

**DEVELOPMENT REVIEW BOARD  
MINUTES**

*November 14, 2016*

**MEMBERS PRESENT:**

Phil Carter, Chairman                      Julie Nicoll                                      Linda Petty, by phone

**MEMBERS ABSENT:**

John Boehrer                                      Richard Harrison

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Andrew Becker	Jim Kubec	Ken Patel
Brian Crossman	Doug McBride	Larry Slason
Donna Crossman	Alice Nitka	Adam Sayre – LPCTV
Robert Fales	Marty Nitka	Lisha Klaiber, Recorder
Don Jewett	Mary Jane O’Hara	

**I. CALL TO ORDER**

1. Meeting opened at 6:00 p.m. by Chairman, Phil Carter. Members present, Phil Carter, Julie Nicoll and Linda Petty (by phone.) Richard Harrison and John Boehrer absent. Phil Carter advised there is a quorum.

**II. RE-OPEN THE RECESSED PUBLIC HEARING FOR ALAN GORALNIK AND IRIS SIMON**

1. Phil Carter advised that this is an application to subdivide a lot into 2 separate lots that was recessed from the DRB meetings on August 8, 2016, September 12, 2016 and October 24, 2016. The project is located at 142 North Ridge Road in the Town Residential District. It is application SUB17-001. He said that the hearing had been recessed for receipt of the Waste Water Permit from the State.
2. Rose Goings said that she had spoken to Mr. Goralnik who advised her that they will not be going forward with this application. They purchased other property.
3. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

**III. OPEN THE PUBLIC HEARING FOR BILL MC LERNON**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to convert an office into a wine tasting room with 32 seats and retail. The project is located at 116 Main Street in the Village Residential Commercial District.
2. Rose Goings advised that this is application 88-191-CU, Amendment #5. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and

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- on the website on October 21, 2016, advertised in THE VERMONT JOURNAL on October 26, 2016 and abutting property owners were notified on October 25, 2016. Ambulance, Fire and Police Department letters are in. She noted that at the site visit, the number of seats was discussed as changing to 36.
3. Doug McBride said that is correct.
  4. Phil Carter administered the oath to all (Doug McBride, Donna Crossman and Brian Crossman) wishing to speak at this hearing.
  5. Doug McBride advised that they have a winery and vineyard on Twenty Mile Stream Road and do tastings on site, but it is too cold in the winter to have the tastings. They want a year round location for tastings, but will also continue to have summer tastings at the winery. They have a Class IV Liquor License that also allows them to serve wine by the glass or by the smaller tasting glasses, to sell bottles and also to be a restaurant. This space will not be a restaurant, but they will serve cheese and crackers. The hours of operation will be 7 days per week, from 9:00 a.m. to 10:00 p.m., although he does not expect to be open for the full number of hours. These hours run consistent with the HOA rules. They would like to open within the next 30 days.
  6. Phil Carter asked about the seats.
  7. Doug McBride said that the Fire Marshal said they would be able to have up to 36 seats, but they will probably start with less.
  8. Phil Carter asked the square footage of the space.
  9. Doug McBride said about 690 to 700, depending on how it is measured.
  10. Phil Carter advised that for that square footage, they would need 5 parking spaces.
  11. Doug McBride submitted a drawing, showing 22 available spaces in the back of Hammond Hall.
  12. Linda Petty asked if there would be any changes to the exterior lighting.
  13. Doug McBride said no. The lighting is consistent with other tenants.
  14. Linda Petty asked if the stairs will be lit.
  15. Doug McBride said yes, there is existing lighting.
  16. Phil Carter asked about the Fire Marshal, if the building is sprinkled and if there are any other conditions.
  17. Doug McBride said the Fire Marshal is satisfied with what is there. He will send a formal letter.
  18. Brian Crossman said that they own abutting property and are concerned about the snow plowing from the Hammond Hall parking lot onto their property. It has become abusive.
  19. Donna Crossman said that we abut the back of the parking lot and that Hammond Hall does not have a place to plow snow. In the past, they would plow the snow onto her property but would clean up in the spring. They have not cleaned up her property in the last couple of years. She wants reassurance that they will not plow the snow onto her property. Also, cars drive across her property to enter and exit from Hammond Hall. She believes that in the original permit, Hammond Hall was supposed to put up a fence and that did not happen. We have to do something. There also used to be cement barricades and now there is nothing to separate the properties. She wants something done.
  20. Phil Carter said that this is not Mr. McBride's problem. He asked if there is a condominium owners' association.
  21. Rose Goings said that she has been working on this for over 2 years and the old permits are very sketchy. She said that some of the newer permits do say no snow plowing onto other property. She said she has spoken on numerous occasions to the plowers and still nothing has happened. She also has spoken with the COA chairman and he did say he would take care of it, but nothing has happened. The old permits have no teeth.
  22. Phil Carter said this hearing is not about the building, just the use of the building. The DRB has no authority. He said the Crossmans would have to work with the Planning Office. The DRB can put wording in the permit about the traffic flow and snow plowing. It may help.

23. Donna Crossman said she does not want to see the problems increase and she is also concerned about dumpsters. Her property abuts Hammond Hall, Big Eyes and the Pot Belly. She does not want a dumpster backed up against her property.
24. Doug McBride said that the COA rules prohibit restaurants and he will not have a kitchen. Their trash will be limited. He does not plan on having a dumpster.
25. Rose Goings advised that Mr. McBride has requested a motion on the record.
26. Phil Carter polled the members who all agreed to a motion on the record.
27. Rose Goings said they could add the snow plow issue in the permit.
28. **MOTION by Julie Nicoll and seconded by Linda Petty to approve this application with the conditions of the Fire Marshal and consideration that snow removal from the site not be directed on the neighbors properties and that assurance that traffic entering and exiting be only from Main Street. Motion passed unanimously.**
29. Phil Carter said the permit will be written to satisfy the conditions.

#### IV. **OPEN THE PUBLIC HEARING FOR MARTIN AND ALICE NITKA**

1. Phil Carter advised that this is an application to consider a Conditional Use Permit to convert an office on the first floor to an office and a one (1) bedroom apartment. The project is located at 92 Main Street in the Preservation District.
2. Rose Goings advised that this is application 445-17-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on October 21, 2016, advertised in THE VERMONT JOURNAL on October 26, 2016 and abutting property owners were notified on October 25, 2016. She advised that letters have been received from the Fire Department, Police Department, and Schools and there is a project review sheet.
3. Phil Carter administered the oath to all (Marty Nitka and Alice Nitka) wishing to speak at this hearing.
4. Marty Nitka advised that they would like to convert the existing office on the first floor to a one bedroom apartment and an office. There will not be any changes to the exterior and no changes to the second floor. There have not heard from the Fire Marshal and the contractor did send him the plans.
5. Phil Carter asked if the space is sprinkled.
6. Marty Nitka said no.
7. Phil Carter noted that the Ludlow Fire Department wants one egress window, CO and fire detectors and fire extinguishers, along with permit from the Fire Marshal.
8. Marty Nitka said these would not be a problem.
9. Phil Carter asked if they are blocking off part of the first floor to make the apartment
10. Marty Nitka said yes, the apartment would be in the back and with a separate entrance from the back porch.
11. Phil Carter asked if the project would be as shown on the plans.
12. Alice Nitka said they are moving the basement door.
13. Rose Goings advised that the Nitkas already have the Water/Sewer Allocation.
14. Phil Carter said they are just waiting for the Fire Marshal.
15. Marty Nitka said the Fire Marshal is away for about 2 weeks.
16. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR RSB LUDLOW, INC.**

1. Phil Carter advised that this is an application to consider a Conditional Use Permit to raze the stone house damaged by an explosion. The project is located at 83 Main Street in the Preservation District.
2. Rose Goings advised that this is application 446-17-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on October 21, 2016, advertised in THE VERMONT JOURNAL on October 26, 2016 and abutting property owners were notified on October 25, 2016. She advised that they have received an email from Carl Lavallee of Wright Construction, also correspondence from the Fire Marshal and photos.
3. Phil Carter administered the oath to all (Ken Patel and Robert Fales) wishing to speak at this hearing.
4. Ken Patel said that Jerry Tucker would bring down the building.
5. Phil Carter asked if the area would be roped off and what other safety precautions would be taken.
6. Ken Patel said it would take about 15 days.
7. Robert Fales said there would be a 4 foot chain link fence with a gate and it would be locked at night.
8. Phil Carter asked if the fence would go completely around the area.
9. Robert Fales said yes.
10. Phil Carter noted that the estimate of costs provided said \$500,000 to renovate and \$50,000 to raze.
11. Robert Fales said that just to fix the outside would be about \$375,000 to \$450,000 and that is just the exterior walls.
12. Phil Carter noted also that correspondence received says that the building is unsafe to be in.
13. Robert Fales said that is true. They would like to tear it down as soon as Jerry Tucker is available.
14. Ken Patel said they originally wanted to do it in September, but did not know they needed a permit. He did not know it was historic.
15. Robert Fales said they have tested for lead and other hazardous materials and they said it was safe to tear it down.
16. Phil Carter asked about the Fire Marshal.
17. Robert Fales said they have to contact him before they tear it down.
18. Ken Patel said it will be taken down piece by piece. It will be mostly handwork, and they will not use much equipment.
19. Phil Carter explained that this hearing is only for the demolition, not to rebuild.
20. Robert Fales said it could wait until spring.
21. Linda Petty asked if they have replacement insurance.
22. Ken Patel said yes and it will pay to take the building down.
23. Linda Petty asked if the insurance would pay to bring the building back to its original state.
24. Ken Patel said they decided not to do that because it would be too expensive. They decided not to rebuild it.
25. Linda Petty asked if they would be selling the stones.
26. Ken Patel said no, they may reuse them. They are not selling them for money and never entertained that idea.
27. Linda Petty said it will be very sad to see that lot vacant.
28. Rose Goings said they have discussed rebuilding and would have to do it within about 6 months of when they tear down the other structure.

29. Phil Carter said once down, they have 6 months to state to rebuild. This is a non-conforming lot and if they do not start to rebuild, the lot will remain vacant.
30. Linda Petty asked about the culvert on Commonwealth.
31. Rose Goings said she does not think it affects that building.
32. Phil Carter said that would affect a new building, not this one. They can put controls over the new construction.
33. Linda Petty asked if that would stop them from rebuilding.
34. Robert Fales said the culvert is not under that building.
35. Julie Nicoll asked if they are concerned about the weight of snow this coming winter.
36. Ken Patel said this happened in January 2015 and the snow did not affect it that winter.
37. Julie Nicoll said she is afraid that the building will fall down and asked that they put up the fence for this winter.
38. Ken Patel said he will ask Jerry Tucker to do that.
39. Rose Goings said she does not know if the fence will help keep people out.
40. Robert Fales said they have it boarded up.
41. Rose Goings asked about the basement window.
42. Robert Fales said he would have it boarded up also, but it is only 8 inches high.
43. Alice Nitka asked to speak but had not been sworn in.
44. Phil Carter asked if anyone else who had not been sworn in wished to speak and then administered the oath to Alice Nitka.
45. Alice Nitka asked what about the cellar hole once the building is down.
46. Robert Fales said it will be filled in with sand because it would be too dangerous to leave as a hole.
47. Phil Carter asked if it would be a level lot.
48. Robert Fales said yes.
49. Mary Jane O'Hara asked to speak.
50. Phil Carter administered the oath to Mary Jane O'Hara.
51. Mary Jane O'Hara asked if they have 6 or 9 months to rebuild.
52. Phil Carter said they have 6 months to start rebuilding. If they do not start, they will not be able to build because it is a non-conforming lot.
53. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

VI. **OPEN THE PUBLIC HEARING FOR SOUTH FACE VILLAGE @ OKEMO DEVELOPMENT CO., LLC.**

1. Phil Carter advised that this is an application to amend a Conditional Use permit to construct a temporary sales hut at the base of South Face quad chair lift to serve ski-in and ski-out patrons. The project is located on Trailside Road in the Town Residential and Mountain Recreation Districts.
2. Rose Goings advised that this is application 334-11-CU, Amendment #2, posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board, on the website and on the Post Office Bulletin Board on October 21, 2016, advertised in THE VERMONT JOURNAL on October 26, 2016 and abutting property owners were notified on October 25, 2016. She added that letters have been received from ANR, Fire Safety, and Act 250 and there is a project review sheet.
3. Phil Carter administered the oath to all (Larry Slason, Andrew Becker, and Don Jewett) wishing to speak at this hearing.

4. Larry Slason advised that the application, along with several exhibits was filed on October 20, 2016. It is a minor amendment to the Conditional Use Permit. They would like to build a sales hut at the base of the South Face Quad (the main lift adjacent to Building C2.) The building will be 20' x 20' with a 16' x 20' deck. It will be 50 feet from the lift. (He provided a sketch of the location.) It will be 19'9 inches high, have clapboard sides and an asphalt roof. It will be similar to building C2. It will be panelized and built in about 3 days. There will be a heat pump for heat and water at about 30 GPD. The water is part of the allocation for the 208 buildings. It will be connected with a ¾ inch temporary line. There will be a 4 inch sewer line. They will have a waste water permit. There will be 2 exterior wall lights that will be down lit. They will be the same as on building C2. The hut will only be used during the day and not after the lift closes. They will remove and relocate the hut at the end of the 2018 ski season. Act 250 has already issued a permit with specifications as presented here. Act 250 conditioned that the hut be removed and relocated by October 1, 2019. He reviewed the drawings provided
- i. Sales Hut Location Map, drawing T1
  - ii. Exterior View, drawing A000
  - iii. Exterior with Door and Deck, drawing A200
  - iv. Elevation 19'9", drawing A3000
  - v. Site Plan, drawing C2
  - vi. Water/Sewer Connections, drawing C3
  - vii. Computer Simulation that is close to accurate, showing the hut 50 feet away from the chair lift, but it will actually be closer to the trailer and water/sewer connections that are shown on the drawing. This conforms to ACT 250 and ANR requirements.

Larry Slason continued and asked the board for a motion on the record to approve the construction of the sales hut.

5. Rose Goings asked if they have spoken with the Water/Sewer people.
6. Larry Slason said it is our water and sewer.
7. Andy Becker asked if they need a separate sewer allocation.
8. Larry Slason said it is within their already approved allocation.
9. Andy Becker said it is temporary and will only be used for a season.
10. Larry Slason said it will be gone by the time the project is complete. It will be moved by October 1, 2019. We may come back then to remove or relocate it.
11. Phil Carter cautioned that sometimes temporary things turn permanent.
12. Larry Slason asked to make this consistent with Act 250 and use October 1, 2019.
13. Phil Carter confirmed that it would be at the location based on the evidence submitted.
14. Larry Slason said if we need to move it earlier, we will come back to the DRB for an amendment.
15. Andy Becker said that once the lodge is complete, sales will be located in that building.
16. Phil Carter asked, if this is a private community, who will come to the hut.
17. Andy Becker said that Okemo skiers with an Okemo lift ticket will be able to ski down.
18. Larry Slason said that Okemo patrons will hear about South Face and ski down, pick up a brochure and then take the lift back up.
19. Julie Nicoll said she thought it was a private lift.
20. Larry Slason said people who aren't from South Face will not be able to drive in, but can ski down from Okemo.
21. Rose Goings added that they would also be able to eat at the lodge.
22. Andy Becker said yes.
23. Rose Goings asked about a shuttle. She said that people are being told that there will be a shuttle to take people from West Hill to South Face Village.

24. Larry Slason said that is not correct and those people are misinformed. The only shuttles will be for traffic mitigation to the extent that we will contribute to the local shuttle with Okemo when the project is complete.
25. Phil Carter said the only way to use the lift is to buy a unit or to ski down from Okemo with an Okemo lift pass.
26. Andy Becker said people could also walk in, and, if they have an Okemo pass, may use the lift.
27. Phil Carter said he is concerned about when traffic starts if there is a shuttle.
28. Andy Becker said they will be back with a design for the extension to the Okemo shuttle.
29. Larry Slason said the shuttle was not part of the local DRB level. It was added at ACT 250 for traffic mitigation and our contribution will be financial and we will not take the lead in the design. We will only contribute.
30. Phil Carter said the temporary hut will be moved by October 1, 2019 and if they move or relocate it before then, they will come back here. If it is not moved by then, they will come back here for an extension.
31. Rose Goings said they asked for a motion on the record.
32. Larry Slason said they would like the hut open for the holidays.
33. Linda Petty asked about the bathroom.
34. Andy Becker said it would be for employees only.
35. Julie Nicoll asked Rose Goings if she is comfortable with the sewer discussion.
36. Rose Goings said she can't approve it. She will talk to Frank Heald.
37. Julie Nicoll asked if they will be billed for usage the way individuals are billed for usage.
38. Rose Goings said they have paid for the allocation, but not for the hook on fee. She will need to talk to Frank Heald.
39. Phil Carter said that the fees have to go through the town.
40. Larry Slason asked if they could approve this, subject to hook on fees and they will cover those fees.
41. Phil Carter polled the board and there was consensus for an up/down vote.
42. **MOTION by Phil Carter and seconded by Linda Petty to approve the temporary ski hut, to remain at the location as presented until October 1, 2019 to be consistent with ACT 250 and with hook on fees and usage fees. Motion passed unanimously.**

## VII. **APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from October 24, 2016.
2. Julie Nicoll noted that on page 1, item III4 should read "...Lauren Baker advised that she wishes..."
3. Julie Nicoll noted that on page 2, item III6 should read "...existing stairs and they will..."
4. Julie Nicoll noted that on page 2, item IV12, should read "...without confirming what flow is there."
5. Linda Petty noted that on page 2, item IV14, should read "...Patricia Masciarelli said."
6. Julie Nicoll noted that on page 3, item V4 should read "...Larry Slason advised that this..."
7. **MOTION by Julie Nicoll and seconded by Phil Carter to approve the minutes from October 24, 2016 as corrected. Motion passed unanimously.**

## VIII. **OTHER BUSINESS**

1. Permits from Last Meeting
  - a. South Face – approved

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- b. Baker - Okemo Trailside – approved
  - c. Masciarelli - Main Street - approved
  2. Next Meeting
    - a. Rose Goings advised that there will not be a meeting in December.

IX. **ADJOURN**

1. **MOTION by Phil Carter and seconded by Julie Nicoll to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:11 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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Richard Harrison