

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

Regular Meeting

March 14, 2016

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Julie Nicoll
John Boehrer	Linda Petty	

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Tom Bissonnette	Michael Michalke	Patrick Cody - LPCTV
Jim Casey	Gregory Moran	Lisha Klaiber, Recorder
Mary Jane Casey	Rich Russo	
Ralph Michael	Jennifer Snyder	

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR MICHAEL MICHALKE AND JENNIFER SNYDER**

- A. Phil Carter advised that this is an application to consider a Conditional Use permit to raze an existing historical two story home and garage. The project is located at 7 Pond Street in the Village Residential District.
- B. Rose Goings advised that the first application is 439-16-CU. Application was posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board, the Post Office Bulletin Board and the website on February 23, 2016, advertised in THE VERMONT JOURNAL on February 24, 2016 and abutting property owners were notified on February 23, 2016. She noted that letters from the Police, Fire and Ambulance Departments are all in.
- C. Phil Carter administered the oath to all (Jennifer Snyder and Michael Michalke) wishing to speak at this hearing.
- D. Michael Michalke advised that they bought the house a year ago, knowing that it would have to be fixed up. They wish to raze the building and put up a new house with a similar layout as the existing building. It will be more energy efficient. It will have a wraparound porch and be of the same type design and will fit in the village. They will have no desire to make it multiple family. They may also put a porch in the back.
- E. Jennifer Snyder advised that it currently has 5 bedrooms and the new design will have 3 bedrooms. The house will be smaller.
- F. Phil Carter noted, for the record, that pictures of the current home were submitted for evidence.

- G. Michael Michalke said that the basement had a dirt floor with stone added on. It is in poor shape. Upstairs walls are rotted, the roof is rotted and there is mold. They can't work with it.
- H. Phil Carter referred to the drawings and asked if the new house is a prefab?
- I. Michael Michalke said it is a modular and energy efficient.
- J. Phil Carter asked if the porch and breezeway would be added later.
- K. Michael Michalke said yes. He said he would add the porch and breezeway. It will fill most of the existing footprint. He said that Ralph Michael will be doing a survey. It is too close on the side where the Electric Company is, but okay on the other side. They want to keep the maple tree.
- L. Phil Carter said that when they are ready to build, they will need to submit the survey. He added that the porch is a nice touch.
- M. Michael Michalke said that the new house will be much simpler and less maintenance.
- N. Phil Carter asked when they plan to raze the existing structure.
- O. Michael Michalke said within the next couple of weeks. He said they would remove all of the glass and any equipment inside.
- P. Linda Petty asked if they would salvage the doors.
- Q. Michael Michalke said yes. He added that a neighbor had requested the stained glass window.
- R. Phil Carter advised that the town has been concerned about the current building's accessibility to children.
- S. Michael Michalke said after they demolish the house, they will decide what to do about the foundation. He said that modular homes require at least a crawl space underneath. They would like to have a full foundation and would tile it because it is near the river. They would eventually do a stone veneer. There will not be windows in the basement. They will have 3 bedrooms.
- T. Rose Goings advised that when they get a building permit, they will need to write a letter to the town advising the decrease in the number of bedrooms.
- U. Linda Petty asked about the porch in the back.
- V. Michael Michalke said that there will be room because the house will be shorter and it should fit within the existing footprint.
- W. **Phil Carter advised the board that the applicants have requested an UP/DOWN vote and polled the board for agreement. The board members agreed to the UP/DOWN vote.**
- X. **Phil Carter asked ALL IN FAVOR. The board unanimously approved the application.**
- Y. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR JAMES AND MARY JANE CASEY IRREVOCABLE TRUST**

- A. Phil Carter advised that this is an application to consider a Variance to enlarge the existing kitchen/laundry room on the footprint of the existing deck. The project is located at 1432 Route 100 North in the Lakes District.
- B. Rose Goings advised that the first application is 438-16-VA. The second hearing is application 427-15-ACT250. The application was posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board, the Post Office Bulletin Board and on the website on February 23, 2016, advertised in THE VERMONT JOURNAL on February 24, 2016 and

