the cobra lights on Pond Street give off more light than these will. He said that they would be mounted on the edge of the parking lot and cutoff towards the cars, not the street. He said the wall packs would be mounted about 10 to 12 feet up and would have about 150 watt bulbs.
- FFF. Phil Carter asked about a new curb cut permit.
- GGG. Ralph Michael said they did not have it yet. He said that the gully would be filled in and will have a catch basin with a 15" culvert pipe going into the 18' pipe to the main collection system.
- HHH. Phil Carter asked if the east side drainage would incur any costs to the town.
- III. Ralph Michael said no.
- JJJ. Gerry Hansen said that the town would work with Bensons to move the pipe.
- KKK. Ralph Michael said it now goes into the wetland.
- LLL. Gerry Hansen said they discussed this with the village and they are willing to work together.
- MMM. Frank Heald said that for the record, this is the Village, not the town.
- NNN. Linda Tucker asked about the existing building.
- OOO. George Benson, Sr. said they would try to sell it.

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- PPP. Matt Birmingham said there are no plans to tear that building down.
- QQQ. Ralph Michael said that he understands that it used to be a schoolhouse.
- RRR. Linda Tucker said it is a historic building and can't be torn down.
- SSS. Phil Carter said that you can't knock down a building of historical significance.
- TTT. Tom Ross said asked where the run off would drain to when they remove the building.
- UUU. Ralph Michael said that a survey has not been done of that lot because the elevation is about the same. They want it to drain toward the grass. He indicated the area on the drawing.
- VVV. Tom Ross said that he does not want additional water going into the Shaw's parking lot.
- WWW. Ralph Michael said after the building is gone, they will look more at the area.
- XXX. Gerry Hansen said there will be substantially less runoff after the project as before.
- YYY. Phil Carter said that the DRB can condition the permit to design the runoff away from Shaw's.
- ZZZ. Ralph Michael said that they have to design the project so that the runoff does not go onto other properties. This is part of the State Storm Water Permit.
- AAAA. Gerry Hansen said they still need to determine what materials they will use for the retaining wall.
- BBBB. Phil Carter said that DRB may also condition heavier landscaping along the Shaw's side than indicated on the drawing, maybe more trees and shrubs.
- CCCC. George Benson, Jr. said the back of the building would be behind Shaw's.
- DDDD. Tom Ross said they want as much marketing exposure as possible.
- EEEE. Phil Carter asked about the RSG Traffic study.
- FFFF. Ralph Michael said it was a Traffic Impact Assessment and they use VTRANS guidelines. The trip generation rate indicated that the project may generate 13 new vehicle trips during the weekday AM peak travel hour and 18 new vehicle trips during the PM peak hour. There would be 26 new vehicle trips on midday on Saturdays. The new traffic is significantly less than the 75 trips required by VTRANS for a study. The Safety Analysis showed 6 crashes in the past 5 years with no injuries or fatalities. It is not a VTRANS high crash location. The site distance from the North far exceeds design standards and on the South, the recommendation for 12 parked cars is to be back 335'.
- GGGG. Julie Nicoll asked if that eliminates spaces for 12 cars.
- HHHH. Ralph Michael said it pushes them back. The conclusion of the study is that the project improves access management and there will be less pedestrian traffic crossing Route 103 at the location.
- III. Josh Carvajal said that Ralph Michael did a good job on the submittal, but there is some concern where the building is being torn down and they need to watch the contour lines there.
- JJJJ. Ralph Michael said they will design the runoff after the building is down.
- KKKK. Josh Carvajal said the new building elevation is good. He added that Act 250 will look at the fluvial erosion zone and once that zone is defined, no encroachment is allowed into that zone. He will have more comments when the project goes to Act 250.
- LLLL. Phil Carter said that if the site plan layout has changes after Act 250, the DRB can change our permit to match Act 250, but the applicants would have to come back to the DRB.
- MMMM. Josh Carvajal said the building rear parking lot looks okay.
- NNNN. Gerry Hansen said they take into consideration the existing elevations.
- OOOO. Josh Carvajal said that he would defer to Gretchen Alexander (VT ANR- Fluvial Erosion) on that.
- PPPP. Phil Carter asked Frank Heald if he had any municipal concerns regarding the project.
- QQQQ. Frank Heald said no.

- RRRR. Julie Nicoll said that she is concerned about the sidewalks. She said that people walking to the Post Office would have to walk there and there is no sidewalk there.
- SSSS. George Benson, Sr. said there are sidewalks on the other side of the street.
- TTTT. Julie Nicoll said that sidewalk stops at the ski shop. She said it is not easy and people have to cross at the crosswalks.
- UUUU. Ralph Michael said that would be regulated by the police.
- VVVV. Julie Nicoll said it is dangerous and they may need to add a new crosswalk.
- WWWW. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

11. **OPEN THE PUBLIC HEARING FOR GEORGE BENSON, SR. AND GEORGE BENSON, JR.**

- A. Phil Carter advised that this is an application for a Local Act 250 Review to consider the construction of a new Chevrolet dealership. The project is located at the corner of Pond and Main Streets in the Village Residential Commercial District.
- B. John Boehrer advised that this is application 417-14-ACT250. Posted in the Town Hall bulletin boards May 16, 2014, advertised in THE VERMONT JOURNAL on May 21, 2014 and abutting property owners were notified on May 20, 2014.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. He advised that the purpose of this hearing is to take a comprehensive look at this complex permit. He said they will look at impact on educational services, municipal services and conformance to the town plan. He said that Ralph Michael had addressed these in his letter.
- D. Ralph Michael said that regarding impact on educational services, since there would be no increase in the number of employees, there would be no added burden on educational services. Addressing the impact on municipal services, he said that letters have been sent to the Police Department, Town Manager, Fire Department, Ambulance Service, schools, and the Electric and Telephone departments and that he would rely on response letters from them. He said that he did receive a letter from Frank Heald and the fire department. He said that he had not heard from the schools, Electric Department and TDS. He said that for the Electric Department, more lights would be needed.
- E. Phil Carter advised that any conditions imposed by any of the department heads would be put into the permit.
- F. Ralph Michael said that the ambulances and other emergency vehicles can go around the building. He said that Fire Chief Kolenda wrote that they must have Fire Marshal inspection and that any conditions or requirements from the Fire Marshal must be integrated into the project. He next addressed conformance to the town plan. He said that the existing Chevrolet dealership is a significant establishment in town and employees many people. The town plan calls for keeping development in the village and this is in the village. He said that page 48 of the town plan calls for enhancement of the vitality of the village. This project keeps business in the village. He said that the Bensons want to stay in Ludlow. He added that Ludlow does have a Village Center Designation that does possibly give tax credits to projects. This project conforms to the town plan.
- G. Phil Carter read a letter from Charles Ripchik that addresses Act 250 issues. Mr. Ripchik is against this project and did request that the letter be read at the hearing. The letter is taken as evidence.
- H. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

12. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of May 12, 2014.
- B. Julie Nicoll noted that on page 2, Item 3D and on page 3, Item 4D, both read, "Pete Alberti this..." and they should read, "Pete Alberti said..."
- C. Julie Nicoll noted that on page 5, Item 6Oivi should read "they would be converting 50.7 square feet of exterior..."
- D. **MOTION by Julie Nicoll and seconded by Linda Petty to approve the minutes from May 12, 2014 as corrected. Motion passed unanimously.**

13. **OTHER BUSINESS**

- A. Phil Carter said that Rose Goings would be back to work on June 16<sup>th</sup> and they would schedule a Deliberative Session after that.

14. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by John Bohrer to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Bohrer

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Linda Petty

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Richard Harrison