

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

March 10, 2014

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Yvonne Ahonen	Andrea Frederick	Ted Reeves
Chris Avalos	Patrick Griffin	Karen Sherer
Kathy Beyer	Janet Moses	Isaac Wagner
Donna Bostock	Jacob Moses	Lisha Klaiber, Recorder
Ellen Denton	Mary Jane O'Hara	Patrick Cody, LPC TV

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR LUDLOW HOUSING ASSOCIATION**

- A. Phil Carter advised that this is an application to amend a Planned Unit Development Permit for redevelopment of the Black River Overlook Apartments, including tearing down an eight (8) unit building, construction of a mechanical room addition and building of a wood pellet silo. The property is located at 140 Rublee Lane in the Town Residential Commercial District
- B. Rose Goings advised that this is application 097-95-PUD, Amendment #2. Posted in the Town Hall bulletin boards February 18, 2014, advertised in THE VERMONT JOURNAL on February 19, 2014 and abutting property owners were notified on February 18, 2014.
- C. Phil Carter advised that there are a lot of concerns from the people here and they will try to address them. He asked all persons to address communication to the board and not to others in the audience. He explained that the testimony is on the record.
- D. Phil Carter administered the oath to all wishing to speak at this hearing.
- E. Kathy Beyer advised that they were here in October and were granted a permit from the DRB, to drill the new well. She recapped that the development was built in 1996 and corners were cut in construction. There have been a cash flow deficiencies and vacancies. The project was taken over by Housing Vermont in 2005. They want to rehabilitate the units and make them more energy efficient and deal with the water problems. They are in the state permitting process for the well. They have not had a residents' meeting, yet.

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- F. Patrick Griffin showed the proposed site plan and said that there are 4 main buildings, 2 storage building and one community building. They wish to demolish one large building, indicating that it is the one most separate from the others. They want to replace it with a playground and green space. They will also add a mechanical room with wood pellet boiler, separate from the water units. They will also build a silo for the wood pellets replacing the current storage building. They will remove 7 parking spaces. They will remove the 3 foot sidewalks and replace them with 4 foot sidewalks. The silo will be about 600 feet from Route 103 and should not cause any view problems. There will be no setback infringements.
- G. Phil Carter asked about the existing mechanical room.
- H. Patrick Griffin said that it contains the well treatments units and the boiler. It is crowded and their goal is to separate the boiler from the water treatments units for more work room.
- I. Phil Carter asked how the buildings are currently being heated.
- J. Patrick Griffin said oil.
- K. Phil Carter asked if the existing mechanical room heats the entire complex.
- L. Karen Sherer said that this winter, the boiler has been down a lot.
- M. Linda Petty asked if the oil tank is located in that room.
- N. Kathy Beyer said yes.
- O. Patrick Griffin said it would be removed.
- P. Linda Petty asked if it is a standard 275 gallon tank.
- Q. Karen Sherer said the tank is not located in that room.
- R. Julie Nicoll asked if they advertise to try to fill the vacancies.
- S. Kathy Beyer said she would check with the property manager. She said they try to fill the units.
- T. Phil Carter administered the oath to Ellen Denton.
- U. Richard Harrison asked how many families live there now.
- V. Kathy Beyer said she did not bring that information.
- W. Isaac Wagner said that 19 units are occupied.
- X. Kathy Beyer said that the plan is to move occupants into other units in the building that will eventually be demolished, while work is being done on their units.
- Y. Karen Sherer asked about the 4 families that live in the building that is going to be demolished.
- Z. Kathy Beyer said that all of those families are protected by federal government rules. Those families will either be moved to another vacant unit on site, or moved to a comparable apartment in Ludlow at the same rental rates. They will have a moving coordinator to work with the residents. She understands that it will be a pain for those who are being moved. She thinks that they will be able to take care of it onsite. She said that there are currently 6 vacancies and we may have 8 by the time the project starts. If not, she repeated that comparable apartments will be found in Ludlow for those people.
- AA. Rose Goings noted that the original permit requires 2 apartments for the disabled. She asked about those.
- BB. Kathy Beyer said they will continue to have 2 apartments for the disabled and they will be improved.
- CC. Richard Harrison said there is lots of space on the premises and he does not think anyone should have to move off site. They should take care of the people.
- DD. Phil Carter advised that a letter had been received from Act 250 in which they weighed in on Conditions of Finality and Flexibility. Finality states that at some point, a project is done. Flexibility allows for changes, like a new well. Act 250 wants to hear discussions as

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- to why this project is not final or is there flexibility there. The applicants will need to go to Act 250.
- EE. Kathy Beyer showed a copy of the Act 250 application and said it would be mailed out tomorrow (3/11/14.) She said that they had addressed the Stowe Highlands Test and believes that they meet the conditions for flexibility. She said that the District Commission would make that decision.
- FF. Phil Carter explained that the Stowe Club Highlands Analysis refers to a case where there were condominiums at Stowe and part of the property included a pasture with cows. The developer wanted to build more units, but the people said they bought the units with views of cows and wanted to continue to have that view. The court looks that these things. For the Black River Overlook, is this project final or flexible? He also referred to the existing permit that required 25 units for a period of 30 years. Act 250 will also look at that condition.
- GG. Kathy Beyer said that she hopes that this is not a zoning issue. She said it would take time to get to Act 250 and the well permit will take at least 3-4 months.
- HH. Phil Carter explained that the DRB can either close of recess this hearing.
- II. Jason Moses said that it should be finality. He explained that some of the residents work in Ludlow and the thought of relocating makes them nervous. Many of them do not have really reliable transportation to get to other places. They don't want to move and what will this project mean to them.
- JJ. Isaac Wagner said that people will be relocated onsite. If that is not possible, comparable apartments will be found in Ludlow for them and professional movers will be hired to help with the moves. Utility cost differences will be offset. They will try to make this as comfortable as possible for the people.
- KK. Phil Carter explained that this would be discussed at a Residents' Meeting. The DRB does not do housing and these questions should be addressed at a Residents' Meeting, not here. We can't write this into a permit.
- LL. Jason Moses asked the time frame.
- MM. Phil Carter said that is not known, yet. Act 250 will have to address that.
- NN. Yvonne Ahonen requested a copy of the Act 250 letter.
- OO. Phil Carter advised that any documents for this are public record and copies may be obtained at the Planning Office.
- PP. Chris Avalos asked where the new storage rooms would be.
- QQ. Kathy Beyer said that would be addressed at the Residents' Meeting.
- RR. Ellen Denton asked if there is anything that the residents can do to stop this.
- SS. Phil Carter said they may possibly have party status at Act 250.
- TT. Isaac Wagner said that they would need to check on that as he is not sure they would qualify for party status. They are not abutters or property owners. He is not sure if tenants qualify.
- UU. Kathy Beyer advised that the property is under Notice of Foreclosure. They have invested \$90,000 and it property cannot continue as it is.
- VV. Jason Moses said they are holding it together, but it needs renovations. He said this is very stressful for all of us.
- WW. Mary Jane O'Hara asked if people would go back to their same units.
- XX. Kathy Beyer said that they may not go back to the exact units.
- YY. Donna Bostock said that she has lived in the same unit since 1997 and there is nothing wrong with her unit. Will she be able to go back to it?

- ZZ. Phil Carter said these questions would best be resolved at a Residents' Meeting. There is nothing the DRB can do about it. The DRB addresses zoning compliance. Act 250 will look at the rest of the issues. It will be a large project.
- AAA. Karen Sherer said that they have shown specs for the landscaping, what about the insides of the units.
- BBB. Kathy Beyer said that is not needed as zoning does not apply to the insides.
- CCC. Ellen Denton said if they are losing money, they need better tenant screening. How will landscaping help that? People move in and don't pay their rents.
- DDD. Phil Carter asked the applicants to proceed with addressing the criteria.
- EEE. Patrick Griffin referred to Capacity of Existing and Planned Community Facilities. He said that municipal costs or services will be the same or down due to the reduction in units. He said that they are changing the well due to quality, not quantity and will be using low flow fixtures.
- FFF. Phil Carter asked if the development is on the town sewer.
- GGG. Patrick Griffin said no. They have their own septic systems and no plans to change that.
- HHH. Julie Nicoll asked if the fields were in the flood plain.
- III. Patrick Griffin said part of them.
- JJJ. Julie Nicoll asked if there had been a problem as a result of Irene.
- KKK. Phil Carter said that he did not think so. The water just went down.
- LLL. Patrick Griffin said that they sent out letters to the Police, Fire and Ambulance and have not heard. He said they do not expect any increase to students in the schools. He said that Utilities will decrease due to the reduction in units. They will not be changing the character of the area. They will put in new light poles, but the signage will be the same. He does not expect the wood pellet boiler to have any appreciable effect on air quality. They are testing the well to see if they will have better water quality. They will not be working near the Black River and the silo will be 150 feet from it. They are not near any shorelines. There will not be an increase in traffic, possibly less because of the reduction in units. The number of parking spaces exceeds what is required even after the removal of 7 spaces.
- MMM. Julie Nicoll asked about spring thaw access and if the low roads are a problem.
- NNN. Janet Moses said there is a wetland behind the dumpster.
- OOO. Patrick Griffin said that State would regulate that. He said that with regard to Conformance with Regulations, there would be no changes. It is still Residential Commercial and conforms to the town plan. He said that the well is in the floodway, but nothing else. He said that as per Sasha Pealer's letter, the well will be flood-proofed.
- PPP. Linda Petty asked about the pellet silo.
- QQQ. Patrick Griffin said it has not been designed yet, but showed pictures of others.
- RRR. Isaac Wagner said that on average, they hold about 10 to 20 tons of pellets and are made of galvanized steel.
- SSS. Karen Sherer asked if they have the money available for the project.
- TTT. Kathy Beyer said we have all the money. She added that they applied to the Vermont Community Development Program and should hear by April and are very comfortable they will be successful.
- UUU. Phil Carter asked the applicants if they want to recess or close the hearing.
- VVV. Kathy Beyer said close.
- WWW. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR LUDLOW HOUSING ASSOCIATION**

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- A. Phil Carter advised that this is an application for Local Act 250 Review of a request to consider an amendment a Planned Unit Development Permit for redevelopment of the Black River Overlook Apartments, including tearing down an eight (8) unit building, construction of a mechanical room addition and building of a wood pellet silo. The property is located at 140 Rublee Lane in the Town Residential Commercial District
 - B. Rose Goings advised that this is application 409-14-Act 250. Posted in the Town Hall bulletin boards February 18, 2014, advertised in THE VERMONT JOURNAL on February 19, 2014 and abutting property owners were notified on February 18, 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 address the impact of the project at a local level; to look at the impact on the town.
 - D. Kathy Beyer said they went through these questions in the other hearing.
 - E. Rose Goings said they need to address municipal services, schools and the town plan.
 - F. Patrick Griffin said that letters for comments were sent on February 4th to the local telephone, the police, Ludlow Electric, the fire and ambulance departments, and the schools. Other than the Police, no responses have been received, yet.
 - G. Rose Goings said that she had not received any of the others yet, either.
 - H. Phil Carter asked about the schools.
 - I. Kathy Beyer said it may decrease the enrollment, but it would be minimally.
 - J. Phil Carter asked about impact on Municipal Services.
 - K. Patrick Griffin said there would be none.
 - L. Rose Goings asked about conformance to the town plan.
 - M. Patrick Griffin said the property is still Residential Commercial.
 - N. Kathy Beyer said that there letter did not provide quotes from the town plan. She could send them to the board.
 - O. Rose Goings suggested closing at the end of the week to allow for them to respond with quotes from the town plan and for them to receive the outstanding letters.
 - P. Yvonne Ahonen said they need a light by the entrance.
 - Q. Phil Carter said that should be discussed at the Residents' Meeting.
 - R. Patrick Griffin said it is a public road.
 - S. Phil Carter said then they should go to Frank Heald, the Municipal Manager.
 - T. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing at 4:30 pm. on Friday, March 14, 2014.**
 - U. Kathy Beyer said they may want to go longer if possible to give them time to get the letters.
 - V. Phil Carter said the motion can be amended.
 - W. **Richard Harrison amended the motion to close the hearing at 4:30 p.m. on Friday, March 21, 2014.**
 - X. **John Boehrer seconded the amendment to the motion.**
 - Y. **Motion passed unanimously.**

4. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of February 10, 2014.
 - i. John Boehrer noted that Linda Petty is listed as being both present and absent. Linda Petty was absent from the meeting.

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- ii. Julie Nicoll noted that all references to “The Fire Marshal” just said Fire Marshal and asked that be corrected.
 - iii. Julie Nicoll advised that on page 2; item 2M, “added” should read “... she observed at the site visit that the lighting was down lit...”
 - iv. Julie Nicoll advised that on page 2, item 3D should read “... no letter had been received from the Fire Marshal, yet...”
 - v. Julie Nicoll advised that on page 2, item 3F should read “...they wish to have a restaurant...”
 - vi. Phil Carter noted that on page 3, item 3OO “outback” should be “out back.”
 - vii. Phil Carter noted that on page 4, item 5Aii should read “findings of fact...”
 - viii. **MOTION by Phil Carter and seconded by Julie Nicoll to approve the minutes from February 10, 2014 as corrected. Motion passed unanimously.**

5. **OTHER BUSINESS**

A. **Williams Decision**

- i. Phil Carter said that they met with the town attorney about the criteria and the attorney is reviewing it.
- ii. Mary Jane O’Hara asked about the permit having been recorded in the town records.
- iii. Rose Goings said that is correct and if there are any changes, they will also be recorded.

6. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by John Bohrer to enter into Deliberative Session adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:14 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Linda Petty

Richard Harrison