- abutting property owners were notified on February 23, 2016. She noted that letters from the Police, Fire and Ambulance Departments are all in.
- C. Phil Carter administered the oath to all (Jim Casey and Mary Jane Casey) wishing to speak at this hearing.
- D. Jim Casey read from a letter submitted as evidence. The letter explained that they wish to increase the size of the kitchen/laundry area from 54 to 162 square feet. This will give access from the inside and outside deck. They cited age and health issues. They said they need a larger washer and dryer so they can do larger, therefore fewer loads. The larger room would give inside entry to the furnace room. The larger kitchen would allow them to prepare meals for their expanding family. The application would not affect any town services. It will be built within the existing footprint of the house. It will not be seen from the road. The addition is needed to overcome hardship and for increased safety.
- E. Phil Carter advised that the town and state require questions to be answered for variances. He asked if there is any other way to add to the kitchen without the addition. He suggested blowing out a wall and taking space from the living room as an example.
- F. Jim Casey said the room is very tight and it is not possible to do it any other way. It is the obvious place.
- G. Phil Carter asked if they could take space from a bedroom.
- H. Mary Jane Casey said no.
- I. Phil Carter asked if the main reason for the application is for a more functional kitchen and laundry area.
- J. Mary Jane Casey said the kitchen is very tight.
- K. Jim Casey said they bought the cottage and expanded it, but now they need a larger kitchen.
- L. Julie Nicoll confirmed that the existing kitchen is 8' by 16' and asked if the washer and dryer are in there.
- M. Mary Jane Casey said no.
- N. Phil Carter asked which is the main kitchen.
- O. Jim Casey said the one upstairs.
- P. Mary Jane Casey said when their kids come, they use both kitchens.
- Q. Phil Carter asked if they could get rid of the downstairs kitchen and use that space for the laundry room.
- R. Mary Jane Casey said the upstairs kitchen is not large enough.
- S. John Boehrer asked how many bedrooms they have.
- T. Mary Jane Casey said 5.
- U. Julie Nicoll asked how many bathrooms.
- V. Jim Casey said 4.
- W. Phil Carter asked about when the house was built.
- X. Jim Casey said in the '60s.
- Y. Phil Carter asked if it was originally seasonal or year round.
- Z. Jim Casey said year round.
- AA. Phil Carter asked if it was out of the floodway.
- BB. Jim Casey said yes.
- CC. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**
- DD. Phil Carter advised that the board would discuss the application and review the hearing and make a decision. The decision must be made within 45 days, but the board generally does it quicker.

4. **OPEN THE PUBLIC HEARING FOR AUBUCHON REALTY COMPANY, INC.**

- A. Phil Carter advised that this is an application consider a Variance and an amendment to a Conditional Use permit to raze portions of 138 Main Street to allow for a twenty (20) foot access and expand the rear part of 140 Main Street. The project is located in the Village Residential Commercial District.
- B. Rose Goings advised this is application is 405-14-CU, Amendment #2 and 440-16-VA, Amendment #2. The second hearing is application 427-15-ACT250. Both applications were posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board, the Post Office Bulletin Board and on the website on February 23, 2016, advertised in THE VERMONT JOURNAL on February 24, 2016 and abutting property owners were notified on February 23, 2016. She noted that letters from the Police, Fire, Ambulance Departments and the schools are all in.
- C. Phil Carter administered the oath to all (Greg Morvan, Tom Bissonnette, Ralph Michael and Rich Russo) wishing to speak at this hearing.
- D. Ralph Michael advised that this is an application for an amendment to a conditional use permit and for a variance. He said that as a primary objective, the applicant wishes to add more retail space. They also wish to increase the 10 foot wide alley between the buildings to a 20 foot wide, two way driveway. He has provided site plans indicating existing conditions as well as proposed future conditions. He said that this board did approve demolition of the Kelley building, but the applicant decided that that would not be affordable for the expansion area and would not allow for the widened driveway. The 20 foot wide driveway would provide safer exiting for vehicles, increased site visibility of vehicles on the road as well as making it easier to see pedestrians.
- E. Phil Carter asked if the right side of the driveway would be outbound and left inbound. He noted that the line of sight should be better, especially to the left.
- F. Ralph Michael said yes.
- G. John Boehrer noted that backing trucks into the existing driveway is difficult.
- H. Phil Carter noted that the drawing shows knocking off the ell and part of the back, but the rest of the Kelly building would stay.
- I. Ralph Michael said that is correct. They want to retain the historic part.
- J. Phil Carter asked what the plans are now for the Kelley building.
- K. Greg Morvan said it will stay as it is and they will work with the state fire marshal to get a permit to renovate the existing structure. This will be more viable than demolishing the entire building. They will remove the side and rear sections. He does not know what the use will be.
- L. Phil Carter said the current use is Retail. If they want to change the use, they will need to come back to the DRB for a change of use.
- M. Greg Morvan said they would try to renovate and get the permit as needed.
- N. Ralph Michael said they could use the front as office space and the back as storage.
- O. Rose Goings said if they change the use to storage, they would still have to come back to the DRB for change of use.
- P. Ralph Michael asked what if they stored Aubuchon's merchandise.
- Q. Rich Russo said they are two separate buildings.
- R. Rose Goings said it would have to be where they sell the merchandise.
- S. Tom Bissonnette said they have just been using it for storage.
- T. Rose Goings said that the permit ran out.
- U. Phil Carter said then it would revert back to real estate office.
- V. Ralph Michael said they had sent a letter requesting an extension.

