

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

Monday – October 24, 2022

6:00 P.M

Join Zoom Meeting

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MEMBERS PRESENT

John Boehrer, Vice Chair

Julie Nicoll

Doug Sheehan

George Tucker, Jr.

MEMBERS ABSENT:

Phil Carter, Chairman

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden

Don Briggs

Dan Hanover

Gerard McGuinness

Alexandra Racicot

Shon Racicot

Gary Rapanotti

Ted Reeves

Mike St. Lawrence

Rich Votto

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

1. John Boehrer opened the meeting opened at 6:01 p.m. All members are present, except Phil Carter

II. **OPEN THE RECESSED PUBLIC HEARING FOR OKEMO HEIGHTS, LLC.**

1. John Boehrer advised that this is an application for an eight (8) lot subdivision in the Village Residential zoning district. The hearing was recessed from the meeting on July 11, 2022 and August 8, 2022.
2. Rose Goings advised that the applicant is working on some issues and has asked for additional time.
3. Ted Reeves asked for a recess until the December meeting.
4. **MOTION by Julie Nicoll and seconded by George Tucker to recess this hearing until the December 2022 meeting. Motion passed unanimously.**

III. **OPEN THE RECESSED PUBLIC HEARING FOR RICHARD VOTTO**

1. John Boehrer advised that this is an application for a 2-lot subdivision in the Mountain Recreation District. It was recessed from the meeting on August 8, 2022.
2. Rose Goings advised that the applicant needed for the map to show 2 driveways and the private road, ROW, 50 feet wide. He has submitted this, along with the deeds. She said that both lots will be for single family homes.
3. George Tucker said that he sees the Ambulance and Fire letters, but not the Police.
4. Rich Votto said that he gave the paperwork to Rose Goings on August 11, 2022.
5. Rose Goings said she will make sure the letters will be part of the file.
6. **MOTION by George Tucker and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

IV. **OPEN THE PUBLIC HEARING FOR SHON AND ALEXANDRA RACICOT**

1. John Boehrer advised that this is an application to amend a conditional use permit to expand the existing ski shop, The Boot Pro, into the additional unit that was previously permitted for a restaurant. The project is located at 44 Pond Street in the Village Residential Commercial District.
1. Rose Goings advised that this is application 467-18-CU, Amendment #1. At the time this hearing was first addressed, the agents were not present. Rose Goings said that she is familiar with the application and as Zoning Administrator; she had worked with the applicants. Rose Goings advised that this is application 492-23-CU and SUB23-005. Posted in the Town Hall Bulletin Boards and the Post Office Bulletin Board and on the website on October 3, 2022 and advertised in THE VERMONT JOURNAL on October 5, 2022 and abutting property owners were notified on October 3, 2022. She said we received letters from Fire, Ambulance and Police.
2. Shon Racicot said that they have bought the space and expanded the shop into that space.
3. John Boehrer asked if there would be any changes to the exterior or footprint.
4. Shon Racicot said no.
5. John Boehrer asked about changes to outside lighting.
6. Shon Racicot said none.
7. George Tucker asked about added bathrooms.
8. Shon Racicot said none.
9. Rose Goings said that they will be keeping these all as separate condos and they would be able to sell them if they want to. This is unit #3.
10. George Tucker asked if they had spoken to the fire marshal.

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11. Shon Racicot said they have been working with Jay Moody and will be meeting with a structural engineer.
12. Rose Goings said that we don't have a copy, but can get it from Jay Moody, Alex Racicot or Shon Racicot.
13. John Boehrer asked hours of operation.
14. Shon Racicot said they will be the same and will fluctuate through the season as needed.
15. Rose Goings asked the hours.
16. John Boehrer said that if they limit the hours, and need to expand them, they will have to come back to the DRB. He suggested 6:00 a.m. to 12:00 midnight.
17. Shon Racicot said 7 days per week.
18. Doug Sheehan asked if it is all one floor.
19. Shon Racicot said it is the same as it has been, upper and lower levels with walkway.
20. Rose Goings said that the change of use follows the property.
21. **MOTION by George Tucker and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

V. **OPEN THE PUBLIC HEARING FOR GERARD MCGUINNESS**

1. John Boehrer advised that this is an application for a 9-lot subdivision in the Aquifer Protection District.
2. Rose Goings advised that this is application 492-23-CU and SUB23-005. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website on October 3, 2022 advertised in THE VERMONT JOURNAL on October 5, 2022 and abutting property owners were notified on October 3, 2022. She said we received letters from Fire, Ambulance and Police.
3. John Boehrer administered the oath to Ted Reeves, Gary Rapanotti and Gerard McGuinness.
4. Ted Reeves said this is an 8-lot subdivision of a parcel that is 57.8 acres. It is located on the south side of Route 100 S, about 4 miles south of the village. The parcel is located in the Town Residential and Aquifer Protection Districts. He said that the regulations are more stringent in the Aquifer Protection District than the Village Residential District and as such, the project is designed to comply with the Aquifer Protection District. He said that this project will make 9 new lots, 8 for single family homes and the 9th lot has deferred development language. They have wastewater system and potable water permits. Lot 1 has an existing septic system and it will be moved to the other side of the lot. The Wastewater permit is WW2-6865 dated 7/6/2022. The roads are designed to conform to subdivision regulations and town road construction requirements. There will be two 10-foot travel lanes and 2-foot shoulders on both sides of the road.
5. John Boehrer asked if there is a copy of the wastewater permit.
6. Ted Reeves said if not, he will get it to them, it was recorded in the town records on July 8, 2022.
7. Ted Reeves said the new road will be about 2,900 feet long and end at a 75-foot cul-de-sac. He said that parcel #8, on the northwest corner, will have its own driveway off Route 100, not the central road. He said that the storm water design was submitted to the state in May, but he is still waiting for comments from the state. He said the subdivision plan was done by Gary Rapanotti. The site plans are divided into North and South. The erosion control plan is C4 and the Structural Plate Arch and Road details are C5 and C6 is the proposed High Ridge Road Centerline Profile. He said that he has also enclosed draft covenants.
8. John Boehrer asked about the Erosion Control and if they have addressed the water and stream plan.

9. Ted Reeves said drawings C1, C2 and C3 show this. C1 shows the Jewel Brook and the 2 smaller, intermittent streams that don't run all year. The buffers are also shown,
10. George Tucker said the Jewel Brook runs over parcels 8 and 1.
11. Ted Reeves said the intermittent streams are on parcels 7 and 2 and other streams on 5, 8 and 3.
12. George Tucker noted that one of the streams shows big, precast concrete walls. He said that C3 shows the road and driveway for parcel #6. He said he didn't see any planned culverts there like the one on the north side.
13. Ted Reeves said there is a big fill in the middle of that area. There is another 18-foot culvert and small drainage area. There is standard, and there is no headwall. The bigger one is shown on C5. He said that is vastly different from the others.
14. Ted Reeves said we have to build a bigger culvert because of the size of the well.
15. Julie Nicoll asked about well shields, noting that they are on other lots.
16. Ted Reeves said they do cross over, but they are all confined to the subdivision. He said they made sure not to go onto a 3rd party property.
17. Julie Nicoll said we have not allowed that in the past.
18. Rose Goings said these are not going onto abutting properties but are all in the subdivision. She asked about a Water Source Plan. How is it going to be protected. She asked about lot 40 and why is it deferred. She said that the declaration did not contain a Water Source Protection Plan and that has to be included in the deeds. It is very important to the village.
19. Ted Reeves said the project is in the source protection area overlay and it has its own zoning regulations. We have designed the lots to meet the regulations. We did a time of travel study and it is required to have a minimum of a 2-year time of travel from the septic to the water supply. He said that lot 40 was deferred because Gerard McGuinness wanted to hold it as a "green" space. It may have a use in the future. Now it's for vistas.
20. Rose Goings said she wants to make this clear. The Water Source Protection Plan is different from the Aquifer Protection District. They are 2 separate things. She said that Ted Reeves should have received a letter about isolation zones in the Aquifer Protection District. She asked if they have received the road access permit.
21. Ted Reeves said not the specific permit. The District engineer will come when we are ready.
22. Rose Goings said that Chief Kolenda normally requires roads with a 12% grade to be completely paved if they sell one lot, the road and cul-de-sac must be built and completely paved.
23. Ted Reeves said that is their intent. He said he had discussed this with Chief Kolenda. He said he hasn't seen the chief's letter.
24. Rose Goings said she will send him a copy.
25. John Boehrer asked about the abutting property belonging to Maryann McGuinness and if that was part of the parcel
26. Ted Reeves said he thinks they are separate.
27. John Boehrer asked about the property that Mr. McGuinness owns in Andover and if it abuts this subdivision.
28. Ted Reeves said that he is not aware if they own property in Andover.
29. Gerard McGuinness said it is all in Ludlow. He said that his wife owns a lot at Summit Ridge.
30. John Boehrer asked if he does own property in Andover, would they try to put in a road.
31. Ted Reeves said no. They did explore, but the current plan is the most efficient way to go.
32. George Tucker asked Rose Goings if they should recess this hearing to give them time to do a Water Source Protection Plan.
33. Rose Goings said yes.
34. George Tucker asked about the Storm Water and Road Access permits.

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35. Rose Goings said that when Neff did his subdivision, there was a proposed amount of cutting, limited and size of trees. They were concerned about night light down to Route 103. She asked how much cutting they will do for each lot and asked if that is included in the plan.
 36. Ted Reeves said the Covenants talk about how much will be cleared. It also addresses Dark Sky Initiative. He said that he will talk to Mr. McGuinness and see if they can put it in the Covenants.
 37. Rose Goings asked about the elevation of lots 5 and 4.
 38. Ted Reeves said about 2,200 feet.
 39. Rose Goings said that it must hit the Ridgeline Overlay District.
 40. Ted Reeves said they don't. It goes to the east and ends several hundred feet away.
 41. Rose Goings asked if they have spoken to a forester about a bear, deer and wildlife analysis, they cut through that area.
 42. Ted Reeves said that there was nothing shown in the Vermont Natural Resource Atlas. It was not mapped. We have addressed the online tool from the Agency of Natural Resources. It is continually updated.
 43. Rose Goings said that area was listed as a Bear Corridor in the past.
 44. George Tucker said that the only thing in the Covenants is that they can't go within 10 feet on either side of the lot boundary.
 45. Rose Goings said the need to update the Covenants. There is nothing in them about the Water Source Protection Plan and the Aquifer Protection district.
 46. Ted Reeves asked if the Water Source Protection Plan is available online.
 47. Rose Goings said she will email them a copy. It's available through the Wastewater Treatment Department.
 48. Ted Reeves asked if Joe Gardiani has access to it.
 49. Rose Goings said absolutely and also the Vermont Department of Environmental Conservation. Rose Goings said that we want people to know how to protect our water supply. She added that each house site is permitted for 5 bedrooms.
 50. John Boehrer asked about the Erosion Control Plan.
 51. Ted Reeves said it is in the packets that he submitted. It will go to the state. The Construction drawings are more specific and should he stone check dams.
 52. John Boehrer asked about the Fire, Police and Ambulance letters.
 53. George Tucker said the only restriction is from the Police that require alarm systems in the houses.
 54. Rose Goings said that the project was originally warned for 8 lots, but it is 9. She said that she hadn't caught that lot #40 is lot #9. The lots area all within the same subdivision and lot 9 is the deferred lot.
 55. Ted Reeves said we agreed to keep the project going.
 56. Mike St. Lawrence said that he will look at the plan, but there is a tremendous amount of water that comes down from that hill.
 57. John Boehrer said we will look at the storm water design when it comes back from the state.
 58. Ted Reeves said the biggest issue is to get together with Joe Gardiani about the Water Source Protection Plan and to address it in the covenants and to get the access permit from the Agency of Transportation.
 59. Rose Goings said she will send Ted Reeves whatever you need.
 60. Ted Reeves said that, in the past, the town has issued permits contingent upon the issuance of the Storm Water permit from the state.
 61. **MOTION by George Tucker and seconded by Doug Sheehan to recess this hearing until November 14th. Motion passed unanimously.**

VI. **OTHER BUSINESS**

1. Rose Goings said that everything else is going well. She hopes that Phil Carter will be back next month
2. Next Meeting
 - a. Rose Goings said that the next meeting will be on November 14, 2022. She said that it will be a ZOOM meeting and a busy meeting. She said that Lara Fram will be coming to that meeting (from Trailside.) That hearing has been remanded back to the DRB from the state.
 - b. Rose Goings said that Russ Hurlburt has postponed his hearing until the November meeting.

VII. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Doug Sheehan to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan

George Tucker, Jr.

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