

**TOWN DEVELOPMENT REVIEW  
DRAFT MINUTES  
June 23, 2015**

**Members Present:** Ingrid Moulton Nichols, Laurance Lombard, Charlie Wilson  
**Members Absent:** Don Bourdon, Fred Hunt  
**Others Present:** William Pidilipchak, Harry Bumps, Al Romero, Josh Hardy, Chuck Gunderson, Diane Bumps, Tom Hayes, Carole Pickett, Michael Brands

**I. CALL TO ORDER**

Chair-pro-tem Nichols called the meeting to order at 7:30 p.m.

**II. APPROVAL OF MINUTES**

The May 26, 2015 minutes were approved as submitted.

**III. PUBLIC HEARINGS**

**A. Old Business:           None**

**B. New Business:**

**1. T-4574-15   NICA LLC**

Application is for Conditional Use Approval to amend permit T-4533-15 to remove condition #7. The property is located at 1653 West Woodstock Road and is zoned Inn.

Mr. Hayes, attorney presented the application.

The TDRB reviewed a site plan of the property and zoning permit T-4533-15.

Just before the meeting, three members of the TDRB (Nichols, Lombard, and Wilson) conducted a site visit with the Town Planner.

Mr. Hayes asked to address two conditions of zoning permit T-4533-15, #6 health of existing large maple trees and #7 replacement of the road side maple trees.

Mr. Romero, certified arborist, was introduced by Mr. Hayes. Mr. Romero started working with the applicant in the fall of 2014.

Mr. Romero discussed condition #6 first. There are three large maple trees that pre-

existed the recently constructed hotel. The current trees are approximately 75 years old. Due to construction of the hotel, the tree roots have been impacted by excessive soil, and the placement of the stormwater system, sidewalks and parking areas.

Mr. Romero was not involved with the project at the time of construction. Photographs, one of each tree, showed the areas where the excessive soil has been cleared away from the roots. An ultrasonic tool using air pressure was used to remove soil without damaging the roots. Vertical mulching, injected nutrients and air passages, was completed to help nurture the trees. Dead branches were removed to relieve stress on the living parts of the tree. The trees have been in place a long time without any evident maintenance.

Mr. Romero noted a positive element is the area's soil, an alluvial sandy loam which drains quickly. The sandy loam also contains air pockets, beneficial to root health. The pH is 6.5, a good reading for the soil and the tree's survival. Another positive is the lack of clay in the soil which would severely constrict air, water and nutrient intake if present.

Construction damage to trees takes 5-7 years to be apparent. The tree crown could be reduced and dead branch removal may be required.

Mr. Romero will continue his maintenance procedures this year. The trees need to be monitored on a yearly basis. With constant care they should survive well into the future. Trees like these could survive another 200 years with adequate care. They may die back slightly and require additional pruning. The construction process and compaction of soil over the roots does stress a tree.

Mr. Lombard felt the excess soil should be removed to the drip line of the branches so the roots can breathe properly.

Mr. Romero responded that the vertical mulching technique allows air and nutrients to serve the tree roots to make up for over fill on the roots. Trees in more urban environments commonly have impacted roots due to the narrowness of a site such as the presence of sidewalk and driveways, yet with proper methods they are able to survive.

Mr. Lombard felt the three large maple trees are struggling. The trees appeared to be healthy last year. He encouraged removing more soil. It would be a shame to lose the trees, they add important value to the property.

Mr. Romero stated he is doing his best effort to improve the health of the trees. The eastern tree, closest to the entrance, is the most impacted, due to rocks and pavement that were added the site. The western tree is impacted by the driveway to the villa, the front parking lot, and the placement of the underground stormwater system. The center tree is in the good health.

Mr. Romero proposed a stone tree well be constructed around the western tree to improve the health of the roots. Tree roots will grow towards the surface seeking air and nutrients.

Unfortunately, there is not enough area to construct a stone well around the eastern tree's root system. The tree may die back a bit over time but can be maintained with

appropriate care over time.

Mr. Lombard suggested a five year contract be required to assure future maintenance of the trees.

Condition #7 to replace the four maple trees planted along Route 4 was discussed. The condition requires additional larger trees of a 5" caliber be planted.

Mr. Hayes asked to remove this condition from the zoning permit as it is unnecessary.

The current trees were planted with a 1" caliber approximately two years ago. They are now 6' in height and will grow rapidly over the years. It takes one year per caliber inch for a tree to overcome the stress of planting and to establish a viable root system. Therefore, a 5" caliber tree would take five years before it started to grow in a strong manner. A 5" caliber tree due to the stress level is also less likely to survive. The planting of smaller trees will outperform the planting of a larger tree in the long run, as they will be healthier and more acclimated to the site.

The hemlock hedge just south of the planted maple trees is intended to screen the parking lot. The dead hemlocks were removed and replaced with healthy trees.

The Town Planner noted this is a permanent condition, when dead trees or shrubs die they are required to be replaced.

The hemlocks are planted as a hedge on 3' centers. They can grow to any height. The hedge is normally cut at 6' or 8' depending on the owner's desire. In this case, the intent is to screen the parking lot.

The TDRB agreed the landscaping is much improved over the first couple of years, and the hedge is starting to fill in.

Mr. Romero noted within a year, the maples will grow much stronger now that the root system is well established. He recommended retaining the existing trees versus replanting with the larger 5" caliber size.

The TDRB noted had a certified arborist been involved at the beginning of the project, the potential deterioration of the large maple trees could have been avoided.

Testimony was voted closed.

## **2. T-4565-15 Padlipchak**

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. Padilipchak presented the application.

The TDRB reviewed numerous maps and a survey of the property.

Just before the meeting, three members of the TDRB (Nichols, Lombard, and Wilson) conducted a site visit with Mr. Padilipchak and the Town Planner.

The applicant constructed a driveway just east of pond within the wetland buffer, excavated an area north of pond for a proposed home site and excavated an area east of existing home.

The Conservation Commission reviewed the potential impact to the wetland on June 17 after a site visit which was held on May 11. The CC agreed the wetland in question is a long standing pond with a well established form, the driveway is constructed further away from the pond than had been planned originally per subdivision approval, and a number of swales and culverts have been placed to keep water runoff from entering the pond. The CC concluded there should be no significant negative impact to the pond resulting from the current excavation and site work.

The applicant received a Conditional Use permit dated August 7, 2012 to subdivide the property into two lots. At that time, the location of the driveway for the proposed house site was approved to run through a section of the wetland buffer.

The TDRB Board asked for an engineer's as-built site plan to match existing work. The current submittal is hand drawn by the applicant and is difficult to understand. The engineer's survey with two foot contours submitted at the time of the 2012 subdivision request was used as a base map.

An updated plan needs to show the as-built excavation including culvert sizes, stormwater swales, driveway location, and proposed home and septic sites.

Once the TDRB has the updated site plan they'll be able to continue the review of the project.

The neighbors to the east, Diane and Harry Bumps, were concerned with the excavation coming too close to their property and asked if there is a setback required for excavation.

The Town Planner stated the regulations allow excavation right up to a property line. Erosion from another property is one prohibition stated in the regulations. Driveways are commonly allowed to be placed along a property line for example.

Mr. Bumps is concerned his soil may slide down into his neighbor's property. The soil has a heavy clay content and is prone to sliding. This area is his horse pasture. He also asked if an Article VI Stormwater review was required.

The TDRB felt the slope did not appear to be too steep along the Bumps' property line. The excavated area is also planted with grass, which is starting to take. Once the grass roots mature, they should hold the soil in place.

The Town Planner stated the stormwater regulations have a 10,000 square foot of impervious area threshold. The only impervious portion of the current request is the 220'

long, 7' wide driveway which is well short of the 10,000 square foot threshold.

After discussion, Ms. Nichols motioned with a second by Mr. Lombard to continue the application to the next meeting, thus allowing the applicant time to have his engineer add the requested as-built information to the plan.

The motion passed with a 3-0 vote.

**3. T-4579-14 Lewis Pickett Trust**

Application is for Design Review approval to change door, steps and posts on front elevation of home. The property is located at 4678 South Road and is zoned Residential Low Density / Design Review.

Ms. Pickett presented the application.

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

The applicant wishes to replace the front door, steps and posts to the porch.

The formal front door would be natural mahogany. Three stone steps would access the front door. Railings would be placed along the steps but not along the entry way platform. Square support posts would be placed under the entry way roof.

On the indented porch to the right, a set of three mahogany steps would be placed without railings. The round support column would be replaced with a square column. A railing would be placed along the sides of the porch.

The Design Review Board's recommendation to approve as presented was read.

Testimony was voted closed.

**V. OTHER BUSINESS**

**A. Administrative Officer's Report**

The report was given and discussed.

**VI. DELIBERATIONS**

**A. T-4574-15 NICA LLC**

*After discussion, the following findings of fact were established:*

1. The TDRB reviewed a site plan of the property and zoning permit T-4533-15.
2. Three members of the TDRB (Nichols, Lombard, and Wilson) conducted a site visit with the Town Planner.
3. A certified arborist started working with the applicant in the fall of 2014.

4. Condition #6 regarding the health of the three large maple trees in front of the hotel was discussed. Due to construction of the hotel, the +/-75 year old tree roots have been impacted by excessive soil, and the placement of the stormwater system, sidewalks and parking areas.
5. Photographs, one of each tree, showed the areas where the excessive soil has been cleared away from the roots. An ultrasonic tool using air pressure was used to remove soil without damaging the roots. Vertical mulching, injected nutrients and air passages, was completed to help nurture the trees. Dead branches were removed to relieve stress on the living parts of the tree. The trees have been in place a long time without any evident maintenance.
6. The soil in the immediate area is an alluvial sandy loam which drains quickly. The sandy loam also contains air pockets, beneficial to root health. The ph is 6.5, a good reading for the soil and the tree's survival. There is no clay soil, which would severely constrict air, water and nutrient intake if present.
7. Construction damage to trees takes 5-7 years to become apparent. The tree crown could be reduced and dead branch removal may be required.
8. The arborist has a one year contract. The trees need to be monitored on a yearly basis. Trees like these could survive another 200 years with appropriate care.
9. The eastern tree, closest to the entrance, is the most impacted, due to rocks and pavement that were added the site. The western tree is impacted by the driveway to the villa, the front parking lot, and the placement of the underground stormwater system. The center tree is in the good health.
10. The arborist proposed a stone tree well be constructed around the western tree to improve the health of the roots. Tree roots will grow towards the surface seeking air and nutrients.
11. There is not enough room to construct a stone well around the eastern tree's root system. The tree may die back a bit over time but can be maintained with appropriate care over time.
12. Mr. Lombard suggested a five year contract be required to assure future maintenance of the trees.
13. Condition #7 to replace the four maple trees planted along Route 4 was discussed. The condition requires additional larger trees of a 5" caliber be planted.
14. The applicant asked to remove this condition from the zoning permit as it is unnecessary.
15. The current trees were planted with a 1" caliber approximately two years ago. They are now 6' in height and will grow rapidly over the years. It takes one year per caliber inch for a tree to overcome the stress of planting and to establish a viable root system. Therefore, a 5" caliber tree would take five years before it started to grow in a strong manner. A 5" caliber tree due to the stress level is also less likely to survive. The planting of smaller trees will outperform the planting of a larger tree in the long run, as they will be healthier and more acclimated to the site.
16. The hemlock hedge just south of the planted maple trees is intended to screen the parking lot. The hemlocks were planted as a hedge on 3' centers. The dead hemlocks were removed and replaced with healthy trees.

17. The Town Planner noted the landscaping as shown on the site plan is a permanent condition. When dead trees or shrubs die they are required to be replaced.
18. The TDRB agreed the landscaping is much improved over the first couple of years, and the hedge is starting to fill in.
19. The arborist noted within a year, the maples will grow much stronger now that the root system has become established. He recommended retaining the existing trees versus replanting with the larger 5" caliber size.

**After discussion, Mr. Lombard moved with a second by Mr. Wilson to approve the application with the following conditions:**

1. A certified arborist shall be contracted for five years to provide maintenance to assure the continued health of the three large maples trees directly in front of the building.
2. The applicant shall create a root well per arborist description around the western maple tree to give the tree an improved opportunity for survival.
3. A certified arborist shall provide maintenance for the four maple trees planted along Route 4 for at least the next three years.
4. Condition #7 of zoning permit T-4533-15 which requires replacement of the currently planted maple trees with 5" caliber maples trees is hereby removed from the permit.

**The motion passed with a 3-0 vote.**

**B. T-4578-15 Pidilipchak Continued**

**C. T-4579-15 Carole Pickett**

**After discussion, the following findings of fact were established:**

1. The TDRB reviewed photographs of the building and the proposed changes.
2. The applicant wishes to replace the front door, steps and posts to the porch.
3. The formal front door would be natural mahogany. Three stone steps would access the front door. Railings would be placed along the steps but not along the entry way platform. Square support posts would be placed under the entry way roof.
4. On the indented porch to the right, a set of three mahogany steps would be placed without railings. The round support column would be replaced with a square column. A railing would be placed along the sides of the porch.
5. The Design Review Board's recommendation to approve as presented was read.

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

**The motion passed with a 3-0 vote.**

**VII. NEXT MEETING**

The next meeting is scheduled for July 28, 2015.

Mr. Wilson will not be able to attend.

**VIII. ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town Planner