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- W. Rose Goings said that using it for storage or office space, if it is permitted for retail, is a change of use.
- X. Phil Carter said under this hearing, they could change the use to storage for the shop.
- Y. Ralph Michael said they could use the front area for office space.
- Z. Phil Carter said we would deal with that when the time comes.
- AA. Greg Morvan said to leave it as retail for Aubuchon's with storage in the back. If Aubuchon's gets an Occupancy Permit, have it be Retail/Storage. If later, they are able to rent out the space, they will come back when they get a tenant.
- BB. Rose Goings said they could change it to Retail/Storage.
- CC. Greg Morvan said they would do whatever the town is comfortable with. The use can be changed if they get a tenant. They would like to keep the building for a potential retail tenant, with storage.
- DD. Phil Carter said that they can change the use to Retail/Storage at this time and change it later if needed.
- EE. Ralph Michael said the main reason for this application is to widen the driveway.
- FF. Phil Carter said they will be changing the use for 136 Main, knocking off an ell and making the driveway 20 feet wide, two-way with clearly marked directions.
- GG. Ralph Michael said the change would add 2 parking spaces when the back comes off the building. He noted that for 140 Main Street, there would have:
- i. 3,466 square feet of retail space existing (3,605 square foot exterior footprint)
 - ii. back portion 2,415 square feet retail (2,520 footprint)
 - iii. Added to back 2,787 retail (2912 footprint)
 - iv. Total retail space 8,668 square feet
- Ralph Michael continued, saying that this would be a 47% increase in the building. It would be all on one floor and the same height as the existing building.
- HH. Greg Morvan said the front was higher and the back was narrower. The new section roof will have a minor increase (about 9 to 12 inches) in height for esthetics and functionality. The ridgeline will look better and they will put in fascia board.
- II. Phil Carter asked them to explain why they need a variance.
- JJ. Greg Morvan said the company, as a whole, is decreasing the total number of stores. They need strong stores, in the right locations with the right management. They have been in Ludlow for 59 years. They do not want to move from the current location in town to the east or west side of town. The company goal is to have stores with square footage ranging from 10,500 to 11,500 square feet. This will not quite make it, but he is fighting to keep the store. It has better visibility in the center of town. With the requested changes, it will be at 91% of corporate objectives. He said that he has sold the concept to the operating side of the company. He wants to stay in Ludlow.
- KK. Rich Russo said that the change will not affect his properties. His only concern is that they really do not have plans for the Kelley Building and he does not want to see it as a vacant slum or eye sore.
- LL. Greg Morvan said they have already replaced the windows that had been removed. They want to take care of the building and he is dedicated to getting it open and taking care of it. He would like to get it permitted and occupied.
- MM. Rich Russo asked when this would be.
- NN. Greg Morvan said their first goal is to complete the Aubuchon's building changes. If they get a contractor and permits from the state, they will get started and possibly start work on the Kelley building.
- OO. Phil Carter said they have discussed the plan.
- PP. Linda Petty asked if trucks would still have to back it.
- QQ. Greg Morvan said yes, but it would be easier with the widened driveway.

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- RR. Phil Carter asked about the fences.
SS. Ralph Michael said the fence on the south side is mostly on Aubuchon property.
TT. Tom Bissonnette said that fence belongs to Aubuchon's.
UU. Phil Carter asked about the fence on the DJs side.
VV. Ralph Michael said it would have to be removed. It would give the residence on the west about 6 feet more open space.
WW. Phil Carter asked if there would be windows on the west or south sides.
XX. Greg Morvan said no. He added that Aubuchon's has been putting in mirrors with grates that give a colonial look. They will have sister entries from the parking lot and can put in imitation windows.
YY. Phil Carter asked if the existing entrance from the parking lot would stay.
ZZ. Greg Morvan said yes.
AAA. Phil Carter asked about the area where they have been selling propane.
BBB. Greg Morvan said it would move to the mirror image location.
CCC. Ralph Michael added – from the SW to the SE corner.
DDD. Phil Carter asked if the only variance is a 6 foot setback and that the narrowness of the lot creates the hardship for the expansion and it is critical to do this for the store to remain where it is.
EEE. Greg Morvan said yes.
FFF. Linda Petty asked if the fence behind the house would be removed.
GGG. Greg Morvan said yes.
HHH. Linda Petty noted that the neighbor's lot looks like it increases in size and asked if that may cause a problem. What if they want to put chairs there?
III. Greg Morvan said yes it looks that way, but he doesn't think there will be an issue. He said we won't fence in that area and it probably would be abandoned by function. There is no practical use for it. He added that at the end of the 21 foot area (#6), they have not discussed that fenced area, but would be willing to put up a fence.
JJJ. John Boehrer asked if that is the fence perpendicular to the white house.
KKK. Greg Morvan said at the end of both buildings, we could put up a fence to encapsulate our back area.
LLL. Rich Russo said that he had already voiced his concern for the Kelley building.
MMM. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing. Motion passed unanimously.**
NNN. Phil Carter advised that the board would discuss this and get a decision out.

5. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of January 11, 2016.
B. Julie Nicoll asked about item O on page 2. It will be clarified to read "Phil Carter asked if the fire department also required space there for maneuverability of emergency vehicles."
C. **MOTION by Phil Carter to approve the minutes from January 11, 2016 as amended. Motion passed unanimously.**

6. **OTHER BUSINESS**

- A. **Permits from last Meeting**

- i. Rose Goings said that the IMERYYS permit was approved.

7. **ADJOURN**

- A. **Phil Carter made a motion to enter into Deliberative Session. Motion passed unanimously.**
- B. Board entered into Deliberative Session at 7:15 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison