

**VILLAGE DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
January 13, 2016**

PRESENT: Jim Mills, Benjamin Pauly, Randy Mayhew, Keri Cole
ABSENT: Jane Soule
ALSO PRESENT: Susan Ford, Diedre Savage, William Bawden, Michael Brands

I. CALL TO ORDER

The meeting was called to order at 7:35 p.m.

II. PUBLIC HEARINGS

A. Old Business **None**

B. New Business

1. V-3202-15 **Shire Woodstock, LLC**

The application is for Conditional Use Review Approval to change bed & breakfast apartment from long term rental to two-bedroom hotel suite. The property is located at 46 Pleasant Street and is zoned Light Commercial.

Ms. Savage, owner, and Ms. Ford, attorney, presented the application.

The VDRB reviewed the conditional use form, floor plan and numerous photographs.

The owners attempted to rent the two bedroom apartment as a long term rental but without success. Therefore, they wish to convert the apartment to a two bedroom rental suite that would operate under the management of the Shire Motel.

The apartment is located in a former B&B, located on the rear of the parcel. There are six other guest rooms within the building. A second building to the front of the property has four guest rooms.

The parking would not change. The two spots previously used for the long term rental would be used by the occupants of the suite.

The VDRB reviewed the Conditional Use criteria.

Testimony was voted close.

2. V-3203-15 Town of Woodstock

The application is for Site Plan Review and Design Review Approval to place an additional storage unit on south elevation of property. The property is located at 454 Woodstock Road and is zoned Community / Design Review.

The Town Planner presented the application.

A permit was issued in 2013 to place a 8.5' tall, 8' wide, 40' long storage container on rear parking lot of the Emergency Services Building.

The Town noted that the container has been very practical for their needs and is asking to place a second container of the same size and configuration. The second container would be placed directly in front of the first container.

The container would not reduce parking. A Site Plan Review is required from the VDRB.

The container would not be visible from public points of view.

The Fire Chief asked to retain the original gray color and not have to paint the container green as was agreed to in the previous permit. The existing container has not been painted and retains its original gray color. The gray matches the color of the asphalt parking area.

The Design Review Board agreed, noting that applied paint would peel off becoming very unsightly over time.

Due to the fact that the container would not be visible, the Design Review Board recommended approval as submitted and that the two containers not require painting.

The VDRB reviewed the Site Plan criteria with the applicant. The proposed container would not be illuminated, would not increase noise levels and would not reduce parking or turning radius requirements.

The VDRB asked if the area behind the containers could be developed.

The containers, although able to be moved, are placed as permanent structures.

The area is extremely wet and steep with a complex soil which is not conducive to development. A strong line of trees line the rear of the property.

Testimony was voted close.

3. V-3208-15 William & Marsha Bawden

The application is for Design Review Approval to allow buildings to remain without

shutters. The property is located at 29 Pleasant Street and is zoned Residential High Density / Design Review.

Mr. Bawden presented the application.

The VDRB reviewed numerous photographs of the buildings with and without shutters.

The owners removed the shutters in 2009 when the buildings were painted. They liked the look of the structures without shutters and decided not to replace them. The shutters are stored in the basement, but are in a very bad state of repair.

The VDRB read a December 21, 2015 letter from the owners listing reasons for not replacing the shutters. The letter noted:

- The neighborhood is a mixed use area - commercial, service and residential uses. Mellishwood, Masonic Temple, and the Health Center are directly across the street. Mac's Market is located three doors to the east, an insurance office is located two doors to the east. Commercial structures are less likely to have shutters. The Shire Motel is directly across the street from the Mac's Market.
- There are a number of homes in the area without shutters. The Mellishwood buildings and the Shire Motel buildings do not have shutters. The applicants shared numerous photographs with the Board.
- The fenestration of 29 Pleasant Street is not conducive to a pleasing and balanced placement of shutters. Four of the shutters mounted on the front must be overlapped to fit the narrow space between the windows. On the west side a chimney interferes with proper placement of shutters.
- The Design Review regulations refer to the more mixed use specific to the East End and allows a more balanced blend of design in the East End.

In addition, Mr. Bawden submitted a letter dated January 13, 2016 asking that the VDRB not accept the Design Review Board recommendation that the shutters be replaced on the main building for the following reasons:

- Only 40% of the Design Review Board were present. Such an important decision should require 100% attendance.
- The Board disregarded the streetscape aspects. There was no consideration that 29 Pleasant Street is part of the East End which per Section 405 A requires a more balanced review. The East End is a concept and not a delineated area.
- None of the structures directly across Pleasant Street have shutters. Between Ford Street and Richmond Corners there are numerous commercial uses. Of these 28 structures, 20 buildings or +/- 70% do not have shutters.

- Design Review focuses on design and not historical significance. The owner's home was built in 1835 and very likely did not have shutters. Removal of shutters does not change the historical significance of the building.

Mr. Mayhew questioned how many residential structures have shutters.

After a lengthy discussion, the VDRB agreed the majority of structures in Mr. Bawden's immediate neighborhood on the south side of Pleasant Street have shutters and the majority of the neighborhood on the north side of Pleasant Street do not have shutters.

Photographic exhibits 18, 19, 20, 21, 22, and 23 show homes on north side of Pleasant without shutters.

The Town Planner stated that the shutters had been removed from the Mellishwood buildings when the site was developed for affordable elderly housing in the late 1970s, before the adoption of Design Review Regulations. Mellishwood is directly across the street from 29 Pleasant Street.

The Town Planner also noted that the statute of limitations for zoning violations is 15 years, therefore enforcement cannot be taken against owners who removed their shutters over 15 years ago.

Mr. Bawden stated that the majority of the East End structures do not have shutters as they are more commercial than residential. He added that his neighborhood is a mixed use area.

The Town Planner noted that this area between Ford Street and Mac's Market has been kept residentially zoned to act as a buffer between the Light Commercial and the Central Commercial districts. The Village has a long history of maintaining the residential look of Pleasant Street and has, therefore, denied requests to make it more commercial. When the Light Commercial District was established between Mac's Market and Sunoco, the intent was to maintain the residential character by placing strong limits on commercial uses.

Chair Mills added that the East End is considered to start east of Richmond's Corner.

Mr. Mayhew noted that the celebrated planner Norman Williams stated the oft derided sharp turn at Richmond's Corner should be considered an advantage for the Village. It serves as a divider between the more commercial structures east of this point and the more residential style west of this point.

Mr. Bawden felt the big change between commercial and residential occurs at Tribou Park just west of Ford Street.

Chair Mills stated that the VDRB is required to abide by the Design Review Regulations. These regulations refer to the relationship between buildings, the continuity along the street and compatibility with buildings in the immediate area. The regulations are meant to be community based, respecting the traditional scale, proportions, shapes and rhythms of the surrounding neighborhood.

Chair Mills noted the Bawden house stands out from the neighboring homes as it does not have shutters, all other homes on the south side of Pleasant Street have shutters.

Mr. Olson stated in the Design Review minutes: being that shutters have been removed from some buildings, makes it even more important that shutters be retained where possible.

The VDRB read Section 405 G.7. Architectural Features which states Existing architectural features, including but not limited to shutters... shall be retained where appropriate. This section of the Design Review Regulation was adopted in May, 2015 specifically to strengthen the support for retention of shutters on residential structures.

Although the shutters were removed after the 2009 permit to replace window sashes, the application to officially remove shutters was made in December 2015 well after the adoption of the May 2015 amendment.

Mr. Bawden stated there were no shutters on the rear of the home and the windows along the chimney are placed too close to accommodate shutters.

The VDRB reviewed the Bawden's application V-2426-09 to replace window sashes on 26 windows. The accompanying photos show shutters on all windows except the bay window on the east elevation and the rear of the building. The shutters overlapped on the front and are flush to the chimney wall on the west elevation.

Mr. Bawden noted that he has a photograph from the 1800s showing the four front windows with overlapping shutters.

Mr. Bawden stated everyone he talks to feels his home looks better without the shutters. The home is an 1835 Federal style building. He felt the home did not have shutters when originally built. Placement of shutters on this type of home is unnecessary and clutters up a clean design. The window spacings show that shutters were not original to the design.

The VDRB read the Design Review Board's decision recommending the retention of shutters on the main residential building, but allowing their removal from the shop structure.

The shop building located behind the main house is an accessory building and is not residential. Shutters on this type of building are not as aesthetically pleasing. This is especially true of the shutters placed along the double second story window in the front peak. The building is significantly less visible than the main residential structure.

The Design Review minutes reference a map created by Mr. Olson of buildings with and without shutters on Pleasant Street. Of the 40 residential scaled buildings, 27 have shutters (67%). An additional 8 buildings have had shutters in the past (18%). Together this would have been a total of 34 buildings with shutters (87%).

The Design Review minutes also highlighted the importance of the neighborhood context. Although the building, as an individual standalone structure looks fine without shutters, one

must take into consideration the context of the neighborhood. The home without shutters appears out of sync with its neighboring structures that do have shutters.

Ms. Cole felt the building looked good without shutters. The structure has other architectural features than shutters that makes it compatible with the Design Review regulations.

Mr. Bawden restated his thoughts on the mixed use neighborhood and that applications for 29 Pleasant Street should be considered under the East End standards which allows a more balanced blend of design.

Testimony was voted closed.

III. OTHER BUSINESS

A. Administrative Officer's Report

The report was issued and discussed.

IV. DELIBERATIONS

A. V-3202-15 Shire Woodstock, LLC

After discussion the following findings of fact were established:

1. The VDRB reviewed the conditional use form, floor plan and numerous photographs.
2. The owners attempted to rent the two bedroom apartment as a long term rental but without success. Therefore, they wish to convert the apartment to a two bedroom rental suite that would operate under the management of the Shire Motel.
3. The apartment is located in a former B&B, located on the rear of the parcel. There are six other guest rooms within the building. A second building at the front of the property has four guest rooms.
4. The parking would not change. The two spots previously used for the long term rental would be used by the occupants of the suite.
5. The VDRB reviewed the Conditional Use criteria.

After additional discussion, Mr. Mayhew moved with a second by Mr. Pauly to approve the application as presented. The motion passed with a 3-0 vote.

B. V-3203-15 Town of Woodstock

After discussion the following findings of fact were established:

1. A permit was issued in 2013 to place a 8.5' tall, 8' wide, 40' long storage container on the rear parking lot of the Emergency Services Building.
2. The Town noted that the container has been very practical for their needs and is asking to place a second container of the same size and configuration. The second container would be placed directly in front of the first container.
3. The container would not reduce parking. A Site Plan Review is required from the VDRB.

4. The container would not be visible from public points of view.
5. The Fire Chief asked to retain the original gray color and not have to paint the container green as was agreed to in the previous permit. The existing container has not been painted and retains its original gray color. The gray matches the color of the asphalt parking area.
6. The Design Review Board agreed, noting that if paint were applied it would peel off becoming very unsightly over time.
7. Due to the fact that the container would not be visible, the Design Review Board recommended approval as submitted and that the two containers not require painting.
8. The VDRB reviewed the Site Plan criteria with the applicant. The proposed container would not be illuminated, would not increase noise levels and would not reduce parking or turning radius requirements.
9. The VDRB asked if the area behind the containers could be developed.
10. The containers, although able to be moved, are placed as permanent structures.
11. The area is extremely wet and steep with a complex soil and is not conducive to development. A strong line of trees lines the rear of the property.

After additional discussion, Mr. Pauly moved with a second by Mr. Mayhew to approve the application as presented. The motion passed with a 4-0 vote.

C. V-3208-15 William and Marsha Bawden

After discussion the following findings of fact were established:

1. The owners removed the shutters in 2009 when the buildings were painted. They liked the look of the structures without shutters and decided not to replace them. The shutters are stored in the basement but are in a very bad state of repair.
2. The VDRB reviewed numerous photographs of the buildings with and without shutters.
3. The VDRB read two letters (December 21, 2015 and January 13, 2016) from the applicant detailing his reasons for not replacing the shutters.
4. The applicant feels his neighborhood is a mixed use neighborhood meriting the East End standard of review which allows a more balanced design. There are many commercial properties east of Ford Street.
5. The owner feels the fenestration of 29 Pleasant Street is not conducive to a pleasing and balanced placement of shutters. Four of the shutters mounted on the front must be overlapped to fit the narrow space between the windows. A chimney interferes with proper placement of shutters on the west side .
6. The home is an 1835 Federal style building. The applicant felt the home did not have shutters when originally built. Placement of shutters on this type home is unnecessary and clutters up a clean design. The window spacings indicate that shutters may not have been original to the design.
7. After a lengthy discussion concerning buildings in the immediate neighborhood, the VDRB agreed the majority of those on the south side of Pleasant Street have shutters and the majority of those on the north side of Pleasant Street do not have shutters.
8. The Town Planner stated that the shutters had been removed from the Mellishwood buildings when the site was developed for affordable elderly housing in the late 1970s, before the adoption of Design Review Regulations. Mellishwood is located directly across the street from 29 Pleasant Street.

9. The statute of limitations for zoning violations is 15 years, therefore enforcement cannot be taken against owners who removed their shutters over 15 years ago.
10. The area between Ford Street and Mac's Market has been kept residentially zoned to act as a buffer between the Light Commercial and the Central Commercial districts. The Village has a long history of maintaining the residential look of Pleasant Street and has therefore denied requests to make it more commercial. When the Light Commercial District was established between Mac's Market and Sunoco, the intent was to maintain the residential character by placing strong limits on commercial uses.
11. Chair Mills added that the East End is considered to start east of Richmond's Corner.
12. The Design Review Regulations refer to the relationship between buildings, the continuity along the street and compatibility with buildings in the immediate area. The regulations are meant to be community based, respecting the traditional scale, proportions, shapes and rhythms of the surrounding neighborhood.
13. The applicant's property is zoned Residential High Density / Design Review.
14. An antique business was started in 1950 on-site in the rear shop building. It is considered a grandfathered, nonconforming business. The front main building is a complying residential use.
15. The VDRB agreed that the Bawden house stands out from the neighboring homes as it does not have shutters. All other homes in the immediate neighborhood on the south side of Pleasant Street have shutters.
16. The VDRB read Section 405 G.7. Architectural Features which states Existing architectural features, including but not limited to shutters... shall be retained where appropriate. This section of the Design Review Regulation was adopted in May, 2015 specifically to support the retention of shutters on residential structures.
17. A photograph from the late 1800s shows the building with shutters. Four of the front windows were shown to have overlapping shutters.
18. The accompanying photos for zoning permit V-2426-09 to replace window sashes on 26 windows is evidence the building had shutters on all windows except the bay window on the east elevation and the rear of the building. The shutters overlapped on the front and are flush to the chimney wall on the west elevation.
19. The VDRB read the Design Review Board's decision recommending the retention of shutters on the main residential building, but allowing their removal from the shop structure. The shop building located behind the main house is an accessory building and is not residential. Shutters on this type of building are not as aesthetically pleasing. This is especially true of the shutters placed along the double second story window in the front peak. The building is significantly less visible than the main residential structure.
20. The Design Review minutes reference a map created by Mr. Olson of buildings with and without shutters on Pleasant Street. Of the 40 residential scaled buildings, 27 have shutters (67%). An additional 8 buildings have had shutters in the past (18%). Together this would have been a total of 34 buildings with shutters (87%).
21. The Design Review minutes highlight the importance of the neighborhood context. Although the building as an individual standalone structure looks fine without shutters, one must take into consideration the context of the neighborhood. The home without shutters appears out of sync with its neighboring structures that do have shutters.

22. The VDRB agreed the applicant's home is not located in the East End.
23. The VDRB agreed with the conclusions of the Design Review recommendation.

After additional discussion, Mr. Pauly moved with a second by Mr. Mayhew to approve the removal of shutters on the rear "shop" building but to replace shutters on the main building as shown in the photograph submitted for zoning permit, V-2624-09.

The motion passed with a 3-1 vote. (Ms. Cole voted against the motion.)

V. APPROVAL OF MINUTES

The December 23, 2015 minutes were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town/Village Planner