

**TOWN DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
August 23, 2016**

MEMBERS PRESENT: Ingrid Moulton Nichols, Charles Wilson, Kim French
MEMBERS ABSENT: Frederick Hunt, Don Bourdon
OTHERS PRESENT: Ellen Cooper, Norm Frates, Jr., Mark Townsend, Anne Marie Harris, Susan Dotson, Patrick Crowl, Brandon Little, 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 minutes of the July 26, 2016 meeting 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 called and asked to continue the hearing.

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 the driveway within Conservation Overlay Zone. The property is located at 938 South Road and is zoned Residential Five Acre / Wetland.

Mr. Maggi called and asked to continue the hearing to the September 27, 2016 meeting. The home may be sold beforehand, but if not he would like to move forward with the application.

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

Application is for Conditional Use & Conservation District Overlay Approval to relocated 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. See below.

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

Application is for Conditional Use & Conservation District Overlay Approval to relocated 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 applications were continued at the July 26, 2016 meeting. The TDRB is waiting for the submittal of the State's wetland report. A letter from the State's wetland official, sent August 12, 2012 asked the applicant to remove the driveway or provide good reason for not using other methods of trespass deterrent.

B. New Business:

1. T-4686-16 Ellen Cooper

Application is for Conditional Use to use property as a Short Term Rental. The property is located at 91 Barberry Hill Circle and is zoned Residential Medium Density.

Ms. Cooper presented the application.

The TDRB reviewed the Short Term Rental form, floor plan and a site plan.

The applicant has read Section 525 Short Term Rental requirements.

Dave Green, State Fire Marshall, has visited the two bedroom home and provided the applicant with a short list of items to be corrected. A hot wired smoke detector is required.

The property has a two car garage and parking area that can accommodate at least two cars.

Ms. Cooper would serve as the property manager.

Testimony was voted close.

2. T-4688-16 Thomas Hill Farm LLC

Application is for Conditional Use to use property as a Short Term Rental. The property is located at 798 Barberry Hill Circle and is zoned Residential Medium Density.

Mr. Frates, agent, presented the application.

The TDRB reviewed the Short Term Rental form, floor plan and a site plan.

The applicant has read Section 525 Short Term Rental requirements.

Dave Green, State Fire Marshall, has visited the home. Mr. Frates did not have the report.

The Town Planner will contact Mr. Green for additional information.

The four bedroom home has an attache two car garage and plenty of parking available.

Mike Sawyer was listed as the property manager.

Testimony was voted closed.

3. T-4689-16 Norman Frates, Jr.

Application is for Variance and Conditional Use Approval to convert office to two apartments in Residential/Office Zone. The property is located at 2588 East Woodstock Road and is zoned Residential / Office.

Mr. Frates presented the application.

The TDRB reviewed a site plan, floor plan and the variance fact sheet.

The applicant is requesting a variance to allow five residential units where only two are allowed.

The Town Planner noted only two residential units are allowed on the property. The site is 1.04 acres in size. In the Residential / Office zone, each unit requires an acre of land, however two units are allowed on all parcels town wide no matter the parcel size. For multiple units, a formula is used that multiplies the number of units times the minimum lot size of the zone in question. This only applies to residential units. The number of commercial units (in this case - offices), is determined by parking, character of area and setback limitations.

Early this year, the long-term tenant of 18 years, Hull Maynard Hersey Insurance moved to West Woodstock. Mr. Frates has tried to rent the space out as an office use without any success.

There is a tremendous need for apartments in the Woodstock area, especially the smaller single bedroom apartments. Therefore, the applicant proposes two single bedroom units to take the place of the former office.

There would be no changes to the exterior of the building. The building is connected to the Taftsville sewer plant. There is plenty of parking due to the previous office use. The property is accessed from Route 4 and would not cause a negative impact on traffic.

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There are currently three apartments and a two-person office, Mascoma Bank Mortgages which is operated by Mr. Frates.

The TDRB reviewed the variance request form with the applicant. There are five questions on the form. The TDRB is required to agree with all five of the responses to enable the granting of the variance.

In discussing the variance form, Mr. Frates agreed the request is not an actual hardship but does propose the highest and best use of the property.

Mr. Townsend, neighbor, felt five apartments on one site creates too much of a negative impact on the neighborhood. The current zoning, Residential / Office allows only two residential units on this parcel. A third residential unit was granted in 2009 without a variance. Mr. Townsend felt that this unit should not have been granted.

Mr. Townsend also noted current issues like the overflowing dumpster with only three apartments and an office on site. Five units would create more of a nuisance.

The Town Planner noted that the Planning Commission, in rewriting the Town Zoning Regulations, is considering the possibility of allowing the Multiple Low Occupancy Apartments in the Residential Office zone. The MLOA is currently allowed in all other commercial districts. The MLOA allows up to a maximum of four residential units in an existing building. The issue has not been resolved. If the MLOA is allowed in the Residential Office zone, public hearings would be required. It is not known how the residents of Taftsville would feel towards this type of use.

In response to a proposed compromise to four units, Mr. Frates agreed four units would work.

Mr. Townsend did not agree with the applicant's response on Fact 4, which states the impact of residential use would be less than the previous office use. The office use is from 9:00 to 5:00. After hours and weekends there is no impact. However with residential use, there would be much more activity on site during evening and night hours, and throughout the weekend. There are already too many residents on site. Even four units would be double that allowed per Zoning Regulations.

The site plan showing parking was discussed. There are nine space on the east side of the building and eleven on the west side of the building. Mr. Frates noted the office use, Mascoma Bank, has two employees: himself and an assistant.

Ms. Harris asked if it would be possible to remove the parking on the west side of the lot and convert it back to lawn. Only one parking space per apartment and two for the current office use would be necessary under Mr. Frates proposal.

Mr. Frates stated he did not want to give up the parking on the west side.

The Town Planner noted that two parking spaces per apartment are required for a total of at least twelve parking spaces. Additional spaces are also needed for office clients.

Ms. Dotson agreed with Mr. Townsend that five units would have a negative impact on the neighborhood.

Should a variance be granted, a conditional use and site plan review would be required. Multiple family use (more than two units) requires a conditional use and site plan review.

Testimony was voted close.

4. T-4693-16 Patrick J. Crowl

Application is for a Site Plan approval to amend permit T-4625-15 with minor parking plan changes. The property is located at 979 West Woodstock Road and is zoned Light Commercial/Light Industrial.

Mr. Crowl presented the application.

The TDRB reviewed the amended site plan for the proposed east side parking lot.

After receiving the original permit for the parking area, T-4625-15, Mr. Crowl discovered an Act 250 review was required.

An engineer from Otter Creek Engineering amended the plan to meet the Act 250 standards. This resulted in a number of minor changes from that approved in the earlier permit.

There would be the same number of parking spaces, however they are slightly reconfigured.

The exit would be located in the same location but with a narrower travel way.

All employee parking would take place in an employee lot located behind the Woodstock Glassworks building and not in the proposed area.

The major changes would be to an asphalt surface. This allows better marking of individual lots. Is easier to maintain both in the summer and winter months. It is more visually appealing as it would match the surface of the existing parking area in front of the store.

All stormwater would drain away from the river and towards Route 4.

There would be no change in exterior lighting.

The same exit and entrance signage would be used as was noted in the T-4625-15 permit.

The Vermont Agency of Transportation will review the plans, as they had under the original permit.

The TDRB reviewed the site plan criteria.

Testimony was voted close.

IV. OTHER BUSINESS:

A. Zoning Officer's Report

V. DELIBERATIONS:

A. T-4578-15 Pidlipchak Continued

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

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

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

E. T-4686-16 Ellen Cooper

After discussion, the following findings of fact were established:

1. The TDRB reviewed the Short Term Rental form, floor plan and a site plan.
2. The applicant has read Section 525 Short Term Rental requirements.
3. Dave Green, State Fire Marshall, has visited the two bedroom home and provided the applicant with a short list of items to be corrected. A hot wired smoke detector is required.
4. The property has a two car garage and parking area that can accommodate at least two cars.
5. Ms. Cooper would serve as the property manager.

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

The motion passed with a 3-0 vote.

F. T-4688-16 Thomas Hill Farm LLC

After discussion, the following findings of fact were established:

1. The TDRB reviewed the Short Term Rental form, floor plan and a site plan.
2. The applicant has read Section 525 Short Term Rental requirements.
3. Dave Green, State Fire Marshall, has visited the home. Mr. Frates did not have the report.
4. The Town Planner will contact Mr. Green for additional information.
5. The four bedroom home has an attache two car garage and plenty of parking available.
6. Mike Sawyer was listed as the property manager.

After further discussion, Ms. French moved with a second by Mr. Wilson to approve the application as presented. The motion passed with a 3-0 vote.

G. T-4689-16 Norman Frates Jr.

After discussion, the following findings of fact were established:

1. The TDBR reviewed a site plan, floor plan and the variance fact sheet.
2. The applicant is requesting a variance to allow five residential units where only two units are permitted per Town Zoning Regulations.
3. The Town Zoning Regulations allow only two residential units on the 1.2 acre property. The zoning density for the Residential / Office district is one residential unit per acre. However, two units are allowed on all parcels, town wide, no matter what the parcel size. Density calculations are based on the number of units times the minimum lot size. The number of commercial units (in this case - offices) is determined by parking, character of area and setback limitations.
4. Early this year, the 18-year tenant, the Hull Maynard Hersey Insurance moved to West Woodstock. An attempt to rent the office space has not been successful.
5. There is a tremendous need for apartments in the Woodstock area, especially the smaller single bedroom units. The applicant proposes two single bedroom units to take the place of the former office space.
6. There would be no changes to the exterior of the building. The building is connected to the Taftsville sewer plant. There is plenty of parking due to the previous office use. The property is accessed from Route 4 and would not cause a negative impact on traffic.
7. The building currently has three apartments and a two-person office, Mascoma Bank Mortgages which is operated by the applicant.
8. An abutter felt five apartments on one site creates too much of a negative impact on the neighborhood. The current zoning, Residential / Office allows only two residential units on this parcel. A third residential unit was granted in 2009 without a variance. The impact of five residential uses on-site is much more than that of the previous office use as there is much more activity during evening, night and weekend hours.
9. The site plan showing 20 parking spaces was discussed. Ten spaces are required for the proposed five units and at least three spaces for the two-person office.
10. Should a variance be granted, a conditional use and site plan review would be required. Multiple family use, more than two units, requires a conditional use and site plan review.
11. The TDRB reviewed the variance request form with the applicant. There are five questions on the form. The TDRB is required to agree with all five of the responses to enable the granting of the variance.
12. In discussing the variance form, the applicant agreed the request is not an actual hardship but does propose the highest and best use of the property.
13. Response to Fact 1 did not address the question of unique physical circumstances or conditions. The applicant referred to best use of space and not why the property was restricted.
14. Response to Fact 2 is based on the response to Fact 1 and again did not address the question of unique physical circumstances or conditions.
15. Response to Fact 3 did not address hardship, but relates to highest and best use of the property. The applicant stated in testimony this was not a hardship but a case for highest and best use of the property.

16. Response to Fact 4 concerning character of the neighborhood was not supported by the testimony presented.
17. In response to Fact 5, applicant notes it would be best to request a zoning change that could allow the proposed use.

After further discussion, Ms. French moved with a second by Mr. Wilson to approve the application as presented. The motion was denied with a 0-3 vote.

H. T-4693-16 Patrick Crawl

After discussion, the following findings of fact were established:

1. The TDRB reviewed the amended site plan for the proposed east side parking lot.
2. After receiving the original permit for the parking area, T-4625-15, Mr. Crawl discovered an Act 250 review was required.
3. An engineer from Otter Creek Engineering amended the plan to meet the Act 250 standards. This resulted in a number of minor changes from that approved in the earlier permit.
4. There would be the same number of parking spaces, however they are reconfigured.
5. The exit would be located in the same location but with a slightly narrower travel way.
6. All employee parking would take place in an employee lot located behind the Woodstock Glassworks building and not in the proposed area as stated in the earlier permit.
7. The major changes would be to an asphalt surface. This allows better marking of individual lots. Is easier to maintain both in the summer and winter months. It is more visually appealing as it would match the surface of the existing parking area in front of the store.
8. All stormwater would drain away from the river and towards Route 4.
9. There would be no change in exterior lighting.
10. The same exit and entrance signage would be used as was noted in the T-4625-15 permit.
11. The Vermont Agency of Transportation will review the plans, as they had under the original permit.
12. The TDRB reviewed the site plan criteria.

After further discussion, Ms. French moved with a second by Mr. Wilson to approve the application as presented. The motion passed with a 3-0 vote.

VI. NEXT MEETING:

The next TDRB meeting is scheduled for August 23, 2016.

VII. ADJOURNMENT:

The TDRB adjourned at 8:30 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner