

TOWN DEVELOPMENT REVIEW BOARD

Minutes

March 28, 2017

MEMBERS PRESENT: Don Bourdon, Frederick Hunt, Charles Wilson,
MEMBERS ABSENT: Ingrid Moulton Nichols, Kim French
OTHERS PRESENT: Chris Ambrose, Dwight Doten, Nick Scheu, Ben Pauly, Paul Ramsey, David Swartzman, Michael Brands

I. CALL TO ORDER:

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

II. APPROVAL OF MINUTES:

The minutes of the February 28, 2017 meeting were approved as submitted.

III. PUBLIC HEARINGS:

A. Old Business:

1. T-4682-16 Meadow Ridge Farm, LLC

Application is for Conditional Use & Conservation District Overlay Approval to relocate existing driveway with 1100 l.f. driveway within the Wetland Buffer. The property is located at 963 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person. Two applications are required, one for each parcel.

The application has been continued, waiting for issuance of the State wetland permit.

2. T-4683-16 Meadow Ridge Farm, LLC

Application is for Conditional Use & Conservation District Overlay Approval to relocate existing driveway with 1100 l.f. driveway within the Wetland Buffer. The property is located at 857 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person.

The application has been continued, waiting for issuance of the State wetland permit.

3. T-4711-16 Christopher & Brigitte Ambrose

Application is for Design Review and Conditional Use approval to convert to residential, remove garage, exterior building changes, create parking and use property as a Short Term Rental. The property is located at 4979 South Road and is zoned Residential Low Density / Design Review / Flood Hazard.

Mr. Ambrose presented the application.

The TDRB reviewed numerous photographs of the existing structure and renderings of the proposed changes and proposed floor plans.

The Design Review and Short Term Rental portions of the application were reviewed at the February 28, 2017 hearing. The application was continued due to the Flood Hazard review.

In reviewing the proposal, State flood official John Broker-Campbell, asked for more details concerning amount of fill to be added and to be removed per Section 405 D.2.1. Floor Storage Capacity standards. The standards require that net post-development capacity shall not be less than pre-development capacity.

The entire property is located within the 100 year flood plain.

Mr. Ambrose presented three drawings showing the three sides of the home where fill would be added and removed. Nine cubic yards would be added to the north and east elevations to provide foundation support. On the west elevation, nine cubic yards would be removed from a bank to balance the added fill.

To achieve the nine cubic yard removal, the parking area would be relocated four feet closer to Route 106 and would be reduced by a one car parking space, 9' by 18'. The second car would park in front of the home as has historically be done.

All electrical services would be placed above the base flood elevation. All living space is located above the base flood elevation.

Testimony was voted closed.

B. New Business:

1. T-4723-17 Woodstock Union High School

The application is for Conditional Use Review Approval to amend condition #5 on permit T-4588-15 to decrease interval timing on electronic sign from 2 hours to 6 seconds. The property is located at 70 Amsden Way and is zoned Residential Five Acre.

Mr. Doten, School Board President, presented the application.

The TDRB reviewed numerous photographs of the sign and the original T-4588-15 zoning permit.

In 2015, the school changed a wood sign to a digital internally illuminated sign. After a year and a half of use, the applicant requests a change of message from a two hour interval to a six second interval.

Schools in Bethel and Hartford have similar signs. The sign in Bethel has a three second interval that plays five messages a day. The Hartford sign has a seven second interval.

The school's two hour interval limitation does not allow multiple messages. The original intent of placing a digital sign was to allow multiple messages as the original wood sign was felt too small for that purpose.

The current digital sign has the capability of controlling color, brightness and interval time. It could even scroll messages, although the school has no intent to do so.

Mr. Hunt suggested a site visit to view the sign's many potentials.

Mr. Doten agreed.

The TDRB schedule a visit directly before the next TDRB meeting for 7:00 pm on April 25.

Mr. Scheu, an abutter directly across Route 4 from the sign, is concerned with the sign and asked to attend the site visit.

Mr. Scheu reviewed the regulations noting the regulations allow a "static" sign and that the Town must abide by the standards as written.

Two Sections, 512 Exterior Lighting & 526 Signs, reflect directly on the issue. The change to a six second interval would enhance the non-conformity of the sign.

Section 512 B. states lights shall reflect within the property. Section 512 C.1. addresses energy consumption. C.3. addresses glare. C.6. addresses hours of operation.

Section 526 Signs, B.1. states flashing or moving signs are prohibited. C.1. notes signs shall be used only for activity done on site. C.7.c. prohibits use after 11:00 pm. The current sign is on all night. G. allows for a static sign. Static means no motion.

Mr. Doten apologized, he assumed the sign lights were out by 11:00 pm and will take corrective action.

Mr. Scheu continued, brightness is not needed at night. Red may be a better color for night time use as it can be seen at much reduced levels over that of a blue or green heu.

Mr. Doten reiterated there is no desire to have scrolling messages. He will search a State definition of “static” as it pertains to digital signs for the next meeting.

Testimony was continued to April 25, 2017.

2. T-4724-17 Woodstock Resort Corporation

The application is for Conditional Use & Site Plan Review Approval to establish a garden event site and to construct 155 sq. ft. restrooms, 1200 sq. ft. storage shed and add 36 sq. ft. to barn. The property is located on Kelly Way and is zoned Residential Five Acre.

Mr. Pauly, director of the Kelly Gardens, and Paul Ramsey, Woodstock Inn Manager, presented the application.

The TDRB reviewed site plans and elevation plans of proposed structures.

The TDRB conducted a site visit directly before tonight’s meeting.

The Kelly Gardens are on a 90 acre parcel of land owned by the Woodstock Inn. The site is directly west of the Inn’s golf course. The current use of the property includes lodging (4 buildings) for inn employees, storage of materials and equipment, and a large garden area.

Mr. Pauly started with a review of the proposed construction items.

A 10' x 15' structure would be placed into the toe of the hill directly west of the grassy knoll. This would contain two restrooms, one of which would meet ADA standards. They would be connected to the Town’s sewer system and have on site well water. The exterior would be rough barn boards with a corrugated fiberglass roof. The structure would not be heated.

A 60' x 20' storage barn for lumber would be placed on the north end of the driveway/parking area. There would be no water or electric service.

A 6' x 6' connector will be built into the point where two barns meet forming an “L”. This would allow access from one barn to the other. Gable end windows would be placed for ventilation and additional windows for interior illumination. One barn would be used for cooking displays and the other for gardening demonstrations.

On the grassy knoll above the gardens a 40' x 60' tent could be placed for larger outdoor events such as weddings or corporate gatherings.

The use of the site would be May 15 thru November 1 of each year, essentially the growing season. The proposed use would be seasonal as none of the structures would be heated or insulated.

The applicant plans one outdoor event per week, for a total of 20 per year.

Attendees would be limited to 120 for the larger events. The inn would shuttle people over from the Woodstock Inn via buses or vans. The driveway is narrow and the inn prefers limited cars on site. Therefore they request 20 parking spaces via the 40 required if all 120 guests are taken into consideration.

In addition, there would be a maximum of 20 employees for the larger events.

Hours of operation would be 7:00 am to 11:00 pm to grant the facility scheduling flexibility.

Most event food would be prepped in the Woodstock Inn's kitchens and transported to the site. All waste and recycling items would be transported back to the Inn.

Barn functions would include various tasting events, dining, cooking and gardening classes. There would be a 48 person limit on such functions. One bathroom is planned within the barn. A walk-in cooler for vegetable storage would also be enclosed within the barn.

Classes and tours in the garden area would not exceed 25 persons.

There would be approximately four events per week within the barns or the gardens.

Garden activities take place mainly from July through September.

The State Fire Marshall representative, David Green, has inspected the site.

Per Act 250, the Kelly Way property is considered part of the golf course property located east of Route 106 and therefore requires a review.

The applicant reviewed a property map with the TDRB to establish potential impacts on neighbors. The Kelly Gardens property is approximately 90 acres. The closest home is located 1000' north through a wooded area. The property is bowl shaped open to the east with a steep slope on the west boundary.

All use reservations go through the Woodstock Inn which is located in the Village. Cooking classes with the Woodstock Inn chef are open to both inn guests and the general public.

The garden tours are open to the public without reservation May 15 - Oct 15. Garden tours and classes did occur last summer.

Larger events are operated directly thru the inn. All wedding and corporate event guests would be shuttled to the site via buses supplied by the Inn.

The applicant could not confirm number of potential weddings. There are no weddings planned for 2017.

Mr. Swartzman, an abutter living on Randall Road to the west, had concerns with noise and illumination. Currently, he can hear noise from the golf course and see nighttime illumination from the Sports Center. He has no problem with the use but does not want to hear any music or worry about late night lights.

The Town Planner noted wedding music is a big issue.

Mr. Ramsey noted usually tents are part of all weddings but there is no requirement for their use. Proper use of a tent can substantially control noise levels. A tent would also control illumination from escaping into the night sky. Weddings are an important part of the application. Bands can be oriented towards the east to minimize sound escaping to the west.

Testimony was voted closed.

IV. OTHER BUSINESS:

A. Zoning Officer's Report

None.

V. DELIBERATIONS:

A. T-4682-16 Meadow Ridge Farm, LLC Continued

B. T-4683-16 Meadow Ridge Farm, LLC Continued

C. T-4711-16 Ambrose

After discussion, the following findings of fact were established:

1. The TDRB reviewed numerous photographs of the existing structure, renderings of the proposed changes and proposed floorplans.
2. The applicant received a permit in July 2016 to flood proof existing structure. The current application is to convert a former wood shop to a 3 bedroom

- residence and to use as a Short Term Rental.
3. On the west (street) elevation: 1) remove double doors on the north end, 2) extend small roof cover over middle two windows, 3) replace 4 window units with Andersen windows 1/2 as tall, 4) remove existing garage and convert to parking, 5) retain shingle siding and replace where necessary, 6) replace single doors with new doors, and 7) add two exterior lights. The street side windows are being shortened to create privacy for the residents. The two middle second story windows would remain full length.
 4. On the east (rear) elevation: 1) remove two porch wings and retain centered two story porch, 2) add stairs from upper to lower deck inside porch areas, 3) remove board and batten siding on upper deck and add railing, 4) add 2 sets of French doors from porch to interior living area, 5) convert double windows on either side of porch to triple windows, and 6) raise grade up against home by 2' to protect foundation.
 5. On the north elevation: 1) change windows in current locations with new insert units, and 2) window in attic to be converted to 2' x 3' wooden gable attic vent.
 6. On south elevation: 1) remove garage, 2) add 4 new windows, and 3) replace window in attic with 2' x 3' wooden gable attic vent.
 7. An existing two foot tall eight foot long stone retaining wall would be increased to four feet tall at the rear of the proposed parking lot. The parking area is to the south of the building in the same location as the removed garage.
 8. The Design Review Board recommended approval as presented with the retention of the shingle siding.
 9. The TDRB reviewed the Short Term Rental request. State Fire Marshall, Dave Green, inspected the site and issued the State permit for a Short Term Rental. The owner lives next door and would serve as manager. The home would comply with the 10 times per year Short Term Rental restriction. The owner noted understanding of the Short Term Rental requirements.
 10. The flood hazard impact was then discussed. The building is located totally within the flood plain yet outside of the floodway. The cost of renovation exceeds half the value of the building, therefore the entire building is required to be flood proofed. All living areas and all appliances such as furnace and water heaters would be placed at least one foot above base flood level.
 11. In his review of the proposal, State flood official John Broker-Campbell, highlighted Section 405 D.2.1. Floor Storage Capacity standards which require that net post-development capacity shall not be less than pre-development capacity.
 12. On March 28, 2017 three drawings were presented of the three sides of the home to show where fill would be added and removed. Nine cubic yards would be added to the north and east elevations to provide foundation support. On the west elevation, nine cubic yards would be removed to balance the added fill.
 13. To achieve the nine cubic yard removal, the parking area would be relocated four feet closer to Route 106 and would be reduced by a one car parking space, 9' by

- 18'. The second car would park in front of the home as has historically be done.
14. After review the TDRB agreed the proposal as presented meets the standards of Section 405 D.2.1.

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-4723-17 WUHS Continued

E. T-4724-17 Woodstock Resort Corporation

After discussion, the following findings of fact were established:

1. The TDRB reviewed numerous site maps and the conditional use form.
2. The Kelly Gardens are located on a 90 acre parcel of land owned by the Woodstock Inn. The site is directly west of the Inn's golf course. The current use of the property includes lodging (4 buildings) for inn employees, storage of materials and equipment, and a large garden area.
3. The request includes various events on site ranging in size: 25 person garden tours, 48 person indoor classes and 120 person outdoor events (mainly weddings and corporate functions).
4. The larger events would take place on a grassy knoll above the gardens. A new building would be placed with two restrooms. A site for a 40' by 60' tent is available. The events would run up to 11:00 pm and feature amplified music.
4. The events would be seasonal, running May 15 thru November 1 of each year. The hours of operation would be from 7:00 am to 11:00 pm, to enable flexible scheduling.
5. The larger events would average one per week for a total of 20 per year. The smaller events would occur more often.
6. Attendees for the larger events would be shuttled over from the Woodstock Inn via buses or vans. The driveway is narrow and the inn prefers to limit the number of cars on site. Therefore, they request 20 parking spaces via the 40 required if all 120 guests are taken into consideration.
7. In addition, there would be a maximum of 20 employees for the larger events.
8. Most event food would be prepped in the Woodstock Inn's kitchens and transported to the site. All waste and recycling items would be transported back to the Inn.
9. Barn functions would include various tasting events, dining, cooking and gardening classes. There would be a 48 person limit on such functions. One

- bathroom is planned within the barn. A walk-in cooler for vegetable storage would also be enclosed within the barn.
10. All events, except the garden tours would require pre-registration at the Woodstock Inn.
 11. The Kelly Gardens parcel is zoned Residential Five Acre.
 12. The only viable use noted in Residential Five Acre that comes close to the request is Commercial Recreational Facilities.
 13. Per the Town Zoning Regulations' definition, "Recreational Facilities: Facilities primarily for participation by the public in athletic activities, including but not limited to, parks, playgrounds, ski slopes, cross country ski areas, golf courses, tennis courts and swimming pools."
 14. The TDRB agreed that weddings and corporate events do not fit within the uses allowed within the Residential Five Acre zone, specifically the commercial recreational facility listed under Uses Requiring a Conditional Use Permit, therefore the TDRB has no choice but to deny the application as presented.

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

The motion was denied with a 0-3 vote.

VI. NEXT MEETING:

The next TDRB meeting is scheduled for April 25, 2017.
Mr. Wilson will not attend the April meeting.

VII. ADJOURNMENT:

The TDRB adjourned at 9:15 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner