

**VILLAGE DEVELOPMENT REVIEW BOARD  
DRAFT MINUTES  
July 12, 2017**

**MEMBERS PRESENT:** Jane Soule, Randy Mayhew, Wendy Spector  
**MEMBERS ABSENT:** Keri Cole, One Vacancy  
**OTHERS PRESENT:** Michael Behn, Tyler Von Epps, Les Berge, Susan Berge, Daniel Notargiacomo, L. Merone-Walsh, J. Merone, Frank Trombella, David Shelburne, Gregory Daniels, Sally Miller, George Sadosky, Allison Dickerson, Laird Bradley, Katie Merrill, Kelly Linton, John Doton, Tambrey Vutech, Michael Pacht, Serena Nelson, Justin Shepard, Charlotte Hollingsworth, John Mathews, Barbara Simmons, Gerry Fields, Virginia Palmer, Ken Costello, Malena Agin, Michael Malik, Jill Davies, Joe DiNatale, Sam DiNatale, Graham Melville, Alex Melville, Hunter Melville, Robert Barnes, Marge Barnes, Carol Ann Cunningham, Beth Finalyson, Jeffery Kahn, Nick Ferro, Beverly Ferro, Jacqueline Olson, Don Olson, Patricia Campbell, Robert Quasman, Ann Quasman, Mimi Baird, Anne Borne, Ron Behrns, Barabara Kennedy, Gail Dougherty, Jack Rossi, Debra Merone, Michael Brands

**I. CALL TO ORDER**

Vice-Chair, Jane Soule called the meeting to order at 7:30 p.m.

**II. PUBLIC HEARINGS**

**A. New Business:**

**1. V-3314-17 Sam DiNatale**

The application is for Design Review, Site Plan and Conditional Use Approval to increase outside seating by eight seats with two picnic tables. The property is located at 28 Central Street in Central Commercial / Design Review District.

Ms. DiNatale presented the application.

The Board reviewed photographs of the proposed tables and a site map showing their proposed location.

Ms. DiNatale owns the Mon Vert Café at 28 Central Street. Two picnic tables with

parasols were given to her by the Naked Table organization. Similar tables were given to the Village for placement at the library and on The Green. The tables are currently in storage awaiting a permit.

The tables would be placed up against the east side of the building, just north of the patio fence.

The Design Review Board held off on a decision as it was unknown if the fenced patio would be extended along the side of the building to include the proposed tables.

Ms. DiNatale stated she decided not to extend the patio fence. The picnic tables would be marked with signs indicating they are an alcohol free area. The wait staff would monitor the area to assure no alcohol was consumed at these tables.

The surface below the tables would remain gravel.

Without a fence, the VDRB questioned potential conflicts with vehicles in the driveway. The driveway is shared by Mon Vert Café and Woodstock Sports.

During the short time the café has been open there have been numerous instances of vehicles parking illegally in the proposed picnic table area. The permit allows only one car on the property, parked toward the rear away from the proposed site.

Due to potential conflict with vehicles, the VDRB asked if a barrier would be placed. An extension of the fence was preferred as it would offer the best protection and also help to screen the raw wood picnic tables.

Ms. DiNatale felt customers would access the tables from the wheelchair ramp further north of the site. She agreed that flower planters or something could be placed.

The VDRB felt customers would be more inclined to go out the front door toward the patio, out the patio entrance onto the sidewalk and down the driveway to the tables. They did not feel this to be a safe scenario.

Ms. DiNatale noted the State permits are for a 48-seat restaurant and that she is at the maximum seats allowed. Adding the two tables would exceed the permit limit, and thereby require amendment of the State permits.

The VDRB reviewed the Conditional Use and Site Plan criteria.

Testimony was voted close.

**B. V-3318-17 Brad Archer**

The application is for Design Review Approval to replace all windows on the east and north elevation of the house. The property is located at 3 Ford Street in the Residential

High Density / Design Review District.

The request was approved as a minor application by the Design Review Board with the permit issued administratively.

**C. V-3320-17 Wendy Spector**

The application is for Design Review Approval to place a retractable mechanical screen on the western elevation porch of the house. The property is located at 16 The Green in the Residential Medium Density /Design Review District.

The request was approved as a minor application by the Design Review Board with the permit issued administratively.

**D. V-3321-17 Laird Bradley**

The application is for Design Review Approval to place A/C- heat pumps on south & east elevation of home. The property is located at 13 River Street in the Residential Low Density /Design Review District.

Mr. Bradley presented the application.

The VDRB reviewed photographs of the home and the A/C- heat pump unit.

The owner is replacing aged air conditioners with A/C- heat pump devices. The new devices are much more efficient and produce less noise.

Two units would be placed. One on the south side (front) of the house and one on the east side. Each unit measures 24" tall, 32" wide and 10" deep. They are beige in color.

Both units would be placed behind existing shrubs. The cement platforms are already poured. The shrubs would screen the views from the street.

The views from the street are well screened. However, the eastern neighbor would be able to view the device on the east side of the home.

In addition to the units, a small +/- 2" casing would be placed to a point 8' above the ground level where it would enter the home. On the front, the casing would follow the edge of the bay window and stop just below the bay window eave. On the east elevation, the casing would be placed behind the window shutter, although the lower portion would be visible.

Mr. Bradley showed the VDRB a photograph of a gutter down spout which is the same size as the proposed casing. The casing is a putty color. He prefers not to paint the casings as the paint would not adhere well to the material.

The VDRB read the Design Review Board minutes which stated approval as submitted. They noted the minutes state that the casings would be painted to match the clapboard siding.

The VDRB reviewed the Design Review criteria.

Testimony was voted close.

### **III. OTHER BUSINESS**

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

The report was issued. The current VDRB vacancy was discussed.

#### **B. Sandri / Sunoco**

Sandri representative Mr. Behn, Woodstock Sunoco, gave an informal pre-application presentation of a proposed Dunkin' Donuts restaurant. Mr. Shelburne, Donuts of Rutland, a Dunkin' Donuts franchise, assisted the presentation.

A site plan and an elevation of the proposed building were presented.

Mr. Behn stated that the underground gasoline tanks are being replaced. Sandri Oil has been on site for 40 years. Sunoco has been on site for 50 years. The exclusive sale of gasoline does not make enough money to support the business. The auto service portion of the business has been discontinued. A new business is required. The proposal is to remove the existing building and relocate a new building further back that would be used as a Dunkin' Donut facility.

The proposed building would be located one foot off of the property line. A Wilmington, Vermont model was chosen for the site. The 50' long building is a colonial style with brownish light color tones. There would be 10 seats. Muffins, croissants and bagels would be baked and served on-site. The donuts are made in Rutland and shipped to the store.

There would be six parking spaces with one wheelchair accessible space in front and three spaces on the west side. There will not be a drive-through window service as that is not allowed in Woodstock.

Ms. Hollingsworth asked if the Dunkin' Donuts was locally owned.

Mr. Shelburne responded that Donuts of Rutland operates out of Rutland, VT. They have a number of Dunkin' Donut facilities operating mainly on the west side of the State. Dunkin' Donuts is a national chain. Only the signs and product are Dunkin' Donuts.

There would be three employees on-site at one time. The hours of operation would be from 5:00 a.m. to 10:00 p.m. each day.

The gasoline service would be continued, but there would be no attendants. Currently the facility operates as a 24-hour facility with no attendants on-site from 11:00 p.m. to 7:00 a.m. A conditional use permit would be required to operate 24 hours a day without an attendant present.

Mr. DiNatale felt if Dunkin' Donuts arrives this will open the door to Subway, McDonald's and other fast food facilities.

Ms. Davies asked about the proposed hourly wage. The Donuts of Rutland website notes an \$11 per hour wage. She stated that this is not enough to income to live on in Vermont.

Mr. Shelburne stated the average wage is just above \$12 per hour.

Alex Melville stated he earned \$11 dollars an hour as a dishwasher a few years ago.

Ms. Wilson named the three other chains in Woodstock; Mac's Market, Cumberland Farms and Maplefields.

Mr. Matthews asked the Town Planner if the local regulations can deny franchise businesses.

The Town Planner responded that the VDRB cannot deny an application just because an applicant is a franchise. If an applicant meets the standards and criteria of the regulations, a permit is issued.

Ms. Bourne stated she will miss the former service station operator. The area is starting to resemble an I-89 exit and she felt that Woodstock does not need more gas stations.

Mr. Behn responded that Sunoco has been here much longer than the other gas stations.

Ms. Dickerson, Maplefields manager, was concerned with unattended gas service and asked what happens when a spill occurs?

Ms. Finlayson, Woodstock Chamber of Commerce, asked about community service.

Mr. Shelburne stated they do participate in other towns, mainly with cancer funding activities.

Ms. Merrill asked about the Quechee Dunkin' Donuts facility.

Mr. Shelburne responded Donuts of Rutland does not own the Quechee store

Ms. Miller, Planning Commission (PC) Chair, stated that the PC writes the zoning regulations. The applicants need to adhere to the standards as written. Applicants do need to fit in. A Design Review permit for the building would be required. She also mentioned a 10' buffer is required when a business abuts a residential zone, such as is the case here. A traffic study would be mandated as this is a very congested corner. She also stated that signage is very restrictive.

Mr. Malik asked about the long hours of operation. He was concerned with light pollution. He inquired if there is a need for a business to be operating this early in the morning. The area behind the property and up the hill is residential and he stated that noise will be a major issue.

Mr. King noted that he does work with Midland. His family has a linen service business in Rutland. He noted 90% of the food comes from out-of-state. Cumberland Farms has 800 stores throughout New England. The Route 4 corner is bad, but traffic can be mitigated. Full service gasoline is a thing of the past. The affordable wage issue is all over Vermont.

Ms. Palmer, a long term resident, will miss the service station aspect and stated that we don't need donuts.

Ms. Kennedy asked about odors.

Mr. Shelburne stated the best coffee is being made. The applicants will adhere to local standards.

Mr. Costello asked if the signage font and color can be changed to make it Woodstock friendly.

Mr. Shelburne stated it will follow the board's recommendations on building style. However, packaging is a Dunkin' Donut standard.

Ms. Finlayson asked if styrofoam or paper cups would be used.

Mr. Shelburne stated Donuts of Rutland does their best to recycle and to use biodegradable items. However, styrofoam would be used.

Ms. Spector asked about the color of the sign and noted that a Massachusetts store was able to use alternate colors.

Mr. Shelburne noted that would require corporate approval from Dunkin' Donuts.

Mr. Ferro, a 36-year resident, asked if the majority of the town voted against a Dunkin' Donuts in Woodstock would Donuts of Rutland abide by the town's vote.

Mr. Shelburne stated they would abide by a board's decision.

Mr. Sadosky asked how did Sandri opt for a Dunkin' Donuts when the Town obviously

desires a garage service station in this location.

Mr. Behn responded that small garages are going out of business. Small auto shops are not surviving as cars become more complicated and reliable.

Mr. Linton asked Sandri if they would be willing to have an attendant to give full service to people. There are many elderly people that need a full service station.

Mr. Behn felt that may be possible.

Mr. Linton continued that Dunkin' Donuts is not good for local businesses as they would undersell local restaurants.

Ms. Davies asked to have Sandri join with Woodstock to develop a business plan that works for the community. There are many avenues via the Chamber or the Economic Development Committee.

Ms. Brazil stated not all residents hate donuts.

Graham Melville noted he could support a local Dunkin' Donuts.

Ms. DiNatale, a 27-year resident, feels fast food has no place in Woodstock. It is a source of pride that Woodstock has no fast food franchises. The local unemployment rate is one of the lowest in the State. Finding workers will be very difficult. The Quechee facility is always advertising for workers. Low wage positions will be difficult to fill.

Ms. McVey asked about the lease arrangement.

Mr. Behn stated Donuts of Rutland has signed a letter of intent, but no further commitment has been made.

Mr. DiNatale was very concerned with traffic.

The Town Planner stated he had a number of issues that will need addressing. He stated that signage is strictly enforced. He noted that a 50' long building allows a parcel a total of 40 square feet of signage. The current Sunoco signs are approximately 30 square feet leaving only 10 square feet for Dunkin' Donuts. The national company is known for aggressive signage. A traffic study of both the inner congestion and the Route 4 connection will be required. The required 10' residential buffer will move the building and associated parking closer to the pumps, creating potential traffic conflict. The building design will need a lot of work. A pre-application meeting with the Design Review Board should be considered. Lighting is unknown at the moment but will need to adhere to Woodstock's minimal lumen standards.

### **C. John King**

John King, Lincoln Street resident, presented a preliminary plan to place two new buildings with a total of four units on his property. The owner lives on-site in a main

house and has an apartment in an attached garage. The land area is 1.1 acres. The zoning is Residential High Density, which allows up to eight units per acre. A conditional use permit would be required.

The VDRB reviewed the site plan, building elevations and floor plans. The buildings will be built to resemble barns built into the side hill. Each 1500 s.f. unit would have a two-car garage under it. These would be sold as condos in the \$400k range. The neighbors have not yet been contacted.

The VDRB liked creation of more housing. There were concerns with the driveway slope which cannot exceed a 10% grade. A 90% intersection is preferred with Lincoln Street. The owner would use the same driveway location. The owner should contact the Town Manager on driveway improvements within the street right-of-way.

#### IV. DELIBERATIONS

##### A. V-3314-17 Sam DiNatale

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

1. The Board reviewed photographs of the proposed tables and a site map showing their proposed location.
2. Ms. DiNatale owns the Mon Vert Café at 28 Central Street. Two picnic tables with parasols were given to her by the Naked Table organization. Similar tables were given to the Village for placement at the library and on The Green. The tables are currently in storage awaiting permit.
3. The tables would be placed up against the east side of the building, just north of the patio fence.
4. The Design Review Board held off on a decision as it was unknown if the fenced patio would be extended along the side of the building to include the proposed tables.
5. Ms. DiNatale stated she decided not to extend the patio fence. The picnic tables would be marked with signs indicating they are an alcohol free area. The wait staff would monitor the area to assure no alcohol was consumed at these tables.
6. The surface below the tables would remain gravel.
7. Without a fence, the VDRB questioned potential conflicts with vehicles in the driveway. The driveway is shared by Mon Vert Café and Woodstock Sports.
8. During the short time the café has been open there have been numerous instances of vehicles parking illegally in the proposed picnic table area. The permit allows only one car on the property, parked towards the rear away from the proposed site.
9. Due to potential conflict with vehicles, the VDRB asked if a barrier would be placed. An extension of the fence was preferred as it would offer the best protection and also help to screen the raw wood picnic tables.
10. Ms. DiNatale felt customers would access the tables from the wheelchair ramp further north of the site. She agreed planters or something could be placed.
11. The VDRB felt customers would be more inclined to go out the front door towards the patio, out the patio entrance onto the sidewalk and down the driveway to the tables. They did not feel this to be a safe scenario.
12. Ms. DiNatale noted the State permits are for a 48 seat restaurant and that she is at



the maximum seats allowed. Adding the two tables would exceed the permit limit, and thereby require amendment of the State permits.

13. The VDRB reviewed the Conditional Use and Site Plan criteria. The VDRB agreed the pedestrian and vehicle conflict was not resolved with the application as presented.

**After further discussion, Mr. Mayhew moved with a second by Ms. Spector to approve the application as presented.**

**The motion was denied with a 0-3 vote.**

**B. V-3318-17 Brad Archer (Approved Administratively)**

**C. V-3319-17 Wendy Spector (Approved Administratively)**

**D. V-3320-17 Laird Bradley**

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

1. The VDRB reviewed photographs of the home and the A/C- heat pump unit.
2. The owner is replacing aged air conditioners with A/C- heat pump devices. The new devices are much more efficient and produce less noise.
3. Two units would be placed. One on the south side (front) of the house and one on the east side. Each unit measures 24" tall, 32" wide and 10" deep. They are beige in color.
4. Both units would be placed behind existing shrubs. The cement platforms are already poured. The shrubs would screen the views from the street.
5. The views from the street are well screened. However, the eastern neighbor would be able to view the device on the east side of the home.
6. In addition to the units, a small +/- 2" casing would be placed to a point 8' above the ground level where it would enter the home. On the front, the casing would follow the edge of the bay window and stop just below the bay window eave. On the east elevation, the casing would be placed behind the window shutter, although the lower portion would be visible.
7. The VDRB read the Design Review Board minutes which stated approval as submitted. They noted the minutes state that the casings would be painted to match the clapboard siding.

**After further discussion, Ms. Spector moved with a second by Mr. Mayhew to approve the application with the following condition:**

1. **The casings shall be painted to match the color of the clapboard siding.**

**The motion was approved with a 3-0 vote.**

**V. APPROVAL OF MINUTES**

The minutes of the June 14, 2017 meeting were approved as submitted.

**VI. ADJOURNMENT**

The Board adjourned at 9:35 p.m.

Respectfully submitted,

Michael Brands, AICP  
Town Planner