

**TOWN DEVELOPMENT REVIEW
DRAFT NOTES
November 24, 2015**

Members Present: Don Bourdon, Charlie Wilson, Fred Hunt, Kim French
Members Absent: Ingrid Moulton Nichols
Others Present: Scott Hoffman, Diane Dugan, Gerry Hawkes, Patrick Crowl, Peter Vollers, Lyman Shove, Brooke Dingleline, Michael Brands

I. CALL TO ORDER

Chair Bourdon opened the meeting at 7:30 p.m.

II. APPROVAL OF MINUTES

The October 5, 2015 and October 27, 2015 minutes were approved as submitted.

III. PUBLIC HEARINGS

A. Old 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 was continued to allow the applicant time to have an updated site plan created, that would show the as-built topography.

B. New Business:

1. T-4617-15 Rebecca Gordon

Application is for Conditional Use and Short Term Rental approval to use property as a short term rental. The property is located at 2115 East Woodstock Road is zoned Residential One Acre.

Mr. Hoffman, the proposed manager and Vacasa LLC employee, presented the application.

The TDRB reviewed a site plan and the short term rental form.

The applicant has read the requirements of Section 525 Short Term Rentals.

The home would not be rented out for more than ten times per year.

There are two parking spaces on site.

The State Fire Marshall's office has inspected the site and made requests for smoke detectors and other improvements.

The smoke detectors were installed as requested.

Mr. Hoffman, from the Vacasa Property Rental Service, is listed as the local manager. The owner lives in Delaware.

The TDRB reviewed Conditional Use and Short Term Rental criteria with the applicant.

Testimony was voted close.

2. T-4623-15 Paul & Jan Maggi

Application is for Conditional Use and Wetland Review approval to replace existing 1771 sq. ft. garage with 3400 sq. ft. garage and to change driveway within Conservation Overlay Zone. The property is located at 938 South Road and is zoned Residential Five Acre / Wetland.

Application was continued at the CC meeting to allow the owner time to redesign his proposal.

3. T-4624-15 Diane & Kevin Dugan

Application is for Conditional Use and Wetland Review approval to construct a 40' x 60' pond within wetland buffer. The property is located at 345 Gabert Road and is zoned Residential Five Acre /Conservation Overlay (wetland).

Mr. Hawkes, forester, presented the application. Ms. Dugan was present.

The TDRB reviewed a site plan, pond profile and orthophoto map of the proposed use.

An 8' deep 40' x 60' wildlife pond is proposed in a wetland buffer.

The pond site is 50' east of the mapped wetland area. A hundred foot buffer is required.

The pond would be fed via underground springs. The immediate area is very wet.

The area in question had been a Christmas tree farm. The trees did not grow well in this area due to the extreme wetness.

The pond would be stocked with trout and the shoreline would be kept in a natural state to promote wildlife use. There is no intent to create a beach area or lawn near the pond.

The TDRB reviewed the Conservation Commission minutes which recommended approval of the proposed pond.

A 12" overflow pipe is installed to handle excess water. The water line would be 2' below the dam/berm level.

The CC noted that ponds serve the same purpose as a wetland, holding water. In this case the intent is to promote wildlife habitat, which is an additional element of wetland attributes. The pond is to be constructed 50' outside of the wetland, therefore reducing potential construction impacts on the actual wetland.

The TDRB reviewed Conditional Use and Wetland criteria with the applicant.

Testimony was voted closed.

4. T-4625-15 Patrick Crowl

Application is for Conditional Use, Flood Hazard and Riparian Buffer Review approval to reconfigure parking to add 13 parking spaces for clients and 10 parking spaces for employees. The property is located at 979 West Woodstock Road and is zoned Light Commercial / Light Industrial / Flood Hazard.

Mr. Crowl, owner, presented the application.

The TDRB reviewed a site plan, renderings and orthophoto map of the proposed use.

Mr. Crowl purchased the Vermont Standard property just after Tropical Storm Irene, which had destroyed the building. Currently only a cement pad remains. There is no intent of constructing any building on the property as the entire parcel is located totally within the flood zone.

Mr. Crowl, owner of the Woodstock Farmers Market, wishes to expand the client parking lot onto the recently acquired parcel. The expansion of the parking lot would move the exit further east. This is a much safer location as it increases sight distances and decreases conflict with left turns.

Client parking would be increased by 11 spaces (3 along Route 4 and a second row of 8 spaces just south of that). South of the client parking area, the applicant proposes

10 parking spaces for employees only (a double row of 5 spaces each). The line dividing employee parking from client parking lines up with the front of the main Woodstock Farmers Market store building.

The 100' riparian buffer zone goes from the bank of the Ottauquechee River to the north edge of the concrete pad. The TDRB reviewed an orthophoto showing both flood hazard areas and the 100' riparian buffer.

The Conservation Commission reviewed the riparian buffer impact and approved the proposed parking lot request. The concrete pad would be removed. The site would be regraded with hardpack to create a solid surface. The area between the river bank and the south end of the proposed parking would be planted with grass seed and other vegetation.

The finish elevation of the parking lot would be equal to or lower than the current surface elevation per Flood Hazard regulations .

The TDRB reviewed the November 24, 2015 letter from the State Floodplain Manager which did not raise any significant issues.

In recommending approval, the Vermont Department of Transportation noted the improved safety of the relocated exit. A letter will be sent at a later date.

The Town Planner suggested that when the surface is graded it should slope back towards Route 4 to minimize stormwater from entering the river.

Mr. Crowl stated the existing paved lot currently slopes towards Route 4 and the proposed extension of that lot would do so as well. The employee lot would be hardpacked and would also drain towards Route 4. A stormwater drain is located on the northeast corner of the lot.

Four 10-foot tall lights are proposed to help illuminate the parking area. Each fixture would have a 10 watt LED bulb. The fixtures are a downlit style. The TDRB reviewed the cut sheet. The lights would be turned off by 11:00 pm.

New exit/entrance signs are proposed. They would be painted with vertical lettering on 4' x 4' posts stating "exit" or "entrance". The applicant prefers lettering on all four sides of the posts with red stripes bordering the lettering to accentuate the message.

The TDRB discussed the riverbank area. The Woodstock Farmers Market lot has rip-rap along the bank which was placed after Tropical Storm Irene. The former Vermont Standard lot rip-rap was placed before the storm and is overgrown with vegetation. The applicant will not remove vegetation from the riverbank as it is important for bank stabilization.

The TDRB reviewed Conditional Use, Site Plan, Riparian Buffer and Flood Hazard criteria with the applicant.

There were no abutters present.

Testimony was voted close.

V. OTHER BUSINESS

A. Administrative Officer's Report

The report was given and discussed.

B. Reconsideration Request

Mr. Shove and his attorney, Ms. Dingleline, asked the TDRB for a reconsideration of the T-4612-15 decision whereby the TDRB denied a request to continue and expand a nonconforming use at Mr. Shove's property, 4979 South Road in South Woodstock.

The November 19, 2015 letter from Mr. Shove requesting the reconsideration was read by the TDRB. The letter contained 41 signatures noting support. The TDRB decision for application T-4612-15 was signed November 13, 2015. The TDRB agreed the request was made within the statutory ten day period.

The TDRB reviewed both the TDRB 2009 Bylaw which has two paragraphs detailing reconsideration requests and Chapter 117 Title 24 §4470 Successive appeals; requests for reconsideration to appropriate municipal panel.

A letter dated August 13, 2015 from Lyman Shove indicating work was done within the past 12 months had not been delivered to the TDRB in time for the October 5, 2015 hearing. The letter was reviewed by the TDRB. The letter is considered a missing element of the testimony.

Ms. Dingleline reviewed Section 707 Nonconforming Uses with the TDRB. The key to a nonconforming use is that a nonconforming use cannot be continued after a 12 month period of time in which the use was not active. Ms. Dingleline stated Mr. Shove had been working in the shop right up to this summer. During the TDRB hearing, an auction of his equipment which occurred 14 months prior to the October 5, 2015 meeting was used as the date in which all activity stopped. She felt the TDRB erred in using the auction date as the discontinued use date.

Mr. Shove stated he had been working in the shop up to four months prior to the October 5, 2015 meeting completing furniture pieces, although working less than 8 hours per day.

The wood shop has been existent since the early 1940s.

Ms. Dingleline noted the business did not create a nuisance during its time of operation. The intent of the proposed business of Mr. Dunne is to operate in the same manner. It would not be retail or have a heavy customer base. Mr. Shove would like to work with the neighbors opposing his request to negotiate parameters for continuing the use into the future.

The TDRB asked for a moment to deliberate the reconsideration request. Mr. Shove and Ms. Dingleline left the room.

During deliberations, the following findings of fact were established:

1. The 2009 TDRB Bylaw section regarding reconsideration of an application and the State Statutes Title 24 Chapter 117 §4470 were reviewed.
2. The TDRB agreed the date of the auction to sell off Mr. Shove's equipment had been used as the actual date of discontinuance.
3. Mr. Shove's claims of working after the date of the auction were overwhelmed by the neighbors' claim the use is discontinued.
4. A letter from Mr. Shove dated August 13, 2015 was inadvertently not delivered to the TDRB. This letter would have supported Mr. Shove's testimony that the shop was operational after the date of the auction.

After additional discussion, Mr. Hunt moved with a second by Mr. Wilson to grant the reconsideration request to rehear application T-4612-15. The motion passed with a 4-0 vote.

Mr. Shove and Ms. Dingleline returned to the room and were informed of the decision granting a rehearing.

Mr. Shove requested the hearing be postponed to April 2016, as he will be out of town for the entire winter.

The TDRB agreed with the request and set April 26, 2016 as the date of the hearing. The Town Planner will assure the hearing notification proceeds as noted in the 2009 TDRB Bylaws.

C. Select Board Request to Amend Wetland Regulations

The Town Planner reviewed the proposed amendment to the Town Zoning wetland regulations with the TDRB. An oversight in the 2010 rewrite allows work within a wetland but not within the buffer area. To correct this the Select Board requests a change to allow work within the buffer area as well.

In addition, the following criteria were also added to help boards with the review process:

The applicant shall prove that there is no other practical location on their property but that located within the buffer for the intended development. The applicant shall prove that any work or use proposed within the buffer shall prohibit stormwater, sediment or other forms of erosion from entering the wetland and shall not create an undue impact on fish or wildlife habitat.

The Planning Commission will hold a public hearing on December 2, 2015 at 7:30 pm at the Town Hall. The Select Board intends to hold a public hearing in January 2016.

VI. DELIBERATIONS

A. T-4578-15 Pidlipchak

Continued

B. T-4617-15 Rebecca Gordon

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan and the short term rental form.
2. The applicant has read the requirements of Section 525 Short Term Rentals.
3. The home would be rented out no more than ten times per year.
4. There are two parking spaces on site.
5. The State Fire Marshall's office has inspected the site and made requests for smoke detectors and other improvements.
6. The TDRB reviewed Conditional Use and Short Term Rental criteria with the applicant.

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

C. T-4623-15 Paul & Jan Maggi Continued

D. T-4624-15 Diane & Kevin Dugan

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan, pond profile and orthophoto map of the proposed use.
2. An 8' deep 40' x 60' wildlife pond is proposed in a wetland buffer.
3. The pond site is 50' east of the mapped wetland area. A 100' foot buffer is required.
4. The pond would be fed via underground springs. The immediate area is very wet.
5. The area in question had been a Christmas tree farm. The trees did not grow well in this area due to the extreme wetness.
6. The pond would be stocked with trout and the shoreline would be kept in a natural state to promote wildlife use. There is no intent to create a beach area or lawn near the pond.
7. A 12" overflow pipe is installed to handle excess water. The water line would be 2' below the dam/berm level.
8. The TDRB reviewed the Conservation Commission minutes which recommended approval of the proposed pond.
9. The CC noted ponds serve the same purpose as a wetland, holding water. In this case the intent is to promote wildlife habitat, which is an additional element of wetland attributes. The pond is to be constructed 50' outside of the wetland, therefore reducing potential construction impacts on the actual wetland.
10. The TDRB reviewed Conditional Use and Wetland criteria with the applicant.

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

E. T-4625-15 Patrick Crowl

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan, renderings and orthophoto map of the proposed use.
2. The owner of the Woodstock Farmers Market wishes to expand the client parking lot onto the recently acquired abutting parcel. With the expansion, the exit would be moved further east which is considered a much safer location as it increases sight distances and decreases conflict with left turns.
3. Client parking would be increased by 11 spaces (3 along Route 4 and a second row of 8 spaces just south of that). South of the client parking area, the applicant proposes 10 parking spaces for employees only (a double row of 5 spaces each). The line dividing employee parking from client parking would be in line with the front of the main Woodstock Farmers Market store building.
4. The 100' riparian buffer zone covers from the bank of the Ottauquechee River to the north edge of the concrete pad. The TDRB reviewed an orthophoto showing both flood hazard areas and the 100' riparian buffer.
5. The Conservation Commission reviewed the riparian buffer impact and approved the proposed parking lot request. The existing concrete pad would be removed. The site would be regraded with hardpack to create a solid surface. The area between the river bank and the south end of the proposed parking would be planted with grass seed and other vegetation.
6. The finish elevation of the parking lot would be equal to or lower than the current surface elevation per Flood Hazard regulations .
7. The TDRB reviewed the November 24, 2015 letter from the State Floodplain Manager which did not raise any significant issues.
8. In recommending approval, the Vermont Department of Transportation noted the improved safety of the relocated exit. A letter will be sent at a later date.
9. The existing paved lot currently slopes towards Route 4 and the proposed extension of that lot would do so as well. The employee lot would be hardpacked and would also drain towards Route 4. A stormwater drain is located on the northeast corner of the lot.
10. Four 10-foot tall lights are proposed to help illuminate the parking area. Each fixture would have a 10 watt LED bulb. The fixtures are a downlit style. The TDRB reviewed the cut sheet. The lights would be turned off by 11:00 pm.
11. New exit/entrance signs are proposed. 4 x 4 posts would be painted with vertical lettering stating "exit" or "entrance". The applicant prefers lettering on all four sides of the posts with red stripes bordering the lettering to accentuate the message.
12. The TDRB discussed the riverbank area. The Woodstock Farmers Market lot has rip-rap along the bank which was placed after Tropical Storm Irene. The former Vermont Standard lot has rip-rap that was placed before the storm and is overgrown with vegetation. The applicant will not remove vegetation from the riverbank as it is important for bank stabilization.
13. The TDRB reviewed Conditional Use, Site Plan, Riparian Buffer and Flood Hazard criteria with the applicant.

14. The TDRB noted the two parcels in question are both nonconforming relative to lot size: Parcel 30.22.20. (0.28 acres) and Parcel 30.22.21 (0.67 acres). Section 703 (Existing Small Lots) requires that the two lots be merged as the minimum acreage for the Light Commercial / Light Industrial zone is one acre.

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

VII. NEXT MEETING

The next meeting is scheduled for December 22, 2015.

VIII. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner