

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

Regular Meeting

September 14, 2015

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

OTHERS PRESENT:

Bill Gibson	Virginia Kottkamp	Ted Reeves
Glenn Heitsmith	Mariel Meringolo	Steve Rolka
Robert Kottkamp	Ken Patel	Lisha Klaiber, Recorder

1. **CALL TO ORDER**

A. Meeting opened at 6:00 p.m. by Phil Carter. All members present.

2. **OPEN THE PUBLIC HEARING FOR WILLIAM GIBSON**

- A. Phil Carter advised that this is an application to for a Design Review to change the current siding on the house to vinyl. The property is located 53 Main Street, in the Preservation District
- B. Rose Goings advised that this is application 436-16-D. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 24, 2015, advertised in THE VERMONT JOURNAL on August 26, 2015 and abutting property owners were notified on August 21, 2015. She said that there are additional binders with color photos.
- C. Phil Carter administered the oath to all (William Gibson) wishing to speak at this hearing.
- D. Bill Gibson said that he purchased the property about five weeks ago and is doing a complete renovation. Right now, it is an eyesore. He is rewiring, re-plumbing and doing a complete update. He is asking the board's leniency to allow vinyl siding in the Preservation District. The siding will last about 25 years, and the next owner may choose to replace the vinyl with wood. He is hiring local contractors. The proposed siding is gray with off white trim. It will look better than the flapping TYVEC.
- E. Phil Carter asked if the siding would have any texture.
- F. Bill Gibson said it will be light gray with a little texture. He added that the person, who will be installing it, did the house next door to this property. The windows will be wrapped in aluminum. He said that from across the street, you would not be able to tell that it was vinyl. He said that the wood is in bad condition and it would cost too much to replace with wood.
- G. Phil Carter asked what happened to the areas where wood is missing.
- H. Rose Goings said that the previous owner was going to tear the house down, but found out they would need a permit to tear it down. They stopped.
- I. Bill Gibson said the siding in the back is unsalvageable.

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- J. Phil Carter asked if Bill Gibson has any ideas about landscaping.
 - K. Bill Gibson said it does need landscaping. He is going to redo the driveway and garage interior. He will remove the concrete step where the door was and put in miscellaneous plantings to fit in with the neighborhood. He is not sure if the driveway will be blacktop or crushed gravel.
 - L. Phil Carter asked if they would be changing the windows.
 - M. Bill Gibson said not in the front at all.
 - N. Linda Petty voiced concerns about vinyl siding installations where the seams are noticeable from the street and asked Bill Gibson if they would be able to avoid seams.
 - O. Bill Gibson said maybe in the front, where the runs are shorter, but not the back. He added that there is a big difference in the quality of vinyl siding installation.
 - P. Linda Petty asked if the seams could be caulked or glued.
 - Q. Bill Gibson said that there are some installations where that should have been done, but this one should not have two slats one over the other, with seams that come together in the same place.
 - R. Linda Petty asked why vinyl and not aluminum.
 - S. Bill Gibson said vinyl is more popular now and less energy intensive than aluminum.
 - T. **MOTION by Linda Petty and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR COSTA FAMILY, LLC.**

- A. Phil Carter advised that this is an application to change the use from retail to private gym for use by the Okemo Mountain School. The property is located at 207 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 182-01-CU, Amendment #1. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 24, 2015, advertised in THE VERMONT JOURNAL on August 26, 2015 and abutting property owners were notified on August 21, 2015.
- C. Phil Carter administered the oath to all (Mariel Meringolo and Glenn Heitsmith) wishing to speak at this hearing.
- D. Mariel Meringolo advised that OMS is requesting a change of use for this property. The proposed new building adjacent to the OMS building is still in appeals and they need a training facility. This would be a temporary solution, with a 6-month lease running from October 15, 2015 to April 15, 2016. If the new building is not completed by then, and this property is still available, they may lease it again from October 15, 2016 through April 15, 2017. The property at 207 Main is 4,000 square feet, located in the Village Residential Commercial District and the conditional use could be professional or indoor recreation. The basic structure would not be altered. They would put, with a permit, a temporary vinyl sign out. There is a platform inside that may be removed and also a large counter that may also be removed. The walls would not be changed. There is one bathroom which would not be changed. The fitness equipment would be moved in. The hours of operation would basically be 7 AM to 9 AM and 12:30 PM to 5:30 PM weekdays. They may use it on weekends if the weather is inclement and they cannot train at the mountain. She said there may also be occasional evening or weekend fund raising events. The building will be used in shifts of staggered training times. There are 48 students and a staff of 33, but only 10 -12 of the staff members are coaches. Each shift would have about 1/3 of the students and staff. Students would be transported by school vehicle, so impact on traffic would be minimal, probably less than retail use.
- E. Phil Carter asked about changes to exterior lighting.

- F. Mariel Meringolo said none.
- G. Phil Carter said that they would need to go to Rose Goings for a sign permit.
- H. Rose Goings asked actual requested hours of operation.
- I. Mariel Meringolo said 7:00 AM to 11:00 PM, seven days per week, but mostly 7 AM to 6 PM.
- J. John Boehrer asked if they would allow public membership.
- K. Mariel Meringolo said no.
- L. Phil Carter said if the DRB grants the change of use, OMS would not have to come back again for a change of use permit if they do need to lease it again next year. He added that the next tenant, if not the same use, would have to come in for a change of use after OMS.
- M. Linda Petty asked the occupancy limit of the building.
- N. Rose Goings said that would only be considered for the restaurant or bar and would go to the Fire Marshal.
- O. Linda Petty said they may have 20 people at a time in there.
- P. Mariel Meringolo said yes, 20 to 25.
- Q. Rose Goings said she would find out if there is a limit.
- R. Linda Petty said that with all of the equipment, it is harder to get around in an emergency.
- S. Mariel Meringolo said it was retail and there were racks in there. She said that OMS does need open space and it will not be cluttered.
- T. Glenn Heitsmith said, as a business owner in Ludlow, he would love to see that space occupied.
- U. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing.**
- V. Mariel Meringolo asked if the board could expedite the process and asked if there is a 30 day appeal period.
- W. Phil Carter said there is a 30 day appeal period and asked the board if they would consider an Up/Down vote.
- X. **MOTION by John Boehrer to amend his motion to do an UP/Down vote. Richard Harrison agreed to the amendment to the motion.**
- Y. **BOARD voted unanimously to approve this application on an Up/Down vote.**

4. **OPEN THE PUBLIC HEARING FOR OKEMO LAND HOLDINGS, LLC**

- A. Phil Carter advised that this is an application for Local Flood Hazard Review to allow for the construction of a pond located in the Special Flood Hazard Area of the Town Residential Commercial District
- B. Rose Goings advised that this is application 437-16-FHR. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board on August 24, 2015, advertised in THE VERMONT JOURNAL on August 26, 2015 and abutting property owners were notified on August 21, 2015.
- C. Phil Carter administered the oath to all (Ken Patel, Robert Kottkamp, Ginny Kottkamp, Glenn Heitsmith, Ted Reeves) wishing to speak at this hearing.
- D. John Boehrer recused himself.
- E. Ted Reeves explained that Okemo wishes to construct a natural pond of approximately .85 acres, irregularly shaped on a 36 acre parcel on Route 103. They drilled test pits and ground water level is about 6 feet. The bank will be from 6 to 4 feet and the material removed will either be feathered or removed from the site. On a map, he indicated the fluvial erosion line and the pond would be in the flood plain. The water will be 6 feet below grade on one side and 4 feet below on the other. They will have to dig 4 to 6 feet below that to cut in the banks in the immediate area of the pond. They will maintain the buffers as they are now. The pond will be about 150 feet to the river and 300 feet on the other side.

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- F. Linda Petty noted that the picture of the pond that board members have is different from the one Ted Reeves is using.
 - G. Ted Reeves said they decided to smooth out the edges of the pond and the picture he has depicts what they will build. He said that the new drawing was in the supplemental package he had submitted.
 - H. Rose Goings said that she had had the copies.
 - I. Ted Reeves requested an Up/Down vote.
 - J. Julie Nicoll asked if the pond would be lined.
 - K. Ted Reeves said no and there would be no other structures.
 - L. Phil Carter asked about the comments from John Broker-Campbell.
 - M. Ted Reeves said that he originally started with April Hensel. She told him that this project would not be an Act 250 project. He said that Rose Goings told him they would need a permit and to contact John Broker Campbell. Ted Reeves said he then went to John Broker Campbell who said he didn't see an issue. Last week, John Broker Campbell said his review is for FHR and with the new state regulations that the town has not adopted.
 - N. Rose Goings said the town had adopted its own FHR last year.
 - O. Ted Reeves said that the pond is in the flood plain and basically, they would be digging a "pot" that will fill with water. If there is a storm like Irene, that pot would fill with sediment and we would remove it. John Broker Campbell said if there is a bad event, that big slug of water would go into the river. That may happen to the snow making pond if the dam breached, but this pond would be set into the ground and there would not be an increase in the base flood elevation. If this pond failed, it would flow along with the rest of the flood waters. John Broker Campbell said he wants to get in touch with Gretchen from Fluvial Erosion.
 - P. Rose Goings said that the Planning Commission is working with them now, but the mapping only covers Act 248 and Act 250 projects and would not cover this project. She said that Gretchen Alexander would not be involved with this. She added that John Broker Campbell has 30 days to respond to Ted Reeves and she thinks that 30 days began 2 weeks ago.
 - Q. Phil Carter said he thinks we may be at least 15 days into the 30 days.
 - R. Ted Reeves said he spoke to John Broker Campbell the second week in August. He said that John Broker Campbell agreed that he has up to 30 days to respond. Ted Reeves said he thinks it began when he first spoke to John Broker Campbell.
 - S. Phil Carter asked what triggers the 30 days period.
 - T. Rose Goings said it's the town's official notice. She said she tried to make it go faster by having Ted Reeves contact John Broker Campbell first. She said that she submitted the application and that is what John Broker Campbell considers the date, but we spoke to him weeks before that.
 - U. Phil Carter said if we go forward, the state may say we jumped the gun. We don't know what triggers the 30 day period.
 - V. Ted Reeves said it is very frustrating. We called April Hensel in June or July and she said that Act 248 and Act 250 are not involved and John Broker Campbell wants to drag Act 250 back in.
 - W. Rose Goings said that Act 250 has nothing to say about it.
 - X. Phil Carter said that Act 250 can pop up years after we made a decision and allowed a permit.
 - Y. Ted Reeves said we've had projects held up because no one reviews the applications.
 - Z. Phil Carter said that if they do not receive a response within 30 days, the decision goes in your favor.
 - AA. Rose Goings said agreed, saying that we have had situations where they haven't responded and the applicant gets the permit. She said that Ted Reeves had taken the preliminary steps with John Broker Campbell and thought they were good to go; now John Broker Campbell wants more. There should not be Act 250 on this project. The fact that John Broker Campbell has

- involved Gretchen Alexander does not get us anywhere. He is just stalling the process. He is making sure he is covering everything.
- BB. Phil Carter said John Broker Campbell may want all of the material removed.
- CC. Ted Reeves said they would remove all of the material outside the floodway.
- DD. Linda Petty asked about a road.
- EE. Ted Reeves said there would not be a road. They would continue to just drive over the field as has always been done.
- FF. Phil Carter said there are no curbs there.
- GG. Ted Reeves said they always just drive over the field.
- HH. Linda Petty asked about buildings or fences.
- II. Ted Reeves said none.
- JJ. Glenn Heitsmith said that the excavation would probably mitigate flooding and he can't imagine a negative impact. He asked if someone does mitigate an impact, would they be eligible for some kind of credit.
- KK. Phil Carter said that he and Rose Goings had attended a flood training seminar. He asked why it would be a problem if it was a full basin and would fill with water. The point is that everything would fill with water. It affects flood insurance.
- LL. Ted Reeves said not on the pond. Okemo is already paying insurance on that property. If any items are washed up there after a major storm, Okemo will remove them.
- MM. Glenn Heitsmith asked if this would be subject to Shoreland Protection laws.
- NN. Rose Goings said this area would not be affected, but that West Hill Dam is.
- OO. Phil Carter said the board could do an UP/DOWN vote, pending response from John Broker Campbell.
- PP. Linda Petty said she is not comfortable doing an UP/DOWN vote, indicating that Ted Reeves always comes in at the last
- QQ. **MOTION by Linda Petty and seconded by Richard Harrison to close this hearing pending response from John Broker Campbell. Motion passed unanimously.**

5. **REVIEW MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of August 10, 2015.
- B. Julie Nicoll noted that on page 3, Item 2I should read "knew", not "know."
- C. Julie Nicoll noted that on page 2, Item 2GG, should be clarified to reflect that the applicant did not have a permit to have a 2 family, even if the structure is set up to have 2 separate units.
- D. **MOTION by Phil Carter and seconded by John Boehrer to approve the minutes from August 10, 2015 as corrected. Motion passed unanimously.**

6. **OTHER BUSINESS**

- A. Permits from last Meeting
- i. Detar Appeal Denied – Mr. Detar has until November 2015 to clean out the kitchen, including the gas and 220 electrical line. He must also obtain sewer allocation from the Village for the 2 extra bedrooms. Rose Goings said that she has not heard from him.
 - ii. Cumming - Approved - dormer at Trailside in Mountain Recreation District
- B. Seminar
- i. Phil Carter said that he, along with Rose Goings and Alan Isaacson had attended a seminar last week regarding the latest State Flood Hazard Regulations. He said that

Rose Goings and the Planning Commission should be congratulated on the great job they have done on Ludlow's regulations. He said that we were on top of new laws and that many of the other towns' Zoning Administrators and Planning Commission members had no clue what was going on.

7. **ADJOURN**

- A. **MOTION by Linda Petty and seconded by Julie Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison