

**TOWN DEVELOPMENT REVIEW BOARD
MINUTES
December 27, 2016**

MEMBERS PRESENT: Don Bourdon, Charles Wilson
MEMBERS ABSENT: Kim French, Frederick Hunt, Ingrid Moulton Nichols
OTHERS PRESENT: Chris Higgins, Chris Ambrose, Paul Ramsey, Nick Mahood, Alison Clarkson, Samuel Segal, Cyrus Benoit, Mathew Stout, Gary Agin, Ben Halley, Mike Moriarty, Seth Westbrook, David Murphy, Keith Adolen, Todd Uva, Robert Vaughan, Gavin Vaughan, Cindy Emery, Tom Emery, Vali Stuntz, Stephen Stuntz, Luis Bango, Jefferson Rucker, Michael Brands

I. CALL TO ORDER:

Meeting was not called to order due to lack of quorum.

All applications were continued to the next scheduled meeting January 24, 2017.

II. ADJOURNMENT:

The TDRB adjourned at 7:45 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner

II. APPROVAL OF MINUTES:

The minutes of the October 25, 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 did not attend the hearing. After discussion, the TDRB agreed to grant the applicant until to November 15, 2016 to submit documents supporting the new septic system location.

2. 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. See below.

3. 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.

An October 25, 2016 letter from the State's wetland official has allowed the owner to submit a State Wetlands Permit application. The official suggested: remove the ditch along the driveway, move

driveway further away from stream, plant native trees in buffer zone, and place a permanent buffer boundary such as a split rail fence. Once the State has made a final decision the TDRB will close testimony.

B. New Business:

1. T-4711-16 Christopher & Brigitte Ambrose

Application is for Design Review and Conditional Use approval to convert to residential, remove garage, exterior building changes, create parking and use property as a Short Term Rental. The property is located at 4979 South Road and is zoned Residential Low Density / Design Review / Flood Hazard.

Mr. Ambrose presented the application.

The TDRB reviewed numerous photographs of the existing structure, renderings of the proposed changes and proposed floorplans.

The applicant received a permit in July 2016 to flood proof existing structure. The current application is to convert a former wood shop to a 3 bedroom residence.

On the west (street) elevation: 1) double doors on the north end would be removed, 2) extend small roof cover over middle two windows, 3) replace 4 window units with Andersen windows 1/2 as tall, 4) remove existing garage and convert to parking, 5) replace shingle siding with clapboards, 6) replace single doors with new doors, and 7) add two exterior lights.

The street side windows are being shortened to create privacy for the residents. The two middle second story windows would remain full length. The structure is very close to the road.

On south elevation: 1) remove garage, 2 add 4 new windows, and 3) replace window in attic with 2' x 3' gable attic vent.

An existing two foot tall eight foot long stone retaining wall would be increased to four feet tall at the rear of the proposed parking lot. The two car parking area is to the south of the building in the same location as the removed garage.

On the east (rear) elevation: 1) remove two porch wings and retain centered two story porch, 2) add stairs from upper to lower deck inside porch areas, 3) remove board and batten siding on upper deck and add railing, 4) add 2 sets of French doors from porch to interior living area, 5) convert double windows on either side of porch to triple windows, and 6) raise grade up against home by 2' to protect foundation.

On the north elevation: 1) changes windows in current locations with new insert units, and 2) window in attic to be converted to 2' x 3' wooden gable attic vent.

The flood hazard impact and the Short Term Rental request will be reviewed by the TDRB on December 27, 2016.

The Town Planner showed a photograph of the building taken in the early 1930's. There have been very few changes since. An attached sawdust shed was added to the south end of the building. The

applicant's renovation would remove the shed.

The previous owner noted the structure has always been sided with shingles and stated a preference that the shingle siding be retained.

The applicant noted the shingles are expensive to replace, and the current ones are too old and brittle to be retained.

The Board asked that the applicant consider retaining the shingles instead of placing clapboard siding.

After discussion, the Board recommended approval as presented with the retention of a shingle siding.

Testimony was voted closed.

A. T-4713-16 Woodstock Resort Corporation

The application is for Conditional Use & Conservation District Overlay Review Approval to establish a commercial multi-use trail network. The property is located at 1489 South Road and is zoned Residential Five Acre / Conservation District.

Mr. Mahood, the WRC recreation and nordic trail director, and Paul Ramsey, Woodstock Inn manager, presented the application.

The hearing had been continued from November 16, 2016 to allow time for a site visit.

The November 21, 2016 site visit was attended by Chair Quinn, Mr. Peterson, Ms. Kozara and Ms. Gibbs with Mr. Ramsey, Mr. Mahood and the Town Planner. The group visited the group of four clustered vernal pools located on Mt. Peg.

Mr. Peterson, in discussing the site visit, noted support for the proposed application. He felt the CC should depend on the biologist, Mr. McFarland's favorable assessment of the proposed path within the wetland buffer area. The single track paths were apparently constructed with care and have a very small "footprint".

Ms. Kozara, stating she respectfully disagrees with Mr. Peterson, felt the buffer areas were created to protect a valuable asset. Not only are four vernal pools present, but the area is well used by other wildlife with strong evidence of a deer yard. The trail should be roped off with possibly a sign to educate people why the area is off limits. She supports the outdoor opportunity the trail system offers, but not in the area of the vernal pools.

Ms. Powers noted support for the trail system as a whole but also held reservations regarding intrusion into the vernal pool buffer. Vernal pools are disappearing throughout New England and need to be protected.

Chair Quinn also expressed concern with the proximity of the trail to the vernal pools. If the trail is

not eliminated, he suggested elevation of the wood bridge that would provide more room for both water and wildlife passage.

The Town Planner showed the CC a map produced from the Agency of Natural Resource's BioFinder website. The map shows within the four vernal pool area, the presence of the Jefferson salamander, a rare and endangered species. This was inadvertently left out of the McFarland report.

The BioFinder map also shows the presence of two unconfirmed vernal pools, one of which lies in the amphibian corridor area between Mt. Peg and Hartland Hill Road. The website shows the area under discussion to be of a Tier 2 and Tier 3 level, indicating very high and high areas of concern from a State biological view point.

The applicant has moved the skidder trail further east each decade, due to concern with negative impacts on the clustered vernal pools. During the most recent logging operation, purple tape noting wildlife was placed to encompass the vernal pools and their associated buffer areas. This was very effective in keeping the loggers out of the vernal pool areas.

After discussion, Mr. Mahood and Mr. Ramsey noted the mountain bike use of the trail running through the four vernal pool area could be eliminated. The trail is called the Quarry Loop. However, the applicant wished to continue the winter use (snow shoeing, XC skiing and fat tire bike) as they argued the amphibians are not active in the winter months.

The Town Planner asked how the Quarry Loop would be shut down during periods without snow.

Mr. Mahood responded a rope could be used to close off the trail. Different trail maps would be used during summer and winter months that could also note seasonal trail closures.

The applicant stated additional signage was not needed regarding the presence of the vernal pools. Less signage throughout the trail system is the overall goal. Educational information concerning the vernal pools would be supplied at the lodge and on the website.

When questioned about future trails, the applicant acknowledged a new application would be required.

The Town Planner noted a neighbor informed him the mountain bike trails were being groomed, although the application did not include the winter use of the trails.

Mr. Mahood stated a small groomer is pulled by hand through the trail system. No machine is used, an employee on snow shoes pulls the groomer. The resulting groomed area is very narrow, measuring 24" wide. The intent is to use the paths for snow shoes, hiking, fat tire bikes and XC skiing during the winter months.

Mr. Peterson asked why State lands where logging operations are on-going do not receive the review this small area of vernal pools is receiving. State owned forests near his home on Curtis Hollow Road are constantly logged without apparent review of wetlands or vernal pools.

Chair Quinn responded that the State controls both logging operations and State forest lands. Any concerns should be conveyed directly to the State foresters for review and potential enforcement.

The Town Planner added that logging and farming operations are protected by State law and are

exempt from local zoning controls. The loggers do have to comply with a booklet entitled “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs In Vermont”.

Mr. Emery spoke up in favor of the proposed application. He also noted strong support for the credentials of biologist Mr. McFarland. The trails have been built to the high standards to create the least impact possible.

The CC stated their strong support for the proposed outdoor activity but also stated it is their duty to assure adequate protection of the vernal pools and the associated wildlife.

Mr. Stuntz, Village resident and long time mountain biker, spoke in support of the application. The majority of mountain bikers are environmentalist and understand the need to support good environmental regulations. As mountain bikers it is their duty to be good stewards of the forests.

After additional discussion, with a motion by Ms. Powers and a second by Mr. Alessi, the CC recommended approval of the application with the following conditions:

1. **The Quarry Loop Trail (through the vernal pool cluster) would be used only during winter months.**
2. **There shall be no signage placed within the buffer areas relating to the vernal pools.**
3. **All trails within the Amphibian Protection Area or Clustered Vernal Pool areas as shown on the map entitled “The Proposed Background Zoning Layers” shall be closed during spring amphibian breeding and migration periods.**

The motion passed with a 6-0 vote.

Mr. Peterson added he would have approved the application without the stated conditions if biologist McFarland provided an annual report concerning the health of the amphibian population.

B. T-4714-16 Birch Hill Investments

The application is for Conditional Use & Conservation District Overlay Review Approval to relocate old studio to wetland buffer. The property is located on The Loop Road and is zoned Residential Five Acre/ Conservation District.

Mr. Higgins, farm manager, presented the application.

The TDRB reviewed numerous photographs of the site and the studio building.

In October, the applicant received a permit to replace existing studio with a new 593 square foot building in the Scenic Ridgeline overlay zone. At the time, the applicant did mention the possibility of relocating and reusing the building as a bath house.

The applicant wishes to recycle the 413 square foot studio building. It would be relocated to an area just southeast of the pond and would be used as a bath house.

The building would have no water or electric service.

The building would be elevated slightly above the ground and placed on sonna tubes. There would be no foundation.

According to the Town's Critical Areas Inventory map, the pond is designated a wetland. The majority of ponds in the Town have the wetland designation, although many are not surrounded by a wetland soil type.

The northwest corner of the pond does have wetland soils as evidenced by cattails and other wetland plants. The rest of the pond shore does not have a wetland soil. The southwest area of the pond is mainly a sandy beach. This is where the building would be placed.

All of the pond shore except for the sandy beach area has a small band of vegetation. The south edge is steep and wooded. The north and west edge opens up to mowed hay fields.

The Town Planner has visited the site numerous times with the applicant. The CC agreed a site visit was not necessary.

At its closest point the building would be setback 31' from the water's edge. The building would be 111' from the town road.

The rear of the building (facing the road) would be set into the hillside, requiring a small amount of earth removal. Two small firs would also be removed. This is the only vegetation to be removed. The rear of the building has no doors or windows.

After discussion, the CC recommended approval as presented.

IV. OTHER BUSINESS:

A. Zoning Officer's Report

The Town Planner discussed the recent Exit One Supreme Court decision with the TDRB. The decision is a landmark one as it strongly supports the planning process in the State of Vermont.

V. DELIBERATIONS:

A. T-4578-15 Pidlipchak Continued

B. T-4682-16 Meadow Ridge Farm, LLC Continued

C. T-4683-16 Meadow Ridge Farm, LLC Continued

D. T-4711-16 Chris & Brigitte Ambrose Continued

E. T-4713-16 Woodstock Resort Corporation

After discussion, the following findings of fact were established:

1.

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

The motion passed with a 4-0 vote.

F. T-4714-16 Birch Hill Investments

After discussion, the following findings of fact were established:

1.

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

The motion passed with a 4-0 vote.

VI. NEXT MEETING:

The next TDRB meeting is scheduled for January 24, 2017.

VII. ADJOURNMENT:

The TDRB adjourned at 9:05 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner