

## **TOWN DEVELOPMENT REVIEW BOARD**

### **Draft Minutes**

**June 27, 2017**

**MEMBERS PRESENT:** Charles Wilson, Frederick Hunt, Kim French, Ingrid Moulton Nichols  
**MEMBERS ABSENT:** Don Bourdon  
**OTHERS PRESENT:** Tom Sigesy, Sonya Stover, William Copeland, Dave Long, Bryon Lockhart, Matt Gray, Mike Moriarty, David Murphy, Tom Hartman, Alice Gunderson, Charles Gunderson, Jason Hardy, Jordana Jusidman, Todd Uva, Sean McDermott, Seth Westbrook, Matt Stout, Nick Mahood, Alison Clarkson, Eric Wegner, Patricia Gould, Bruce Gould, Jason Merrill, Gavin Vaughan, Cindy Emery, Tom Emery, Charles Taylor, Davis Taylor, Mary Riley, Michael Brands

#### **I. CALL TO ORDER:**

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

#### **II. APPROVAL OF MINUTES:**

The minutes of the May 23, 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.

**B. New Business:**

**1. T-4746-17 NICA, LLC**

The application is for Conditional Use Review Approval to amend permit T-4533-14 to include outside dining area with patio lighting and 110 linear foot fence. The property is located at 1653 West Woodstock Road and is zoned Inn.

Mr. Hardy, general manager, presented the application.

The TDRB reviewed site plans and photographs of patio area.

The Inn on the River desires to add an outdoor dining and consumption area. Currently the second floor deck has limited dining opportunities.

The area is formed by a three-story inn building to the north, a 10' tall retaining wall to the east and a pond to the south. The west side is open toward the rear parking lot. The area is very secluded from the neighbors.

To address the State's alcohol regulations, the area would be fenced. Four foot tall wooden posts would be placed with a chain or rope linking the posts.

Illumination would be via either a standard outdoor solar lighting device or Christmas style lights. There are existing lights mounted in the eaves of the building overhang.

The seating capacity would be for 40 clients. The number of tables may vary depending on the event.

Hours of operation would be from 8:00 a.m. to 2:00 a.m.

Mr. Long, a neighbor from across the river, asked about lighting and is concerned with potential noise and privacy issues. He also asked about process should additional events be held such as weddings.

The Town Planner stated an application would be required for any expansion or additional events, and as an abutter he would receive notice prior to a meeting. Should complaints arise from noise, lights or other issues he could call the Planning and Zoning Office.

Ms. French asked what would happen should more than 40 people show up.

Mr. Hardy noted the inn's bistro closes at 11:00 p.m.

There are 45 rooms on-site.

There would be no music on the patio. There is music on the deck above.

There would be no flood lights.

The TDRB reviewed the Section 810 Conditional Use criteria with the applicant.

Testimony was voted close.

**2. T-4747-17 Woodstock Aqueduct Company (WAC) / Woodstock Area Mountain Bike Association (WAMBA)**

The application is for Conditional Use & Conservation District Overlay Approval to create a multi use, non-motorized trail system within the Conservation Overlay District. The property is located on Grassy Lane and is zoned Residential 5 Acres / Conservation District.

Mr. Westbrook, WAMBA president, Mr. Stout, WAMBA vice-president, and Mr. Wegner, WAC vice-president presented the application. WAMBA board members, Ms. Jusidman, Mr. Mahood and numerous members were also present.

The TDRB received the 52-page digital application via email. WAMBA's intent is to enhance the existing trail system, connect existing trails, and to create new trails on the WAC 350 acre property. The TDRB also received the Conservation Commission's 6-page recommendation to approve with a condition the Outer Loop require CC review before construction.

WAMBA is a year-old, non-profit group with 70 members dedicated to area mountain biking and promotion of the sport to locals, especially young people. WAMBA was involved in the recent permit granted to the Woodstock Resort Corporation for an extended trail network in the Mt. Peg area.

A trail map was viewed. Numerous trails, approximately 4 miles, have been existent for more than 25 years. Three additional miles of single track trails, 18" wide, are proposed. Although built specifically for mountain bikes, the trails can be used by hikers, snow shoers and cross country skiing. The trails are not built for motorized vehicles or horses. Snowmobiles and horse generally stay on the Class IV road sections.

This spring, the Select Board approved a \$5000 Economic Development Committee grant to be used mainly for materials to improve existing trails. The group also wishes to place signs throughout the trail system to help people navigate the area. Boardwalks and wooden bridges would be added where necessary. Boardwalks are generally a 24" wide support system built on 2" x 6" beams with boards across to traverse especially wet areas. In the near future, the group would like to add three miles of single track trails.

The portion of Grassy Lane Road located within the WAC property is a Class IV road and is closed to traffic in the mud season. VAST has snow mobile trails running along the road.

Numerous cross country skiers also use the trails and road in the winter months. Hikers and dog walkers are common at all times of the year. GHMA uses the road for their 100-mile trails rides and other events.

WAMBA members volunteer their time and energy to maintain and improve the trail system. The improvements make the trails safer and more approachable. The intent is to enable use by both locals and visitors without a fee.

WAMBA has signed a ten-year access agreement with WAC. WAC is a water company whose main goal is to protect water resources. The property is also enrolled in the State's Current Use program which has strict forestry requirements.

Some trails do cross riparian, wetland, and vernal pool buffers. New trails are designed to avoid these areas as much as possible. Older trails are being reworked to minimize impacts to these areas. Bridges are built to span streams and boardwalks are proposed where an area is considered too wet.

The Conservation Commission review focused on the impacts to these wet areas, and found all completed projects to meet the Conservation District standards.

Intended usage is to remain at current levels. An average day would have 4-6 riders. The trails are mainly for locals. There are no user fees. Trail maps would be available for sale. There is no intent to publicize the trail system.

Mr. Westbrook compared the WAC system to the Perry Hills facility in Waterbury with its 10 miles of trails. The main difference is their proximity to Burlington, which increases non local use. In September 2014, their total use was 1012 of which 777 were bikers. In September 2015, their total use was 3549 of which only 931 were bikers. The WAC system would never approach the Perry Hill site numbers. The Upper Valley area has numerous trail systems that decrease the use demand.

Parking was discussed. There are 4 spaces in the upper lot close to the entrance and 6 spaces across the road in the WAC yard. There have been verbal discussions with the Woodstock Union High School but no formal agreement to use the school's parking spaces as overflow facility. A meeting is expected in September. Unauthorized parking at the east entrance to WAC property was discussed at the CC meeting. WAMBA maps do not show parking here and the website will discourage parking in this area. WAMBA will work with the local police and Select Board to resolve issues as they arise.

Another issue discussed at the CC meeting was that of interaction with other users especially equestrians. WAMBA members are schooled in proper user safety and trail etiquette. The Green Mountain Horse Association and WAMBA have agreed to work together on use notification and other issues.

Snowmobilers and equestrians mainly stay on the Class IV roads. The intent of WAMBA is to keep bikers off the Class IV road as much as possible. Intersections with the Class IV road are

being designed to force bikers to slow down at intersections and to improve sight lines for oncoming traffic.

WAMBA has sent its trail maps to the State's 911 offices to help coordinate rescues should the need arise.

Mr. Wegner stated that the WAC property is for the enjoyment of outdoors and management of WAC resources. WAMBA has been very good at both. He is especially appreciative of the youth involvement. Dog walkers are the largest use group by far.

Ms. French asked about erosion management.

Mr. Westbrook gave a detailed explanation of how trails are built to shed water quickly before it can become an erosive force. Trails are kept below 15%. Trails follow the contours as much as possible. Switchbacks are used to gain or lose elevation. Trails stay out of flat areas as much as possible to avoid potential ponding of water. When trails are considered too wet, they are closed. Members report water issues immediately to the Board.

Logging roads are avoided for trail use as fall line erosion is significant on logging roads. Logging is done in the winter when the ground is frozen.

Mr. Wegner restated that water quality is of the utmost importance to the landowner. The WAC property is also used by Audubon Society for bird studies. Thirty years ago, the property was trashed by users. WAMBA has served as a great steward of the property, trash picked up and abusive behavior is minimized. The property was opened up to increased public use 25 years with the establishment of a tree farm for the WUHS.

Mr. Wegner feels the Class IV designation should be changed to a trail designation. This would keep motorized vehicles out except for snowmobile use in the winter. Motorized vehicles get stuck frequently creating erosion and ruts where ponding water forms.

Mr. Westbrook noted no State permits are required relating to the reservoir use. The trail system's impact was considered too limited, a non-reportable use in State jargon.

Ms. Riley stated the use is great for the community. She is concerned with bike traffic on Cox District Road. Most vehicular traffic is too fast for the road. She worries of potential accidents, as the road is posted at 35 mph.

Mr. Wegner echoed her sentiments and added that signs should be posted near the Class IV road of hiking/biking use.

Ms. Clarkson mentioned WAMBA recently received an award for trail stewardship.

Mr. Copeland, abutter to the north, stated concerns with the Outer Loop trail. His property shares a mile long boundary with the WAC property. The area is both steep and wet. The ANR Vermont Atlas website shows the area to have endangered plants.

Mr. Westbrook stated the Outer Loop trail is to be mapped in the fall and spring when the leaves are gone. The trail would be reviewed with the CC before construction. Biologist Kent McFarland would review the area as well. He invited Mr. Copeland to walk the trail with them once the exact delineation is known.

Mr. Diva, WUHS teacher and head of the school's mountain bike club, expressed his support of the trails. This is a major benefit for the students, especially those that don't participate in other sports. The students actively participate in service work and fund raising.

Ms. Stover, Select Board member, supported Mr. Diva's comments. Full-time families moving to the area would be encouraged by the trails.

Mr. Siguesy, Vermont Mountain Bike Association, stated there are 20 chapters throughout the State of Vermont. Each group helps each other in trail building techniques. He is very supportive of the application.

Mr. Merrill, Worthy Kitchen, has worked with the Ascutney Mountain trail system. They worked around endangered species when making trails. Mountain biking has been a positive for his business.

Mr. Lockhart stated he went to school at Castleton University and was attracted to the area. He relocated to Woodstock and has six children ages 8-18. WAMBA is a great family organization.

The TDRB reviewed Sections 403 Conservation District, Section 809 Site Plan Review and Section 810 Conditional Use with the applicant.

Testimony was voted close.

### **3. T-4750-17 Bruce & Patricia Gould**

Application is for Conditional Use and Site Plan approval to add a residential unit and expand office space. The property is located at 738 West Woodstock Road and is zoned Commercial / Light Industrial.

Mr. Gould presented the application. Mrs. Gould was present.

The TDRB reviewed elevations, floor plans and a site plan.

The owner's intent is to create an additional 1000 sq. ft., one-bedroom residential unit and to continue to maintain an existing office.

In 2010, via zoning permit T-4226-10, two apartments were created in the main house. An existing office is located in the smaller red house. Before 2010, the main house was used as an insurance office with a real estate office located in the red house.

The tax map lists the property as 0.89 acre. The density of C/LI is one unit per acre, however

two units are allowed on all lots. The recently adopted Multiple Low Occupancy Apartment regulation allows up to 4 units with no more than 6 bedrooms total to be placed in an existing building on any commercial lot.

To comply with the Section 531 MLOA standards, the third apartment would be placed within the existing 1940's building. The office would move to the new 900 sq. ft. addition to be constructed on the east elevation of the building.

The building is non-conforming. The current south side setback is 3 feet. A 25' side setback is required. The proposed addition would maintain the 3-foot side setback as allowed for non-conforming structures.

The owner is also requesting a waiver to setback for the rear (east elevation) setback. The building would be setback 12.5' from the property line. Twenty-five feet is required. The waiver to setback form was reviewed by the TDRB. The landowner did not create the hardship. The front portion of the lot is quite steep. The only practical building area is the rear portion of the lot. There are no neighbors to the east.

There is plenty of parking on-site. The site plan shows 8 spaces to the north and 4 spaces to the south. The 3 residential units require 6 spaces and the office with one employee requires 2 spaces.

In rebuilding the structure, the roof ridge would be changed to an east-west orientation.

The TDRB reviewed the criteria for Section 531 MLOA, Section 707 Nonconforming Structures, Section 809 Site Plan Review, and Section 810 Conditional Use with the applicant.

Testimony was voted closed.

#### **IV. OTHER BUSINESS:**

##### **A. Zoning Officer's Report**

The report was discussed.

##### **B. Riparian Buffer Violations**

The Town Planner informed the TDRB of two riparian buffer violations, both occurring within a week of one another.

On River Road, an owner removed all trees and shrubs along the Ottauquechee River. The roots were not removed nor was any additional excavation done. The owner desired open views to the river without realizing a permit was required. A landscape plan is being created to replace the riparian vegetation. This should be ready for a July 26<sup>th</sup> hearing.

In another situation in West Woodstock directly off of Route 4, a landowner removed all vegetation, approximately an acre, from the 100' riparian buffer. Soil and other materials were added to the flood hazard area which is essentially the same area as the riparian buffer. Flood

regulations do not allow material to be added to a floodplain or floodway. The landowner also exceeds the 5,000 sq. ft. threshold for a Conditional Use excavation permit and the 10,000 sq. ft. threshold for a stormwater permit. The landowner will restore the land to its original contours and replace the riparian vegetation. A 2' contour map was completed of the area in February, 2017. A landscape plan is being prepared to address the removed riparian vegetation. A TDRB hearing will be held July 26.

To address the situation in a more generic way, a letter with riparian regulations attached will be sent to all loggers, excavators, realtors, property managers, etc.

**C. Woodstock Foundation / VPR**

The Town Planner noted that the Vermont Public Radio's classical station had a 16' tall antennae at the recently sold Kannestine property on River Road. The antenna was used to boost local reception. The new owners have removed the antennae. The Billings Farm and Museum have agreed to host the antennae on one of its equipment sheds located to the rear of the property. After discussion, the TDRB agreed an administrative permit should be issued for the device. The Town Planner will contact VPR.

**V. DELIBERATIONS:**

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

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

**C. T-4746-17 NICA, LLC**

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

1. The TDRB reviewed site plans and photographs of patio area.
2. The Inn on the River desires adding an outdoor dining and consumption area. Currently the second floor deck has limited dining opportunities.
3. The area is formed by a three-story inn building to the north, a 10' tall retaining wall to the east and a pond to the south. The west side is open toward the rear parking lot. The area is very secluded from the neighbors.
4. To address the State's alcohol regulations, the area would be fenced. Four foot tall wooden posts would be placed with a chain or rope linking the posts.
5. Illumination would be either a standard outdoor solar lighting device or Christmas style lights. There are existing lights mounted in the eaves of the building overhang.
6. The seating capacity would be for 40 clients. The number of tables may vary depending on the event. Mr. Hardy noted the inn's bistro closes at 11:00 p.m.
7. There are 45 rooms on-site.
8. There would be no music on the patio. There is music on the deck above.
9. There would be no flood lights.

10. The TDR reviewed Sections 809 Site Plan Review and 810 Conditional Use criteria with the applicant.

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

1. **There shall be no more than 40 persons on the patio.**
2. **Lights associated with the patio shall be turned off by 11:00 p.m.**
3. **Illumination shall be soft lighting such as that presented.**
4. **The patio shall close at 11:00 p.m.**

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

**D. T-4747-17 WAC / WAMBA**

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

1. The TDRB received the 52-page digital application via email. WAMBA's intent is to enhance the existing trail system, connect existing trails, and to create new trails on the WAC 350-acre property. The TDRB also received the Conservation Commission's 6-page recommendation to approve the application with a condition that the Outer Loop will require CC review before construction.
2. WAMBA is a year old non-profit group with 70 members dedicated to area mountain biking and promotion of the sport to locals, especially young people. WAMBA was involved in the recent permit granted to the Woodstock Resort Corporation for an extended trail network in the Mt. Peg area.
3. A trail map was viewed. Numerous trails, approximately 4 miles, have been existent for more than 25 years. Three additional miles of single track trails, 18" wide, are proposed. Although built specifically for mountain bikes, the trails can be used by hikers, snow shoers and cross country skiing. The trails are not built for motorized vehicles or horses. Snowmobiles and horse riders generally stay on the Class IV road sections.
4. This spring, the Select Board approved a \$5000 Economic Development Committee grant to be used mainly for materials to improve existing trails. The group also wishes to place signs throughout the trail system to help people navigate the area. Boardwalks and wooden bridges would be added where necessary. Boardwalks are generally a 24" wide support system built on 2" x 6" beams with boards across to traverse especially wet areas. In the near future, the group would like to add 3 miles of single track trails.
5. The portion of Grassy Lane Road located within the WAC property is a Class IV road and is closed to traffic in the mud season. VAST has snowmobile trails running along the road. Numerous country skiers also use the trails and road in the winter months. Hikers and dog walkers are common at all times of the year. GHMA uses the road for their 100 mile trails rides and other events.
6. WAMBA members volunteer their time and energy to maintain and improve the trail system. The improvements make the trails safer and more approachable.
7. WAMBA has signed a ten-year access agreement with WAC. WAC is a water company whose main goal is to protect water resources. The property is also enrolled in the State's Current Use program which has strict forestry requirements.

8. Some trails do cross riparian, wetland, and vernal pool buffers. New trails are designed to avoid these areas as much as possible. Older trails are being reworked to minimize impacts to these areas. Bridges are built to span streams and boardwalks are proposed where an area is considered too wet.
9. The Conservation Commission review focused on the impacts to these wet areas, and found all completed projects to meet the Conservation District standards. However, the Conservation Commission did ask to review the proposed Outer Loop trail before construction to assure compliance with the standards.
10. Intended usage is to remain at current levels. An average day would have 4-6 riders. The trails are mainly for locals. There are no user fees. Trail maps would be available for sale. There is no intent to publicize the trail system.
11. Parking was discussed. There are 4 spaces in the upper lot close to the entrance and 6 spaces across the road in the WAC yard. A kiosk would be placed next to the upper lot. There have been verbal discussions with the Woodstock Union High School to enable use of the school's parking spaces as overflow parking. A formal agreement is expected in September. Unauthorized parking at the east entrance to WAC property was discussed at the CC meeting. WAMBA maps do not show parking here and the website will discourage parking in this area. WAMBA would work with the local police and the Select Board to resolve issues as they arise.
12. Another issue discussed at the CC meeting was that of interaction with other users, especially equestrians. WAMBA members are schooled in user safety and trail etiquette. The Green Mountain Horse Association and WAMBA have agreed to work together on use notification, shared use and other issues.
13. Snowmobilers and equestrians stay mainly on the Class IV road. The intent of WAMBA is to keep bikers off the Class IV road as much as possible. Improvements with the Class IV road are being designed to force bikers to slow down at intersections and to improve sight lines for oncoming traffic.
14. WAMBA has sent its trail maps to the State's 911 offices to help coordinate rescues should the need arise.
15. Mr. Wegner stated that the WAC property is for the enjoyment of the outdoors and management of WAC resources. WAMBA has been very good at both. He is especially appreciative of the youth involvement. Dog walkers are the largest use group by far.
16. Erosion control was discussed. Trails are built to shed water quickly before the water becomes an erosive force. Trail slope is kept below 15%. Trails follow the contours as much as possible. Switchbacks are used to gain or lose elevation. Trails stay out of flat areas as much as possible to avoid the potential ponding of water. When trails are considered too wet, they are closed. Members report water issues immediately to the Board.
17. Logging roads are avoided for trail use as fall line erosion is a significant issue on logging roads. Logging is done in the winter when the ground is frozen.
18. Mr. Wegner restated that water quality is of the utmost importance to the landowner. The WAC property is also used by the Audubon Society for bird studies. Thirty years ago the property was continually trashed by users. WAMBA has served as a great steward of the property whereby trash is picked up and abusive behavior is minimized. The property was opened to increased public use 25 years ago with the establishment of a tree farm for the WUHS.

19. Mr. Westbrook noted that no State permits are required relating to the reservoir use. The trail system's impact was considered too limited, a non-reportable use in State jargon.
20. The TDRB reviewed Section 403 Conservation District, Section 809 Site Plan Review and Section 810 Conditional Use criteria with the applicant.

**After further discussion, Ms. Nichols moved with a second by Ms. French to approve the application with the following conditions:**

1. **The Outer Loop trail shall be reviewed by the Conservation Commission before construction.**
2. **WAMBA shall ask the Select Board to place "share-the-road" bicycle signs where appropriate on Cox District Road.**

**The motion was approved with a 4-0 vote.**

**E. T-4750-17 Gould**

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

1. The TDRB reviewed elevations, floor plans and a site plan.
2. The owner's intent is to create an additional 1000 sq. ft. one-bedroom residential unit and continue to maintain an existing office.
3. In 2010 via zoning permit T-4226-10, two apartments were created in the main house. An existing office is located in the smaller red house. Before 2010, the main house was used as an insurance office with a real estate office located in the red house.
4. The tax map lists the property as 0.89 acre. The density of C/LI is 1-unit per acre. However, two units are allowed on all lots. The recently adopted Multiple Low Occupancy Apartment regulation allows up to 4-units with no more than six bedrooms total to be placed in an existing building on any commercial lot.
5. To comply with the Section 531 MLOA standards, the third apartment would be placed within the existing 1940's building. The office would move to a new 900 sq. ft. addition to be constructed on the east elevation of the building.
6. The building is non-conforming. The current south side setback is 3 feet. A 25' side setback is required. The proposed addition would maintain the 3-foot side setback as allowed for non-conforming structures.
7. The owner is also requesting a waiver to setback for the rear (east elevation) setback. The building would be setback 12.5' from the property line. Twenty-five feet is required. The waiver to setback form was reviewed by the TDRB. The landowner did not create the hardship. The front portion of the lot is quite steep. The only practical building area is the rear portion of the lot. There are no neighbors to the east.
8. There is plenty of parking on-site. The site plan shows 8 spaces to the north and 4 spaces to the south. The 3 residential units require 6 spaces and the office with one employee requires 2 spaces.
9. In rebuilding the structure, the roof ridge would be changed to an east-west orientation.
10. The TDRB reviewed Section 531 MLOA, Section 707 Nonconforming Structures, Section 809 Site Plan Review, and Section 810 Conditional Use criteria with the applicant.

**After further discussion, Ms. Nichols moved with a second by Mr. Wilson to approve as presented. The motion passed with a 4-0**

**VI. NEXT MEETING:**

The next TDRB meeting is scheduled for July 25, 2017.

**VII. ADJOURNMENT:**

The TDRB adjourned at 9:00 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town Planner