

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

February 10, 2014

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

MEMBERS ABSENT:

Linda Petty

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Zach Blanchard	Betsy Mitchell	Lisha Klaiber, Recorder
Craig Goodman	Mary Jane O'Hara	Michelle Stinson, LPC TV
Jessica Goodman		

1. **CALL TO ORDER**

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

2. **OPEN THE PUBLIC HEARING FOR GARY AND DEANNA BLANCHARD**

- A. Phil Carter advised that this is an application to consider an Amendment to an existing Conditional Use Permit to allow for an apartment on the second floor. The property is located at 352 Route 100 South in the Town Residential Commercial District
- B. Rose Goings advised that this is application 236-03-CU, Amendment #1. Posted in the Town Hall bulletin boards January 20, 2014, advertised in THE VERMONT JOURNAL on January 22, 2014 and abutting property owners were notified on January 20, 2014. She advised that letters have been received from the Fire, Police and Ambulance Departments and a letter from Fire Marshall along the Project Review Sheet.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Zach Blanchard advised that they wish to make a place above the office for their parents. They would only be staying a few weeks a year.
- E. John Boehrer asked what was in the space now.
- F. Zach Blanchard said it is empty. They would like to make a studio apartment.
- G. Phil Carter noted that the letter from the Fire Department contains conditions for hard wired smoke and CO detection.
- H. Zach Blanchard said they have already contacted Countryside.
- I. Phil Carter also noted that they would also be required to have an egress window a minimum of 5.7 square feet.

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- J. Julie Nicoll noted that the site inspection and drawing showed an egress door onto the deck.
 - K. Phil Carter also noted that the fire letter also requires one hour fire walls between the apartment and other spaces.
 - L. Richard Harrison asked about the stairway.
 - M. Julie Nicoll noted that the site inspection showed it to be an exterior stairway. From the site inspection, Julie Nicoll added that there is also an existing internal stairway. She said that the lighting is down lit.
 - N. Phil Carter asked where the project stands with Fire Marshall
 - O. Rose Goings said they had made the recommendation to add the deck.
 - P. **MOTION by Julie Nicoll and seconded by Richard Harrison to close this hearing.**
Motion passed unanimously.

3. **OPEN THE PUBLIC HEARING FOR CRAIG AND JESSICA GOODMAN**

- A. Phil Carter advised that this is an application to amend an existing Planned Unit Development permit to change a former retail store into a 40-seat restaurant. The project is located at Lamere Square, Building #5 in the Village Residential Commercial District.
- B. Rose Goings advised that this is application 51-92-PUD, Amendment #8. Posted in the Town Hall bulletin boards January 20, 2014, advertised in THE VERMONT JOURNAL on January 22, 2014 and abutting property owners were notified on January 20, 2014. She added that letters have been received from the Police, Fire and Ambulance Departments.
- C. Phil Carter asked about Fire Marshall.
- D. Rose Goings said nothing yet.
- E. Phil Carter administered the oath to all wishing to speak at this hearing.
- F. Craig Goodman advised that they wish to put have a restaurant with wood-fired pizza. They would like to have between 40 and 49 seats. They wish to also serve beer and wine. They would like to have the hours of operation from 10:00 a.m. to 11:00 p.m. They would also like to do fund raising events.
- G. Phil Carter asked Craig Goodman if the hours of operation were definite.
- H. Craig Goodman said yes, from 10:00 a.m. to 11:00 p.m.
- I. Phil Carter asked if there would be any exterior changes to the footprint or stairs.
- J. Craig Goodman said that they would like to put in an outside Beer Garden in the back by the river. They would put up lattice around it.
- K. Rose Goings said the area needs to be totally fenced off.
- L. Phil Carter asked if the outside seating would be part of the 40 seats.
- M. Craig Goodman said yes.
- N. Jessica Goodman asked how they would fence off the river.
- O. Rose Goings said that state liquor laws require full fencing around the area. She asked if they had discussed this with Fire Marshall.
- P. Jessica Goodman said yes. She said they have a letter from Fire Marshall.
- Q. Phil Carter asked if Rose Goings had a copy of the letter.
- R. Jessica Goodman said that Rose Goings does have a copy.
- S. Rose Goings said that she has a copy of a drawing.
- T. Jessica Goodman said that they would not be able to tell the square footage until after the snow melts. They would like to put 2 or 3 tables out there.
- U. John Boehrer noted that the application indicates 40 seats and they have been discussing 49 seats.

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- V. Jessica Goodman said they would not have more than 49 seats.
- W. Julie Nicoll asked about the second floor egress window.
- X. Phil Carter asked if they would be having games up there.
- Y. Craig Goodman said that there would be table top games up there.
- Z. Jessica Goodman said that there is one window in the back.
- AA. Phil Carter asked about Fire Marshall.
- BB. Craig Goodman said that Landon Wheeler has been there. He responded by email, but no letter. He said that he has called and left messages for Mr. Wheeler.
- CC. Jessica Goodman said they had a verbal approval from Mr. Wheeler.
- DD. Phil Carter said that this board's approval would be contingent upon any conditions imposed by Fire Marshall.
- EE. Rose Goings said she would call Mr. Wheeler in the morning.
- FF. Jessica Goodman asked when they would be able to start the project.
- GG. Phil Carter said when the permits are issued. He asked if they would be making any changes to the outside lighting.
- HH. Jessica Goodman said there is a spotlight that shines up and porch lights. She would like to add string lights to outline the building because they are in the back corner.
- II. Phil Carter asked about signs.
- JJ. Craig Goodman said they would have one on the sign post by the road and also one on the building.
- KK. Phil Carter asked about the oven.
- LL. Craig Goodman said that Landon Wheeler has given his approval of the plans. They have also spoken with Peter Kolenda.
- MM. Phil Carter said that the project would need to be in compliance with any conditions that Mr. Wheeler has put in.
- NN. Julie Nicoll asked about lighting for the outside seating.
- OO. Jessica Goodman said maybe solar lanterns. She said that she does not expect people to be out there long. She said that if needed, they could do lights outback.
- PP. Craig Goodman said that lights would be kept pointing down.
- QQ. Rose Goings asked about outside music.
- RR. Jessica Goodman said there would not be music outside. They want to keep it quiet.
- SS. Rose Goings asked about the motorcycle.
- TT. Jessica Goodman said it would be on display and blocked off.
- UU. **MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion passed unanimously.**
- VV. Phil Carter said the board would get the decision out and it would depend on the Fire Marshall information and any conditions that they impose.

4. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from the meeting of November 25, 2013.
- i. Julie Nicoll advised that on page 2, item 2J, "added" should read "... adding a replacement..."
- ii. Julie Nicoll advised that on page 2, item 2M should read "... noted that the preexisting well shields encroach..."

- iii. Julie Nicoll advised that on page 2, item 3D, last line on the page should read “They are...” and not “There.”
- iv. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from November 25, 2013 as corrected. Motion passed unanimously.**

5. **OTHER BUSINESS**

A. **Williams Decision**

- i. Mary Jane O’Hara advised that the Environmental Court had remanded the Williams Permit back to the DRB for clarification of the Findings of Fact
- ii. Phil Carter said that they would be meeting with the town attorney. He explained that Ludlow DRB hearings are on the record and the Environmental Court has changed what they want from the towns and now have a specific format. The town has to change how we write our findings our fact and conclusions of law.
- iii. Mary Jane O’Hara said they need to connect the Findings of Fact to zoning.
- iv. Phil Carter said they want it in the decisions. He said that Rose Goings has to change the format that we use. We will meet with our counsel to discuss a new approach to respond to what the court wants.
- v. Mary Jane O’Hara asked about the 25% rule of house occupation.
- vi. Phil Carter said that the board would review Judge Durkin’s decision. We will review all permits, not just this one. He added that the Environmental Court had not sent out information on their new requirements.
- vii. Mary Jane O’Hara commented that VLCT has written up guidelines.
- viii. Phil Carter said that something, he does not know what, is driving this. The Court did not send out a memorandum. He said that the town has been doing its decisions the same way for the last 16 years. He added that the court had also done the same thing to Tesha Buss. We noticed something different and contacted our attorney.
- ix. Mary Jane O’Hara asked the time frame.
- x. Phil Carter said the board would do this as quickly as possible and at the same time create a new template. He expects to have it completed within 30 days.

B. **Next Meeting**

- i. Rose Goings advised that the next meeting would be on March 10, 2014.

6. **ADJOURN**

- A. **MOTION by Julie Nicoll and seconded by Richard Harrison to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 6:23 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison