

**DEVELOPMENTAL REVIEW BOARD  
MINUTES**

**March 11, 2019**

**MEMBERS PRESENT:**

Phil Carter, Chair  
John Boehrer

Julie Nicoll  
Linda Petty (by phone)

Dana Wilson

**MEMBERS ABSENT:**

John Boehrer

**STAFF PRESENT:**

Rose Goings, Zoning Administrator

**OTHERS PRESENT:**

Catherine Cocco  
Katherine Miles  
Kristina Miles

Betsy Mitchell  
Sheree Tucker

Lisha Klaiber, Recorder  
Eric Chatterjee, Okemo Valley TV

1. **CALL TO ORDER**

- A. Meeting opened at 6:00 p.m. by Phil Carter. All board members present, except John Boehrer.

2. **OPEN THE PUBLIC HEARING FOR JOHN AND CATHERINE COCCO**

- A. Phil Carter advised that this is an application to consider a Conditional Use Permit to turn an existing guest house into a 5-bedroom Inn. The project is located at 1090 Town Farm Road in the Town Residential District.
- B. Rose Goings advised that this is application 472-19-CU. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website February 15, 2019, advertised in THE VERMONT JOURNAL on February 20, 2019 and abutting property owners were notified on February 20, 2019.
- C. Phil Carter administered the oath to all (Catherine Cocco, Betsy Mitchell) wishing to speak at this hearing. He explained that this hearing is on the record. Should it be appealed at the Environmental Court, the evidence given tonight is on that record and will not be heard again. The court will only hear new evidence.
- D. Catherine Cocco said they raised the roof on the barn and added rooms. This space was initially intended for family use, only. They met with people from the Fire Marshal and want to meet all standards, as if it would be used for non-family members. They have added sprinklers, audio and visual security and motion activated lights. They have been using the space for family, but now sometimes have people who aren't family members and would like to charge for cleaning. It is not really a B&B and not a full-blown inn. They want everything to be on the up and up.
- E. Phil Carter asked if it would be used year round

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- F. Catherine Cocco said not really, mostly seasonal, but if someone wants to use it during the summer, yes it would be used.
- G. Phil Carter advised that if the permit is granted, it will be granted to operate an inn. They may not be interested in operating it as a full time B&B, but the board will ask what the hours of operation will be. What you answer now, will be part of the permit?
- H. Rose Goings advised that if they sell the property, the permit runs with the land and they may want to consider that.
- I. Catherine Cocco said the hours of operation will be 24/7.
- J. Phil Carter asked if this is one property.
- K. Catherine Cocco said yes.
- L. Phil Carter asked about parking.
- M. Catherine Cocco said according to the letter from the Police department, there is ample parking.
- N. Rose Goings said the driveway will have a new 911 letter.
- O. Phil Carter asked about signage.
- P. Catherine Cocco said not at this time
- Q. Phil Carter said if they do, they would have to see Rose Goings.
- R. Phil Carter asked how many floors?
- S. Catherine Cocco said two; the top floor has 4 rooms and the bottom floor has one.
- T. Phil Carter asked how many people.
- U. Rose Goings said that they have discussed this. The Waste Water permit is for 5 bedrooms (10 people.) She said that Catherine Cocco said that when they met with the people from the Fire Marshal, they were told 16 people. That does not trump the Waste Water permit. They will try to straighten this out. John Cocco wants to upgrade the septic permit to accommodate 16 people. She added that the actual number (16) is not listed on the Fire Marshal's permit.
- V. Phil Carter said the board needs clarification.
- W. Rose Goings said they will have Steve Mongeon work on upgrading the septic permit.
- X. Phil Carter noted that in his letter (on-line), Chief Kolenda's only condition was \$.35/ per square foot (\$730) for the Fire Equipment Fund and that the permit would be subject to the Fire Marshal's permit.
- Y. Phil Carter said that they will still need the occupancy number from the Fire Marshal listed on the CO. They need the updated Waste Water permit. He said they need fire, smoke and CO alarms. He asked if the Fire Marshal has returned.
- Z. Catherine Cocco said that on the visit from the Fire Marshal, tests were performed on the sprinkler, and all alarms.
- AA. Julie Nicoll asked if the barn would need a new name. It is currently listed as 1090 Town Farm Road.
- BB. Rose Goings said just a different number. Everything will go in the same file.
- CC. Phil Carter asked if the barn is on a separate lot.
- DD. Catherine Cocco said no.
- EE. Rose Goings said it does have a separate driveway.
- FF. Phil Carter asked if there will be a food service.
- GG. Catherine Cocco said no.
- HH. Phil Carter asked if there would be entertainment.
- II. Catherine Cocco said no.
- JJ. Phil Carter asked if there would be outside entertainment.
- KK. Catherine Cocco said no.
- LL. Phil Carter administered the oath to Sheree Tucker.
- MM. Sheree Tucker asked what the name of the inn will be.
- NN. Catherine Cocco said Proud Bear.
- OO. Rose Goings said they really don't have to have a name.
- PP. Julie Nicoll said if this is approved, it will be zoned as an inn.
- QQ. Rose Goings said she is not sure about state regulations about that.

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- RR. Phil Carter said that this board's concern is the permit for an inn under local zoning regulations.
- SS. Catherine Cocco said she doesn't want to be out of compliance.
- TT. Phil Carter advised that if they sell the property, the new owner would have to come back to the DRB if they want to do anything outside of the conditions listed on the permit tonight. He recapped, they need the number of people on the Fire Marshal's permit and the Waste Water permit will be upgraded to 16.
- UU. Rose Goings said that the Waste Water permit currently is for 10 people and it trumps all.
- VV. Phil Carter said the Fire Marshal looks at safety, not septic.
- WW. Rose Goings said that hopefully, Steve Mongeon will be able to upgrade the septic permit to 16 and get that number on the fire marshal's permit.
- XX. Phil Carter asked about exterior lighting.
- YY. Catherine Cocco said there are motion activated lights, security cameras and low LED lights on the side by the stairs for safety.
- ZZ. Phil Carter asked if the lights could possibly disturb the neighbors.
- AAA. Catherine Cocco said no.
- BBB. **MOTION by Linda Petty and seconded by Julie Nicoll to recess this hearing until April 8, 2019. Motion passed unanimously.**
- CCC. Phil Carter said that if they are not ready, they can call Rose Goings and ask for more time.

### 3. **OTHER BUSINESS**

- A. **REXBO Development Motion for Extension**
- i. Phil Carter advised that owners for the REXBO application have asked for a one year extension. The letter was received by the town on January 22, 2019.
  - ii. Rose Goings advised that the permit would have expired on March 14, 2019.
  - iii. Phil Carter advised that this request is within the allowed period of time.
  - iv. Betsy Mitchell said that she had been unable to attend the hearings last year and wanted to know if changes or additions could be made.
  - v. Phil Carter said no. The permit appeal period is over. It was within 30 days of the date of the permit.
  - vi. Julie Nicoll said if the permit had lapsed, then Betsy Mitchell would be an interested party again.
  - vii. Betsy Mitchell asked how many extensions can be requested.
  - viii. Phil Carter said it is open ended – as long as extensions are granted.
  - ix. Betsy Mitchell said there are supposed to be 4 drainage locations and there are only 3.
  - x. Phil Carter explained that everything on the new permit must be adhered to and meet all codes and conditions. He said that construction hasn't started. He said that before a CO is granted, Rose Goings will inspect the property.
  - xi. Rose Goings added that all state conditions must also be met.
  - xii. Betsy Mitchell asked if the gas pumps will be blockaded.
  - xiii. Phil Carter said if it is not in the permit, no.
  - xiv. Rose Goings asked if Betsy Mitchell has spoken to REXBO.
  - xv. Betsy Mitchell said she wants to make sure they will be good neighbors.
  - xvi. Phil Carter said if there are problems, Betsy Mitchell should go to Rose Goings.
  - xvii. Rose Goings invited Betsy Mitchell to come to the office tomorrow and she will give her the phone number of REXBO's president.
  - xviii. Betsy Mitchell asked about copies of the plans.
  - xix. Phil Carter said they are in Rose Goings' office. He added that during the hearing process, REXBO was good with the other neighbors, changing some things for them.

- xx. Betsy Mitchell said she doesn't want to hinder the project.
- xxi. Rose Goings said that REXBO has worked with the other neighbors.
- xxii. Phil Carter said that Rose Goings is the contact person for Betsy Mitchell.
- xxiii. MOTION by Julie Nicoll and seconded by Dana Wilson to grant the one year extension to REXBO. Motion passed unanimously.

B. April Meeting

- i. Rose Goings said there are 4 hearings scheduled for the April meeting.

C. Court Case

- i. Phil Carter asked if there was any word on the court appeal.
- ii. Rose Goings said no.

4. **REVIEW AND APPROVE MINUTES**

- A. Phil Carter said the minutes to be reviewed are from the January 14, 2019 meeting.
- B. The board decided to table this until the April meeting.

5. **ADJOURN**

- A. **MOTION by Julie Nicoll and seconded by Dana Wilson to close this meeting. Motion passed unanimously**
- B. Meeting closed at 6:42 p.m.

Respectfully submitted,

Lisha Klaiber

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Phil Carter, Chairman

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Julie Nicoll

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John Boehrer

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Linda Petty

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Dana Wilson