

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

October 22, 2012

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

MEMBERS ABSENT:

Rose Goings

OTHERS PRESENT:

Brett Bartolotta	Steve Greene	Ted Reeves
Ayul Baram	Scott Kilgus	Paul Romahn
Ella Briggs	Eric Lever	Andrea Sanford
Tesha Buss	Leslie Lever	Bob Sanford
Mike Doran	Sal Marottoli	Duncan Love – LPC TV
Warren Eastwick	Greg Mauriello	Lisha Klaiber, Recorder
John Finkel	Steve Mongeon	
Ed Floyd	Jean Morrill	

1. **CALL TO ORDER**

A. Meeting opened at 6:01 p.m. by Phil Carter. All members present

2. **OPEN THE PUBLIC HEARING FOR GRUMMAN SKI CLUB, INC.**

- A. Phil Carter advised that this is an application for a Design Review to allow for a change in the roof line on the Mobile Home. Property is located at 98 Main Street in the Village Preservation District
- B. Rose Goings advised that this is application 371-13-DR. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Paul Romahn advised that the club wishes to change the roof line on the existing mobile home for more pitch for the snow. In the first phase, they would like to insulate the roof and make the new roof standing seam. In the second phase, they would like to remove the existing siding and replace it with vinyl side to match the lodge, white with blue trim, running horizontally. They will also replace the windows and back door of the mobile home.
- E. Linda Petty asked about exterior lighting.
- F. Paul Romahn said there would not be any changes to the lighting.
- G. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing.**
Motion passed unanimously.

3. **OPEN THE PUBLIC HEARING FOR KATE CHERTAVIAN**

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- A. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development to allow for a mudroom addition. Property is located at 360 Okemo Trailside Extension Village IV 37A Sachem in the Mountain Recreation District.
 - B. Rose Goings advised that this is application 128-98-PRD, Amendment # 32. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
 - C. Phil Carter administered the oath to all wishing to speak at this hearing.
 - D. Scott Kilgus advised that this project is the same as several previous projects. The applicant wishes to enclose the existing deck to make a mudroom.
 - E. Phil Carter asked about the footprint.
 - F. Scott Kilgus said there would be no changes to the footprint.
 - G. Phil Carter said that this board has seen quite a few of these projects.
 - H. Linda Petty asked about the pitch of the roof.
 - I. Scott Kilgus said there would be no changes to the roof and indicated this on the drawing.
 - J. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR KYLE AND MEREDITH MC CLEMENTS**

- A. Phil Carter advised that this is an application to consider an amendment to a Planned Residential Development to allow for a mudroom addition. Property is located at 164 Okemo Trailside Extension Arapaho 19C Sachem in the Mountain Recreation District.
- B. Rose Goings advised that this is application 128-98-PRD, Amendment # 31. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Brett Bartolotta advised that the applicant wishes to partially enclose the existing deck to make a mudroom, measuring about 4 feet by 12 feet. The balance of the deck will remain. This is the first one in this village.
- E. Phil Carter asked about the footprint.
- F. Brett Bartolotta said there would be no changes to the footprint.
- G. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR TESSA BUSS**

- A. Phil Carter advised that this is an application for a Conditional Use permit to allow for a two (2) bedroom apartment in the existing barn. Property is located at 492 Rod and Gun Club Road in the Town Residential Commercial District.
- B. Rose Goings advised that this is application 372-13-CU. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Tessa Buss advised that the space has been livable. She would like a permit to make a two bedroom apartment converting the hayloft of the barn.
- E. Phil Carter asked if this is existing space.

- F. Tesha Buss said yes.
- G. Phil Carter asked if this is on the 2nd floor of the barn.
- H. Tesha Buss said yes. She said that she had previously lived there.
- I. Phil Carter asked if she had contacted Fire/Safety.
- J. Tesha Buss said yes. If the Conditional Use permit passes, then the fire marshal must inspect the premises because it would be a residence within a commercial building. She said that she thinks that she already has everything in place that Landon Wheeler said would be needed.
- K. **MOTION by Richard Harrison and seconded by Linda Petty to close this hearing.**
Motion passed unanimously.

6. **OPEN THE PUBLIC HEARING FOR JEWELL BROOK DEVELOPMENT, LLC**

- A. Phil Carter advised that this is an application for an Amendment to a Conditional Use permit to create a phasing plan. Property is located at 1 Parker Avenue in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 300-CU-07, Amendment #1. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Ed Floyd explained that the permit for this project was granted 2 years ago. They have been planning the demolition and looking at recycling and hazardous materials. They started by removing the metal siding. They would like an extension of the permit. He referred to Phase I on the drawing, saying that the building would be demolished in 3 sections, wood, steel and brick. New construction would also be in phases. The existing office will remain as is. They will use the parking lots to sort out materials before removal. He explained that the applicant, Sal Marottoli has done several similar projects and has a lot of experience.
- E. Phil Carter asked about the time line. He added that the building needs to come down.
- F. Ed Floyd said that they are ready to start work as soon as possible. They already have Act 250 approval.
- G. Phil Carter asked if this board is the last hurdle.
- H. Sal Marottoli said they will start as soon as they get the permit from this board and the appeal waiting period has passed. They would like to start before winter.
- I. Phil Carter asked about asbestos.
- J. Sal Marottoli said that the contractor, Catamount Environmental has a plan that has been approved by the state. There is some small stuff and light bulbs.
- K. Richard Harrison asked if they would be closing up the buildings at night.
- L. Sal Marottoli said that would not be easy, there will be holes. He expects it to take about 6 to 8 weeks for deconstruction and there will be a site manager there during the day. There won't be much there of any value.
- M. Phil Carter noted that according to the letter the police and fire departments will be on top of this. He said this board would like to get this moving.
- N. Eric Lever asked about the pitch of the roof near Route 100.
- O. Phil Carter said that the original permit may be seen in the Planning Office and the new building would be back about 30 feet.
- P. Andrea Sanford asked when the part by Route 100 would start.
- Q. Sal Marottoli said that would be in the 2nd phase.
- R. Andrea Sanford asked if Sal Marottoli owned the open bays across the street.
- S. Sal Marottoli said no.

- T. Rose Goings advised that the board may approve this on the record because it is only a phasing hearing.
- U. Phil Carter said he would take a motion for an UP or DOWN vote.
- V. **MOTION by John Boehrer and seconded by Richard Harrison to approve this application. Motion passed unanimously.**

7. **OPEN THE PUBLIC HEARING FOR OKEMO LIMITED LIABILITY COMPANY**

- A. Phil Carter advised that this is an application for Local Act 250 review to allow for the addition of four (4) new gladed ski trails. The project is located on Mountain Road in the Mountain Recreation District.
- B. Rose Goings advised that this is application 373-13-ACT250. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. John Boehrer recused himself from this hearing.
- E. Mike Doran advised that this is the first hearing; the next will be the Conditional Use permit. They wish to create 4 new ski trails in the middle of the existing trail network. People have been skiing there already. He addressed the 3 criteria for Local Act 250.
 - i. This project poses no burden on the Municipality for Education. He explained that this is not a residential project, will not create any additional jobs and no additional student enrolment.
 - ii. This project poses no burden on the Municipality for government services. There is no change in the level of services.
 - iii. This project conforms to the town plan. This is the Mountain Recreation District and outdoor recreation is in conformance with the town plan and zoning.
- F. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

8. **OPEN THE PUBLIC HEARING FOR PHIL CARTUCCI**

- A. Phil Carter advised that this is an application to consider a two (2) lot subdivision. Property is located at 698 West Hill Road in the Mountain Recreation District.
- B. Rose Goings advised that this is application SUB13-003. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Steve Mongeon advised that the applicant would like to subdivide 12 acres into 2 lots of about 6 acres each with 270 feet of frontage on West Hill Road. Each lot will have stand-alone well and septic. They will split the driveway.
- E. Phil Carter asked about wetlands.
- F. Steve Mongeon said that there are no mapped wetlands but the southwest corner has some wet spots, but they are not mapped.
- G. Phil Carter read from the drawing that Lot 1 would be 6.04 acres and Lot 2 would be 5.94 acres. He asked about the driveway.
- H. Steve Mongeon said that out would be about 10-12 feet wide for about 40 feet and would be shared by both owners.

- I. John Boehrer asked about the building on lot 2.
- J. Steve Mongeon said there is only a slight interest in the building. There is no final determination at this time.
- K. John Finkel asked where the wells and septics would be located.
- L. Steve Mongeon indicated locations on the drawings.
- M. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

9. **OPEN THE PUBLIC HEARING FOR RAY AHERN**

- A. Phil Carter advised that this is an application to consider a three (3) lot subdivision. The property is located at 27 Sears Farm Road in the Town Residential Commercial District.
- B. Rose Goings advised that this is application SUB13-02. Posted in the Town Hall bulletin boards October 2, 2012, advertised in THE VERMONT JOURNAL on October 3, 2012 and abutting property owners were notified on October 2, 2012.
- C. Phil Carter administered the oath to all wishing to speak at this hearing. Mr. Carter advised those present that this is a new hearing and anything discussed at the previous hearing for Mr. Ahern is not to be discussed. No evidence has been presented for this hearing yet.
- D. Steve Mongeon advised that the applicant wishes to subdivide the property into 3 lots to allow for more flexibility for sale. Well shields will be contained within the lots.
- E. Phil Carter asked about the driveways.
- F. Steve Mongeon said that Lots 2 and 3 would have separate drives off Rod and Gun Club Road.
- G. Eric Lever asked about the Woods Road indicated on the drawing.
- H. Steve Mongeon said it is an existing road.
- I. Eric Lever said it was a skid for logging.
- J. Steve Mongeon said it would be on lot 3 and has no purpose in the current plan.
- K. Phil Carter read from the drawing that lot 1 would be 1.2 acres with the existing house; lot 2 would be 1.85 acres and lot 3 would be 2.0 acres.
- L. Julie Nicoll noted that in his earlier testimony, Steve Mongeon had said that well shields would be contained within the lots. Referring to the drawing, she asked about the well shield for lot 1.
- M. Steve Mongeon noted that Julie Nicoll was correct. Well shields for lots 2 and 3 would be contained within the lots. The well shield for lot 1, existing, crosses over onto Lever property.
- N. Richard Harrison said that you don't know if they will develop the Rod and Gun Club building.
- O. Eric Lever voiced his concern about the water supply for all of the wells up there.
- P. Warren Eastwick wants assurance that this will not cause serious problems for the neighboring wells. He wants an independent water study done.
- Q. Phil Carter asked Mr. Eastwick what the flow rate of his well is.
- R. Warren Eastwick said he does not remember, but that he does have trouble watering his lawn.
- S. Phil Carter asked Eric Lever what the flow rate of his well is.
- T. Eric Lever said 1 GPM and 425 feet.
- U. Phil Carter asked Steve Mongeon what the flow rate of Mr. Ahern's well is.
- V. Steve Mongeon said the well is 200 feet and 12-13 GPM.
- W. Phil Carter asked Steve Mongeon what his position is regarding Mr. Ahern's well as a test well.
- X. Steve Mongeon said that he really does not know the dynamics of the other wells. Mr. Ahern's well is the most recently drilled well and the information is strong – 200 feet deep and

- 12-13 GPM. He said that he does not know about how the other wells were drilled. He said that Mr. Ahern does not want to do a study of the neighbors' wells.
- Y. Phil Carter said this is an interesting situation. There are 5 wells to be considered; the two new proposed wells and the 3 existing wells. One of the existing wells, Mr. Ahern's is 12-13 GPM at 200 feet. It is downhill and to the east of the proposed wells. Mr. Lever's well is NE of and closer to the proposed wells. Mr. Eastwick's well is WSW of the proposed wells and has a low flow rate.
- Z. Warren Eastwick said that his well is higher in elevation than the proposed wells.
- AA. Phil Carter noted that Steve Mongeon said that the applicant does not want to have a hydrological study done and says that Mr. Ahern's well is an indication of the water supply.
- BB. Richard Harrison said that is not good for him.
- CC. Steve Mongeon said that the applicant would still have to go through state certification. The information about his existing well would be considered. Steve Mongeon said that he does not know the drilling conditions of the neighbors' well. Mr. Ahern's well shows that there is water available. Mr. Ahern has no interest in shorting the other wells.
- DD. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing. Motion passed unanimously.**

10. **OTHER BUSINESS**

- A. Phil Carter said he would sign the Mylar for the Blanchard subdivision.
- B. Waivers
- i. Phil Carter advised that the Planning Commission has been working on updating the zoning regulations and the question arose as to whether to include waivers. They provided draft examples from other towns, Waitsfield, Barre, Chester. He said that he responded to the Planning Commission that he is leery about giving the DRB the ability for subjective decisions. This board should be able to make decisions based on the best interpretation of clearly written guidelines. We need to be careful of "reasonable" uses. They should be objective and clearly spelled out.
 - ii. Richard Harrison said that he is not in favor of waivers.
 - iii. Phil Carter asked who is to make the determination as to what is reasonable. What one person may consider reasonable, another may not.
 - iv. Rose Goings asked when would she have to make the determination what would be a waiver and what would be a variance.
 - v. Phil Carter said that Plymouth has very specific stipulations for waivers. He said that DRB membership changes over time. What one board may consider reasonable and grant a waiver, the next board may not allow a waiver for. Then the applicant might pull previous board decisions.
 - vi. Rose Goings said that one use for a waiver would be ADA, but variances allow for that.
 - vii. Julie Nicoll said that this board hasn't seen a need for waivers.
 - viii. Rose Goings said that she is not in favor of waivers and thinks they would become a hardship in zoning. Who determines reasonable use?
 - ix. Phil Carter said that he has been on this board a long time and zoning needs to be spelled out as best as possible.
 - x. John Boehrer asked if having waivers would make this group better.
 - xi. Phil Carter said that variances can address many issues.
 - xii. John Boehrer agreed.

- xiii. Phil Carter said that language in the drafts from the other towns may be problematic.
 - xiv. Julie Nicoll said that she has never wanted waivers and feels that this board has the tools that it needs in variances.
 - xv. Richard Harrison said that this board can take care of hardships.
 - xvi. Phil Carter said that if we grant a variance, we have a legitimate and good reason. We have granted variances for hardships. He said that he is not comfortable with waivers.
 - xvii. Richard Harrison said he is not in favor of hardships.
 - xviii. Rose Goings said that DRB members may come to Planning Commission meetings to give input. They are the ones that use zoning regulations in their decisions.
 - xix. Phil Carter polled the board and the consensus was not in favor of waivers.
- C. Court Cases
- i. Phil Carter advised that the Environmental Court ruled in favor of the town on all counts for the Notice of Violation. He added that Rose Goings got a letter from Chris Callahan advising that the Edgars will remove the offending portion.
 - ii. Phil Carter advised that the Tesha Buss project decision has been appealed.

11. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of September 10, 2012.
- B. Phil Carter noted that on page 3, item 3G, it should read "Phil Carter asked for confirmation for the record..."
- C. Phil Carter noted that on page 4, item 4G should read "...if they would pick up at the mine or plant area."
- D. Phil Carter noted that on page 4, item 4O, should read "... the distance from the mine to the mill."
- E. ***MOTION by Julie Nicoll and seconded by John Boehrer to accept the minutes from September 10, 2012 as corrected. Motion passed unanimously.***

12. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Phil Carter to adjourn to Deliberative Session. Motion passed unanimously.**
- B. Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison