

**TOWN DEVELOPMENT REVIEW BOARD
MINUTES
June 28, 2016**

MEMBERS PRESENT: Don Bourdon, Kim French, Frederick Hunt, Ingrid Moulton Nichols, Charles Wilson
MEMBERS ABSENT: None
OTHERS PRESENT: Ethel Davis, Ashley Davis, Craig Jewett, Phil Swanson, Sally Miller, Jed Dickinson, Chris Ambrose, Carol Wood, Rob Wallace, Deb Hathorn, Jody Loring, Alison Brown, Carmen Chamberlin, 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 24, 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 was not present.

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 July 26, 2016 meeting.

B. New Business:

1. T-4655-16 Ethel & Boyd Davis

Application is for Conditional Use approval to place a shed within the floodplain. The property is

located at 163 Riverbend Way and is zoned Residential High Density / Flood Hazard.

Ms. Boyd presented the application.

The TDRB reviewed numerous photographs and sites plans.

In 2012, a permit was issued to place a 192 sq. ft. shed. The owner placed the shed on the edge of the river in the floodway, which is prohibited. The owner now wishes to place the shed next to their mobile home, which would be located within the 100 year floodplain.

The State flood officials have reviewed the site and require per May 31, 2016 letter that: the shed be anchored, the first floor be placed above the BFE (base flood elevation) and that this be certified by a registered engineer.

The applicant agreed to comply with the State's requirements.

The Town Planner showed the TDRB an orthophoto map indicating the flood hazard areas in relation to the trailer and proposed shed.

The shed would be placed flush to the front of the home for both aesthetic reasons and to keep the front yard open.

The TDRB reviewed Section 405 Flood Hazard District regulations.

Testimony was voted closed.

2. T-4666-16 Village of Woodstock

Application is for Conditional Use and Conservation Overlay Approval to create a snow dump. The property is located on Woodstock Road and is zoned Community.

Mr. Swanson, Town Manager, and Craig Jewett, engineer, presented the application.

The TDRB reviewed numerous site plans and the March 22, 2016 State Wetland permit which included the multi-paged State application. Also reviewed were the Conservation Commission's June 15, 2016 minutes which includes the unanimous recommendation to approve the application.

Prior to the meeting, a site visit was conducted. The property boundary was noted. The wetland area was identified. The areas of proposed use and the location of the driveway were shown.

The Village proposes to relocate its snow dump site from the current location along the Ottauquechee River to the proposed site on Maxham Meadow Way. The snow pile comes to within 20' of the river at its current location. The proposed snow dump would be approximately 1000' from the river.

The Village has a purchase and sales agreement to buy 2.06 acres from the Woodstock Resort Corporation. In addition, an easement area 200' long by +/- 70' wide is included for driveway access off of Maxham Meadow Way.

The wetland was delineated by Zapata Courage, State District Wetlands Ecologist. The oval wetland is approximately centered on the 2.06 acre site. The State declared the wetland to be a Class II wetland due to the number of contiguous wetlands in the immediate area. The Town's wetland map created by Arrowwood Consultants in 2002, shows the wetland to be a Class III wetland.

The State requires a 50' buffer area from edge of the wetland. The Town's wetland buffer is 100'.

The wetland is a forested seep wetland (predominantly a hill side toe seep). The ground is spongy but rarely holds water. Due to the topographic contours, water would drain towards the west. The area to the west is an agricultural field, currently planted with corn.

The snow would be dumped in three different locations as needed.

The first location is an area 100' south of the existing gate to the WRC fields. The land drops off 16', which can be piled with snow. The site is located more than 50' from the designated wetland yet within the 100' buffer area.

At the point on Maxham Meadow Way where the trucks would unload their snow, hardpack would be placed to create an unloading zone. The area of snow deposit would be 100' long, 60' wide on its narrowest side and 120' at the widest point. This site should be adequate for a normal year's worth of snow and would be filled before the other two sites are utilized.

The second area would be at the "T" turnaround on the north end of the proposed driveway. Snow in this area would not be piled higher than three feet. This site is located more than 50' but less than 100' from the wetland.

The third area would be to fill in the driveway from north to south starting at the "T". Snow in this area would not be piled higher than three feet. Portions of this site would be within the 50' buffer. It would be a year with above-normal snow fall for this area to be used.

A 3' tall silt fence would be placed along the west and south sides of the wetland to prevent erosion from entering the wetland. The fence would be placed 10' outside of the wetland before snowfall and removed once the snow has melted. The applicant hopes to place a series of 4" x 4" posts permanently to make it easier to place the fabric fence every year.

All snow would melt naturally, no accelerates would be used.

The only trees to be removed from the property would be those located directly south of the gate for a length of +/- 200'. The trees in this area are predominantly box elder.

The entire east side of the property is lined with mature trees and shrubs. The wetland has a combination of trees, shrubs and grasses. An old barn foundation is located in the center of the wetland. The barn had been removed in the 1960s.

Nine trees would be planted at the northwest end of the parcel. These would be a mix of maple and pine. They are meant to provide screening as this is the most open side of the parcel.

Maxham Meadow Way would be paved from Route 4 to the snow dump entrance. The road would not be enlarged. Most truck traffic would be conducted during the early morning hours. Up to eight dump trucks are utilized per snow removal event.

The 18' wide driveway into the snow dump area would be hardpacked. The entrance off of Maxham Meadow Way would require a small amount of fill. There would be two culverts placed along the driveway. Approximately 180' of the driveway would be within the 50' buffer. An additional 240' of driveway would be located within the 100' buffer.

There would be a monitoring well dug five feet below the water table. The site will be monitored for a three year period. The closest residence is located 800' east of the site with water provided by Woodstock Aqueduct. The closest well is located 1600' to the northeast along Route 4 East.

Numerous soil samples were taken on-site to aid the design process. The buffer area has a strong sand and gravel component, measuring at least ten feet deep.

At the end of each season, the area would be cleaned up and maintenance performed where necessary. The site would not be used until the next snow season.

The current snow dump site has had numerous soil and residue tests performed over the years. A list of the residue materials was viewed by the Conservation Commission. The list serves as a base line for monitoring purposes. Site monitoring is also one of the conditions of sale, as the seller owns the abutting agricultural fields.

A small portion of the northeast corner of the parcel is within the 100 year floodplain. There would be no additional fill or development within this area. Nine trees would be planted in this area.

Mr. Jewett stated that once approved this would be the only designed snow dump in the State of Vermont.

The TDRB reviewed Section 403 B.2. Wetlands, Water Quality & Aquatic Habitat Protection Area with the applicant.

The applicant has no other practical location on their property except for the areas proposed. All work would be done outside of the delineated wetland.

Work proposed within the buffer areas would prohibit stormwater, sediment or other forms of erosion from entering the wetland and would not create an undue impact on fish or wildlife.

There would be no work done within the wetland area.

If approved the snow dump would be constructed this fall and not used until the winter of 2017-18.

Testimony was voted closed.

3. T-4668-16 Lyman Shove / Chris Ambrose

Application is for Conditional Use Approval to flood proof existing structure. The property is located at 4979 South Road and is zoned Residential Low Density / Flood Hazard.

Mr. Ambrose, potential owner and agent, presented the application.

The TDRB reviewed photographs of the rear building where proposed changes would take place.

The current basement floor is located 1' 3" below BFE (base flood elevation).

The owner hopes to convert the ex-wood shop which is located within the 100 year flood plain into a residential structure. To meet the terms of the purchase and sales agreement, a permit to flood proof the building is required. The additional work to convert the home to a residence would be completed at a later date under a separate permit.

The State flood officials reviewed the request and stated the following requirements in a May 31, 2016 letter. All electric service and the existing furnace shall be located at least one foot above the BFE. An existing oil tank requires anchoring and flood vents are required.

The furnace would be raised 2' 3" and the oil tank would be anchored to the floor. All electric service outlets and other mechanicals are located well above the State's BFE requirement.

Two 6" x 18" flood vents would be placed on the rear of the building in accordance with the State's requirements. The vents are hydrostatically controlled and open during a flood event to allow water to flow through the basement.

Testimony was voted closed.

4. T-4672-16 South Woodstock Country Store

Application is for Conditional Use Approval to allow placement of gas grill and outdoor seating. The property is located at 4800 South Road and is zoned Hamlet Commercial.

Ms. Brown, owner, presented the application.

The TDRB reviewed photographs and a site plan.

A Conditional Use permit is required as the proposal is considered an expansion of the kitchen operation.

The owners would like to use a grill outside for cooking purposes during the hot summer months. A small gas grill is proposed, a photograph was included..

The owners have contacted the State Fire Marshall and Department of Health.

The Fire Marshall requires a ten foot separation from any structure.

The Health Department requires all other food, except that cooked on the grill to be prepared in the existing kitchen.

The owners agreed to meet the state requirements noted above. The grill would be setup just outside the kitchen at the rear of the building and would not be visible from Route 106.

The owner purchased the property a year ago. Two picnic tables were included with the sale. Additional seating would not be added.

The TDRB reviewed the Conditional Use criteria with the applicant.

Testimony was voted closed.

3. T-4673-16 KVI Holdings LLC

Application is for Conditional Use Approval to host an artisan/farmers market annually. The property is located at 4778 South Road and is zoned Inn.

Mr. Underwood, manager, was unable to attend. Ms. Chamberlin, staff, presented the application.

The TDRB reviewed photographs of the area and a site plan of the proposed farmers market.

The owner of the Inn would like to add a 10 vendor farmers and artisan market to his property.

The site would be a small lawn between the Inn's south parking lot and the South Woodstock Country Store.

The event would take place every Sunday from 12:00 to 3:00 pm. from May through October.

Approximately 30 cars can be parked on-site. Guest check out on Sunday mornings is 11:30 am which would free up numerous spaces.

No cars would be allowed to park on either Route 106 or on the nearby town roads.

There would be no electric service nor illumination. There would be no amplified music or sound. There are waste and recycling containers on-site.

All additions, tables, chairs, tents, etc. would be temporary.

The TDRB reviewed the Conditional Use criteria with the applicant.

Ms. Loring, neighbor, questioned the location of the event.

Ms. Chamberlin noted exactly where the event would place, addressing Ms. Loring's concerns.

Testimony was voted closed.

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-4659-16 Ethel & Boyd Davis

After discussion, the following findings of fact were established:

1. The TDRB reviewed numerous photographs and sites plans.
2. In 2012, a permit was issued to place a 192 sq. ft. shed. The owner placed the shed on the edge of the river in the floodway, which is prohibited. The owner now wishes to place the shed next to their mobile home, which would be located within the 100 year floodplain.
3. The State flood officials have reviewed the site and require per May 31, 2016 letter that: the shed be anchored, the first floor be placed above the BFE (base flood elevation) and that this be certified by a registered engineer.
4. The applicant agreed to comply with the State's requirements.
5. The Town Planner showed the TDRB an orthophoto map indicating the flood hazard areas in relation to the trailer and proposed shed.
6. The shed would be placed flush to the front of the home for both aesthetic reasons and to keep the front yard open.
7. The TDRB reviewed Section 405 Flood Hazard District regulations.

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

The motion passed with a 5-0 vote.

D. T-4666-16 Village of Woodstock

After discussion, the following findings of fact were established:

1. The TDRB reviewed numerous site plans and the March 22, 2016 State Wetland permit which included the multi-paged State application. Also reviewed were the Conservation Commission's June 15, 2016 minutes which includes the unanimous recommendation to approve the application.
2. Prior to the meeting, a site visit was conducted. The property boundary was noted. The wetland area was identified. The areas of proposed use and the location of the driveway were shown.
3. The Village proposes to relocate its snow dump site from the current location along the Ottauquechee River to the proposed site on Maxham Meadow Way. The snow pile comes to within 20' of the river at its current location. The proposed snow dump would be

- approximately 1000' from the river.
4. The Village has a purchase and sales agreement to buy 2.06 acres from the Woodstock Resort Corporation (WRC). In addition, an easement area 200' long by +/- 70' wide is included for driveway access off of Maxham Meadow Way.
 5. The wetland was delineated by Zapata Courage, State District Wetlands Ecologist. The oval wetland is approximately centered on the 2.06 acre site. The State declared the wetland to be a Class II wetland due to the number of contiguous wetlands in the immediate area. The Town's wetland map created by Arrowwood Consultants in 2002, shows the wetland to be a Class III wetland.
 6. The State requires a 50' buffer area from edge of the wetland. The Town's wetland buffer is 100'.
 7. The wetland is a forested seep wetland (predominantly a hill side toe seep). The ground is spongy but rarely holds water. Due to the topographic contours, water would drain towards the west. The area to the west is an agricultural field, currently planted with corn.
 8. The snow would be dumped in three different locations as needed.
 9. The first location is an area 100' south of the existing gate to the WRC fields. The land drops off 16', which can be piled with snow. The site is located more than 50' from the designated wetland yet within the 100' buffer area.
 10. At the point on Maxham Meadow Way where the trucks would unload their snow, hardpack would be placed to create an unloading zone. The area of snow deposit would be 100' long, 60' wide on its narrowest side and 120' at the widest point. This site should be adequate for a normal year's worth of snow and would be filled before the other two sites are utilized.
 11. The second area would be at the "T" turnaround on the north end of the proposed driveway. Snow in this area would not be piled higher than three feet. This site is located more than 50' but less than 100' from the wetland.
 12. The third area would be to fill in the driveway from north to south starting at the "T". Snow in this area would not be piled higher than three feet. Portions of this site would be within the 50' buffer. It would take a year with above-normal snow fall for this area to be used.
 13. A three foot tall silt fence would be placed along the west and south sides of the wetland to prevent erosion from entering the wetland. The fence would be placed 10' outside of the wetland before snowfall and removed once the snow has melted. The applicant hopes to place a series of 4" x 4" posts permanently to make it easier to place the fabric fence every year.
 14. All snow would melt naturally, no accelerates would be used.
 15. The only trees to be removed from the property would be those located directly south of the gate for a length of +/- 200'. The trees in this area are predominantly box elder.
 16. The entire east side of the property is lined with mature trees and shrubs. The wetland has a combination of trees, shrubs and grasses. An old barn foundation is located in the center of the wetland. The barn had been removed in the 1960s.
 17. Nine trees would be planted at the northwest end of the parcel. These would be a mix of maple and pine. They are meant to provide screening as this is the most open side of the parcel.
 18. Maxham Meadow Way would be paved from Route 4 to the snow dump entrance. The road would not be enlarged. Most truck traffic would be conducted during the early morning hours. Up to eight dump trucks are utilized per snow removal event.
 19. The 18' wide driveway into the snow dump area would be hardpacked. The entrance off of Maxham Meadow Way would require a small amount of fill. There would be two culverts placed along the driveway. Approximately 180' of the driveway would be within the 50' buffer. An additional 240' of driveway would be located within the 100' buffer.

20. There would be a monitoring well dug five feet below the water table. The site will be monitored for a three year period. The closest residence is located 800' east of the site with water provided by Woodstock Aqueduct. The closest well is located 1600' to the northeast along Route 4 East.
21. Numerous soil samples were taken on-site to aid the design process. The buffer area has a strong sand and gravel component, measuring at least 10' deep.
22. At the end of each season, the area would be cleaned up and maintenance performed where necessary. The site would not be used until the next snow season.
23. The current snow dump site has had numerous soil and residue tests performed over the years. A list of the residue materials was viewed by the Conservation Commission. The list serves as a baseline for monitoring purposes. Site monitoring is also one of the conditions of sale, as the seller owns the abutting agricultural fields.
24. A small portion of the northeast corner of the parcel is within the 100-year floodplain. There would be no additional fill or development within this area. Nine trees would be planted in this area.
25. The TDRB reviewed Conditional Use criteria and Section 403 B.2. Wetlands, Water Quality & Aquatic Habitat Protection Area with the applicant.
26. The applicant has no other practical location on their property except for the area proposed. All work would be done outside of the delineated wetland.
27. The site would only be used seasonally, mainly December through March.
28. Work proposed within the buffer areas would prohibit stormwater, sediment or other forms of erosion from entering the wetland and would not create an undue impact on fish or wildlife.
29. There would be no work done within the wetland area.

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

The motion passed with a 5-0 vote.

E. T-4668-16 Lyman Shove / Chris Ambrose

After discussion, the following findings of fact were established:

1. The TDRB reviewed photographs of the rear building where the proposed changes would take place.
2. The current basement floor is located 1' 3" below BFE (base flood elevation).
3. The owner hopes to convert the ex-wood shop which is located within the 100-year flood plain into a residential home. To meet the terms of the purchase and sales agreement, a permit to flood proof the building is required. The additional work to convert the home to a residence would be completed at a later date under separate permit.
4. The State flood officials reviewed the request and per a May 31, 2016 letter required that all electric service and the existing furnace be located at least one foot above the BFE. An existing oil tank requires anchoring and flood vents are required.
5. The furnace would be raised 2' 3" and the oil tank would be anchored to the floor. All electric service outlets and other mechanicals are located well above the State's BFE requirement.

6. Two 6" x 18" flood vents would be placed on the rear of the building in accordance with the State's requirements. The vents are hydrostatically controlled and open during a flood event to allow water to flow through the basement.
7. The TDRB reviewed Section 405 Flood Hazard District regulations.

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

The motion passed with a 5-0 vote.

F. T-4672-16 South Woodstock Country Store

After discussion, the following findings of fact were established:

1. The TDRB reviewed photographs and a site plan.
2. A Conditional Use permit is required as the proposal is considered an expansion of the kitchen operation.
3. The owners would like to use a grill outside for cooking purposes during the hot summer months. A small gas grill is proposed, a photograph was included.
4. The owners have contacted the State Fire Marshall and Department of Health.
5. The Fire Marshall requires a ten foot separation from any structure.
6. The Health Department requires all other food, except that cooked on the grill to be prepared in the existing kitchen.
7. The owners agreed to meet the state requirements noted above. The grill would be setup just outside the kitchen at the rear of the building and would not be visible from Route 106.
8. The owner purchased the property a year ago. Two picnic tables were included with the sale. Additional seating would not be added.
9. The TDRB reviewed the Conditional Use criteria with the applicant.

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

The motion passed with a 5-0 vote.

G. T-4673-16 KVI Holding, LLC

After discussion, the following findings of fact were established:

1. The TDRB reviewed photographs of the area and a site plan of the proposed farmer's market.
2. The owner of the Inn would like to add a 10 vendor farmers and artisan market to his property.
3. The site would be a small lawn between the Inn's south parking lot and the South Woodstock Country Store.
4. The event would take place every Sunday from 12:00 noon to 3:00 pm from May through October.
5. Approximately 30 cars can be parked on-site. Guest check out at the Inn is on Sunday mornings at 11:30 am. This would free up numerous spaces.
6. No cars would be allowed to park on either Route 106 or the neighboring Town roads.

7. There would be no electric service nor illumination. There would be no amplified music or sound. There are waste and recycling containers on site.
8. All additions, tables, chairs, tents, etc. would be temporary.
9. The TDRB reviewed the Conditional Use criteria with the applicant.

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

The motion passed with a 5-0 vote.

VI. NEXT MEETING:

The next TDRB meeting is scheduled for July 26, 2016.

VII. ADJOURNMENT:

The TDRB adjourned at 8:20 pm.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner