



- vi. John Watanabe said yes.
- E. John Boehrer noted that the Ambulance Service requested that there be adequate space, at all times for appropriate entering and exiting for emergency personnel and equipment both during and after construction.
- F. Phil Carter asked if the project still consists of the units listed at last month's hearing:
  - i. 91 Whiteloop, G201
  - ii. 91 Whiteloop, G206
  - iii. 91 Whiteloop, G304
  - iv. 22 Harrison Lane, L306
  - v. 46 Stewart Lane, P304
  - vi. 84 Harrison Lane, J304
  - vii. 58 Harrison Lane, K302
- G. John Watanabe said yes.
- H. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR IMERYYS TALC VERMONT INC**

- A. Phil Carter advised that this is an application to amend a previously approved Conditional Use Permit to add the construction of a canopy over the railroad on the south side of the shipping center. Property is located on East Hill Road in the Industrial District.
- B. Phil Carter said that at the site visit, Local Act 250 review was mentioned.
- C. Rose Goings said that since the State Act 250 review is not required, then Ludlow is not required to do Local Act 250 review.
- D. Rose Goings advised that this is application 88-207-CU, amendment #9. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on April 20, 2017, advertised in THE VERMONT JOURNAL on April 20, 2017 and abutting property owners were notified on April 20, 2017. She added that Police, Fire and Ambulance letters have been received.
- E. Phil Carter administered the oath to all (George McNaughton, Robin Reilly and Terry Bane) wishing to speak at this hearing.
- F. George McNaughton explained that there had been a canopy in the original narration, but it was overlooked. There has been a change in the design drawings with respect to the location of the footers. The design changed after the drawings were originally filed. The canopy size will remain the same, but the structural supports for the canopy will come out an additional 13 feet to accommodate trucks.
- G. Phil Carter asked the purpose of the canopy.
- H. George McNaughton said to provide coverage and a roof over the location where the trains come in and where the talc spout is located.
- I. Rose Goings asked if the location is where the spill that was seen this evening, was.
- J. George McNaughton said yes.
- K. Rose Goings asked if the canopy would be longer than the existing one.
- L. Robin Reilly said it will be further down, and not where the existing one is. She added that the canopy is also for the safety of the workers and to protect the product.
- M. George McNaughton added that it will not really be visible from public view.
- N. Phil Carter asked if the workers walk on the train cars.
- O. Robin Reilly said yes and they are attached with lanyards. The canopy will make it safer for them to walk.
- P. Linda Petty asked if there is a catwalk.

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- Q. Robin Reilly said yes, but further down.  
R. Phil Carter asked about lighting.  
S. Terry Bane said there will be lights under the canopy.  
T. John Boehrer asked about the existing canopy.  
U. Robin Reilly said it will stay.  
V. John Boehrer asked the location of the new canopy and the original  
W. Terry Bane said the new one will be on the east end and one on the west end.  
X. Phil Carter asked if the canopy would be metal and permanent.  
Y. Robin Reilly said yes.  
Z. Phil Carter said that the Ambulance Service requested that there be adequate space, at all times for appropriate entering and exiting for emergency personnel and equipment both during and after construction, and asked if they will comply.  
AA. Robin Reilly said yes.  
BB. Phil Carter said that the Fire Chief said they will need the permit from Fire Safety.  
CC. George McNaughton said that they have tried to contact Fire Safety, but have not heard back. He asked if the board could issue the permit subject to the letter from Fire Safety.  
DD. Phil Carter said yes and asked that when they do receive the letter, would they forward a copy to Rose Goings.  
EE. Robin Reilly said yes.  
FF. **MOTION by Linda Petty and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR HOMESTYLE HOTEL, LLC**

- A. Phil Carter advised that this is an application to amend a Conditional Use Permit to increase the seating at the bar from eight (8) seats to twenty-two (22) at the existing hotel. Property is located at 112 Main Street, in the Village Residential Commercial District.  
B. Rose Goings advised that this is application 457-17 –CU, Amendment #2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on April 20, 2018, advertised in THE VERMONT JOURNAL on April 20, 2018 and abutting property owners were notified on April 20, 2018. She advised that letters have been received from Police, Fire and Ambulance.  
C. Phil Carter administered the oath to all (Justin Hyjek and Eliza Greene) wishing to speak at this hearing.  
D. Justin Hyjek advised that they received the outside consumption permit for 8 seats. They are banquet seats along the side. They would like to add 22 seats inside and in the winter, possibly bring in the 8 seats from outside.  
E. Phil Carter asked if the total number of seats would be 30.  
F. Justin Hyjek said yes.  
G. Phil Carter said that the letter from the Fire Chief said that the seating capacity shall not exceed the occupant load factor as determined and approved by the Vermont Division of Fire Safety. He asked if they had that information from Fire Safety.  
H. Justin Hyjek said they notified Fire Safety and Fire Safety will do a final walk-through when they are finished with construction.  
I. Eliza Greene said they have a verbal okay for 50 seats. They have tried to contact Fire Safety.  
J. Rose Goings said she also has emailed and tried to call them, but has not had any luck.  
K. Justin Hyjek said they did a walk-through with Fire Safety and got a verbal approval.  
L. Eliza Greene said she took a video.

- M. **MOTION by John Boehrer and seconded by Linda Petty to close this hearing pending conditions imposed in the letter from Fire Safety. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR BRANDON DURHAM**

- A. Phil Carter advised that this is an application for a Conditional Use Permit to convert a garage into a third unit to an existing multi-family home. Property is located at 65 Andover Street, in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 465-18 –CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on April 20, 2018, advertised in THE VERMONT JOURNAL on April 20, 2018 and abutting property owners were notified on April 20, 2018. She advised that letters have been received from Police, Fire and Ambulance. She added that this is already a 3-family dwelling and will be re-configured.
- C. Phil Carter administered the oath to all (Brandon Durham, Ella Briggs) wishing to speak at this hearing.
- D. Brandon Durham said he wants to turn the garage into a small cottage, with bedroom, kitchenette, and bathroom, for him to use when he comes up to check on the house.
- E. Phil Carter asked if this is currently a garage.
- F. Brandon Durham said yes.
- G. Phil Carter asked if there will be any changes to the footprint of the building.
- H. Brandon Durham said yes. He said he will preserve most of the building, raising it up and cantilevering the sides.
- I. Phil Carter asked what the height will be.
- J. Brandon Durham said about 24 feet.
- K. Phil Carter asked if it would exceed 35 feet.
- L. Brandon Durham said no. He added that it will be red.
- M. Phil Carter asked if it would be attached to the main house.
- N. Brandon Durham said by a breezeway. There is also a current addition.
- O. Phil Carter asked about parking.
- P. Brandon Durham said he would park behind the building.
- Q. Phil Carter asked about Fire Safety.
- R. Brandon Durham said he (fire marshal) looked at the house and said there should not be a problem. He was told not to have a connection to the inside of the main house unless a sprinkler system was installed. He will come back when we start construction.
- S. Phil Carter asked if Brandon Durham has a copy of the permit.
- T. Brandon Durham said yes.
- U. Phil Carter asked about the following conditions from the fire chief:
- i. Permits are required from Vermont Division of Fire Safety
  - ii. Provide smoke and carbon monoxide detectors as required from the Division of Fire Safety
  - iii. Provide at least one 5# ABC fire extinguisher in the kitchen area
- V. Brandon Durham said yes to the above.
- W. Phil Carter said that the Ambulance Service requested that there be adequate space, at all times for appropriate entering and exiting for emergency personnel and equipment both during and after construction, and asked if they will comply.
- X. Brandon Durham said yes, there is space.

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- Y. Rose Goings asked Brandon Durham to come in to see her, for a permit, before he starts the gazebo.
  - Z. Brandon Durham said he would.
  - AA. **MOTION by John Boehrer and seconded by Linda Petty to close this. Motion passed unanimously.**
  - BB. Rose Goings said Brandon Durham would receive the DRB's decision in the mail.

6. **OPEN THE PUBLIC HEARING FOR JOSH ROURKE**

- A. Phil Carter advised that this is an application to amend a Conditional Use Permit to allow for a portion of the first floor office space to be converted into an apartment with the rest remaining office space. Property is located at 70 Main Street, in the Preservation District.
- B. Rose Goings advised that this is application 179-01 –CU, Amendment #3. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on April 20, 2018, advertised in THE VERMONT JOURNAL on April 20, 2018 and abutting property owners were notified on April 20, 2018.
- C. Phil Carter administered the oath to all (Josh Rourke) wishing to speak at this hearing.
- D. Josh Rourke said that he purchased the building and ID3 will be moving there. They would like to take a portion of the first floor and convert it into a 2 bedroom apartment.
- E. Phil Carter asked if they would be expanding or raising the building.
- F. Josh Rourke said the changes will be interior partitions.
- G. Phil Carter asked about the State Division of Fire Safety.
- H. Josh Rourke said he has the permit in hand.
- I. Phil Carter asked him to give Rose Goings a copy.
- J. Josh Rourke said yes.
- K. Phil Carter referred to the following conditions from the fire chief:
  - i. Permits are required from Vermont Division of Fire Safety
  - ii. Provide at least one egress window (5.7 square feet of clear area when the unit is open.)
  - iii. Provide hard wired smoke and carbon monoxide detectors, with battery backup and or a fire alarm system as required from the Division of Fire Safety
  - iv. Provide at least one 5# ABC fire extinguisher in the kitchen area
- L. Josh Rourke said they are done.
- M. Phil Carter said that the Ambulance Service requested that there be adequate space, at all times for appropriate entering and exiting for emergency personnel and equipment both during and after construction, and asked if they will comply.
- N. Josh Rourke said yes, there is space.
- O. Julie Nicoll asked about exterior lighting.
- P. Josh Rourke said the sign is lit and there is a lighting pole out front that does not work. There is an existing light above the front door entry. He will not be adding other lights.
- Q. Phil Carter asked about parking.
- R. Josh Rourke said it is existing.
- S. Rose Goings said that the plans show one section of the conference room there.
- T. Josh Rourke said it will still be a 2-bedroom apartment. They have talked about the conference room.
- U. Rose Goings said they would need a set of As-Builts for a CO.
- V. Phil Carter said as of now, the apartment does not include the conference room. If you add it , you will have to come back here

- W. Rose Goings said the board could also condition the permit to come back with the As-built.
- X. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

7. **OTHER BUSINESS**

- A. Permit Application/Hearing Process
  - i. Phil Carter said he would like to request changes to the application process. There are so many unprepared applicants, missing required documentation. He said that he has asked Rose Goings to tell applicants, when they come in for an application, that they need to have all paperwork completed prior to scheduling a hearing. They will receive a check list and when that has been completed a hearing will be scheduled. He said that the outlier may be the Division of Fire Safety.
  - ii. Rose Goings said that letters from Ludlow Fire, Police and Ambulance are also due at the time the application is submitted. She knows that sometimes it is hard to get these letters. She noted that Winterplace was recently recessed due to missing information. She will set up a check list. She noted that Okemo, Ralph Michael and IMERYYS are usually very good about being prepared for the hearings.
  - iii. Julie Nicoll asked if the Fire, Police and Ambulance departments know that the hearings require letters from them.
  - iv. Rose Goings said that the Police Department and usually the Ambulance Department are good about getting the letters out because they are in the office. However, the Fire Chief has a separate, full time job and is not in the office. She said that if evidence is given to the board on the night of the hearing, members do not have time to review it and, if necessary, research it. Then, the hearing will have to be recessed.
  - v. Phil Carter said the applicants are required, by statute, to have required documents at the time of the hearing. If they don't, we recess the hearing. If we proceed with the hearing without having all of the required evidence, then we are not doing our due diligence. It makes more sense to have everything before scheduling the hearing.
  - vi. Josh Rourke said that then people may miss one month. He said that Rose Goings did inform him about the need for paperwork before scheduling the hearing. But, if people are in a hurry, would they be able to risk scheduling the hearing without the paperwork.
  - vii. Rose Goings said we are not scheduling the hearings until we have the necessary paperwork in hand.
  - viii. Phil Carter said this board has had hearings that included multiple lawyers and involved very complicated cases. If the applicants drop the packets off to us at the time of the hearing, we cannot proceed without researching the statutes.
  - ix. Rose Goings said that it is also unfair to abutting property owners.
  - x. John Boehrer said that he understands, but that sometimes the letter from the fire department has not been received and he is not sure how it sits with him to hold people up for one letter.
  - xi. Phil Carter said the hearing will be recessed without that letter.
  - xii. John Boehrer said so with this change, we will not even schedule the hearing until all of the paperwork is in?
  - xiii. Rose Goings said that is what is being considered.

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- xiv. Phil Carter said if the paperwork is not in front of us at the time of the hearing, we would have to recess it anyway. He asked the board for comments.
  - xv. John Boehrer asked if the departments have to respond in a timely manner.
  - xvi. Rose Goings said yes.
  - xvii. John Boehrer asked, if they don't, what then.
  - xviii. Rose Goings said that she tells the applicants to follow up.
  - xix. John Boehrer said then, that is not an issue with the applicant.
  - xx. Josh Rourke said he had to keep after them for his letters. He said that the building season in Vermont is short and if a hearing is not scheduled, then the person may lose a month.
  - xxi. Rose Goings said that she did take Josh Rourke's application, but did warn him that the hearing may be recessed if the letters are not it.
  - xxii. Linda Petty said that the applicant has 2 weeks from the warning.
  - xxiii. Rose Goings said yes, the hearings are 15 days from the warning in the papers. She said it is hard to get some of the letters.
  - xxiv. Linda Petty asked if the department heads go to the sites.
  - xxv. Rose Goings said sometimes.
  - xxvi. Phil Carter said that the permits are subject to conditions.
  - xxvii. Linda Petty said that she likes the idea of recessing the hearing if the paperwork is not in sufficient time for the board to review it.
  - xxviii. Rose Goings said asking them to have it in when they came in for the application worked well this month.
  - xxix. Linda Petty said we could try it for a couple of months and see how it works.
  - xxx. Phil Carter said if it is a complex application and they drop it off at the hearing, it doesn't work.
  - xxxi. Linda Petty asked if a week before the hearing is enough time.
  - xxxii. Rose Goings said she would need more time to get it to the members.
  - xxxiii. Phil Carter said at what point to we say we don't have enough time.
  - xxxiv. Josh Rourke suggested 10 days.
  - xxxv. Phil Carter said at that point, the hearing is already on the docket for the next meeting. What if we don't; get the paperwork until the meeting. It always used to be 2 weeks before the hearing date, but that has been ignored recently. His approach is to tighten things up now.
  - xxxvi. Scott Murphy said that his suggestion is to not schedule the hearing if the applicant's paperwork is incomplete. However to schedule the hearing if the letters, that are not within the applicant's control are not it, but the rest of their paperwork is complete.
  - xxxvii. Rose Goings said she would be good with that.
  - xxxviii. Julie Nicoll said it sounds like a good compromise.
  - xxxix. Phil Carter said that all of the other paperwork must be complete and in to Rose Goings.
  - xl. Josh Rourke said the board always has the option to recess the hearing.

8. **REVIEW AND APPROVE MINUTES**

- A. The board reviewed the minutes of the April 9, 2018 meeting.
  - i. Linda Petty noted that on page 2, item 2N should read "Tepper Drive...."
  - ii. John Boehrer suggested that on page 2, items 2Q, BB and LL should read "50 foot ROW..."

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- iii. Phil Carter noted that on page 2, item 2EE should read “comply with our subdivision...”
  - iv. Julie Nicoll noted that on page 2, item 2GG should read “if this subdivision complies with our...”
  - v. Julie Nicoll noted that on page 3, item 3L should read “Chief Kolenda required the egress windows ...”

B. **MOTION by John Boehrer and seconded by Linda Petty to approve the minutes of April 9, 2018 as corrected. Motion passed unanimously.**

9. **ADJOURN**

- A. **MOTION by Phil Carter and seconded by Julie Nicoll to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:54 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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Linda Petty

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Dana Wilson