

**DEVELOPMENT REVIEW BOARD**

**PRELIMINARY MINUTES**

**ZOOM ELECTRONIC MEETING**

**Monday – March 8, 2021  
6:00 P.M**

Join Zoom Meeting

<https://us02web.zoom.us/j/89445497136?pwd=aVI5WkVKOXN3VGdGZnFBN3lvQ2ltdz09>

Meeting ID: 894 4549 7136

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<https://us02web.zoom.us/j/89445497136?pwd=aVI5WkVKOXN3VGdGZnFBN3lvQ2ltdz09>

**MEMBERS PRESENT:**

Phil Carter, Chairman

Julie Bowyer

Doug Sheehan

John Boehrer

Julie Nicoll

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Eric Alden

Ted Reeves

Eric Chatterjee– Okemo Valley TV

Paul Carrocchio

John Watanabe

Lisha Klaiber, Recorder

William Parrett

**I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES**

1. Phil Carter opened the meeting opened at 6:00 p.m. He advised that the Electronic Meeting Guidelines explained at the DRB meeting on June 8, 2020 are still in effect.
2. Roll Call:
  - i. Phil Carter – aye
  - ii. John Boehrer – aye
  - iii. Julie Bowyer - aye
  - iv. Julie Nicoll – aye
  - v. Doug Sheehan – aye

**II. OPEN THE PUBLIC HEARING FOR WINTERPLACE COA**

1. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development Permit to turn attic space into a bonus area. The project is located at Winterplace, in the Mountain Recreational District. Property address is 89 Harrison Lane, Unit K303.

2. Rose Goings advised that this is application 081-94-PRD, Amendment #15. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website February 16, 2021 advertised in THE VERMONT JOURNAL on February 17, 2021 and abutting property owners were notified on February 16, 2021. She advised that letters have been received from the Fire, Ambulance and Police Departments.
3. Phil Carter administered the oath to all (John Watanabe) wishing to speak at this hearing.
4. John Watanabe said that the DRB had previously seen other applications and approved changing these spaces into bonus, for other units. They will be changing unconditioned space to conditioned space. He said that this unit is similar to previously changed units. He said he has submitted the Engineering Plan and the conceptual layout.
5. Phil Carter noted that the letter from the Fire Chief included conditions: The space will not be used for a bedroom or sleeping quarters; a permit it required from the Vermont Division of Fire Safety and Sprinkler coverage must be added to the bonus room. He asked if John Watanabe was aware of these conditions.
6. John Watanabe said he is aware of them.
7. Rose Goings said that she and John Watanabe had spoken and noted that a bathroom could possibly be added. She said that a condition of the DRB permit will be that no bathroom be added. This is to prevent leaks and possible flooding. This has not been included in prior decisions.
8. Phil Carter asked for board comments.
9. John Boehrer asked if this condition will include previous permits, or only those moving forward.
10. Rose Goings said only those moving forward.
11. Phil Carter asked if they have spoken to the Fire Marshal.
12. John Watanabe said no, we generally wait until after the DRB hearing. He added that is handled by the owner and the contractor. He said that he will be given a copy of that permit
13. Phil Carter asked John Watanabe to provide a copy to Rose Goings when he gets it.
14. Julie Nicoll asked about water/sewer fees.
15. Rose Goings said we are making sure not to encourage putting bathrooms it.
16. Phil Carter asked if – in any of the past units, a bathroom was added.
17. John Watanabe said he is aware of one that was permitted by the state, not through the DRB.
18. Phil Carter said that this board has no idea of what the owners may have added after permits were issued.
19. Rose Goings said that “No bathrooms” was not a condition of previous permits as is not a violation. .
20. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

III. **PUBLIC HEARINGS: – Bull Run Water System, Inc. – Conditional Use Permit**

IV. **PUBLIC HEARINGS: – Bull Run Water System, Inc. – Local Act 250 Review**

V. **PUBLIC HEARINGS: – Bull Run Water System, Inc. – Variance**

1. Rose Goings advised that a letter was received from Doug Burns at Okemo Realty advising that they are disputing the survey and the property line. She said that the variance, it granted, would be over the line. Additionally, the warning was incorrect. They – Bull Run and Okemo Realty need to straighten this out. Okemo Realty came to us with a zoning issue and a warning issue. We will postpone this hearing until the issues are straightened out and we will re-warn if needed and advise abutting property owners.

2. Ted Reeves said that he has spoken to Doug Burns regarding the corner at issue. We have a stamped drawing to show. Doug Burns disagrees with the pin and his survey shows that it should be 7 feet to the south and east, that would move the line about 4 to 5 feet. We staked the building and even if the pin were to be moved, it would not create a trespass. David Rose stamped the survey and it meets state statutes. Their survey is just an opinion letter. If Okemo Realty has any complaints, they should take them up with Okemo Mountain Resort and Kettlebrook. We are not the landowners. We are just applying for the easement and variance. The property line issue is between Okemo Mountain Resort and Okemo Realty. Regarding the warning, he said that Doug Burns felt it was ambiguous and made it sound like the project was on an easement granted years ago. All of the drawings now show the Okemo Mountain Resort property. We will not be able to resolve this until we can survey the land again and with the snow, that may not be possible until May or June, optimistically. He said that he does not see the construction being done during this year's construction season. We won't be able to come back to the DRB until at least June.
3. Phil Carter asked Ted Reeves to let this board know.
4. Ted Reeves said he would keep the board apprised of the situation. He said that Bull Run has been trying for 3 years to get the needed easement.
5. Phil Carter said that he didn't open this hearing because they may not come back this year.
6. Ted Reeves said it would not make sense to open it.

## VI. APPROVE MINUTES

1. Phil Carter advised that the minutes to be reviewed are from December 14, 2020.
2. Julie Nicoll noted that on page 2, item III-6 should read, "She said that she made the improvements because..."
3. Phil Carter noted that on page 4, item IV-12 should read, "...if this board can put the Lake Lot Covenants..."
4. Julie Nicoll noted that on page 4, item IV-14 should read, "signage was in the original permit, but it ..."
5. Julie Nicoll noted that on page 4, item IV-26 should read, "Rose Goings said that if there is a problem, it always happens..."
6. Phil Carter noted that on page 5, item IV-27 should read, "Phil Carter said they could go ..."
7. Julie Nicoll said that on page 5, item IV-27, 3<sup>rd</sup> line down should read, "If something is in the covenants and its conditions, it can't be violated."
8. **MOTION by Doug Sheehan and seconded by Julie Nicoll to approve the minutes from December 14, 2020 as corrected. Motion passed unanimously.**

## VII. OTHER BUSINESS

1. Fox Run Drug Rehabilitation Treatment
  - a. Phil Carter said that the applicant still has not submitted a conforming site plan or water/sewer compliance. He said that Rose Goings is working with the new owners. He expects that there will be a lot of people at the hearing. He said that all parties from the previous hearing will be notified and all evidence previously submitted is moot and cannot be carried over. With the articles in THE ROLLING STONE and local newspapers we may have to invoke interested party status. We need to take evidence and there could be countless numbers of people.
  - b. Julie Bowyer asked if people would be able to submit comments via mail or email.

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- c. Phil Carter said social media is already possible. If this hearing does go to court, the interested party status will be checked.
  - d. Julie Bowyer asked if we could publish our intentions.
  - e. Phil Carter said that there is no mechanism for that. He said he will open the hearing and if we are bogged down with “likes or no likes”, he will tighten the comments. He asked board members if they have any suggestions to email him or Rose Goings.
  - f. Doug Sheehan said that the people who will be managing the facility should be present.
  - g. Rose Goings said that the new owners are Divided Sky.
  - h. Eric Alden suggested that people may only speak if they have something to add, new comments. If they start to rehash, Phil Carter could call a point of order.
2. Minutes from January 11, 2021
    - a. Phil Carter said that since the application was withdrawn, the minutes are moot.
  3. Next Meeting – April

VIII. **ADJOURN**

1. **MOTION by Doug Sheehan and seconded by Julie Bowyer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:31 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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Doug Sheehan

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Julie Bowyer