

**CONSERVATION COMMISSION  
DRAFT MINUTES  
November 18, 2015**

**MEMBERS PRESENT:** Byron Quinn, Cyndy Kozara, Lynn Peterson, Lea Kachadorian  
**MEMBERS ABSENT:** Al Alessi, Bethany Powers, Alan Willard  
**OTHERS PRESENT:** Paul Maggi, Jan Maggi, Diane Dugan, Gary Hawkes, Chris Ambrose, Patrick Crawl, Peter Vollers, Michael Brands

**I. OPENING OF MEETING**

Chair Quinn opened the meeting at 7:30 p.m.

**II. MINUTES**

The minutes of October 21, 2015 were approved as submitted.

**III. NEW BUSINESS**

**A. 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. barn/garage and to change driveway within Conservation Overlay Zone. The property is located at 938 South Road and is zoned Residential Five Acre / Wetland.

Mr. Maggi presented the application.

The CC reviewed a site plan, renderings and orthophoto map of the proposed use.

All four CC members had viewed the site prior to the meeting.

The owner wishes to remove a barn and replace it with a larger one. He also wishes to reduce the 14% grade of his driveway to a more reasonable 10%.

The current building sits within the 100' wetlands buffer, the proposed barn would also sit within the 100' buffer. The entire driveway is located within the wetland buffer and the proposed relocation would move it closer to the wetlands. A portion of the main home is also located within the 100' buffer.

The wetland runs just under 400' along the south property line. The same wetland covers the entire 1.17 acre parcel directly south of the Maggi property. The applicant's property is fairly steep rising to the west from Route 106.

A good size pond is located up the hill from the house and driveway sites. Mr. Maggi felt the pond overflow was the source of the wetland.

Pathway Consulting LLC, a wetland consultant, was hired to delineate the wetland boundary. A map is provided and the site was flagged. The delineated map is fairly consistent with the Town's mapped area. The lowest part near Route 106 is slightly wider and the area near the existing garage is slightly narrower.

The applicant stated that he thought the wetland buffer was 50' and not 100'. He noted confusion with the 50' riparian buffer requirement.

The Town Planner stated that the wetland buffer was changed from 50' to 100' in 2010. The applicant was shown Section 403 2. of the Town of Woodstock Zoning Regulations which states the 100' buffer requirement.

Mr. Maggi noted if the 50' buffer standard were used, the proposed barn/garage would have less area within the buffer area than the old building which is totally located within the 50' buffer.

The driveway would be reduced from 12' to 10' wide. The intent is to blacktop the entire driveway and parking areas. The current driveway is blacktopped. The paved area would increase from 3000 square feet to 4000 square feet.

Mr. Maggi is willing to reduce the parking area to make it more compliant with wetland regulations.

Ms. Kozara suggested using gravel instead of blacktop, as this material would be more pervious for water runoff.

Ms. Kachadorian agreed and suggested lining the driveway edge with small stone to increase permeability.

Mr. Maggi stated the State AOT prefers a shallower grade for his driveway to reduce water flow onto Route 106 and a flatter connection for the 20' in the highway right of way. The main house is +/- 20' higher in elevation than Route 106.

The Town Planner mentioned an 8'-10' wide paved bike path runs parallel to Route 106 and provides a flat connection between driveway and highway. Reducing the grade could be accomplished by excavating the driveway in its current location. The parking area is actually 4' to 5' higher in grade than the main entrance and front lawn of the house.

Mr. Maggi needs a large barn/garage to house his 30' Airstream trailer and two vehicles. A 52' x 32' barn with a 20' x 40' middle section is proposed.

The Town Planner noted the proposed barn/garage's foot print is three times larger than the existing garage. The footprint is approximately equal to the impervious area of the building.

Chair Quinn suggested using the workshop located up the hill as a garage. The workshop is fairly large and appears to be able to accommodate the owner's vehicles.

Mr. Maggi felt the access is too steep for daily use and also prefers to have the barn/garage located close to the home for convenience.

Mr. Peterson suggested moving the driveway entrance from Route 106 further north of its present location to create more buffer space with the wetland and to help reduce the steepness.

Mr. Maggi noted the house sits on pond clay which is impossible to work with. He prefers not to have to excavate anywhere near the house. He also mentioned aesthetics and the potential of car lights shining into the house as negatives.

The Town Planner noted relocating the driveway closer to the wetlands increases stormwater flow into the wetland as there is very little vegetative space between driveway and wetland. According to the site plan, the new driveway would be within 4' of the wetland. When plowed in the winter, snow from the driveway would be placed directly into the wetland. It is also common practice to salt blacktopped driveways.

Mr. Maggi stated the driveway could be tilted away from the wetland with drainage focused towards the north side.

The Town Planner suggested moving the proposed barn/garage and paved parking areas north away from the wetland. This would increase the buffer between impervious areas and the wetland, allowing stormwater more opportunity to be absorbed and filtered by vegetation.

Mr. Maggi felt moving the barn/garage north would negatively impact the access to the workshop building. He also did not want the barn/garage to be too close to the house.

The CC agreed the application needs additional work to bring it into conformance with the wetland regulation. Numerous suggestions for improvement were made during the meeting. The CC asked the applicant to rethink the proposal and to submit an alternative design for the December 22, 2015 meeting.

**B. T-4624-15 Diane & Kevin Dugan**

Application is for Conditional Use and Wetland Review approval to construct a 40' x 60' pond within wetland buffer. The property is located at 345 Gabert Road and is zoned Residential Five Acre / Wetland.

Mr. Hawkes, forester, presented the application. Mr. Ambrose, contractor, aided with the presentation. Ms. Dugan was present.

The CC reviewed a site plan, pond profile and orthophoto map of the proposed use.

An 8' deep, 40' x 60' wildlife pond is proposed in a wetland buffer.

The pond site is 50' east of the mapped wetland area. A hundred foot buffer is required.

The pond would be fed via underground springs. The immediate area is very wet.

The area in question had been a Christmas tree farm. The trees did not grow well in this area due to the extreme wetness.

The pond would be stocked with trout and the shoreline would be kept in a natural state to promote wildlife use. There is no intent to create a beach area or lawn near the pond.

A 12" overflow pipe is installed to handle excess water. The water line would be 2' below the dam/berm level.

The CC noted ponds serve the same purpose as a wetland, holding water. In this case the intent is to promote wildlife habitat, which is an additional element of wetland attributes. The pond is to be constructed 50' outside of the wetland, therefore reducing potential construction impacts on the actual wetland.

After discussion, the CC unanimously recommended approval as presented.

Mr. Ambrose noted the owner wishes to construct a home on the property. The intended home site is a knoll located just southeast of the main wetland. The knoll is located within the 100' wetland buffer.

Mr. Hawkes noted the area had a few trees removed as it is mostly an open pasture area. The wetland appears to end north of a stone wall. A logging road runs just south of the stone wall. The knoll starts to rise towards the south at the edge of the stone wall. From the stone wall to the top of the knoll, the area is very dry and not representative of wetland attributes.

Mr. Ambrose asked the CC to come look at the site to see if it is a viable location. The home is currently being designed and the location is a very important element.

After discussion, the CC agreed to do a site visit on November 23 at 3:00 pm. Mr. Peterson noted he would be out of town next week and unable to attend. The Town Planner will inform the absent members.

**C. T-4625-15 Patrick Crowl**

Application is for Conditional Use, Flood Hazard and Riparian Buffer Review approval to reconfigure parking to add 13 parking spaces for clients and 10 parking spaces for

employees. The property is located at 979 West Woodstock Road and is zoned Light Commercial / Light Industrial / Flood Hazard.

Mr. Crowl, owner, presented the application.

The CC reviewed a site plan, renderings and orthophoto map of the proposed use.

The owner of the Woodstock Farmers Market is expanding the client parking lot onto the recently acquired abutting parcel formerly owned by the Vermont Standard. The Vermont Standard building was destroyed during Tropical Storm Irene, leaving just a concrete pad and the surrounding bare ground.

Client parking would be increased by 11 spaces (3 along Route 4 and a second row of 8 just south of that. South of the client parking, the applicant proposes 10 parking spaces for employees only to consist of a double row of 5 spaces. The division line between employee parking and client parking would lineup with the front of the main WFM store building.

The 100' riparian buffer zone goes from the bank of the Ottauquechee River to the north edge of the concrete pad.

The CC is reviewing the riparian issue of the parking lot application. The employee parking is totally within the riparian buffer.

The applicant would remove the concrete pad. The site would be regraded with hardpack to create a solid surface. The area between the river bank and the south end of the proposed parking would be planted with grass seed and other vegetation.

The lot is totally covered by the 100 year floodplain. The floodway covers 3/4s of the existing concrete pad. Per Flood Hazard Regulations, the finish elevation of the parking lot has to be equal to or lower than the current surface elevation. The TDRB would review the flood issues at the next meeting.

The Town Planner suggested that when the surface is graded it should slope back towards Route 4 to minimize stormwater from entering the river.

In reviewing the application, the CC noted removal of the concrete pad would be an improvement, adding vegetation to the area will also help the riparian area. The property had been used as a building and associated parking for many years before Tropical Storm Irene. Therefore, the CC unanimously agreed to recommend approval of the application as presented.

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

##### **A. Town Select Board Request to Amend Wetland Regulations**

The CC reviewed the proposed amendment to the Town Zoning wetland regulations. An oversight in the 2010 rewrite allowed work within a wetland but not within the buffer

area. To correct this the Select Board requested a change to allow work within the buffer area as well.

The following criteria were also added to help boards with the review process:

*The applicant shall prove that there is no other practical location on their property but that located within the buffer for the intended development. The applicant shall prove that any work or use proposed within the buffer shall prohibit stormwater, sediment or other forms of erosion from entering the wetland and shall not create an undue impact on fish or wildlife habitat.*

The Planning Commission will hold a public hearing on December 2, 2015 at 7:30 pm at the Town Hall. The Select Board intends to hold a public hearing in January 2016.

#### **B. River Corridor**

The State officials are drafting the River Corridor regulations and hope to finalize them in December. The issue of grandfathered developed land within the mapped corridors is still unresolved. A second unresolved issue is to allow some local latitude for potential mapping errors as was found on a High Street section of the map.

The Town Planner is working with Pete Fellows of TRORC to avoid having review procedures for both riparian buffer and river corridor. The river corridor map is a better representation of the riparian buffer area than the arbitrary 100' or 50' buffer currently used.

#### **V. NEXT MEETING**

The next meeting is scheduled for December 16, 2015.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 9:15 pm.

Submitted by:

Michael Brands, AICP  
Town Planner