

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

*September 9, 2019*

**MEMBERS PRESENT:**

Phil Carter, Chairman  
John Boehrer

Julie Nicoll  
Doug Sheehan

George Tucker, Jr.

**STAFF PRESENT:**

Rose Goings

**OTHERS PRESENT:**

Lorraine Bailey  
Mike Bailey  
Paul Carrocchio

Kevin Johnson  
Marek Kovac  
Betty McEnaney

Adam Severy  
Lisha Klaiber, Recorder  
Eric Chattergee – OV-TV

**I. CALL TO ORDER**

1. Meeting opened at 6:06 p.m. by Chairman, Phil Carter. All members present.

**II. OPEN THE PUBLIC HEARING FOR KEVIN & SHARI JOHNSON**

2. Phil Carter advised that this is an application for Local Flood Hazard Review to consider the reconfiguration and reconstruction of stairs going to the lake. The project is located at 709 East Lake Road in the Special Flood Hazard Area of the Lakes District.
3. Rose Goings advised that this is application 477-20-FHR. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website on August 19, 2019, advertised in THE VERMONT JOURNAL on August 21, 2019 and abutting property owners were notified on August 19, 2019.
4. Phil Carter administered the oath to all wishing to speak at this hearing( Kevin Johnson and Adam Severy.)
5. Kevin Johnson explained that they wish to change the path down to the lake from their house. The slope is very steep and they wish to make the stairs more accessible.
6. Rose Goings noted that the lower portion is in the flood area.
7. Phil Carter said there was an email from John Broker Campbell and asked if Kevin Johnson had seen it.
8. Kevin Johnson said he had just received it.
9. Phil Carter read the four bullets contained in the email.
  - a) Buildings be designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood.
  - b) Buildings be constructed with materials resistant to flood damage such as pressure treated lumber per FEMA Technical Bulletin 2-08
  - c) Buildings be constructed by methods and practices which will minimize flood damage
  - d) Buildings be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or anchored to prevent water from entering or accumulating within the design components during conditions of flooding

10. George Tucker noted that the email contains links to cited bulletins.
11. Kevin Johnson said that they will use acceptable materials.
12. Phil Carter said the stairs need to be anchored and solidly built. He asked if there would be electricity on the stairs.
13. Kevin Johnson said electricity would only be used during construction.
14. Rose Goings noted that the drawing that was submitted does not have a number on it.
15. Kevin Johnson said they have a better copy.
16. Rose Goings said that there is a portion of the drawing that looks like a deck.
17. Kevin Johnson said that it is no longer a part of the plan.
18. Phil Carter asked if the existing stairs will be removed.
19. Kevin Johnson said that one landing by the lake will remain. It will be used as a sitting area.
20. Julie Nicoll asked if it is anchored.
21. Kevin Johnson said he isn't sure.
22. Julie Nicoll said that if this board does issue a permit, there would be a condition that the existing portion that will remain in place be anchored.
23. Phil Carter asked what that portion is made of.
24. Kevin Johnson said pressure treated wood.
25. Phil Carter said that the existing portion would have to be properly anchored.
26. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**
27. Phil Carter said the board would write up a decision and send it to them.

### **III. OPEN THE PUBLIC HEARING FOR TPW MANAGEMENT**

1. Phil Carter advised that this is an application to amend a Conditional Use Permit to allow for office space for TPW Management and TPW Real Estate and a coffee shop with 24 seats. The project is located at 207 Main Street in the Village Residential Commercial District.
2. Rose Goings advised that this is application 182-01-CU, Amendment # 2. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website August 19, 2019 advertised in THE VERMONT JOURNAL on August 21, 2019 and abutting property owners were notified on August 19, 2019.
3. Phil Carter administered the oath to all wishing to speak at this hearing (Mike Bailey, Lorraine Bailey and Paul Carrocchio.) He explained that this hearing is on-the-record.
4. Paul Carrocchio said that they will have 6 to 10 agents and management staff. There will be a 24 seat coffee bar for customers, clients and the public. TPW will own and operate all 3. The interior will have an open flow design. It will be a safer location than their current location and have more room.
5. Phil Carter asked them to describe the interior.
6. Paul Carrocchio said there is currently a bathroom, mechanical room, storage area and open space.
7. Phil Carter asked what of the existing will remain.
8. Paul Carrocchio said there are half walls, windows and egress. He said they will add 2 bathrooms.
9. Phil Carter asked if there will be any changes to the building footprint.
10. Paul Carrocchio said they would like to put planters in the front for safety and clean up the brush and trees.
11. Phil Carter asked if the planters would take up any of the parking places.
12. Paul Carrocchio said no.

13. Phil Carter asked what their parking plans are.
14. Paul Carrocchio said that there are seven places along the east wall that will be used for customers. There are 3 places out back for staff. The municipal parking lot is out back and could be used if needed.
15. Phil Carter asked if the maintenance fleet has trucks.
16. Paul Carrocchio said that 95% of the homes they serve have on-site facilities and they keep their vehicles there. They may keep one or two half-ton Chevys used by management or carpenters. Peter Alberti and Joshua will have office space in the building.
17. Julie Nicoll asked if they had gotten a letter from the fire marshal.
18. Paul Carrocchio said that he has been in contact with Landon Wheeler from the fire marshal's office. He has done a preliminary inspection and we are waiting for the DRB permit. Once it is received, Mr. Wheeler will come back.
19. Phil Carter said that the DRB permit will include the condition that the project meets all conditions contained in the fire marshal's permit.
20. George Tucker asked about outside lighting.
21. Paul Carrocchio said there is existing lighting. They would like to put a sign with their name out front. They have read the sign regulations. There is lighting on the side of the building, into the parking lot.
22. Phil Carter said that the lights have to be placed and directed so as not to distract or shine into the road.
23. John Boehrer asked the hours of operation.
24. Paul Carrocchio discussed different hours.
25. John Boehrer explained that if they state specific hours and later realize that they need longer hours, they will have to come back to this board.
26. Phil Carter explained that hours of operation, especially in that location where there are no residential homes is not limited.
27. Paul Carrocchio said the hours of operation will be 4:00 AM to 12:00 midnight.
28. John Boehrer asked if they would serve food along with the coffee.
29. Paul Carrocchio said that this will be in/out service. They will serve high end coffee, roasted on-site. They may serve scones, croissants or cookies.
30. Phil Carter asked if there will be a kitchen there.
31. Paul Carrocchio said there will be a dishwasher, cooler, triple sink and coffee makers and coffee roasters.
32. Doug Sheehan asked if there would be a clear path from the coffee shop to the back door.
33. Paul Carrocchio said yes and indicated it on the drawing.
34. George Tucker asked about deliveries.
35. Paul Carrocchio said that many of their deliveries are small, packages for the 2<sup>nd</sup> home owners. They will be dropped off inside the back door. Other deliveries may include small items such as doorknobs or lighting fixtures. Most of the building materials go directly to the properties.
36. Rose Goings asked if there is currently an existing deck.
37. Paul Carrocchio said yes.
38. Rose Goings said that Chief Billings wants an alarm system.
39. Paul Carrocchio said that is already in the plans; smoke, CO, heat and cold detection as well as cameras. It will be centrally alarmed to dispatch.
40. Phil Carter asked about water/sewer.
41. Rose Goings said the Water Commissioners and Trustees will discuss it next month. She said that allocations will be calculated on a 24 seat coffee shop.
42. Doug Sheehan asked if the 2 new bathrooms will be for the public.
43. Paul Carrocchio said yes.

44. Rose Goings asked if they will be handicapped accessible.
45. Paul Carrocchio said yes.
46. John Boehrer said he is excited to see a new project going on in that space.
47. **MOTION by John Boehrer and seconded by Doug Sheehan to close this hearing. Motion passed unanimously.**
48. Phil Carter said the board would deliberate and write up its decision within 45 days.
49. Paul Carrocchio asked what their guidelines would be.
50. Phil Carter said that after the 45 days, there is a 15 day appeal period. If they start the project, it is at their own risk.
51. Rose Goings said they can go in and start cleaning up the site as soon as they get the letter from the fire marshal. She asked them to forward a copy of the letter from the fire marshal as soon as they receive it.
52. Paul Carrocchio said that would be done.

#### **IV. APPROVE MINUTES**

1. Phil Carter advised that the minutes to be reviewed are from August 12, 2019.
  - a. Phil Carter noted that on page 3, item II, #2, should read "...He advised all persons who have participated..."
  - b. Phil Carter said on page 3, item II, #3, should read, "... She said that the original permit from the Fire Marshal did not list the number of occupants. The Fire Marshal's permit has been corrected to match the Vermont State Septic Permit. Both permits now read 5 bedrooms and 16 persons ..."
  - c. Phil Carter said that on page 3, item III, #3, should read, "... all those who had spoken at the previous hearings..."
  - d. Julie Nicoll said that on page 4, item III, #8, should read, "...that there are no historical sites..."
  - e. Julie Nicoll said that on page 4, item III, #32, should read, "...Tessa Buss then gave her the house."
  - f. Julie Nicoll said that on page 5, item III, #43, should read, "...subdivided, the state..."
  - g. Phil Carter said that on page 5, item III, #44, the last sentence at the end should be deleted.
  - h. Phil Carter said that on page 5, item III, #63, should read, "... We walked the stream to the subdivision and there was no alteration..."
  - i. Phil Carter said that on page 5, item III, #64, should read, "Rose Goings said that Scott Jensen is the state engineer."
  - j. Phil Carter said that on page 6, item III, #69, should read, "...flooding, and the stream was involved..."
  - k. Phil Carter said that on page 6, item III, #76, should read, "There is pristine open land up there."
  - l. **MOTION by Julie Nicoll and seconded by George Tucker to approve the minutes from August 12, 2019 as corrected. Motion passed unanimously.**

#### **V. OTHER BUSINESS**

1. 2006 Law Suit

- 
- a. Rose Goings advised that the law suit that resulted from the Combes Subdivision in 2006 has been dismissed. The plaintiff was suing because of the well shield that was on her property. The DRB did not deal with well shields at the time.
  2. Munch Variance
    - a. Rose Goings advised that this case has been withdrawn.
  3. Next Meeting
    - a. Rose Goings advised that the next meeting will be on October 28, 2019.

**VI. ADJOURN**

1. Phil Carter asked the board if they would like to go into Deliberative Session.
2. Board members agreed.
3. **MOTION by Phil Carter and seconded by John Boehrer to adjourn to Deliberative Session. Motion passed unanimously.**
4. Meeting adjourned at 6:40 p.m.

Respectfully submitted,  
Lisha Klaiber

---

Phil Carter, Chairman

---

Doug Sheehan

---

John Boehrer

---

George Tucker, Jr.

---

Julie Nicoll