



*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**

**March 27, 2019**

**DRAFT MINUTES**

- MEMBERS PRESENT:** Jane Soule, Wendy Spector, Keri Cole
- MEMBERS ABSENT:** Randy Mayhew, Elizabeth Daniels
- OTHERS PRESENT:** Chris Blanchard, Benjamin Pauly, Tambrey Vutech, Amy McElroy, Mark McElroy, Mark Melendy, Peter Vollers, Brad Archer

**I. CALL TO ORDER**

The meeting was called to order at 7:35PM.

**II.**

**APPROVAL OF MINUTES**

The March 13, 2019 minutes were approved as submitted.

**III.**

**ELECTION OF OFFICERS**

This item CONTINUED to next meeting April 10, 2019.

**IV.**

**PUBLIC HEARING**

**A. OLD BUSINESS - None**

**B. NEW BUSINESS**

**1. V-3434-19 Michael Malik, owner/applicant; 47 Pleasant Street; Parcel #21.53.03.; Zone: LC/DR; To Create Short Term Rental.**

The application is for Conditional Use and Short Term Rental Approval to use property as a Short Term Rental. The property is located at 47 Pleasant Street and is zoned Light Commercial, Design Review District.

Dr. Malik presented the application.

The building currently operates as Dr. Malik's chiropractic office and other health services on the first floor.



The proposed Short Term Rental would utilize the existing, approved 2<sup>nd</sup> floor, 2 bedroom apartment space.

Long term rental experiences have been noisy, especially for holistic treatment offerings on 1<sup>st</sup> floor.

The VDRB Board reviewed the floor plan, site plan and the Short Term Rental statement.

The VDRB reviewed the Short Term Rentals regulations with the applicant.

Parking is sufficient. There are four spaces in front, seven in rear of building.

Rentals would occur on weekends when professional office is closed.

It was noted that the State Fire Marshal has not inspected the unit which would need to be done prior to Certificate of Occupancy approval.

Testimony was voted close.

**2. V-3435-19 Woodstock Investments, LLC, owner; Chris Blanchard, agent; 20 Central Street; Parcel #20.52.41.; Zone: CC/DR; To Create Short Term Rental.**

The application is for Conditional Use, and Short Term Rental Approval to use property as a Short Term Rental. The property is located at 30 Central Street and is zoned Central Commercial, Design Review District.

Chris Blanchard, representing Woodstock Investments, LLC, presented the application. The VDRB Board reviewed the floor plan, site plan and the Short Term Rental statement.

The building currently is mixed use with retail on 1<sup>st</sup> floor, apartments on 2<sup>nd</sup> & 3<sup>rd</sup> floors.

The proposed Short Term Rental would utilize the approved 1-bedroom apartment on the 2<sup>nd</sup> floor.

Short Term Rental option sought if long term rentals for 2<sup>nd</sup> & 3<sup>rd</sup> floor apartments cannot be arranged.

The VDRB reviewed the Short Term Rentals regulations with the applicant.

Central Commercial zone overnight public parking restrictions would apply for this location, whereby parking is not required for uses within the Central Commercial zone. Overnight parking during the winter months is very limited and is a concern.

It was noted that the State Fire Marshall had inspected the unit a year ago however, a new inspection this spring will be arranged. An up-to-date inspection would be needed prior to Certificate of Occupancy approval.

Testimony was voted close.

**3. V-3437-19 11 The Green, LLC; owner; Benjamin Pauly, agent; 11 The Green; Parcel #23.52.10.; Zone: RLD/DR; To Install Exterior Lighting & A/C Unit and Landscape within Riparian Zone.**

The application is for Condition Use, Design Review and Riparian Buffer. The property is located at 11 The Green and is zoned Residential Low Density/Design Review.

Benjamin Pauly, landscape architect & agent, presented the application.

The application has been reviewed by the Design Review Board (DRB) and Conservation Commission (CC) at their March 20, 2019 meetings.

The proposed project includes the addition of exterior lighting, a/c units, and landscaping within the riparian buffer zone.

The VDRB reviewed a landscaping plan, numerous photographs and renderings of the proposed lighting and A/C unit.

The VDRB began their review with the landscaping and lighting options.

There would be three 6' long stone steps down from the home to the patio. Four more stone steps would be placed at the north end of the stone wall to step down to a lawn area closer to river. Four additional steps would be placed in a second stone wall further north and closer to river. This leads to a second fire pit (wood fired) to be built flush to the ground.

North of the second fire pit would be a curved stone retaining wall. Beyond this, native plantings, grasses and shrubs, would be planted.

The DRB recommended approval of the landscape plan as presented.

The two stone stairways would be illuminated with 4 lights each, 2 on each side. The flat LED fixtures are down lit with a minimal profile that fit well with the dry laid stone.

Mr. Pauly stated copper bollard lights for path lighting will replace the existing pole lighting. And clarified that the proposed lamppost on the east edge of the parking area would be changed to same lantern design as the Inn.

The DRB preferred a white painted post with carriage type light mounted on top over the black metal lampposts.

The DRB agreed the main entrance light is fine as were the side sconces as presented.

The proposed barn light for the side door was denied by the DRB, who preferred the more appropriate side sconces.

The barn light design for the rearmost west entrance was approved.

The VDRB reviewed the A/C Heat Pump units to be placed on the east side of the building.

The A/C units measure 52" tall and cannot be placed below windows by code.

The units are 13” deep and require 6” spacing, which places them 7” beyond sideyard setback conformity.

The VDRB in a previous informal review felt the unit should meet setbacks.

The entire east side of the house does not meet the required 15' setback.

An alternative option would be to remove the existing attached narrow woodshed which is set in a notch of the building.

This site makes the units more complimentary with the side setback as it is slightly further from the side property line.

This location is closer to the street and the neighbor’s porch.

The owner prefers not to have to remove the wood shed.

Conservation Commission reviewed & approved the landscaping plan within the riparian zone activity, as presented, at their March 20, 2019 meeting.

The VDRB reviewed Sections 403, 405, & 710 of the Village Regulations pertaining to Riparian Zone, Design Review and Conditional Use.

Testimony was voted closed.

**V. OTHER BUSINESS**

**A. Zoning Officer’s Report**

There was no report as Zoning Administrator was not in attendance.

**B. Brad Archer (3 Ford Street) Discussion - Attorney Peter Vollers**

Memo dated March 22, 2019, from Michael Brands which states:

*“The owners have allegedly placed additional propane tanks in a nonconforming space (the tanks do not meet rear setback). At least one propane tank has existed at this site for more than fifteen years, thus making it a grandfathered non-conforming structure. A neighbor complained that the current owners have increased the number of tanks on site.*

*On March 27, 2019, Peter Vollers, attorney for the owners, will meet with the Village Development Review Board to review the propane tank’s nonconformity. Per Section 606 B. Non-conforming Structures, “A nonconforming use shall not be moved, enlarged, altered, extended or reconstructed without prior review from the VDRB, except that nonsubstantial changes which will clearly not increase or extend the noncompliance of the structure may be permitted by the Administrative Officer.*

*If the VDRB deems this to be a nonsubstantial change that will clearly not increase or extend the noncompliance the Administrative Officer would approve an application for adding the additional tank(s) to the site.”*

Attorney Peter Vollers, representing Mr. Brad Archer, owner, 3 Ford Street, believes 2 of the 3 propane tanks are grandfathered at the site. Mr. Archer has agreed to remove 1 tank prior to transfer of the property.

Attorney Mark Melendy, representing the McElroy's at 5 Ford Street, expressed client's concern for possible trespass issues when deliveries occur, that the tanks are exposed, not in a covered structure.

Mr. Archer has agreed to remove 1 tank prior to transfer of the property.

The home is for sale and the new owners could apply for alterations, should they desire.

No action taken.

## **VI. DELIBERATIONS**

### **A. V-3434-19 Malik**

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

1. The building currently operates as Dr. Malik's chiropractic office and other health services on the first floor.
2. The proposed Short Term Rental would utilize the existing, approved 2<sup>nd</sup> floor, 2 bedroom apartment space.
3. Long term rental experiences have been noisy, especially for holistic treatment offerings on 1<sup>st</sup> floor.
4. The VDRB Board reviewed the floor plan, site plan and the Short Term Rental statement.
5. The VDRB reviewed the Short Term Rental regulations with the applicant.
6. Parking is sufficient. There are four spaces in front, seven in rear of building.
7. Rentals would occur on weekends when professional office is closed.
8. It was noted that the State Fire Marshal has not inspected the unit which would need to be done prior to Certificate of Occupancy approval.

*After additional discussion, Ms. Cole moved with a second by Ms. Spector to approve the application as presented.*

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

### **B. V-3435-19 Woodstock Investments LLC**

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

1. The VDRB Board reviewed the floor plan, site plan and the Short Term Rental statement.
2. The building currently is mixed use with retail on 1<sup>st</sup> floor, apartments on 2<sup>nd</sup> & 3<sup>rd</sup> floors.
3. The proposed Short Term Rental would utilize the approved 1-bedroom apartment on the 2<sup>nd</sup> floor.
4. Short Term Rental option sought if long term rentals for 2<sup>nd</sup> & 3<sup>rd</sup> floor apartments cannot be arranged.
5. The VDRB reviewed the Short Term Rental regulations with the applicant.
6. Central Commercial zone overnight public parking restrictions would apply for this location, whereby parking is not required for uses within the Central Commercial zone. Overnight parking during the winter months is very limited and is a concern.
7. It was noted that the State Fire Marshall had inspected the unit a year ago however, a new inspection this spring will be arranged. An up-to-date inspection would be needed prior to Certificate of Occupancy approval.

*After additional discussion, Ms. Spector moved with a second by Ms. Cole to approve the application as presented.*

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

**C. V-3437-19 11 The Green**

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

1. The application has been reviewed by the Design Review Board (DRB) and Conservation Commission (CC) at their March 20, 2019 meetings.
2. The proposed project includes the addition of exterior lighting, a/c units, and landscaping within the riparian buffer zone.
3. The VDRB reviewed a landscaping plan, numerous photographs and renderings of the proposed lighting and A/C unit.
4. The VDRB began their review with the landscaping and lighting options.
5. There would be three 6' long stone steps down from the home to the patio. Four more stone steps would be placed at the north end of the stone wall to step down to a lawn area closer to river. Four additional steps would be placed in a second stone wall further north and closer to river. This leads to a second fire pit (wood fired) to be built flush to the ground.
6. North of the second fire pit would be a curved stone retaining wall. Beyond this, native plantings, grasses and shrubs, would be planted.
7. The DRB recommended approval of the landscape plan as presented.
8. The two stone stairways would be illuminated with 4 lights each, 2 on each side. The flat LED fixtures are down lit with a minimal profile that fit well with the dry laid stone.
9. Mr. Pauly stated copper bollard lights for path lighting will replace the existing pole lighting. And clarified that the proposed lamppost on the east edge of the parking area would be changed to same lantern design as the Inn.
10. The DRB preferred a white painted post with carriage type light mounted on top over the black metal lampposts.
11. The DRB agreed the main entrance light is fine as were the side sconces as presented.
12. The proposed barn light for the side door was denied by the DRB, who preferred the more appropriate side sconces.
13. The barn light design for the rearmost west entrance was approved.
14. The VDRB reviewed the A/C Heat Pump units to be placed on the east side of the building.
15. The A/C units measure 52" tall and cannot be placed below windows by code.
16. The units are 13" deep and require 6" spacing, which places them 7" beyond sideyard setback conformity.
17. The VDRB in a previous informal review felt the unit should meet setbacks.
18. The entire east side of the house does not meet the required 15' setback.
19. An alternative option would be to remove the existing attached narrow woodshed which is set in a notch of the building.
20. This site makes the units more complimentary with the side setback as it is slightly further from the side property line. This location is closer to the street and the neighbor's porch.
21. The owner prefers not to have to remove the wood shed.
22. Conservation Commission reviewed & approved the landscaping plan within the riparian zone activity, as presented, at their March 20, 2019 meeting.
23. The VDRB reviewed Sections 403, 405, & 710 of the Village Regulations pertaining to Riparian Zone, Design Review and Conditional Use.

*After additional discussion, Ms. Cole moved with a second by Ms. Spector to approve the landscaping plan, & application, as presented, with the following conditions:*

- 1. Pole lights approved as presented, with black metal poles, not white wooden posts*
- 2. Side sconces approved for the revised side door, not goose neck style as proposed.*
- 3. A/C Heat Pump units approved as located in the application.*

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

**VII. OPEN DISCUSSION - None**

**VIII. NEXT MEETING**

The next meeting of the Village Development Review Board will be April 10, 2019.  
The Town Planner will not be in attendance.

**IX. ADJOURNMENT**

The meeting was adjourned at 8:30PM.

Respectfully Submitted,

Lynn Ellen Beach  
Planning & Zoning Assistant

