

DEVELOPMENT REVIEW BOARD

PRELIMINARY MINUTES

ZOOM ELECTRONIC MEETING

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/87290940619?pwd=eDc3MjJjdjYxS0Q5aENTRGZ0OFRZdz09>

Dial in phone #929-436-2866

MEETING ID: 872 9094 0619

October 26, 2020

MEMBERS PRESENT:

John Boehrer, Vice Chair Julie Bowyer Julie Nicoll

MEMBERS ABSENT:

Phil Carter, Chairman Doug Sheehan

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Eric Alden Victoria Hone Lisha Klaiber, Recorder
Arnold Campney Tim Knapp Patrick Cody– Okemo Valley TV
Peggy Campney David Refkin

I. CALL TO ORDER – ELECTRONIC MEETING GUIDELINES

A. Meeting opened at 6:00 p.m. by Vice Chairman, John Boehrer. He advised that the Electronic Meeting Guidelines explained at the DRB meeting on June 8, 2020 are still in effect.

Members of public bodies are allowed and encouraged to participate remotely.

1. Roll Call:
 - i. Phil Carter – absent
 - ii. John Boehrer – aye
 - iii. Julie Bowyer - aye
 - iv. Julie Nicoll – aye
 - v. Doug Sheehan – absent
2. John Boehrer noted that there is a quorum.

II. OPEN THE RECESSED PUBLIC HEARING FOR SUMMIT DISTRIBUTING, LLC

1. John Boehrer advised that this hearing is an application to amend the Conditional Use permit and for Flood Hazard Review for the redevelopment of an existing retail motor fuel outlet, including the razing of the auto parts store/service garage and addition of a two (2) additional fuel dispenser island. The existing convenience store will be updated and the front entrance will be relocated. The proposed location of the dumpster and enclosure is located in the Special Flood Hazard Area. The property is located at 129 Main Street in the Village Residential Commercial District. This hearing was recessed from the meetings of March 9, June 8 and July 13, 2020.
2. Rose Goings advised the applicant has advised us that they are still working on obtaining the FEMA LOMA letter to remove the property from the Flood Hazard areas as designated on the FEMA maps. They have requested to be placed on the agenda for the next meeting.
3. John Boehrer advised that there will not be a meeting in November.
4. Rose Goings suggested that the motion be made for the next available meeting
5. **MOTION by Julie Nicoll and seconded by John Boehrer to recess this hearing until the next available meeting. Motion passed unanimously.**

III. **OPEN THE PUBLIC HEARING FOR ARNOLD & PEGGY CAMPNEY**

1. John Boehrer advised that this is an application for Local Act 250 Review. The applicants wish to convert an Antique Store (commercial use) into a single family residence. The project is located at 1379 Route 100 North in the town RC-2 District.
2. Rose Goings advised that this is application 472-21-ACT250. Posted in the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 6, 2020, advertised in THE RUTLAND HERALD on October 10, 2020 and abutting property owners were notified on October 6, 2020. She advised that the property owner is the Estate of Charlotte Sumner. She said that the ad was placed in THE RUTLAND HERALD in order to allow the hearing to be at this meeting. She advised that letters have been received from the Fire, Ambulance and Police Departments.
3. John Boehrer administered the oath to all (Victoria Hone and Peggy Campney) wishing to speak at this hearing.
4. Victoria Hone advised that the applicants wish to convert an existing antique store into a 3 bedroom residence. They have received their Waste Water permit. They have submitted to the DRB, plans and drawings. In response to the 3 criteria for Local Act 250
 - a. The project will not cause an unreasonable burden on the ability of the municipality to provide educational services – She said that the Campneys are not planning to have children. If the residence were to be sold, it would accommodate only 2 to 4 children. She said that Black River and Ludlow Elementary would be able to accommodate this.
 - b. The project will not cause an unreasonable burden on the ability of the municipality to provide municipal governmental services – She said that this is an existing building and already being served by the town. She said that the town provides services to buildings further away.
 - c. The project is in conformance with the Municipal Plan as adopted in accordance with the act. – She said that as a private residence, it is a permitted use under the zoning regulations and conforms to all dimensional requirements.
5. Julie Nicoll said that the letters received support what Ms. Hone has said.
6. Julie Bowyer said the project is straight forward.

7. John Boehrer noted that in his letter Chief Kolenda said that the applicant should provide hard-wired smoke and CO detectors with battery back-up on every level. They should also provide at least one 5 # ABC fire extinguisher in the kitchen area.
8. Victoria Hone said that would not be a problem.
9. Rose Goings asked if this will be a full time residence.
10. Victoria Hone said yes.
11. Rose Goings asked if they have applied for a building permit and noted that they are adding a garage.
12. Peggy Campney said they have not applied for a permit yet.
13. **MOTION by Julie Nicoll and seconded by John Boehrer to close this hearing. Motion passed unanimously.**
14. Julie Nicoll noted that, for the record, Black River High School no longer exists.
15. Victoria Hone said that was her mistake

IV. **OPEN THE PUBLIC HEARING FOR OKEMO VILLAGE OWNERS ASSOCIATION**

1. John Boehrer advised that this hearing is an application for Local Act 250 Review. The applicants wish to construct a uranium treatment system consisting of an anion exchange for uranium removal, a calcite filter for pH adjustment; proposed treatment system to be located within the existing water pump station bunker. The proposed filter will be backwashed using water originating from the water on Upper Crossroad in the Mountain Recreation District.
2. Rose Goings advised this application is 471-21-ACT250. Posted on the Town Hall bulletin boards and the Post Office Bulletin Board and on the website October 6, 2020, advertised in THE VERMONT JOURNAL on October 7, 2020 and abutting property owners were notified on October 6, 2020. She advised that she has received responses from Police, Ambulance and Fire.
3. John Boehrer administered the oath to all (Tim Knapp and David Refkin) wishing to speak at these hearings.
4. Tim Knapp said that the project is on property owned by Okemo Limited Liability Company. This is a water treatment upgrade and the work will be mostly within the existing pump station bunker. It will include two treatment units for uranium removal, two calcite filters for pH adjustment, backwash, regeneration system including brine tanks and controls. There will be new equipment and piping. The building will not be expanded. There will be a backwash disposal system exempt from the requirements to obtain a permit through the Vermont Underground Injection Control Program. There will be 2 buried structures and the only thing you will see will be their covers. The project is permitted through the Vermont Drinking Water and Groundwater Protection Division. The Fire Protection construction permit is included with the submittal package.
5. John Boehrer asked about the 3 criteria for a Local Act 250 Permit.
6. Tim Knapp responded
 - a. The project will not cause an unreasonable burden on the ability of the municipality to provide educational services – He said that the building is not occupied and will not affect educational services.
 - b. The project will not cause an unreasonable burden on the ability of the municipality to provide municipal governmental services because the building is not occupied
 - c. The project is in conformance with the Municipal Plan as adopted in accordance with the act. – He said that it conforms to the town plan.
7. Rose Goings said that this is a pre-existing building and they have made a couple of attempts to clean the water and improve the system. She said it is a good thing. She advised that she has not

heard anything from the abutters, including Okemo. She said it is pretty straight forward. Rose Goings said that once the project is done, she would like to receive reports on how the system is working. She asked about the Fire Marshal.

8. Tim Knapp said that they have the permit and also the one from ANR and after construction, ANR will be making site visits and do water sampling.
9. Rose Goings asked if they have sufficient domestic and fire protection water.
10. David Refkin said there is a fire hydrant on Upper Crossroad.
11. Tim Knapp said it may be fed by Okemo's fire protection system.
12. Rose Goings said she knows that they are low on water and asked if they have had the fire system checked.
13. David Refkin said he is not sure. He said that is not part of this project.
14. Rose Goings said she was just wanted to check.
15. **MOTION by Julie Nicoll and seconded by Julie Bowyer to close this hearing. Motion passed unanimously.**

V. **OTHER BUSINESS**

1. Rose Goings advised that the Planning Commission is looking into a registry for rentals. A contractor, who recently signed with Killington, will be at their next meeting, on November 17th. A registry may affect our zoning regulations. DRB members may want to attend (ZOOM) that meeting.
2. John Boehrer asked Rose Goings to send a reminder.
3. Rose Goings said that she has sent out some letters of violations and there may be some appeals. She said that some people are building on to their houses without permits and they may not respond to a letter.
4. John Boehrer asked if there will be a December meeting.
5. Rose Goings said she hopes so. She added that she also hopes that Shell will be back. She said they had a lot of work to do and there are still some other issues. She has reminded them of all of the issues.
6. Rose Goings suggested that Lisha Klaiber send the minutes from the Select Board meeting of October 5th to this board.

VI. **APPROVE MINUTES**

1. John Boehrer advised that the minutes to be reviewed are from July 13, 2020. He asked the board if they would do these at the next meeting, when they will meet in person.
2. Julie Nicoll said that she had checked the minutes from July 13th and they were no changes to be made.
3. Julie Bowyer agreed.
4. **MOTION by Julie Nicoll and seconded by John Boehrer to approve the minutes from July 13, 2020 as presented. Motion passed unanimously.**

VII. **ADJOURN**

1. **MOTION by Julie Nicoll and seconded by John Boehrer to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:28 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Doug Sheehan
