

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

**Monday – November 8, 2021
6:00 P.M**

PHYSICAL LOCATION: HEALD AUDITORIUM
37 Depot Street, Ludlow, VT
HYBRID MEETING

Join Zoom Meeting Online:

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MEMBERS PRESENT:

Phil Carter, Chairman (ZOOM) Julie Bowyer Doug Sheehan
John Boehrer – Vice Chairman Julie Nicoll

STAFF PRESENT:

Scott Murphy Rose Goings Lisha Klaiber, Recorder

OTHERS PRESENT:

Eric Alden Sal Marottoli Andrea Sanford
Ed Floyd Steve Meyers Robert Sanford
Victor Gangi Meredith Milliken Jean Strong
Andrea Goldman Cherry Nicoll Patrick Cody – Okemo Valley TV

I. CALL TO ORDER

1. Vice Chair, John Boehrer opened the meeting at 6:01 p.m.

II. OPEN THE PUBLIC HEARING FOR JEWEL BROOK DEVELOPMENT, LLC

1. John Boehrer advised that this is an application to amend the Conditional Use Permit and the Local Act 250 permit to build a 72-room hotel and one attached unit Site Plan Review and all the amenities. The property is located at 1 Parker Avenue in the Village Residential Commercial District. He explained that the original permit expired in August 2021 and that this is a new application. All of the evidence from the original hearings is no longer valid and we will need to start from the beginning.

2. John Boehrer administered the oath to all (Sal Marottoli, Andrea Sanford, Robert Sanford, Jean Strong, Ed Floyd, Andrea Goldman and Steve Meyers) wishing to speak at this hearing.
3. Sal Marottoli said that they are seeking to reinstate the original applications, 300-07 for a 72-room hotel to be located at 1 Parker Avenue. He said that he bought the property 16 years ago and removed the mill building and cleaned up the lot. The Jewel Brook Lodge will have 72 rooms, dining room, pool and all of the amenities for a full-service hotel. It will be affiliated with Hilton as a soft-branded, boutique hotel. Patrons will be able to earn and use Hilton Loyalty points. Backing from Hilton gives banks a better comfort level for financing. The lobby design will incorporate timbers from the old mill and the lobby will be decorated with historic photos of the mill. They applied to the DRB in December 2017 for the local application. Then applied to Act 250. It took 22 months to be approved. Act 250 required a couple of modifications in the design. They were pleased that we restored the brick building. The original design was taller, with dog houses and the front porte-cocheré was also designed taller. The Historic Preservation department wanted us to reduce the mass of the structure so as to allow better sight of the brick building. He said that they returned to the DRB in October 2019 and the DRB approved the changes required by Act 250. In January 2020, the State Economic Development Program through Community Bank approved our funding. In March 2020, the pandemic happened and in April 2020, Community Bank withdrew funding. In March 2021, we were ready with funding and were not aware that our permit expired. This project will benefit the Town and Village of Ludlow with the cost of construction, and a 6-figure/year property tax. Last month, the Village reinstated our water/sewer allocation. There will also be connection fees. The project will create full time and part time jobs – approximately 22. We will have mentoring programs for food preparation and property management. This project fits with the Village plans for development. It will also be a secondary benefit to the local restaurants and ski shops. We will have the support of a major hotel without the big sign.
4. John Boehrer said that the original permit has expired and reinstatement is not an option. They must re-apply for a permit.
5. Sal Marottoli said that he understands that they cannot reinstate the expired permit. He said the name will be the Jewel Brook Lodge. He said that at the previous hearings, there were concerns about headlights and those have been addressed in the site plan, they have added additional trees.
6. Doug Sheehan noted that the drawings submitted say Green Mountain Lodge.
7. Sal Marottoli said that Jewel Brook Lodge will be the title.
8. Andrea Goldman said that she lives downstream from the site and will there be anything that would impede the flow of the Jewel Brook.
9. Sal Marottoli said none whatsoever.
10. Ed Floyd said the project includes a 72-room hotel with one detached unit. There will be an indoor pool; the kitchen will serve a 36-seat restaurant with a combination dining/conference room. The former mill will be an office for 3 employees. The restaurant is included in the traffic study and will be open to the public.
11. John Boehrer said that the traffic study from 6/23/2017 refers to a 72-room hotel, but the traffic study from 9/20/21 refers to 34 condos. John Bruno did the study. John Boehrer referred to page 2 on both studies. Referring to the 34 condos, it said about 23 trips (cars into traffic.) On the 72-room hotel, it said 54 trips. He said that this is a difference of 30 trips. On the documents dated 2021 it says less cars, rated B for Parker Avenue to Route 100. The study from 2017 is rated A.
12. Ed Floyd said that rating is the level of service and it describes how long a car would wait at the intersection to get into traffic. A – Free flowing, B short wait, C about one minute, D several minutes and F is failure. He said that you would look for A or B.

13. John Boehrer said that the 2017 study represents 34 condo units and is incorrect (Exhibit #9 on the list.) and we will need a corrected traffic report. He added that the most recent study recommends shuttle bus service during peak winter season.
14. Ed Floyd said that for Local Act 250, they need to address that the project will not cause an undue burden on the Municipality with respect to education, governmental services and also conformance to town plan.
 - a) Educational services – the estimated number of students that this project will generate is about 1.5 students. He said that only a small number of families will move here for administrative jobs.
 - b) Municipal Services - he said that they will contribute \$.35/square foot, about \$8,575 to the Enterprise Fund and property taxes will be about \$100,000 per year.
 - c) Conformance to Town Plan – the vision statement looks to stimulate growth, to accommodate visitors and families and to preserve the Village vitality.

Porous pavement complies, allowing infiltration of water and is viable for well-drained site. It removes pollutants and filters ground water. This site qualifies. With regard to water/sewer, we will use conservation techniques on the plumbing. He said they will have a 10” water main for fire protection and the sewer is gravity flow. There will be an extensive landscaping plan and they have met with the people from the historic preservation and the fisheries. They had to change some of the plants to make it species compatible with Vermont native species. He showed the plan for traffic flow and said there will be physical barriers to block headlights.
15. John Boehrer said that when cars are departing, the headlights will be coming off the property. How will they mitigate this?
16. Sal Marottoli said there will be physical barriers for the Meyers property.
17. Steve Meyers said that the original permit said there would be hard structures on his property from the barn to the road. Will this be in the new permit?
18. Ed Floyd said the agreement is still in place.
19. Jean Strong asked if it was the same land.
20. Sal Marottoli said yes, the plans from 2017 and revised in 2021.
21. Jean Strong asked them to locate her property on the drawing.
22. John Boehrer said that they have received letters from the Police, Fire, Ambulance and Electric departments. He read the conditions for the Ambulance Department
 - a) Install a public access AED made by Zoil to be compatible with the Ambulance service equipment, with both adult and pediatric pads. It should be installed in a wall mounted AED cabinet in the lobby and clearly marked and registered with the state.
 - b) Hotel staff should be CPR and First Aid certified.
 - c) If there is a gym or pool, there must be an AED in those areas as specified above
 - d) All entrances and exits must be cleared at all times and large enough to accommodate emergency personnel and equipment
 - e) There must be an elevator installed with car of a size to accommodate an ambulance stretcher 24” x 84” with not less than a 5” radius corners in the horizontal open position.
 - f) All doorways must be large enough to fit a stretcher, with ample room on either side of a swinging door to fit the stretcher through
 - g) If exterior doors require a swipe card or key code for entry, they must be staffed at all times to allow the service entry in the event of an emergency or we must be given a master code/ key to access.
23. Sal Marottoli said that if these are conditions for approval, they are acceptable.
24. John Boehrer read the conditions from the Police department
 - a) The project will require additional traffic control measures – there would need to be signs placed both the north and south of the entrance to Parker Avenue warning of vehicles entering and exiting the roadway

- b) Parking lots will need to remain clear of snow banks on the eastern end to make sure visibility of vehicles remains clear while entering onto Andover Street from Parker Ave.
 - c) An alarm system to be in place along with video cameras in lounge and hallways.
25. John Boehrer read conditions in the letter from the Electric Department
- a) The cost to relocate poles and all new electrical infrastructure will be the sole responsibility of the applicant
 - b) The applicant is encouraged to engage the services of Efficiency Vermont to assist in energy efficiency planning
26. John Boehrer said that a letter was also received from Scott Murphy confirming the water allocation and hook-on fees and the wastewater allocations and fees.
27. Sal Marottoli said that if these are conditions for approval, they are acceptable.
28. Lisha Klaiber read the conditions from the Fire Department
- a) A permit is required from the Vermont Division of Fire Safety
 - b) Provide a NFPA sprinkler system in the building
 - c) Provide a fire rated stairwell on each end of the building with standpipe connections on each floor
 - d) Provide standpipe connections on each floor in the center stairwell
 - e) Provide self-closing fire doors between each wing and the lobby and open area on each floor
 - f) No wood burning appliances will be allowed including the fireplace in the lobby area
 - g) Provide a knox box with master keys to access all rooms
 - h) The emergency entrance shall have a siren activated gate to allow access for emergency responders only. The entrance shall be maintained year round
 - i) One fire department connection shall feed the sprinkler and standpipe systems
 - j) A \$.35 per square foot fee is required for the Town of Ludlow Fire Equipment Fund
29. Sal Marottoli said that if these are conditions for approval, they are acceptable.
30. Ed Floyd said some of the conditions are already on the plans.
31. Andrea Sanford said that she has some major concerns. The size of this threatens the life on Andover Street. She doesn't believe there is adequate parking. She said that her property has been used for parking and turn-around and she is concerned that the overflow cars from the hotel will end up on her property. She suggested putting a fence on her property. She is concerned about the lights shining in her house all night long. She feels threatened by the size. She wants proof that a 72 room for traffic and how it will be kept off her yard.
32. John Boehrer said the site plans are available to be seen in the Planning Office.
33. Ed Floyd said there is a parking tally on the site plan.
34. Steve Meyers said that the site plan has frontage as 183 – 186 feet from the bridge to the end of their property. On deeds, it goes to the end of his property. He said that when the mill owned the property, they donated Parker Avenue to the town. Parker Avenue is included in these drawings, but it had been deeded to the town. He said there are 35 feet missing on these plans and asked the board to look into it.
35. Ed Floyd said that the survey was done by Ralph Michael and it shows the Parker Avenue ROW.
36. Sal Marottoli said they have a survey and the site plan fits on the plan.
37. Steve Meyers said that he doesn't want Parker Avenue on the site plan and they never subtracted it from the survey.
38. John Boehrer said that their property goes to the center of Parker Avenue.
39. Steve Meyers said they went through this before and it was never to the proper size. He said that he saw the site plan at Town Hall and doesn't think it's correct.
40. John Boehrer said it is duly noted.

41. Ed Floyd said that the lights will be on posts and will shine downward. They did a photometry analysis and it shows the foot candles. They will try to keep the light from going off site.
42. Steve Meyers wants to lay the site plan on the ground at the site. It doesn't fit.
43. Ed Floyd said they can do a satellite photo.
44. Andrea Sanford asked the hours of operation for the bar and lounge.
45. John Boehrer said that state law says close by 2:00 a.m.
46. Sal Marottoli said they will follow state and local guidelines.
47. Andrea Sanford asked if the restaurant would be open to the residents of Ludlow.
48. Sal Marottoli said yes.
49. Ed Floyd said that in response to connectivity from the lodge to town, the bridge is 34 feet wide. There will be a walkway over grass from the hotel exit, along the road on the property. There will be signs for motorists crossing the bridge that will be detectable strips indicating where to cross the road. John Bruno's study was July 30, 2019. Chris Clough, the traffic engineer, said the walkway should be 5 feet wide and must be ADA compliant.
50. Sal Marottoli said that if these are conditions for approval, they are acceptable.
51. John Boehrer asked if the plan is for the guests to walk on the walkway and noted that there is no Jersey barrier or separation.
52. Ed Floyd said that John Bruno's report goes through VAOT requirements for pedestrian crossing of streets and this complies. This was important to Act 250. He said that the noise projections were done by Engineering Services of Vermont, Mechanical/Electrical engineers and there will be timber fencing around the equipment and at 50 feet, the noise level will be about 30 – 55 dBA – quiet as a bedroom at night.
53. John Boehrer asked, quieter than a library.
54. Ed Floyd said yes, that is the projection. They have a commercial energy standard letter from stating that all systems will be certified to standards, with built in energy conservation standards. He said that with regard to Historic Preservation, the plans were changed to provide a clearer line of site and other little tweaks to highlight the brick building. He said there is also Storm Water application from the state. We have also included the water/wastewater permit for a 72-room hotel, with 36 seat restaurant and 50 seat conference area. He added that there is a current Act 250 permit.
55. John Boehrer asked if the board has any questions.
56. Andrea Sanford asked if the board is thinking about what a bar open until 2:00 a.m. will mean to the residents. It is a dangerous road.
57. Steve Meyers said that he would like the site plan justified before the board issues a permit. He wants to see the measurements.
58. John Boehrer said that a licensed architect has submitted the plans with the size of the property. He would like to know if it is incorrect or if we have been deceived.
59. Steve Meyers said it is a miscalculation. He wants a site visit. The precedent has been set.
60. Phil Carter suggested that the board recess this hearing. He has a list of items that he would like to discuss. We haven't discussed the height, size, windows or color. We need to look into Mr. Meyers' concerns.
61. John Boehrer said there is more information to be provided.
62. Ed Floyd said there is nothing else to submit. The survey was done by Ralph Michael.
63. Rose Goings asked the date of the survey.
64. Ed Floyd said May 20, 2005.
65. Rose Goings said she can go out with Mr. Meyers and Ron Tarbell to do the measurements and bring them back to the next board meeting. She said that the board can also do a site inspection as a group. She said that this has come up before.
66. Steve Meyers said that when the survey was done, the mill still owned the property.
67. Julie Bowyer said that a site visit for the board would be prudent.

68. John Boehrer said the board will get together to schedule a site visit.
69. Rose Goings said they need to schedule it before the next meeting and earlier in the day, before the sun goes down. The next meeting is 12/13/2021.
70. Sal Marottoli asked if the board would like to discuss the siding or materials. He said the height meets standards. The siding will be shake and hardie board. The windows will be black grill with cottage grill work. There will be 2 cedar pergolas. The colors will be sage green and cedar and the roof shingles will be charcoal. There will be stone trim along the lower portion of the building. The windows will open and have appropriate safety locks for children.
71. John Boehrer asked the overall dimensions.
72. Ed Floyd said 234' x 78'.
73. Julie Bowyer asked if the board should proceed with the details before confirming Steve Meyers' concerns.
74. John Boehrer said that anything now on the record will stay on the record. There will be more information provided at the meeting next month.
75. Doug Sheehan asked the dimensions of the old mill.
76. Ed Floyd said he doesn't have the exact dimensions, but it was larger. He said the plans for the 34 condos were bigger than these plans. The structure we are proposing is smaller.
77. John Boehrer said they should schedule the board site visit sooner than later. We will recess this hearing until December 13th.
78. Rose Goings suggested a site visit at 3:00 p.m. on December 13th.
79. John Boehrer said the board will discuss a date that all can make.
80. **MOTION by Julie Nicoll and seconded by Doug Sheehan to recess this hearing until December 13, 2021.**
81. Julie Nicoll said the board will discuss the list from Phil Carter.
82. John Boehrer said they need a corrected traffic study.
83. Rose Goings said she will send the letter from the sidewalk to Stephanie Guile dated September 11, 2019. They will discuss the information from Christopher Clough about material on the walk path for ADA compliance. She said they also need to discuss lighting. The questions in the letter were not answered or we don't have a copy of the answers.
84. **Motion passed unanimously.**

III. **OTHER BUSINESS – VICTOR Gangi – Request to Change Subdivision Access for Lot #2.**

1. Victor Gangi said that they bought 67 acres off Old Weston Road; they will not subdivide the land, but will build a home on it. They have put 45 acres into the current use program. They will build a single-family home on one lot and have a state wastewater permit. The drawings show the driveway off Candeleros Court. There are no residences on that road. He would like to change the driveway location for lot #2 to Old Weston Road. Candeleros Court would be a longer driveway. A driveway off Old Weston Road would be shorter, with less maintenance.
2. John Boehrer said that the board does have the diagram for lots 2 – 6.
3. Victor Gangi said that 2 adjacent lots abut Old Weston Road and it is a shorter distance to the house site. He said there are wetlands and Otter Creek Engineering mapped the wetlands on a drawing dated 10/29. There is space that would not encroach on the wetlands. It will be a gravel driveway. We have put a chain and gate on the road. There is evidence that people have had bonfires there, with alcohol. There has been trash dumped there. He said he had filed a report with the police. There were also roofing shingles dumped there. He wants to limit public access and does not want to maintain Candeleros Court. He would like to build next year.
4. John Boehrer asked Victor Gangi to send a copy of the Otter Creek assessment to Rose Goings.
5. Victor Gangi said he will also provide a copy of the road maintenance agreement from the former owner that would be in effect if all of the lots were sold. We own all 5 lots (67 acres) and the agreement was filed with the town, but the land won't be developed.
6. Julie Nicoll asked what would be the difference in the length of the driveway.
7. Victor Gangi said off Old Weston Road it will be about 150 feet. Off Candeleros Court it would be between 900 and 1,000 feet.
8. John Boehrer said the board can discuss this further at the next meeting.

IV. **MINUTES**

1. October 25, 2021
 - a. Julie Nicoll said that on page 7, item #40 should read "...this hearing until they have a conference..."
 - b. **MOTION by Julie Nicoll and seconded by Doug Sheehan to approve the minutes from October 25, 2021 as corrected. Motion passed unanimously.**

V. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Doug Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:46 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Doug Sheehan

Julie Bowyer