

**VILLAGE DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
April 8, 2015**

PRESENT: Jim Mills, Benjamin Pauly, Randy Mayhew, Jane Soule, Keri Cole
ABSENT: None
ALSO PRESENT: Peter Goulazian, Adam Rogers, Jeanne Amato, Bob Thomas, Susan Ford, Stacey Velardi, Peter Vollers, Kim Vollers, Key Vollers, Melinda Adams, Nancy Hoblin, Theresa Kilday, Jeffrey Kahn, Laird Bradley, Barbara Gibbs, Michelle Fields, Michael Brands

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

II. PUBLIC HEARINGS

A. Old Business **None**

B. New Business

1. V-3122-15 **Peter Goulazian**

The application is for Design Review Approval to install a ground mounted A/C unit. The property is located at 39 Elm Street and is zoned Residential Low Density / Design Review.

Mr. Goulazian presented the application. Mr. Rogers, from Dead River Company, assisted the presentation.

The VDRB reviewed photographs of the building and a cut sheet of the proposed A/C unit.

The owner proposes to place an A/C / Heat Pump unit for the first floor apartment on the north elevation, driveway side of the building.

The 33.5" high condenser would be placed on an 18" metal stand for a 51.5" total height.

The window sill height is 76" above the ground level.

The unit would be placed centered on the window just east of the bay window. This location is less visible from the street and adjoining sidewalk.

The unit would be placed 6" off of the building for air circulation requirements. The unit is

14.25" wide. All conduits and connections go directly into the basement window which is located directly behind the unit. There will be no conduits or other connectors visible on the exterior wall.

The unit is a light beige color. The Design Review Board recommended reviewing the unit once installed to determine whether the unit should be painted to match the background color of the brick wall. The applicant agreed with this recommendation.

The cut sheet indicates the unit creates 55 db in noise.

The Design Review Board recommendation was read as follows: 1) the AC/heat pump unit shall be located in the rearmost location, 2) shall be centered on the window, 3) shall be reviewed after installation to determine if a different color is required, 4) that the window sill height shall be measured before the VDRB meeting.

Testimony was voted closed.

2. V-3121-15 Esther Gruber / Jeanne Amato

The application is for Conditional Use Approval to establish an art Gallery as a home occupation. The property is located at 40 Central Street and is zoned Residential / Office / Design Review.

Ms. Amato presented the application.

The VDRB reviewed a floor plan of the home and site plan of the property.

The home occupation would be located on the second floor.

The artist would have a studio and gallery on the second floor.

There are handrails on the stairs leading to the second floor. There is also a second access from second floor to first.

The applicant is aware that only art created by her could be sold in the gallery.

A sign will be requested via an administrative permit.

There would be no external changes made to the building for the proposed use.

The VDRB reviewed the Conditional Use and Home Occupation criteria with the applicant.

Testimony was voted close.

3. V-3119-15 Shire Woodstock LLC

The application is for Conditional Use and Site Plan Review Approval to convert six

bedroom bed & breakfast to six hotel rooms and to change existing cap structure to four hotel rooms. The property is located at 42 Pleasant Street and is zoned Light Commercial / Design Review.

Mr. Thomas, owner, and Ms. Ford, attorney, presented the application.

The VDRB reviewed the floor plans and site plan for the proposed use.

The new owners of the Shire Motel purchased two lots. They request a merger of the two lots (#21.51.21. and #21.51.20) to allow a combination of uses, the former bed and breakfast with the motel on one parcel.

The building to the rear of the east lot is currently permitted as a six-room bed and breakfast. The six guest rooms would be converted to hotel rooms to be operated by the Shire Motel. The owner's quarters would become a long term rental unit.

The front building on the east lot would be converted from a residential duplex to four hotel rooms to be operated by the Shire Motel.

The current bed and breakfast sign would be removed. All registration would take place at the motel.

There would be no external changes to either building.

The site plan would remain as is. The current 12 car parking lot is adequate for the needs of the proposed use. There would be no additional employees.

The Town Planner mentioned the current evergreen hedge is starting to brown out. The maintenance of the hedge is an ongoing requirement of the original bed and breakfast permit as it serves to screen the parking lot.

The VDRB reviewed both Conditional Use and Site Plan Review criteria.

Testimony was voted closed.

4. V-3118-15 El-Kam / Stacey Velardi

The application is for Conditional Use and Design Review Approval to change coffee shop to martini and tapas bar, expand hours of operation, and to extend patio fence. The property is located at 47 Central Street and is zoned Central Commercial / Design Review.

Ms. Velardi presented the application.

The VDRB reviewed a site plan, floorplan and conditional use form.

Chair Mills acknowledged receipt of letters from Peter Vollers, Steve Thomas, Debbie Bassett, Melinda Adams, Nancy Hoblin, Jody Loring and Stacey Velardi.

Ms. Velardi owns the 75 seat Pi Trattoria, pizza restaurant, which is located in the main part of the building. In the space to be converted to a martini and tapas bar, a gelato shop and then a coffee shop were in place. To clarify her permit request, there is only one business. All endeavors are under one lease, one name and one permit - Pi Trattoria.

At the time the gelato shop was established it was permitted as an extension of the Pi Trattoria Restaurant.

The proposed Pi Bar would have the same number of seats as the permitted coffee shop, 12 inside and 12 outside. The 12 outdoor seats would be placed within the proposed extended patio area and would be shared with the 35 outdoor seats of the Pi Trattoria.

The Pi Trattoria is permitted for 40 seats inside and 35 seats outside on the patio.

State liquor laws required a patio to be enclosed where alcohol is served.

The stone benches currently on the east end of the patio area would be removed. This is a condition of the previously issued coffee shop permit.

The patio would be extended five feet to the east, just short of the easternmost door. The patio can only be accessed from within the building. Clientele are escorted by staff to the patio area.

The applicant proposes using the easternmost door as the entrance to the Pi Bar. This door has been used for both the gelato shop and the coffee shop.

There are two signs in place, but each has a separate message. The projecting sign at the main entrance is for Pi Trattoria and the facade sign to the east has been used for the east room businesses, gelato and coffee shops. The sign would remain the same size and be placed in the same location. Only the words would be changed to reflect the proposed Pi Bar.

Two essential changes are being requested, the expansion of the patio and the extension of closing time from 10:00 pm to 11:00 pm.

The Pi Trattoria opens at 11:00 am with a 10:00 pm closing. The applicant intends to have the Pi Trattoria close at 11:00 pm as well.

The conditional use form notes the Pi Bar would open at 3:00 pm. The applicant prefers an 11:00 am opening for the Pi Bar as well, to be the same as the pizza restaurant.

Serving would take place up to 10:00 pm, with all clients out by 11:00 pm. No additional customers would be allowed in after 10:00 pm.

The alcohol permit would cover both the pizza restaurant and proposed Pi Bar.

The same dumpster would be used for the Pi Bar as is used for the pizza restaurant.

Chair Mills noted the trash situation has been an issue with the neighbors.

The applicant stated the landlord moved the dumpster to a different location in the winter due to plowing issues but that the dumpster is returned to its permitted site in warmer weather. The trash is picked up twice a week in warmer weather (June 1 to October 31) and once a week in colder weather. She also noted the dumpster has been used illegally by other tenants.

Chair Mills asked about the rope light attached to the patio fence rail.

The applicant stated the rope lights are turned off by 10:30 pm each evening.

Chair Mills asked if the neighbors had concerns. They were asked to come forward to the table and to address all questions and testimony directly to the VDRB.

Ms. Adams, 4 High Street, read the April 5 letters from Steve Thomas and Debby Bassett. The letters are part of the file and had been emailed to the VDRB by the Town Planner. Mr. Thomas and Ms. Bassett are concerned with the adverse effect on the neighborhood that would be created by an extra hour and of clients exiting from the east door late at night. They asked to restrict the bar to a 9:00 pm closing.

Ms. Adams then read a letter from Ned and Mary Ericcson of 2 High Street opposing the application. They are concerned with additional noise, loitering and trash as the applicant has not complied well with current permits.

Ms. Adams referenced her earlier letter and read a new letter. She has a direct view of the street and hears all the noise from Central Street. She does not want a late night bar in the neighborhood.

Ms. Kilday, lives above the Pi Trattoria and is opposed to the application. There have been noise and loud music after the closing time. She has called the police on occasion.

Ms. Hoblin feels the residential quality of Village life is being overwhelmed by commercial establishments.

Ms. Vollers opposes the application. This is a quiet residential neighborhood. Previous permit conditions and facts have been disregarded. Dumpster issues have been a problem. Loiters and smoking are issues. Employees are not allowed in the rear lot, but have been there consistently. Only pizza was to have been served but apparently a full kitchen is in place. The menu was expanded. Promises were made but not kept. The coffee shop moved in before permits were issued. The use continues to grow in size with an increase in smoking and loitering. One hundred people on the site is much more than originally intended. None of the rules have been followed. The neighbors want to

support business but this has changed the neighborhood and is not respectful to the neighborhood.

Chair Mills did not realize there were problems.

Ms. Vollers noted the neighbors have tried to deal directly with the owner and not involve the town officials to resolve these issues. This application is new. There is a big difference between a coffee shop and a late night martini bar.

Mr. Mayhew asked if there were specific conditions that have been violated.

Ms. Vollers noted her husband would expand on this.

Mr. Vollers, both as a neighbor and as an attorney representing the neighbors, presented a 12-page Memo of Facts, Laws and Concerns of Abutters. Mr. Vollers reviewed each of the 12 pages with the VDRB.

The application is asking for too much and needs to be limited in scope. Extreme specificity is required in an application referring to the recently released Dugan Environmental Court decision. The application does not state the expansion of Pi Trattoria, nor the change of the coffee shop. It states a bar is to be allowed on site. The neighbors do not want a bar on site, there is no need for a second Bentleys.

Zoning is about use. This bar has a separate entrance and different name from the Pi Trattoria. Bars are not allowed in the Village Zoning Regulations because the writers did not want a bar in the Village.

Clients will smoke and talk on cell phones thus disturbing the tranquil nature of the neighborhood. He requests the application be revised and rewarned, it cannot proceed as presented. The applicant has changed her testimony from that requested. This is a change of use and not an expansion of existing use.

On page 2-4 undue adverse impact was discussed. This is the only Village neighborhood that surrounds a commercial property like this. Character of use issues are clear.

A required buffer strip was never implemented. The regulations require a ten-foot buffer strip where commercial uses abut a residential district, such is the case here. A survey of the Vollers law office property was shown. The Vollers own six feet into the south end of the El-Kam parking lot. An additional ten feet is required before the dumpster can be placed. The buffer should be used only for vegetation or a fence. Mr. Vollers stated the winter location as the preferred year around location for the dumpster.

The Town Planner noted the current permitted location was agreed to based on the fact that the lower High Street neighbors preferred not to have the dumpster in their line of vision.

Mr. Vollers continued. The State Fire Marshal's office recognizes the pizza oven and not the full kitchen within the pizza restaurant. He asked for a State health permit verification. He requested that an interior smoking area be established to keep smokers off the street and out of the parking lot.

The bar is already built and is being advertised on Facebook, yet a permit does not exist for the proposed use.

Bad faith was discussed. The applicant had the police issue trespassing notices to all neighbors who opposed the Design Review portion of the application. This is harassment on the part of the applicant.

Mr. Vollers read Section 103 of the Village Zoning Regulations, which state the promotion of peace, quiet and privacy.

Mr. Mayhew asked for clarification of why a bar is not allowed.

Mr. Vollers responded a bar is not specifically listed as a use in the Central Commercial district. Bars would be allowed only as incidental to restaurants. He reiterated the proposed use is separate from the pizza restaurant. There are: two separate rooms, separate hours stated per application information, two separate names, etc. The current application is to open a separate bar.

Mr. Mayhew asked if the application could be amended tonight and that additional time be given for response, versus the applicant resubmitting a new application at a later date.

