

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

**Monday – October 25, 2021
6:00 P.M**

PHYSICAL LOCATION: HOWARD BARTON JR, CONFERENCE ROOM
37 Depot Street, Ludlow, VT

Join Zoom Meeting Online:

<https://us02web.zoom.us/j/89445497136?pwd=aVI5WkVKOXN3VGdGZnFBN3lvQ2ltdz09>

Meeting ID: 894 4549 7136

Passcode: 480295

To dial in by phone - +1 929 436 2866

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Find your local number: <https://us02web.zoom.us/j/89445497136?pwd=aVI5WkVKOXN3VGdGZnFBN3lvQ2ltdz09>

MEMBERS PRESENT:

Phil Carter, Chairman

Julie Nicoll

Doug Sheehan

Julie Bowyer

MEMBERS ABSENT:

John Boehrer, Vice Chairman

STAFF PRESENT:

Rose Goings

Lisha Klaiber, Recorder

Patrick Cody- Okemo Valley TV

OTHERS PRESENT:

Eric Alden

Carol Gifford

Larry Slason

Andrew Becker

L. A. Montagne

Emily Sullivan

Doug Burns

Ted Reeves

“Kettlebrook”

Alex Eatmon

I. CALL TO ORDER

1. Chair, Phil Carter opened the meeting at 6:01 p.m.

II. OPEN THE PUBLIC HEARING FOR CAROL GIFFORD AND EMILY SULLIVAN

1. Phil Carter advised that this is an application to change the use of the retail store into a Veterinary Clinic. The property will also have another commercial unit for rental. There is an existing apartment in the structure that will remain as is. The property is located at 72 Pond Street in the Village Residential Commercial District.

2. Rose Goings advised that this is application 226-03-CU, Amendment #1. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 6, 2021, advertised in THE VERMONT JOURNAL on October 6, 2021 and abutting property owners were notified on October 7, 2021.
3. Phil Carter administered the oath to all those (Carol Gifford and Emily Sullivan) wishing to speak at this hearing.
4. Carol Gifford said that their current location is 185 Main Street and they need more space. They would like to move the clinic to 72 Pond Street. They will offer the same services and hope to see more clients. They will have more parking.
5. Phil Carter asked the hours of operation.
6. Carol Gifford said the hours are currently 4 days per week and 8 to five.
7. Phil Carter explained that they can ask for longer hours and not use them, but if they limit the hours, and want to increase them they will have to come back to this board.
8. Carol Gifford said the hours of operation will 7 days per week, from 8:00 a.m. to 9:00 p.m. She said that this is their second location and they do hope to increase the business in the future.
9. Phil Carter asked about changes to the exterior.
10. Emily Sullivan said it would remain the same.
11. Carol Gifford said they may pave the side parking area.
12. Phil Carter noted the current permit says there is no parking on Route 103 and this includes delivery trucks. He said it would be the clinic's responsibility to control this.
13. Carol Gifford said that is okay.
14. Phil Carter asked if the rental unit would remain.
15. Carol Gifford said yes.
16. Phil Carter said that the Fire Department letter said they have no issues. He said that the Ambulance letter states that the entrances and exits of the building should remain clear at all times with ample room for emergency personnel and equipment. Doorways and hallways should be large enough to accommodate a stretcher and the building should be handicapped accessible.
17. Emily Sullivan said the building is one floor.
18. Carol Gifford said the bathroom is not handicapped accessible, but they will fix it.
19. Phil Carter asked about Municipal services.
20. Rose Goings said that the sewer and water have been approved and that the Police Chief has no issues.
21. Julie Bowyer asked if they would have additional retail space.
22. Carol Gifford said that it would possibly be an office space, possibly real estate, with a second entrance.
23. Phil Carter clarified that it would be an office, not retail space. He said that if they decided to make it a retail space, they will have to come back to the DRB. It will be a veterinary clinic, rental unit and an office.
24. Doug Sheehan asked if they will be boarding animals.
25. Carol Gifford said no, but if an animal is sick, they may keep it overnight. They will not be boarding animals. They will also not be keeping animals outside.
26. Rose Goings asked about the fire marshal.
27. Carol Gifford said they have spoken with him, but will meet with him after the renovations are complete.
28. Rose Goings suggested that they get on his appointment list now.
29. Phil Carter said if there are conditions from the fire marshal, they will be conditions of this permit.

30. **MOTION by Julie Nicoll and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter asked the applicants if they would like to address the next three items concurrently. The applicants said that would be their preference.

III. OPEN THE PUBLIC HEARING FOR BULL RUN WATER SYSTEM, INC.

1. Phil Carter advised that this is an application to construct a new water treatment facility on an easement granted by Okemo Mountain Resort (Parcel no. 030235.000.) A new 100,000-gallon water storage tank will be constructed on an existing easement granted by Okemo Realty, Inc. from November 16, 1984 (Parcel no. 030234.000.)
2. Rose Goings advised that this hearing is for applications 485-22-CU, 485-22-PUD and 485-22-ACT250. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 6, 2021, advertised in THE VERMONT JOURNAL on October 6, 2021 and abutting property owners were notified on October 7, 2021. Rose Goings said that letters have been received from Fire, Ambulance, Police and the Electric Company.
3. Phil Carter administered the oath to all those (Ted Reeves and Doug Burns) wishing to speak at this hearing.
4. Ted Reeves said this project has been discussed for several years. The Bull Run Water System services three systems: Kettlebrook, the Okemo Mountain Lodge and the Administration/Resort Services Buildings. The system was formed in 2013 to provide water to those areas. He said that Table #1 of his submittal is an introduction. Since 1984, there is a treatment system and water tank on an existing Okemo Realty easement. In 2018, the state did a survey and found deficiencies that require upgrades. Otter Creek did the design for the treatment facility. The current water tank is 35,000 gallons and provides adequate water permitted. The state requires an additional 60,000 gallons if it supplies fire protection. They hope to put a new 100,000 water tank on the existing Okemo Realty easement. The key element is to secure project funding and hope to get it from the Drinking Water Revolving Fund. If they do not receive the funding, the project will not happen. They do have a commitment for the tank and a verbal commitment for the Water Treatment Facility. They are trying to get an easement from Okemo Mountain for the treatment facility building to be located between the A and B quad lifts. He then addressed the ACT 250 portion of the hearing. There are 3 criteria:
 - a) Will not cause an unreasonable burden on the ability of the municipality to provide educational services
 - i. This project is to provide water to 3 existing, well-defined users. There is no possibility for people to move or have additional students. This is just an upgrade
 - b) Will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services
 - i. This project will provide necessary services to its consumers. They are not asking the town to provide water to the project. Letters have been received from the Police, Fire, Ambulance and electric departments and all can serve.
 - c) Is in conformance with the Municipal Plan as adopted in accordance with the Act.
 - d) The Municipal Plan as adopted in 2019
 - e) Ted Reeves said that his submittal addresses 4 points and this project complies with all of them. It will not be an undue burden to the town

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5. Phil Carter said that there are conditions in Chief Kolenda's letter and will they be able to comply.
 6. Ted Reeves said yes. He said that he has spoken to the Chief and there are no conditions that cannot be met.
 7. Phil Carter noted that in their letter, the Ambulance department requested:
 - a) The road to the facility be maintained in a condition where emergency vehicles can access with ease.
 - b) Any gates that are on the roadway must be able to be opened with a siren.
 - c) the driveway should provide enough room to turn an ambulance around without backing out to the road
 - d) All entrances and exits should be clear and accessible to emergency services and equipment.
 8. Phil Carter asked if they could comply with this.
 9. Ted Reeves said at the bottom of Mountain Road, near B building, they put a cable across the road on November 1st annually. It can't be opened. If there is an accident, ski patrol will handle it. There are no other gates. During the warm months, you can go up Mountain Road and there is easy access. Ted Reeves said that Tab #3 shows the easement and today, we received final comments from the attorney for Vail and we are okay with their comments. He said that he sent them to the Board at Kettlebrook today.
 10. Phil Carter asked Ted Reeves if he is aware that the zoning regulations require that they start construction within one year from the date of issuance of the permit.
 11. Ted Reeves said they hope to start construction in Mid-May of 2022 and complete by December 2023.
 12. Phil Carter said that the DRB is no longer granting extension.
 13. Ted Reeves said he understands. He said that to get the funding, he has to show that he has the permits. Ted Reeves said that Tab #4 describes the Treatment Building. C2 is the proposed building with piping. C3 is the grading plan. C9 are the elevations. This will be a simple wood building with standing seam roof. It will have one light, one door and be built on a concrete slab. Tab #5 is the storage tank.
 14. Phil Carter asked if there would be storm water mitigation.
 15. Ted Reeves said no, because it is less than one acre. He said Tab #5 also has the site plan, with construction details and the dimensions of the tank.
 16. Phil Carter clarified that Ted Reeves said that if there is an issue with the fire department, you said you could meet with Chief Kolenda
 17. Ted Reeves said that he and the chief will have a follow-up conversation. The chief advocates for a larger storage tank. He said if the tank doesn't go through, the chief is not in favor of the project.
 18. Phil Carter said the plans say a 100,000-gallon tank and the fire protection is 60,000. He said that is over.
 19. Ted Reeves said that the state says 35,000 for potable water and 60,000 for fire protection, that would be 95,000 gallons – they rounded up
 20. Doug Burns said that he represents Okemo Realty and they have concerns that the site also has homes. He understands that the project is needed and that they will be able to work this out.
 - a) He said that the height of the reservoir will be a 50% increase and could be reduced if buried. He said that Ted Reeves is talking to the engineer about this. It will look like a concrete bunker
 - b) They would like to see screening of the tank. He said that Ted Reeves will have a landscaping plan for him

- c) Phil Carter asked where that would be located.
 - d) Ted Reeves said that the treatment is inside the building. The storage tank will be where the existing tank is – a concrete monolith.
 - e) Phil Carter asked if Ted Reeves is amendable to landscaping.
 - f) Ted Reeves said they will do their best. They have agreed to develop a landscaping plan with trees. He will work with Doug Burns and Scott.
 - g) Doug Sheehan asked how tall it would be.
 - h) Ted Reeves said 16 feet and they would do new grading soil on the back and front to soften the look. About 13 feet will be exposed.
 - i) Doug Burns said the current height is 11.5 feet and the new one will be about 17 feet – or 16.5 feet.
 - j) Ted Reeves said from the top to the footing and they will try to make it look like it is set into the slope.
21. **MOTION by Julie Nicoll and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**

NOTE: Phil Carter asked the applicants if they would like to address the next three items concurrently. The applicants said that would be their preference.

IV. OPEN THE PUBLIC HEARING FOR SOUTH FACE VILLAGE AT OKEMO DEVELOPMENT COMPANY, LLC

1. Phil Carter advised that this is an application to amend the Conditional Use Permit, Planned Unit Development and the Local Act 250 Permit to revert the permits back to a once previously approved townhouse with twelve (12) units.
2. Rose Goings advised that these are application numbers 334-11-CU, Amendment #5, 334-11-PUD, Amendment #5 and 334-11-ACT250, Amendment #5. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 6, 2021, advertised in THE VERMONT JOURNAL on October 6, 2021 and abutting property owners were notified on October 7, 2021.
3. Phil Carter administered the oath to those (Larry Slason and Andy Becker) wishing to speak at this hearing
4. Larry Slason said that the letters from the fire, ambulance and police are okay and that their exhibits have been submitted. He said that the application is to return to the original project as permitted and approved 12/23/2013. This is about returning building C5. He said that Exhibit G is an overlay, showing the 12 units approved in 2013 with the 2019 change to 3 duplex or 6 units. This is an application to return to the original 12-unit building. There are no other changes to the project. He said that the DRB did make changes to the base lodge. He said that the original plat is on record in town hall and shows C5 as 12 units. There will not be changes to the land records. He said that Exhibit A is the final plat and Exhibit B shows the signature block with Phil Carter's signature. He said that Exhibit C – is the Master Site Plan, drawing WHPP-01, shows wildlife. Exhibit D is the floor plan. Exhibit E is the original Fire Department Letter and Exhibit F is the grading plan, with overlay. He said the current letter from Chief Billings is the same as the original. Paragraph #3 deals with the locked gate and it is siren activated. He said that Andy Becker has notified the chief and provided the override codes.
5. Andy Becker said that the fire, police and ambulance departments have all worked there and

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- all have the 4-digit override code.
6. Larry Slason said that in his original letter, Chief Kolenda discussed fire hydrant location and storage tank size. We have no objection.
 7. Andy Becker said he has met with the chief.
 8. Larry Slason said they will work with the Ambulance department for designing a pick-up location for injured skiers. This is an application to go back to the original project.
 9. Phil Carter asked about the Police reference to alarm system.
 10. Larry Slason said he is not sure what is meant.
 11. Andy Becker said these are single family condos and we don't usually install alarms in single family homes. We can accommodate it at the lodge. He said he will contact the chief.
 12. Phil Carter asked about security.
 13. Andy Becker said it is gated and no public access. He said that when they reach a certain level of occupancy, they will have security.
 14. Phil Carter said that they are presently relying on the Ludlow police.
 15. Andy Becker said if it becomes a burden to the police, they will get private security.
 16. Larry Slason said that in his letter of November 2010 the chief mentioned private security. This project is the same density. He said that we don't disagree with security, but we are far away from the 208-unit density. We don't need private security at this point.
 17. Phil Carter suggested that the reference to alarm system may be about the lodge and facilities building.
 18. Andy Becker said that he agreed about the lodge and that could easily be alarmed.
 19. Phil Carter said that is usually what the chief wants – the commercial ends of the buildings.
 20. Andy Becker said he is willing.
 21. Rose Goings said that in his letter, Chief Billings required not requested, private security. She added that it is hard to find help, including the police and they may not be able to provide service. In his letter of October 22, 2021, the chief said this may have an adverse effect on the police department.
 22. Phil Carter suggested that Andy Becker have further discussions with the chief. He said that their issue is density and at what point does the density justify private security in your opinion.
 23. Larry Slason that they oppose private security for a few units. At what point does project density justify private security.
 24. Phil Carter said that in their letter, the Ambulance Department requests reflective building numbers.
 25. Andy Becker said he would address that and have better ones on the doors.
 26. Phil Carter asked about the impact fee.
 27. Larry Slason said they are asking to return to the originally permitted project. The project was approved in 2013. Vermont Law says that review of the impact fees is attributable to the amendment. We don't think impact fees are warranted for this minimal change unless there is a change of scope; there are no multiple opportunities to revisit something from 7 years ago. It is not legal.
 28. Phil Carter said the DRB does not have the authority to issue impact fees on any project. They can put it in the permit if it exists.
 29. Rose Goings said this is amending a PUD. We have adopted the Stowe Club Highlands analysis.
 30. Julie Nicoll asked the height of the buildings.
 31. Larry Slason said they would be no different than the original permitted project.
 32. Andy Becker said there would not be any change from the original heights.
 33. Larry Slason said the elevations are in Exhibit B, but they would have to look back at the

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- original permit.
34. Phil Carter asked the color of the building.
 35. Andy Becker said they would be muted, natural colors. C5 is called white birch. He does not know the exact colors yet.
 36. Julie Nicoll asked about the \$1,481,040 sewer fees.
 37. Andy Becker said that they have already paid \$550,000 for sewer allocation and will pay \$4,500 for each hook-on fee. He said that they are not using town water and were told that there is more than ample capacity at the sewer plant.
 38. Julie Nicoll said she doesn't understand how that does not impact the town.
 39. Larry Slason said that he has covered what he wanted to cover.
 40. Phil Carter said he would prefer to recess this hearing until have a conference with the police about security.
 41. **MOTION by Doug Sheehan to recess this hearing until the December meeting.**
 42. Larry Slason asked if the board could approve the application with the condition that South Face provide a solution agreed upon by the Police Chief.
 43. Andy Becker said that will be able to reach an agreement with regard to the alarms and security.
 44. Phil Carter said he would prefer to recess the hearing.
 45. **MOTION to recess until the December meeting seconded by Julie Bowyer. Motion passed unanimously.**

V. **OTHER BUSINESS –**

1. There was none.

VI. **MINUTES**

1. August 9, 2021
 - a. Julie Nicoll said she does not recall any corrections.
 - b. **MOTION by Phil Carter and seconded by Julie Nicoll to approve the minutes from August 9, 2021 as presented. Motion passed unanimously.**

VII. **ADJOURN**

1. **MOTION by Phil Carter and seconded by Julie Bowyer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 7:07 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Bohrer

Doug Sheehan

Julie Bowyer