

**VILLAGE DEVELOPMENT REVIEW BOARD
WOODSTOCK TOWN HALL
31 THE GREEN
July 24, 2019
DRAFT MINUTES**

MEMBERS PRESENT: Jane Soule, Wendy Spector, Randy Mayhew
MEMBERS ABSENT: Keri Cole, Elizabeth Daniels
OTHERS PRESENT: Vicki Ferentinos, Richard Garner, Carly Ferren-Gardner, Alan Hammerschlag, Ryan Coyne, Sarah Hammerschlag, Bill Bradley, Isabelle Bradley, Jackie Fischer, Ron Miller, Virginia Palmer, Bernadette Darakjy, Brian Hernon, Sam DiNatale, Michael Brands

I. CALL TO ORDER 7:30PM

II. PUBLIC HEARING

A. OLD BUSINESS None

B. NEW BUSINESS

1. V-3465-19 Vicki Ferentinos/Soulfully Good Cafe

The application is for Conditional Use approval to expand business hours. The property is located at 67 Central Street and zoned Central Commercial / Design Review.

Ms. Ferentinos presented the application.

The owner wishes to amend zoning permit V-2750-11 which extended hours of operation for the restaurant from an 6:00 pm closing to an 8:00 pm closing.

The new closing time would be extended two hours to a 10:00 pm closing.

Ms. Ferentinos wanted to make sure she had adequate time to serve the evening meal.

There would be no other change to the service or operations of the restaurant.

The VDRB reviewed the Conditional Use criteria with the applicant.

Testimony was voted close.

2. V-3466-19 Vermont Central LLC

The application is for Conditional Use to combine 2 living units into one living unit. The property is located at 69 Central Street and zoned Central Commercial.

Mr. Mayhew, an attorney, noted he has worked with the applicant in the past but felt he would be able to render an unbiased decision and asked to stay on board.

Chair Soule asked the VDRB and the audience if anyone had an issue with Mr. Mayhew rendering a decision. There was no negative response. Mr. Mayhew remained on board.

Mr. Gardner, owner, presented the application.

The VDRB reviewed a floor plan of the three story building. There are four residential units in the upper stories and two business in the lower floor.

A certificate of occupancy inspection revealed that an upper level living area which had been permitted as a bed and breakfast was not connected to its associated residential unit. B&Bs are meant to be part of a residential unit and are not standalone units.

An additional issue was the fact that the Optimist Center was using the middle floor as a yoga studio and work area although the middle floor was permitted as the living room for the B&B. The Optimist Center was permitted to use the two westernmost rooms on the lower floor and not the middle floor room.

To correct these deficiencies, the new owner is requesting that the entire three floors be merged in a vertical manner with the lower floor Optimist Center.

There would be no additional impacts resulting from the proposed merger.

The VDRB reviewed the Conditional Use criteria with the applicant.

Testimony was voted close.

3. V-3467-19 Thomas and Paula Little

The application is to obtain Design Review approval to install heat pump. Property is located at 5 Mountain Avenue and zoned Residential Low Density / Design Review.

Mr. Hernon, contractor, presented the application.

The VDRB reviewed numerous photographs and a cutsheet of the condenser.

The Little's primary interest is cooling their condo unit; the heating element is a side benefit.

Mr. Hernon explained the heat pump installation process generically.

A 3.5' wide x 4' tall condenser would be placed on the northeast corner of the building. An entranceway to the basement provides an alcove area which helps screen the device. A white vinyl lattice enclosure on a pressure treated wood frame would be built to screen the device. The wood would be painted white once the wood ages.

A July 24, 2019 photograph showing both east and north sides with tubing runs drawn over presented. The location of the tubing was shown on the photograph. The tubing required for electrics and liquid movement would run through the basement to the mid-point of the north facade. The tubing would then run straight up the building just north of the fire escape to the eave. A short run south along the eave to the window just south of fire escape and down a few feet to enter the building would take place. The north bound run would go around the corner along the eave to the north elevation to the third window. From here it would go down a few feet to enter the kitchen.

A sample of the tubing, Fortress brand, was shown to the Board. The squarish tubing is +/- 6" wide. The run along the eave would use white tubing with brown tubing placed over the brick surfaces.

The third floor will not be serviced by the heat pump system. Separate seasonally placed window mounted AC units would be installed in the 3rd floor windows.

The VDRB asked what happens should all five condo units want the same technology.

The downstairs neighbors have asked to place a heat pump, to be considered under separate application. In their case, the tubing can be run through the basement with no exterior exposure. A second heat pump condenser would be placed next to the Little condenser.

The other three tenants are part time residents that have not expressed a need for the system. All tenants sent an email to the Town Planner noting awareness of the installation.

The tubing is attached to the brick or wood via screws and is well secured.

The tubing could run under the shutters, although shutters would be slightly askew.

The Design Review Board recommended Option A, that tubing be placed along the clapboard edge on the east side of the building as the preferred option. Option B, tubing running vertically along the north side of the fire escape on the east elevation, would be allowed if option A does not work.

Due to an 80' limit in tubing length (system will not function is built longer), Option A was determined not to be feasible.

Testimony was voted close.

4. V-3468-19 Alan Hammerschlag

The application is for Conditional Use approval to establish a Short Term Rental in residence. The property is located at 3 Border Lane Street and is zoned Residential Low Density.

Mr. Coyne, son-in-law, presented the application. Mr. Hammerschlag aided the presentation.

The VDRB reviewed floorplans, site plan and the Short Term Rental Form.

Mr. Hammerschlag is a summer resident and would like to rent his home out during the time he is not present.

Ellaway Property Services would serve as the manager.

The home has a central alarm system installed by the previous owner.

The State Fire Marshall's office has been contacted to do an inspection.

Parking is available for 5 cars, 2 in the garage and 3 outside.

The owner was aware of the Short Term Rental criteria, including the 6 rental event per year limitation.

Mr. Mayhew mentioned the State requirement to register for payment of Rooms and Meals tax.

A number of abutters were present.

Ms. Fischer, an abutter, noted support for the request.

Mr. and Mrs. Bradley, abutters and residents since 1993, had strong concerns regarding the STR. This is a Residential Low Density neighborhood and should not have commercial activity. Numerous strangers will be coming and going to the property. Noise and late night activities are issues. The zoning officials need to enforce all restrictions.

Ms. Dajarky, abutter at bottom of hill, opposed the application and had concerns with commercial impact on a residential neighborhood.

Ms. Palmer, abutter to the west, was concerned with too many guests on the premises. Renters would not be respectful of the quiet neighborhood. As a single elderly lady, she had concerns with stranger in the neighborhood.

Chair Soule stated that the abutters could always call the police department, Ellaway Property Services and the Planning and zoning Department for enforcement of the permit.

The VDRB reviewed Sections 522 Short Term Rental and 710 Conditional Use with the applicant.

Testimony voted closed

5. V-3470-19 Thomas P. O'Neill III

The application is for Design Review approval to expand existing deck. The property is located at 24 River Street and is zoned Residential Low Density / Design Review.

The Design Review Board determined the request to be a minor application to be issued administratively.

6. V-3471-19 Robert Randolph & Karen Branz

The application is to obtain Design Review approval to install chimney. Property is located at 43 Terrace Street and zoned Residential High Density / Design Review.

The Design Review Board determined the request to be a minor application to be issued administratively.

III. OTHER BUSINESS

A. V-3458-19; Mon Vert Café

Application V-3458-19 issued to Mon Vert Cafe/Sam DiNatale was approved with the following conditions:

1. The heat pump shall be lowered as much as possible, the top of the device shall not exceed the height of the patio fence, and
2. The heat pump shall be enclosed with a fence that matches the patio fence.

Ms. DiNatale met with the installer Cota & Cota to discuss a relocation of their heat pump condenser and associated tubing. A marked up photograph showing the new condenser location was showed to the VDRB. The condenser would be moved from the middle of the building to ground level and placed directly under a window so its in line with the window trim. The Town Planner suggested that the horizontal tubing run from condenser along the baseboard and then go vertical along the window trim to best mesh with existing lines of the building.

Ms. DiNatale agreed with this and will inform the contractor, Cota & Cota.

IV. DELIBERATIONS

A. V-3465-19 Soulfully Good Cafe

After discussion the following findings of fact were established:

1. The owner wishes to amend zoning permit V-2750-11 which extended hours of operation for the restaurant from an 6:00 pm closing to an 8:00 pm closing.
2. The new closing time would be extended two hours to a 10:00 pm closing.
3. Ms. Ferentinos wanted to make sure she had adequate time to serve the evening meal.
4. There would be no other change to the service or operations of the restaurant.
5. The VDRB reviewed the Conditional Use criteria with the applicant.

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

The motion was approved with a 3-0 vote.

B. V-3457-19 Vermont Central LLC

After discussion the following findings of fact were established:

1. The VDRB reviewed a floor plan of the three story building. There are four residential units in the upper stories and two business in the lower floor.
2. A certificate of occupancy inspection revealed that an upper level living area which had been permitted as a bed and breakfast was not connected to its associated residential unit. B&Bs are meant to be part of a residential unit, and are not standalone units.
3. An additional issue was the fact that the Optimist Center was using the middle floor as a yoga studio and work area although the middle floor was permitted as the living room for the B&B. The Optimist Center was permitted to use the two westernmost rooms on the lower floor and not the middle floor room.
4. To correct these deficiencies, the new owner is requesting that the entire three floors be merged in a vertical manner with the lower floor Optimist Center.
5. There would be no additional impacts resulting from the proposed merger.
6. The VDRB reviewed the Conditional Use criteria with the applicant.

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

The motion was approved with a 3-0 vote.

C. V-3467-19 Little

After discussion the following findings of fact were established:

1. The VDRB reviewed numerous photographs and a cutsheet of the condenser.
2. The Little's primary interest is cooling their condo unit; the heating element is a side benefit.
3. A 3.5' wide x 4' tall condenser would be placed on the northeast corner of the building. A entranceway to the basement provides an alcove area which helps screen the device.

4. A white vinyl lattice enclosure on a pressure treated wood frame would be built to screen the device. The wood would be painted white once the wood ages.
5. A July 24, 2019 photograph showing both east and north sides with tubing runs drawn over presented. The location of the tubing was shown on the photograph.
6. The tubing required for electrics and liquid movement would run through the basement to the mid-point of the north facade. The tubing would then run straight up the building just north of the fire escape to the eave. A short run south along the eave to the window just south of fire escape and down a few feet to enter the building would take place. The north bound run would go around the corner along the eave to the north elevation to the third window. From here it would go down a few feet to enter the kitchen.
7. A sample of the tubing, Fortress brand, was shown to the Board. The squarish tubing is +/- 6" wide. The run along the eave would use white tubing with brown tubing placed over the brick surfaces.
8. The third floor will not be serviced by the heat pump system. Separate seasonally placed window mounted AC units would be installed in the 3rd floor windows.
9. All tenants sent an email to the Town Planner noting awareness of the installation.
10. The tubing is attached to the brick or wood via screws and is well secured.
11. The tubing could run under the shutters, although shutters would be slightly askew.
12. The Design Review Board recommended Option A, that tubing be placed along the clapboard edge on the east side of the building as the preferred option. Option B, tubing running vertically along the north side of the fire escape on the east elevation, would be allowed if option A does not work.
13. Due to an 80' limit in tubing length (system will not function is built longer), Option A was determined not to be feasible.

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

The motion was approved with a 3-0 vote.

D. V-3468-19 Coyne/Hammerschlag

After discussion the following findings of fact were established:

1. The VDRB reviewed floorplans, site plan and the Short Term Rental Form.
2. Mr. Hammerschlag is a summer resident and would like to rent his home out during the time he is not present.
3. Ellaway Property Services would serve as the manager.
4. The home has a central alarm system installed by the previous owner.
5. The State Fire Marshall's office has been contacted to do an inspection.
6. Parking is available for 5 cars, 2 in the garage and 3 outside.
7. The owner was aware of the Short Term Rental criteria, including the 6 rental event per year limitation.

8. Mr. Mayhew mentioned the State requirement to register for payment of Rooms and Meals tax.
9. A number of abutters were present, with one abutter supporting the request. Five other abutters opposed the request due to commercial use in a residential zone, strangers on site, fear of overuse and too many people on site that would not have respect for their quiet neighborhood.
10. The VDRB reviewed Sections 522 Short Term Rental and 710 Conditional Use with the applicant.

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

The motion was approved with a 3-0 vote.

- E. V-3470-19 O'Neill III** Approved as a Minor Application
- F. V-3471-19 Randolph/Branz** Approved as a Minor Application

IV. APPROVAL OF MINUTES

The minutes of May 22, 2019 and June 10, 2019 minutes were approved as submitted.

V. NEXT MEETING

The next meeting of the VDRB will be August 14, 2019.

VI. ADJOURNMENT

The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner