

**TOWN DEVELOPMENT REVIEW  
DRAFT MINUTES  
July 28, 2015**

**Members Present:** Don Bourdon, Charlie Wilson, Fred Hunt, Laurance Lombard  
**Members Absent:** Ingrid Moulton Nichols  
**Others Present:** Tom Hayes, Cyrus Benoit, Brian Bontrager, Nick Scheu, Michael Brands

**I. CALL TO ORDER**

Chair Bourdon called the meeting to order at 7:30 p.m.

**II. APPROVAL OF MINUTES**

The June 23, 2015 minutes were approved as submitted.

**III. PUBLIC HEARINGS**

**A. Old Business: None**

**B. New Business:**

**1. T-4565-15 William 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.

The applicant was not present, the application was continued.

**2. T-4581-15 Jon Rubinton**

Application is for Conditional Use Approval to erect a stone patio and stairs in riparian buffer - after the fact. The property is located on 4808 Cloudland Road and is zoned Residential One Acre / Riparian.

Tom Hayes, attorney, presented the application. Cy Benoit, arborist, assisted the presentation.

Four members of the TDRB (Chair Bourdon, Mr. Hunt, Mr. Wilson, and Mr. Lombard)

attended a site visit directly before the meeting with Mr. Hayes, Mr. Benoit, and the Town Planner.

The TDRB reviewed numerous photographs and a site plan of the as-built terrace.

An egg shaped stone terrace measuring 16' by 25' was built without permit in the 50' riparian buffer. The owner did not realize a permit was necessary. A terrace such as this, flush to the ground, would not require a permit if built outside of the riparian buffer.

The edge of the terrace is 25' to 30' from the water surface. A 3' x 20' long set of stone steps heads south, parallel to the water. The terrace is constructed of massive dry laid field stone. Terrace placement required a minor amount of cut and fill technique. A foot of fill was added to the east edge of the terrace, whereas the west edge is cut a foot into the hillside.

The terrace is built on a high bank that sits 8' to 10' above the stream surface. The west side bank is 5' higher than the east side of the stream. The stream was 5' to 6' wide at time of site visit. The stream channel is approximately 10' to 15' wide and 5' deep in front of the terrace.

The west bank has a strong constant slope up to the home site. The home is located 100' above and 600' west of the stream. The east side bank has a very gentle slope to Cloudland Road, located 50' -60' east of the stream.

Should a flood occur, floodwaters would run down the road well before they rise to the level of the terrace site. The area was not inundated during Tropical Storm Irene.

The upper slope directly above the terrace is landscaped with creeping myrtle to create a strong ground cover capable of holding the soil in place. This is located outside of the riparian buffer. Along the terrace edges and steps, ferns have been planted. There is no other change in landscaping immediate to the terrace.

The area between the terrace and the stream is left as is and will not be touched as it is quite steep to the water's edge.

The overall area is mainly white spruce with little undergrowth.

The total riparian area is 26,800 square feet, the parcel is 268' wide. The terrace and stone path within the riparian area measure 460 square feet thus equaling 1.7% of the riparian area.

Mr. Hayes testified that the terrace complies with the riparian buffer regulations. The area in question is well below the 5% threshold for riparian vegetation removal. The terrace meets Section 403 B.1.e.6. which allows an outdoor recreational facility following a

Conditional Use review. The majority of the existing riparian vegetation is located on the lower sloped east bank side and not the steeper sloped west bank side.

The Conservation Commission's recommendation to approve the as-built stone terrace was read by the TDRB.

The TDRB reviewed the four criteria of Section 403 B.1.f. Standards for Review with the applicant.

Mr. Hayes noted there should be no stormwater runoff due to construction of the terrace. Crushed stone was used under the large slabs, to allow water flow. There should be no soil erosion. The area was replanted with native vegetation covering any exposed soil that may have resulted from the construction process. The project is built flush to the ground and will not have a negative effect on wildlife or fish habitat. Water quality will not be affected as there would be no increase of stormwater runoff or erosion into the stream.

Testimony was voted closed.

### **3. T-4588-15 Woodstock Union High School**

Application is for Conditional Use Approval to replace sign on Route 4 with an internally lit sign. The property is located at 70 Amsden Way and is zoned Residential Five Acre.

Mr. Bontrager, WUHS board member, presented the application.

The TDRB reviewed a photograph of the existing sign and a rendering of the proposed sign.

The new sign would be a digital sign, illuminated with LED lights.

The proposed sign would be smaller in total square footage. The new sign would be the same length but narrower than the existing sign.

The masonry support posts would remain as is.

All aspects of the sign (color, font, motion, brightness, etc.) would be controlled by the school's computers.

The current sign is not big enough for all the information the school wishes convey on a daily basis to the public.

Mr. Bontrager envisioned that each line of text would scroll up to allow multiple messages to be viewed. The time interval was unknown but he estimated a person driving by would be able to read two messages in the time it takes to drive by.

Section 526 Signs G. Public Buildings of the regulations states: “ ...A public school may place an internally illuminated static digital sign with Conditional Use Review. ...” The key word is “static”.

The TDRB asked how does one define “static”. The dictionary definition is: “without motion”.

After discussion of how late the sign would be illuminated, Mr. Bontrager agreed to have the sign turned off at 11:00 pm, with a restart at 6:00 am.

The applicant did not know how bright the sign was but noted brightness can be controlled via the computer.

A green background with white letters was preferred by the applicant. Again, color can be controlled by the computer.

The Town Planner suggested a review after the sign is operational to assure the sign does not cause glare.

Mr. Scheu, an abutter across the street above the school and a Planning Commission member, stated that although he supports the sign he does have a few concerns. Too much glare, bright disturbing colors, and motion were his chief issues. The regulations state a static sign is allowed which means no motion. Coloration is important, as a landscaper, he is aware that blue and red colors have different impacts.

The TDRB discussed the interval of time between each message at length.

Mr. Bontrager stated he would comply with whatever conditions the TDRB felt were necessary and would go with a 24 hour change cycle to move the issue forward.

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-4581-15 Jon Rubinton**

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

1. The TDRB attended a site visit directly before the meeting.
2. The TDRB reviewed numerous photographs and a site plan of the as-built terrace.
3. An egg shaped stone terrace measuring 16' by 25' was built without permit in the 50' riparian buffer.
4. The edge of the terrace is 25' to 30' from the water surface. A 3' x 20' long set of stone steps heads south, parallel to the water. The terrace is constructed of massive dry laid field stone. Terrace placement required a minor amount of cut and fill technique. A foot of fill was added to the east edge of the terrace, whereas the west edge is cut a foot into the hillside.
5. The terrace is built on a high bank that sits 8' to 10' above the stream surface. The west side bank is 5' higher than the east side of the stream. The stream was 5' to 6' wide at time of site visit. The stream channel is approximately 10' to 15' wide and 5' deep in front of the terrace. The east side bank has a very gentle slope to Cloudland Road, located 50' -60' east of the stream.
6. The upper slope directly above the terrace is landscaped with creeping myrtle to create a strong ground cover capable of holding the soil in place. This is located outside of the riparian buffer. Along the terrace edges and steps, ferns have been planted. There is no other change in landscaping immediate to the terrace.
7. The area between the terrace and the stream is left as is and will not be touched as it is quite steep to the water's edge. The overall area is mainly white spruce with little undergrowth.
8. The total riparian area is 26,800 square feet, the parcel is 268' wide. The terrace and stone path within the riparian area measure 460 square feet thus equaling 1.7% of the riparian area.
9. The area in question is well below the 5% threshold for riparian vegetation removal. The terrace meets Section 403 B.1.e.6. which allows an outdoor recreational facility following a Conditional Use review. The majority of the existing riparian vegetation is located on the lower sloped east bank side and not the steeper sloped west bank side.
10. The Conservation Commission's recommendation to approve the as-built stone terrace was read by the TDRB.
11. The TDRB reviewed the four criteria of Section 403 B.1.f. Standards for Review with the applicant.
12. There should be no stormwater runoff due to construction of the terrace. Crushed stone was used under the large slabs, to allow water flow. There should be no soil erosion. The area was replanted with native vegetation covering any exposed soil that may have resulted from the construction process. The project is built flush to the ground and will not have a negative effect on wildlife or fish habitat. Water quality will not be affected as there would be no increase of stormwater runoff or erosion into the stream.

**After further discussion, Mr. Hunt moved with a second by Mr. Lombard to approve the application as presented. The motion passed with a 4-0 vote.**

**C. T-4588-15 Woodstock Union High School**

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

1. The TDRB reviewed a photograph of the existing sign and a rendering of the proposed digital sign internally illuminated with LED lights.
2. The proposed sign would be smaller in total square footage. The new sign would be the same length but narrower than the existing sign.
3. The masonry support posts would remain as is.
4. All aspects of the sign (color, font, motion, brightness, etc.) would be controlled by the school's computers.
5. The sign would be turned off at 11:00 pm and restarted each day at 6:00 am.
6. The applicant desired a scrolling message style of sign.
7. The applicant did not know how bright the sign would be but agreed to further review by the TDRB once the sign is operational.
8. The applicant proposed a green background with white letters. The colors can be changed by the computer.
9. Section 526 Signs G. Public Buildings of the regulations states: "...A public school may place an internally illuminated static digital sign with Conditional Use Review. ..." The key word is "static".
10. The applicant offered to change the sign message once every 24 hours.
11. Due to the many unknowns of a new technology, the TDRB agreed to retain the right of further review once the sign is operational. The applicant agreed.
12. The TDRB is concerned with color, font, brightness and motion.

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

1. The sign's message shall not be changed at less than a 2 hour interval.
2. The sign shall be turned off at 11:00 pm and may restart no earlier than 6:00 am.
3. To ensure compliance with Section 525 Signs, Sub-section G Public Buildings, specifically pertaining to internally illuminated static digital signs, the TDRB retains the right to review and to modify the following elements of this approved sign, specifically as pertains to color, font style and size, brightness and motion.
4. The applicant shall present to the TDRB additional testimony pertaining to the conditions incorporated as part of its Conditional Use Approval no later than 30 days following full operation of the internally illuminated digital sign. Accordingly, based on testimony received at a subsequent hearing, the TDRB may modify its findings and decision.

**The motion passed with a 4-0 vote.**

**VII. NEXT MEETING**

The next meeting is scheduled for August 25, 2015. Mr. Hunt will not be present.

**VIII. ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town Planner