

**TOWN DEVELOPMENT REVIEW
DRAFT NOTES
October 5, 2015**

Members Present: Don Bourdon, Charlie Wilson, Fred Hunt
Members Absent: Ingrid Moulton Nichols, Kim French
Others Present: Michael Dunn, Kevin Calder, Lyman Shove, Robert Wallace, Deb Hawthorn, Gene Follam, Jeff Holmes, Fred Barr, Alden Fiertz, Mary Fiertz, Tom Hayes, Wendy Anderson, Dale Kjerulff, Chris Ambrose, Brigitte Ambrose, Michael Brands

I. CALL TO ORDER

Chair Bourdon opened the meeting at 8:00 a.m.

II. APPROVAL OF MINUTES

The minutes of the August 25, 2015 meeting were approved.

III. PUBLIC HEARINGS

A. Old Business: None

B. New Business:

1. T-4565-15 Pidlipchak

Application is for Conditional Use Approval to reinstate Subdivision Permit T-4349-12 and to excavate within the Conservation Overlay District (wetland buffer). The property is located on 148 Iver Johnston Road and is zoned Residential Five Acres / Wetland Overlay.

Mr. Pidlipchak was not present.

The hearing had been continued to allow the applicant time to have an updated site plan created, that would show the as-built topography.

Although Mr. Pidlipchak had presented the requested update of the topography/survey map at the last meeting, he took it home with him to create the required 11" x 17" version necessary for the zoning files.

Being that the requested map was not available for review, the application was continued to the next meeting, October 27, 2015.

2. T-4606-15 Virginia Eames

Application is for Conditional Use approval for Multiple Low Occupancy Apartment approval for two additional units. The property is located at 540 West Woodstock Road and is zoned Business Service / Light Industrial.

Ms. Eames was not present. The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed floor plans and a site plan of the property.

There are currently two apartments on site, one in a rear building and one in the main building.

Recently an insurance office moved out of the main building. Owner wishes to convert the office space to two apartments for a total of four units.

There would be a total of six bedrooms for all four apartments.

There are eight parking spaces behind the building. These had been used by the former office. They are not visible from Route 4.

The units are all connected to Town sewer and Woodstock Aqueduct water.

The State Fire Marshall has inspected the site. A larger window opening is required for emergency egress for one of the apartments.

The Multiple Low Occupancy Apartment and Conditional Use criteria were reviewed with the applicant.

Testimony was voted close.

3. T-4611-15 Thomas Weschler & Mary Hawkins

Application is for Conditional Use / Waiver to Setback Approval to construct 576 sf garage within the front setback. The property is located on 6936 North Bridgewater Road and is zoned Residential One Acre.

Mr. Weschler was not present. The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed a site plan and a photograph of the proposed garage.

A 45' front setback is required. The owner would like to reduce to the front setback by placing the garage 37' from road centerline.

The TDRB reviewed the Waiver to Setback form.

A well exists directly behind the proposed 24' x 24' garage.

The garage would be single story structure.

The garage as requested would line up with the existing home and would maintain the area aesthetics. The home was originally built in 1816.

The TDRB reviewed the Conditional Use and Waiver to Setback criteria with the applicant.

Testimony was voted close.

4. T-4608-15 Sleep Woodstock LLC

Application is for Conditional Use Approval to excavate to correct stormwater run-off. The property is located at 4324 West Woodstock Road and is zoned Residential One Acre.

Mr. Fultz, owner, was not present. The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed a site plan and renderings of the proposed stormwater remediation plan.

A TDRB review is required as the excavation exceeds the 5000 square feet threshold.

There are numerous springs located up on the hill behind the building.

When the 232 foot long building was constructed it was built close to the slope leading up the hill on north side of the site. The building has a five foot crawl space under it.

As a result, the motel has problems of high humidity and other water issues.

To resolve the water issues three steps are proposed. Foundation drains would be placed along the entire rear elevation. A curtain drain is proposed ten to twenty feet at the rear of the building. The swale would force water to skirt around to either end of the building. Existing swales built higher up the hill would be reworked so they function correctly.

The engineer noted the project would not create additional storm water impacts to Route 4.

The owner hopes to get work done in October well before winter so the grass can be reseeded.

The TDRB reviewed the Conditional Use and Landscaping / Grading criteria.

Testimony was voted close.

5. T-4612-15 Michael Dunn

Application is for Conditional Use Approval to continue the operation of wood shop and to add office to second floor. The property is located at 4979 South Road and is zoned Residential Low Density.

Mr. Dunn and his business partner, Mr. Calder, presented the application.

The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed floor plans and a site plan of the property.

The applicant wishes to continue the operation of the existing wood shop and add an office on the second floor. The applicant owns a construction business, mainly renovation and construction of residential homes. The wood shop would be used to construct cabinets and other items for the homes.

The building is currently being used but very little. The owner is 74 years old and wishes to sell. The building has been a wood shop since 1948. Prior to this use it was a woolen mill. The building was originally built in 1799.

The 0.5 acre parcel of land is zoned Residential Low Density. The use is considered an on-going non-conforming use.

The applicant desires to park two vehicles at the rear of the building. Parking in front is difficult during the winter months with snow sliding off the front roof and overspray from the State plow trucks. The driveway is a seldom used access to the rear of the building.

Applicant request a 25% increase of use with placement of an office on the second floor.

Todd Shove, the owner's son, gave a brief history of the property. His grandfather purchased the building in the 1940s for use as a wood shop. At one point the shop had up to four employees. The current owner is semi-retired. Mr. Shove noted the history of the area has been mixed use. Hamlets rely on an integration of commercial and residential uses as a way of life. The wood shop has been a part of the community for the past 67 years.

Chair Bourdon stated he believes the use to be a continued use and not a discontinued use.

In a discussion of the proposed parking at the rear of the building, it was noted the floodway extends approximately 50' from the Kedron Brook. The building is located approximately 125' from the Kedron Brook. The entire property is located within the 100 year flood plain. Parking would be allowed in the flood plain but not in the floodway.

Mr. Kjerulff, a neighbor, asked about the commercial status of the property.

Chair Bourdon noted he considers the property a continuing commercial use as a wood shop.

Mr. Ambrose, abutter, asked about the discontinuation of use. He feels the use has been discontinued for more than a year. He also felt homes in the hamlet have become very expensive in this area. The neighbors are concerned about the value loss of their homes.

Chair Bourdon restated the current use fits the zoning definition of a continued non-conforming use.

Ms. Wood, abutter, asked how the proposed use would be continued as the current use has been minimal over the past few years with very little impact on the neighbors.

Mr. Dunn responded that the use would be similar to the current low impact use. There is no intent to increase the use of the building aside from the second story office space.

The Town Planner noted that if there is an increase in use, a permit would be required. A 25% increase is restricted to once every five years. A Conditional Use Review and approval would be required.

Mr. Calder stated his company is dependent on clients within the South Woodstock area and they would be very respectful of the neighbor's concerns.

The Non-Conforming Use and Conditional Use criteria were reviewed with the applicant.

A letter signed by twelve property owners, was sent to both the TDRB and the applicants on October 2, 2015. The group of neighbors are opposed to the applicant's request as they feel the use does not meet the non-conforming use definition in that it has been non-operational for more than a year.

Mr. Calder responding to the letter, stated the application is only asking for an additional office space within the allowed 25% increase of a nonconforming use. The assumption is the use is a continuing non-conforming use, an industrial use within a Residential Low Density district. The intent is not to have a full operation contracting company on site with numerous deliveries, etc. but to continue the current level of low impact.

Mr. Fiertz stated not all of South Woodstock agrees with the intent of the neighbor's letter. Over 25% of the homes in South Woodstock are for sale. We need this use, as a positive contributor to the community.

Mr. Follum, neighbor and ED5 regional economic director, noted his support for the proposal. Small businesses are the key to economic success in rural areas.

Mr. Barr supports the application as the community needs small businesses. The current applicants run a great business, one that respects both the community and their clients.

Kedron Valley Garage owner, Mr. Holmes, stated his strong support for the application.

Ms. Hawthorne, neighbor, worries about the potential for increase use in the future. The regulations allow a 5% increase in use every 5 years.

Mr. Hayes, an attorney representing abutter Carol Woods, read the nonconforming use criteria. He felt 14 months have passed since Mr. Shove used the building as a wood shop. Fourteen months ago, an auction was held to sell off all the wood working equipment. The business has not been operational since that date.

Mr. Hayes stated that the current parking space in front of the building is a valid parking area. The requested access and parking in the rear of the building are problematic. The access to the rear is very steep and would not meet highway standards where the driveway meets the highway. Parking requirements require one per employee and one per every 200 square feet of space. He calculates a need of ten parking spaces. There is also a 100 foot riparian buffer issue to deal with on the rear lawn.

Mr. Follum, noted both the South Woodstock Country Store and the Kedron Valley Inn have non-complying parking and access issues yet they have a positive impact on the community.

Mr. Dunne asked how do parking standards get applied to an old business?

Mr. Shove, current owner of the property, stated he has been working in the building during the past year.

Mr. Fiertz stated Mr. Lyman never had any safety issues with parking and access to Route 106.

Mr. Wallace, realtor, stated this use has been on site for a very long time. The conversion of this industrial building to a residential use would be very complicated and expensive. This has made selling the property a difficult task. The current application is a viable project.

Testimony was voted close.

6. T-4613-15 Bruce and Patricia Gould

Application is for Conditional Use / Waiver to Setback Approval to construct 112 sf deck on south elevation with the front setback. The property is located on 1957 South Road and is zoned Residential One Acre.

Mr. Gould was not present. The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed a site plan and elevations of the proposed deck.

The entire structure is located within the front setback, 80' from centerline.

The home was originally built in 1790.

A set of stairs would be placed west of the deck towards the street for ease of access.

The land behind the home is quite steep dropping off to the Kedron Brook.

A small 8' x 14' deck is proposed to serve as a platform for the main entrance.

The TDRB reviewed the Conditional Use and Waiver to Setback criteria with the applicant.

Testimony was voted closed.

7. T-4614-15 Gray Perkins

Application is for Design Review approval to replace shingle roof with metal standing seam roof and add window to east / front elevation of house. The property is located at 4822 South Road and is zoned Residential Low Density / Design Review.

Mr. Perkins was not present. The TDRB reviewed the testimony presented at the September 22, 2015 meeting.

The TDRB reviewed photographs of the building and the proposed changes.

The existing asphalt roof is in disrepair and needs to be replaced.

An existing skylight would be removed and not replaced.

The owners have chosen a standing seam metal roof. A dark gray color was selected.

A window is proposed for placement between front door and existing window.

The window would be same size and style as the existing 6-over-1 units on the rest of the building.

The home was originally built in the 1940s.

The South Woodstock Design Review Board recommendation to approve as presented was read by the TDRB.

Testimony was voted close.

V. OTHER BUSINESS

A. Administrative Officer's Report

The report was given and discussed.

VI. DELIBERATIONS

A. T-4578-15 William Pidlipchak Continued

B. T-4606-15 Virginia Eames

After discussion, the following findings of fact were established:

1. The TDRB reviewed floor plans and a site plan of the property.
2. There are currently two apartments on site, one in a rear building and one in the main building.
3. Recently an insurance office moved out of the main building. Owner wishes to convert the office space to two apartments for a total of four units.
4. There would be a total of six bedrooms for all four apartments.
5. There are eight parking spaces behind the building. These had been used by the former office. They are not visible from Route 4.
6. The units are all connected to Town sewer and Woodstock Aqueduct water.
7. The State Fire Marshall has inspected the site. A larger window opening is required for emergency egress for one of the apartments.
8. The Multiple Low Occupancy Apartment and Conditional Use criteria were reviewed with the applicant.

After further discussion, Mr. Hunt moved with a second by Mr. Wilson to approve the application as presented.

The motion passed with a 3-0 vote.

C. T-4608-15 Sleep Woodstock, LLC

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan and renderings of the proposed stormwater remediation plan.
2. A TDRB review is required as the excavation exceeds the 5000 square feet threshold.
3. There are numerous springs located up on the hill behind the building.
4. When the 232 foot long building was constructed it was built close to the slope leading up the hill on north side of the site. The building has a five foot crawl space under it.
5. As a result, the motel has problems of high humidity and other water issues.
6. To resolve the water issues three steps are proposed. Foundation drains would be placed along the entire rear elevation. A curtain drain is proposed ten to twenty feet at the rear of the building. Existing swales built higher up the hill would be reworked so they function correctly.

7. The swale would force water to skirt around to either end of the building.
8. The engineer noted the project would not create additional storm water impacts to Route 4.
9. The owner hopes to get work done in October well before winter so the grass can be reseeded.
10. The TDRB reviewed the Conditional Use and Landscaping / Grading criteria.

After further discussion, Mr. Wilson moved with a second by Mr. Hunt to approve the application as presented.

The motion passed with a 3-0 vote.

D. T-4611-15 Thomas Weschler / Mary Hawkins

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan and a photograph of the proposed garage.
2. A 45' front setback is required. The owner would like to reduce to the front setback by placing the garage 37' from road centerline.
3. The TDRB reviewed the Waiver to Setback form.
4. A well exists directly behind the proposed 24' x 24' garage.
5. The garage would be a single story structure.
6. The garage as requested would line up with the existing home and would maintain the area aesthetics. The home was originally built in 1816.
7. The TDRB reviewed the Conditional Use and Waiver to Setback criteria with the applicant.

After further discussion, Mr. Hunt moved with a second by Mr. Wilson to approve the application as presented.

The motion passed with a 3-0 vote.

E. T-4612-15 Michael Dunn

After discussion, the following findings of fact were established:

1. The TDRB reviewed floor plans and a site plan of the property.
2. The applicant wishes to continue the operation of the existing wood shop and add an office on the second floor. The applicant owns a construction business, mainly renovation and construction of residential homes. The wood shop would be used to construct cabinets and other items for the homes.
3. The building is currently being used but very little. The owner is 74 years old and wishes to sell. The building has been a wood shop since 1948. Prior to this use it was a woolen mill. The building was originally built in 1799.
4. The 0.5 acre parcel of land is zoned Residential Low Density.
5. Todd Shove, the property owner's son, gave a brief history of the property. His grandfather purchased the building in the 1940s for use as a wood shop. At one

point the shop had up to four employees. The current owner is semi-retired. Mr. Shove noted the history of the area has been mixed use. Hamlets rely on an integration of commercial and residential uses as a way of life. The wood shop has been a part of the community for the past 67 years.

6. A letter signed by twelve property owners, was sent to both the TDRB and the applicants on October 2, 2015. The group of neighbors are opposed to the applicant's request as they feel the use does not meet the non-conforming use definition in that it has been non-operational for more than a year.
7. Mr. Hayes, an attorney representing abutter Carol Woods, read the nonconforming use criteria. He felt 14 months have passed since Mr. Shove used the building as a wood shop. Fourteen months ago, an auction was held to sell off all the wood working equipment. The business has not been operational since that date.
8. A half dozen, neighbors testified their support for the application and considered the existing use to be a continued non-conforming use.
9. The applicant stated the application is only asking for an additional office space within the allowed 25% increase of a nonconforming use. The assumption is the use is a continuing non-conforming use, an industrial use within a residential district.
10. The TDRB reviewed the Non-Conforming Uses and Conditional Use criteria with the applicant.
11. Section 707 Nonconforming Uses/Nonconforming Structures A. 2. states: "If a nonconforming use has been terminated, it may be reestablished within (6) months. After this six (6) month period, a nonconforming use may be reestablished within twelve (12) months following its discontinuance only with TDRB approval."
12. Based on the testimony received, the TDRB determined the existing use does not comply with the criteria required to be non-conforming use. The period of time that the current owner has used the property as a wood shop or one that closely approximates the approved uses of the zoning district exceeds the stated limit of twelve months. Therefore, a nonconforming use does not exist and cannot be expanded.

After further discussion, Mr. Wilson moved with a second by Mr. Hunt to approve the application as presented.

The motion was denied with a 0-3 vote.

F. T-4613-15 Gould

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan and elevations of the proposed deck.
2. The entire structure is located within the front setback, 80' from centerline.
3. The home was originally built in 1790.
4. A set of stairs would be placed west of the deck towards the street for ease of access.
5. The land behind the home is quite steep dropping off to the Kedron Brook.

6. A small 8' x 14' deck is proposed to serve as a platform for the main entrance.
7. The TDRB reviewed the Conditional Use and Waiver to Setback criteria with the applicant.

After further discussion, Mr. Hunt moved with a second by Mr. Wilson to approve the application as presented.

The motion passed with a 3-0 vote.

G. T-4614-15 Perkins

After discussion, the following findings of fact were established:

1. The TDRB reviewed photographs of the building and the proposed changes.
2. The existing asphalt roof is in disrepair and needs to be replaced.
3. An existing skylight would be removed and not replaced.
4. The owners have chosen a standing seam metal roof. A dark gray color was selected.
5. A window is proposed for placement between front door and existing window.
6. The window would be same size and style as the existing 6-over-1 units on the rest of the building.
7. The home was originally built in the 1940s.
8. The South Woodstock Design Review Board recommendation to approve as presented was read by the TDRB.

After further discussion, Mr. Wilson moved with a second by Mr. Hunt to approve the application as presented.

The motion passed with a 3-0 vote.

VII. NEXT MEETING

The next meeting is scheduled for October 27, 2015.

VIII. ADJOURNMENT

The meeting adjourned at 9:10 a.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner