



Woodstock, Vermont *The Shire Town of Windsor County*

TOWN - VILLAGE MANAGER GOVERNMENT

Town Hall • P.O. Box 488 • Woodstock, Vermont 05091 • 802/457-3456

VILLAGE DEVELOPMENT REVIEW BOARD DRAFT MINUTES July 25, 2018

PRESENT: Jane Soule, Randy Mayhew, Elizabeth Daniels, Keri Cole,
ABSENT: Wendy Spector
ALSO PRESENT: Antoinette Hunt, Clint Hunt, Sara Yetter, Jack Willey, Boris Pilsmaker, Joe Swanson, Nicholas Seldon, Barry Milstone, Tory Milstone, Jason Drebitico, Sam Segal, Serena Nelson, Katie Merrill, Nikki VanVoorhis, David Brown, Kelly Yetter, Dudley Yetter, Sally Miller, Mica Seely, Julia Cook, Patrick Proctor, Elene Taylor, Julie Sumanis, Tierney Vaughan, Derek Demas, Jill Davis, Travis Hellstrom, Susan Ford, Michael Brands

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

II. PUBLIC HEARINGS

A. Old Business

1. V-3382-18 L.D. Sutherland / Clint & Antoinette Hunt

The application is for Variance and Conditional Use Review approval to: 1) for sign, 2) expand hours, 3) outdoor seating, 4) outdoor lighting and 5) food trucks on premise. The property is located at 54 Pleasant Street and is zoned Light Commercial.

Abacadabra owners, Ms. Hunt, Mr. Hunt and Ms. Yetter presented the application.

The VDRB reviewed site plans and numerous photographs.

The previous hearing held July 11, 2018 was continued to a site visit on July 19, 2018.

Five items are requested: 1) a variance for a sign, 2) expanded hours, 3) outdoor seating, 4) outdoor lighting and 5) to have a food truck on premise during the expanded hours.

The VDRB agreed to review each item separately.

Hours are currently from 10:00 am to 2:00 pm Saturdays and Sundays. They would be expanded to 8:00 am to 9:00 pm on Saturdays and Sundays. Friday hours would be added with service from 8:00 pm to 10:00 pm.



When questioned, the applicants agreed not to ask for additional hours in the future.

The placement of outdoor tables and chairs was discussed. There would be 12 seats and 2 tables set directly in front of the building entrance. There is seating inside for 12 clients. The State Waste Water permit is for 24 seats.

Outdoor lighting was discussed. During the site visit the proposed lights were viewed. They are similar to the Christmas tree lights, but slightly larger. The lights did not appear to be overly bright or intense for the proposed use. At the first meeting, the neighbor stated concern with night sky impacts.

The sign was discussed. A variance is requested to place a sign 3 times larger than that allowed per regulation. Proposed sign would be 6 square feet with 3.7 square feet of lettering. The sign states "CO FF EE" in a vertical form. The original intent of the sign was to act as a barrier to keep vehicles from entering the property. The owners feel the sign needs to be larger to be seen.

Mr. Mayhew has an issue with off-premise signage. The sign as proposed is placed in the right-of-way and not on the user's property. The applicant needs to receive permission from the neighbor for placement of the sign. The applicant also needs to contact the State Travel Information Council to assure the sign is not prohibited by the State's off-premise sign ban, Title 10 § 493.

When asked if the variance request were to be denied, the applicant stated they would place a complying sign of 2 square feet.

The food truck request was discussed.

The applicant felt there were no rules directly related to food trucks.

The VDRB read Section 609 Prohibited Uses which includes prohibitions against both "free standing retail stand" and "drive-through food service establishment". There is no specific reference to food trucks.

The Town Planner questioned accessibility. The site is very narrow restrictive making it difficult for trailers and large vehicles to turnaround.

Mr. Hunt noted that a tractor trailer truck delivers product by backing down the driveway without problem. Smaller vehicles like food trucks should be able to negotiate the driveway without issue.

The applicant stated there would be only one food truck or trailer on site at a time. A breakfast oriented truck would be present in the mornings and another in the evenings.

A photograph of the pizza oven truck was shown, representing the potentially largest vehicle on site.

The Town Planner questioned the fact that the pizza oven truck uses a wood burning oven. Wood smoke especially in a temperature inversion could be problematic to neighbors.

Mr. Mayhew asked if it was possible for the food prepared in the trucks to be served in the building and not from the truck. Originally, the use of food trucks was compared to catering by which food was brought to the site and served within the building. This practice is allowed via the original permit.

The hearing was opened to the public.

Mr. Proctor, Slayton Terrace, stated food trucks were not directly prohibited in Section 609. He supports the applicants' requests as a good business for the community.

Mr. Pilsmaker, owner of the Mountain Creamery restaurant, questioned the allowance of sandwich board signs. When he requested one he was denied, so why should another restaurant be allowed one. He also questioned the allowance of food trucks as they do not have the same regulatory hurdles as a restaurant. Food trucks needs to comply with State and local regulations.

Mr. Seldon, local resident, spoke up in support of the requests. Abracadabra has been a benefit to Woodstock and should be encouraged.

Ms. Miller, chair of the PC, stated the PC is currently in the process of rewriting the Village Zoning Regulations. This is an item that should be discussed at the PC level as food trucks are not currently mentioned in the regulations. Should members of the audience have concerns, they should be conveyed to the PC.

Ms. Daniels stated Abracadabra is located on private property. The request to have a food truck on premise does not impact placement in public spaces.

Mr. Willey, applicant's father and an attorney, felt his interpretation of the regulations would allow food trucks as applied for.

Mr. Milstone, Co-chair of the Economic Development Committee, stated that although the EDC has not looked specifically at the food truck issue, they do support the overall business intent of the applicant. As an inn keeper, any evening activity would be considered a great boost to the economy. He felt the regulations sounded ambiguous regarding a food truck prohibition.

Ms. Seely, EDC member, stated the Town needs local attractions for young people. Supporting Abracadabra supports the spirit that will bring more young families to Woodstock.

Ms. Monstrom, Yankee Bookstore, noted her business is experimenting with later evenings and supports the additional hours requested by the applicant.

Testimony was voted closed.

B. New Business

1. V-3383-18 Shire Woodstock, LLC

The application is to request variance from 7 parking spaces: 1) to allow parking in front of building and 2) relief from parking requirement. The property is located at 46 Pleasant Street and is zoned Light Commercial.

Ms. Ford, attorney, presented the application.

The VDRB reviewed a parking plan and the two variance request forms.

The Shire Woodstock LLC wishes to convert the former owners quarters, located in the back building on the west side of the property, into 7 guest rooms. An issue is a lack of parking to meet the required number of off-street parking spaces required in the regulations. Seven more guest rooms requires 7 additional parking spaces.

Two variance requests have been submitted. The first asks to place parking in the front yard, as parking is not allowed in front yards in the Light Commercial zone. If this request is denied the owner would like a variance on the requirement to have a parking space for each room and employee.

Once the matter of the parking is settled, an application to convert the living quarters into 7 guest rooms would be submitted at a later date.

Ms. Ford stated many businesses in this section of the Village have parking in their front yards, such as the current motel and Mac's Market across the street.

Concerning the second variance request, Ms. Ford stated the managers unit is required to have 2 parking spaces. This could be reduced to one parking space. The site is highly restricted with no other space except for that located in the front yard. The business is very successful and necessary to the tourism of the area as the second largest lodging facility in the Village.

The proposed parking plan was reviewed. It requests 7 additional spaces: 1 in the garage, 1 just east of the east entrance, 2 just east of the center entrance, 2 directly in front of the west wing of main motel and 1 just east of the west entrance. All but the garage space would be located in the front yard.

The Town Planner stated the Fire Chief, Dave Green, is concerned with the narrow center entrance if parking space 37 and 39 are allowed. Fire trucks and other emergency vehicles would not be able to access the property at this point due to the apparent narrow entry created by the two spaces.

Ms. Miller, Chair of the Planning Commission, stated the PC created the prohibition of parking in the front lawns along Pleasant Street to maintain the residential quality of the streetscape. This was the compromise that allowed the creation of the Light Commercial zone. Formerly this neighborhood was zoned residential. Both the motel and Mac's Market predate the zoning change. Ms. Miller concluded, the variance request to place parking in the front yard should be denied.

Mr. Mayhew asked the Town Planner to read Section 517 Off-street Parking 517 G.1. which allows an applicant to request a waiver of parking in exceptional cases.

Mr. Mayhew added there may be times when the occupants of one vehicle book more than one room. He preferred to deny the 2 variance requests and to allow the waiver of parking spaces per Section 517 instead. Variances are rarely supported at the court level.

The VDRB reviewed each proposed parking space. The garage space #19 conforms and does not need a waiver or a variance.

Parking spaces #28 and #36 fit the current pattern of parking along Pleasant Street and would not appear out of place. No lawn area would be removed to create these two spaces.

Space #37 is too restrictive as it narrows the center entrance. Spaces #38, #39, and #15 would require removal of vegetation and would appear out of place if allowed.

The VDRB questioned how the number spaces would be controlled.

Ms. Ford noted that all parking spaces are currently stripped. All guests and employees are required to park in designated stripped parking spaces.

Ms. Ford noted that if the garage space, the two additional spaces #28 and #36 are accepted, and the manager's required parking is reduced to 1 parking space, the addition of 7 guest rooms would create a deficit of only 3 spaces during periods when the motel is completely booked.

Testimony was voted closed.

III. OTHER BUSINESS

A. Administrative Officer's Report

The report was issued and discussed.

IV. DELIBERATIONS

A. V-3382-18 Sutherland / Hunt

After discussion the following findings of fact were established:

1. The VDRB reviewed site plans and numerous photographs.
2. In January a request was made to VDRB to hold an open house for a coffee roaster business, as the former permit was for food preparation only. In April 2018, a Conditional Use permit was granted to allow weekend morning's sales and service of coffee.
3. Five items additional items are requested: 1) a variance for a sign, 2) expanded hours, 3) outdoor seating, 4) outdoor lighting and 5) to have a food truck on premise during the expanded hours.
4. The July 11, 2018 hearing was continued to a site visit on July 19, 2018 with final hearing July 25, 2018.
5. The VDRB reviewed the variance request to place a sign 3 times larger than that allowed per regulation. Instructional signs can be up to 2 square feet. Proposed sign would be 6 square feet with 3.7 square feet of lettering. The sign states "COFFEE" in a vertical form. The original intent of the sign was to act as a barrier to keep vehicles from entering the property. The owners feel the sign needs to be larger to be seen by passers-by as the business is located 120' back from the street.
6. A condition of V-3346-18 is to place a sandwich board sign as a barrier to prevent vehicles from entering the very narrow and tight driveway. Clients are required to park offsite and vehicles are not allowed on-site. The sign would be in place 3 days a week, Friday - Sunday.
7. An additional issue is that the sign is considered an off-premise sign as it is proposed to be placed in the right-of-way and not on the user's property.
8. After discussion the VDRB agreed the applicant needs to receive permission from the neighbor for placement of the sign. The applicant also needs to contact the State Travel Information Council to assure the sign is allowed as placed by the State's off-premise sign ban, Title 10 § 493.
8. Hours of operation are currently from 10:00 am to 2:00 pm Saturdays and Sundays. Hours would be expanded from 8:00 am to 9:00 pm on Saturdays and Sundays. Friday hours would be added with service from 8:00 pm to 10:00 pm.
9. When questioned, the applicants stated they would not ask for additional hours in the future.
10. The placement of outdoor tables and chairs was discussed. There would be 12 seats and 2 tables set directly in front of the building entrance. There is seating inside for 12 clients. The State Waste Water permit is for 24 seats.
11. Outdoor lighting similar to the Christmas tree light strings was requested. During the site visit the proposed lights were viewed. The lights did not appear to be overly bright or intense for the proposed use. The lights would be left in place permanently but illuminated only when serving clients.
12. The owners would like to add food trucks on site. A local wood fire pizza truck and a breakfast truck have been on site. Zoning permit V-3346-18 issued April 17, 2018, allowed catered food in conjunction with the served coffee, as no food is prepared on site. The owners feel the food trucks as just another means of catering food.

13. There would be only one food truck or trailer on site at a time. A breakfast oriented truck would be present in the mornings and another in the evenings. There would be no food truck on site in the winter months.
14. There would be no generators, trucks would plug into the building's electric service. The pizza truck has an on-board wood fired oven, smoke is a concern.
15. The VDRB read Section 609 Prohibited Uses which includes prohibitions against both "free standing retail stand" and "drive-through food service establishment". The VDRB agreed there is no direct reference to food trucks and that both prohibitions stated above do not address the proposed use. In Section 109 Definitions, retail sales refers to sales that are used or consumed off the premise. A food truck sells food for immediate consumption on the premise.
16. Due to the lack of parking, use of an easement, and potential impacts on the neighborhood, the VDRB recommended a six month review of the application.
17. The VDRB reviewed Sections 709 Site Plan Review, 710 Conditional Use Review, 517 Off-street Parking, 609 Prohibited Uses, and 715 Variances with the applicant.

After additional discussion, Mr. Mayhew moved with a second by Ms. Daniels to approve the application with the following condition:

1. The application shall be reviewed after six months of operation.

The motion passed with a 4-0 vote.

B. V-3383-18 Shire Woodstock, LLC

After discussion the following findings of fact were established:

1. The VDRB reviewed a parking plan and the two variance request forms.
2. The Shire Woodstock LLC wishes to convert the former owners quarters, located in the back building on the west side of the property, into 7 guest rooms. An issue is a lack of parking to meet the required number of off-street parking spaces required in the regulations. Seven more guest rooms would require 7 additional parking spaces.
3. Two variance requests have been submitted. The first asks to place parking in the front yard, as parking is not allowed in front yards in the Light Commercial zone. If this request is denied the owner would like a variance on the requirement to have a parking space for each room and employee.
4. Ms. Ford stated many businesses in this section of the Village have parking in their front yards, such as the current motel and Mac's Market across the street.
5. Concerning the second variance request, Ms. Ford stated the managers unit is required to have 2 parking spaces. This could be reduced to one parking space. The site is highly restricted with no other space except for that located in the front yard. The business is very successful and necessary to the tourism of the area as the second largest lodging facility in the Village.
6. The proposed parking plan was reviewed. It requests 7 additional spaces: 1 in the garage, 1 just east of the east entrance, 2 just east of the center entrance, 2 directly

- in front of the west wing of main motel and 1 just east of the west entrance. All but the garage space would be located in the front yard.
7. The Town Planner stated the Fire Chief, Dave Green, is concerned with the narrow center entrance if parking space 37 and 39 are allowed. Fire trucks and other emergency vehicles would not be able to access the property at this point due to the apparent narrow entry created by the two spaces.
 8. Ms. Miller, Chair of the Planning Commission, stated the PC created the prohibition of parking in the front lawns along Pleasant Street to maintain the residential quality of the streetscape. This was the compromise that allowed the creation of the Light Commercial zone. Formerly this neighborhood was zoned residential. Both the motel and Mac's Market predate the zoning change. Ms. Miller concluded, the variance request to place parking in the front yard should be denied.
 9. The Town Planner read Section 517 Off-street Parking 517 G.1. which allows an applicant to request a waiver of parking in exceptional cases.
 10. The VDRB reviewed each proposed parking space. The garage space #19 conforms and does not need a waiver or a variance. Parking spaces #28 and #36 fit the current pattern of parking along Pleasant Street and would not appear out of place. No lawn area would be removed to create these two spaces. Space #37 is too restrictive as it narrows the center entrance. Spaces #38, #39, and #15 would require removal of vegetation and would appear out of place if allowed.

After additional discussion, Mr. Mayhew moved with a second by Ms. Cole to deny the variance requests, to approve parking spaces #19, #28 and #36, and to waive 4 parking spaces based on Section 517 G.1.

The motion passed with a 4-0 vote.

V. APPROVAL OF MINUTES

The July 11, 2018 minutes were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Michael E. Brands, AICP
Town/Village Planner