Mr. Vollers asked to confer with his clients. They do not want to allow amendment of the current application.

Ms. Velardi responded to the neighbors' concerns. There will be no live music, no video games, no sports bar, etc. The product is high end with high costs, targeting clients such as those from the Woodstock Inn. Tapas is the main food item - food would be 95% of the service. There are no late evening venues for food service in the Village. There would be 12 seats at the bar and 12 seats at the patio. The interior taller tables and higher chairs make it appear to be a bar. This is intentional to create a different style of restaurant. The entire business is one. It is all Pi Trattoria. All State permits from Food and Health and the Fire Marshal's Offices recognize this. The restaurant scores high on health inspections.

There are only two essential requests being made, to extend the fence and to extend an hour on closing. The coffee shop is being converted, the use is already there and permitted.

Mr. Mayhew asked about dumpster issues.

The applicant noted trash is picked up once a week in the winter and twice a week in the

summer. She would move the dumpster if the VDRB requires. She has no problem with a buffer.

Interior smoking is not allowed within a restaurant. Her workers smoke at the Kedron Brook bridge area. Both the restaurant and patio are smoke-free areas. Employees are asked not smoke, but one can't control this aspect of their behavior.

Mr. Pauly asked if only pizza is allowed to be cooked on site and if exterior changes are required.

The applicant responded that there are no frying or associated vents for such. Water is boiled for pasta. There are no exterior changes required for the proposed use.

Chair Mills asked for general public comments.

Mr. Kahn, long term business owner and Village resident, stated support for the applicant's business especially what the patio does for Village life. Alcohol has always been served at Pi Trattoria. The smoking situation at Bentleys Restaurant is difficult and not good. The stinking dumpster issues need to be taken care off. The proposed use is just an extension of what has always been there.

Mr. Bradley, local real estate agent and Village resident, echoed Mr. Kahn's comments. This a small community, there will always be conflicts between business and residents.

Ms. Soule asked if the current bar in the pizza restaurant would remain.

The applicant stated yes there would be two bars.

Testimony was voted closed.

Testimony was voted reopened due to a request from an audience member.

Ms. Gibbs, representing the property owner El-Kam Realty, did not support the idea of a ten-foot buffer area. The applicant's lease does not cover this area. A ten-foot buffer zone would significantly reduce the use of the parcel.

Testimony was voted closed.

III. OTHER BUSINESS

A. Administrative Officer's Report

The report was issued and discussed.

IV. DELIBERATIONS

A. V-3122-15 Peter Goulazian

After discussion the following findings of fact were established:

1. The VDRB reviewed photographs of the building and a cut sheet of the proposed A/C unit.
2. The owner proposes to place an A/C / Heat Pump unit for the first floor apartment on the north elevation, driveway side of the building.
3. The 33.5" high condenser would be placed on a 18" metal stand for a 51.5" total height. The window sill height is 76" above the ground level.
4. The unit would be placed centered on the window just east of the bay window. This location is less visible from the street and adjoining sidewalk.
5. The unit would be placed 6" off of the building for air circulation requirements. The unit is 14.25" wide. All conduits and connections go directly into the basement window which is located directly behind the unit. There will be no conduits or other connectors visible on the exterior wall.
6. The unit is a light beige color. The Design Review Board recommended reviewing the unit once installed to determine whether the unit should be painted to match the background color of the brick wall. The applicant agreed with this recommendation.
7. The cut sheet indicates the unit creates 55 db in noise.
8. The Design Review Board recommendation was read as follows: 1) the AC/heat pump unit shall be located in the rearmost location, 2) shall be centered on the window, 3) shall be reviewed after installation to determine if a different color is required, 4) that the window sill height shall be measured before the VDRB meeting.

After additional discussion, Mr. Pauly moved with a second by Ms. Cole to approve the application as presented. The motion passed 5-0.

B. V-3121-15 Esther Gruber / Jeanne Amato

After discussion the following findings of fact were established:

1. The VDRB reviewed a floor plan of the home and site plan of the property.
2. The home occupation would be located on the second floor.
3. The artist would have a studio and gallery on the second floor.
4. There are handrails on the stairs leading to the second floor. There is also a second access from second floor to first.
5. The applicant is aware that only art created by her could be sold in the gallery.
6. A sign will be requested via an administrative permit.
7. There would be no external changes made to the building for the proposed use.
8. The VDRB reviewed the Conditional Use and Home Occupation criteria with the applicant.

After additional discussion, Mr. Pauly moved with a second by Ms. Cole to approve the application as presented. The motion passed 5-0.

C. V-3119-15 Shire Woodstock LLC

After discussion the following findings of fact were established:

1. The VDRB reviewed the floor plans and site plan for the proposed use.
2. The new owners of the Shire Motel purchased two lots. They request a merger of the two lots (#21.51.21. and #21.51.20) to allow a combination of uses, the former bed and breakfast with the motel on one parcel.
3. The building to the rear of the east lot is currently permitted as a six-room bed and breakfast. The six guest rooms would be converted to hotel rooms to be operated by the Shire Motel. The owner's quarters would become a long term rental unit.
4. The front building on the east lot would be converted from a residential duplex to four hotel rooms to be operated by the Shire Motel.
5. The current bed and breakfast sign would be removed. All registration would take place at the motel.
6. There would be no external changes to either building.
7. The site plan would remain as is. The current 12 car parking lot is adequate for the needs of the proposed use. There would be no additional employees.
8. The Town Planner mentioned the current evergreen hedge is starting to brown out. The maintenance of the hedge is an ongoing requirement of the original bed and breakfast permit as it serves to screen the parking lot.
9. The VDRB reviewed both Conditional Use and Site Plan Review criteria.

After additional discussion, Mr. Mayhew moved with a second by Ms. Cole to approve as presented. The motion passed 5-0.

D. V-3118-15 El-Kam / Stacey Velardi

After discussion the following findings of fact were established:

1. The VDRB reviewed a site plan, floorplan and conditional use form.
2. The applicant owns the 75 seat Pi Trattoria, a pizza restaurant, which is in the main part of the building. In the easterly space to be converted to a martini and tapas bar, a gelato shop and then a coffee shop were previously placed. To clarify the permit request, there is only one business. All endeavors are under one lease, one name and one permit - Pi Trattoria.
3. The proposed Pi Bar would have the same number of seats as the permitted coffee shop, 12 inside and 12 outside. The 12 outdoor seats would be placed within the proposed extended patio area and would be shared with the 35 outdoor seats of the Pi Trattoria.
4. The Pi Trattoria is permitted for 40 seats inside and 35 seats outside on the patio.
5. The stone benches currently on the east end of the patio area would be removed.
6. There are two signs in place, but each has a separate message. The projecting sign at the main entrance is for Pi Trattoria and the facade sign to the east has been used for the east room businesses. The sign would remain the same size and be placed in the same location. Only the words would be changed to reflect the proposed Pi Bar.
7. The patio would be extended five feet to the east, just short of the easternmost door. The patio can only be accessed from within the building.
8. The applicant proposes using the easternmost door as the entrance to the Pi Bar.

- This door has been used in the past for both the gelato shop and the coffee shop.
9. The only essential changes being requested are the expansion of the patio and the extension of closing time from 10:00 pm to 11:00 pm.
 10. The Pi Trattoria opens at 11:00 am with a 10:00 pm closing. The applicant intends to have the Pi Trattoria close at 11:00 pm as well.
 11. Serving would take place up to 10:00 pm, with all clients out by 11:00 pm. No additional customers would be allowed in after 10:00 pm.
 12. The conditional use form notes the Pi Bar would open at 3:00 pm. The applicant prefers an 11:00 am opening for the Pi Bar as well, to be the same as the pizza restaurant.
 13. The alcohol permit would cover both the pizza restaurant and the proposed Pi Bar.
 14. The same dumpster would be used for the Pi Bar as is currently used for the pizza restaurant.
 15. The applicant stated the landlord moved the dumpster to a different location in the winter due to plowing issues but that the dumpster is returned to its permitted site in warmer weather. The trash is picked up twice a week in warmer weather (June 1 to October 31) and once a week in colder weather.
 16. The rope lights attached to the patio fence rail are turned off by 10:30 pm every night.
 17. Letters from High Street neighbors (Ms. Adams, Mr. Thomas, Ms. Bassett, and Mr. and Mrs. Ericsson) opposing the project were read. The letters noted concern with an extended hour for closing, increased loitering and smoking, and the resulting adverse impact on the neighborhood.
 18. Ms. Kilday, lives above the Pi Trattoria and is opposed to the application due to additional noise issues.
 19. Ms. Hoblin, High Street neighbor feels the residential quality of Village life is being overwhelmed by commercial establishments.
 20. Ms. Vollers, abutter, opposes the application. This is a quiet residential neighborhood. Previous permit conditions and facts have been disregarded. Dumpster issues have been a problem. Loiters and smoking are issues. Employees are not allowed in the rear lot, but have been there consistently. Only pizza were to have been served but apparently a full kitchen is in place. The menu was expanded. Promises were made but not kept. The coffee shop moved in before permits were issued. The use continues to grow in size with an increase in smoking and loitering. One hundred people on the site is much more than originally intended. None of the rules have been followed. The neighbors want to support business but this has changed the neighborhood and is not respectful to the neighborhood.
 21. Mr. Vollers, both as an abutter and as an attorney representing the neighbors, presented a 12-page Memo of Facts, Laws and Concerns of Abutters. Extreme specificity is required in an application. The application does not say expansion of Pi Trattoria, nor change of coffee shop. It states a bar is to be allowed on site. Zoning is about use. This bar has a separate entrance and different name from the Pi Trattoria. Bars are not allowed in the Village Zoning Regulations because the writers did not want a bar in the Village. The character of area would be negatively impacted due to additional noise, smoking and loitering. A required

buffer strip was never implemented. The regulations require a ten-foot buffer strip where commercial uses abut a residential district, such is the case here. A survey of the Vollers law office property was shown. The Vollers own six feet into the south end of the El-Kam parking lot. An additional ten feet is required before the dumpster can be placed. Verification of all State permits was requested. Section 103 of the Village Zoning Regulations, which state the promotion of peace, quiet and privacy.

22. Mr. Kahn and Mr. Bradley both long term business owners and Village residents, stated support for the applicant's business.
23. Ms. Gibbs, representing the property owner El-Kam Realty, did not support the idea of establishing a ten-foot buffer area. The applicant's lease does not cover this area. A ten-foot buffer zone would significantly reduce the use of the parcel.
24. The VDRB read the Design Review Board's recommendation to approve the extension of the patio fence five feet to the east as presented.
25. The VDRB reviewed Conditional Use and Design Review criteria.
26. The dumpster's location along the south property line was approved in 2012 and was not appealed, the current application does not propose any changes to the dumpster's location. The VDRB agreed the buffer criteria do not apply to this application as the dumpster's location was approved in 2012 without appeal.
27. The VDRB agreed the proposed bar is part of the restaurant, would have food served and is allowed under Section 308 Central Commercial.
28. The applicant stated her business is all one establishment, the proposed Pi Bar is a sub-unit of the Pi Trattoria and is not a separate entity.

After additional discussion, Ms. Soule moved with a second by Ms. Cole to approve the application with the following conditions:

1. **Determining the business is one establishment, there is no need for a second entrance, therefore the use of the easternmost Central Street door shall be restricted to emergency use only, clients shall use the main entrance shared with Pi Trattoria.**
2. **Both the Pi Trattoria and the Pi Bar shall be closed by 10:00 pm.**
3. **The extension of the patio five feet to the East is approved as applied for.**
4. **The dumpster area shall be kept clean and odors shall be controlled.**
5. **The application shall be reviewed after October 31, 2015.**

The motion passed with a 4-1 vote (Mr. Pauly voted against).

V. APPROVAL OF MINUTES

The March 11 minutes were approved as submitted.

The March 25, 2015 minutes were approved as amended.

VI. ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town/Village Planner