

TOWN DEVELOPMENT REVIEW BOARD
Draft Minutes
June 23, 2020

MEMBERS PRESENT: Brad Prescott, Wade Treadway, Don Bourdon, Kim French
MEMBERS ABSENT: one vacancy
OTHERS PRESENT: Dwight Doton, Barbara Barry, Gail Childs, Karen DePrezio, Michael Pacht, Jill Rose, John and Jennifer Endicott, Bruce and Darlyne Franzen, Vern Harris, Alison Johannensen, David Warren, Shawn Audsley.

I. CALL TO ORDER

Chair Don Bourdon called the meeting to order at 7:30 p.m.

II. ELECTION OF OFFICERS

The members would like to wait for the attendance of the full Board.

III. PUBLIC HEARINGS

A. Old Business:

B. New Business:

1. **T-5008-20;** Dorothy Standish, owner; 0 Carlton Hill Road; Parcel #08.01.02.; Zone: R5/Conservation; To Construct New Home in Buffer and Remove 35 Trees to Allow View to Water.

Application is for Site Plan approval to build a 3-bedroom single family house partially in the 100-foot wetland buffer area. The property is located at 0 Carlton Hill Road and is zoned Residential Five Acre. Applicant's agent Dwight Doton explained to the board that the plan went through Conservation Commission review and received approval at the June 17th meeting. Town planner Neal Leitner explained to the board that a condition of approval was placed on the application that required the house to be set back further away from the reservoir and closer towards the end of driveway, which reflects an earlier proposed house placement on the site. Chair Bourdon asked if anybody in the meeting would like to make comments on the application.

No comments were received so testimony was voted closed.

Testimony was voted close.

2. **T-5031-20;** John & Jennifer Endicott d/b/a/ Taftsville Commons, owner/applicant; 2706 East Woodstock Road; Parcel #05.04.01.; Zone: Hamlet Commercial; To Install Commercial Kitchen.

John and Jennifer Endicott, the owners of the Taftsville Country Store, presented the application. They recently purchased it and plan on installing a commercial kitchen, which is required by State regulatory agencies for food preparation establishments. They are not going to have any seating and it will be a standard general store with food for take-out. They explained that general stores in Vermont are struggling, and take-out food is basically the only way they can make a profit.

Chair Don Bourdon opened the item up for public comment.

Taftsville resident Gail Childs expressed concerns related to the installation of the commercial kitchen. She was concerned that allowing a commercial kitchen would open the door up to a full-time, full-service restaurant with seating in the future. She stated that there is not enough parking on-site to allow for a restaurant. She expressed her concerns related to potential odors from the commercial kitchen vent as well as the potential for rodents to be attracted to a dumpster. She brought up the traffic flow in the hamlet and how it can be difficult. She thought the opening of the country store would create traffic problems.

John Endicott responded to her concerns. He stated that the take-out portion of the business requires a commercial kitchen. He said he owns the parking stalls at the general store, and they meet the required parking demand.

Gail Childs encouraged the board to come to the site and visit to see the parking and traffic in person.

Mary Young, who lives on Butternut Lane spoke in support of the Taftsville Country Store. She said that the previous owners of the store were not able to make a profit because they didn't have a commercial kitchen. She feels the commercial kitchen won't be a problem, and that the Endicott's are trying to improve the village by bringing a traditional country store back to life.

Gail Childs rebutted the comment made by Mary Young. Brad Prescott asked to change the format of the meeting to accept one testimony at a time.

Jill Rose spoke in favor of the application. She is the only other business owner in town and thought the re-opening would be beneficial to her business. She mentioned it would be better for a country store to be there rather than an office type use.

Michael Pacht and Barbara Barry also spoke in favor of the country store and said that not having a commercial kitchen in today's economic environment makes it close to impossible to operate.

Bruce and Darlyne Franzen spoke in favor of the application and mentioned that the store has given Taftsville its character for 170 years. He said parking has always been an issue in that portion of the hamlet, but they have made it work as a community.

Vern Harris has lived in Taftsville for approximately 50 years and spoke in support for the store and thought the parking is not a relevant issue in light of the benefits the store would bring.

Alison Johannensen spoke in support of the store and the proposed commercial kitchen.

Barbara Barry checked with the Chair to see if all the emails in support of the application sent to the town planner were received by the board. Chair Bourdon confirmed receipt of the emails in support and not in support.

Karen Diprezo of 71 Butternut Lane stated that there is not enough parking. She mentioned 506 On The River in West Woodstock, and how it changed over time. She is worried the commercial kitchen will open up problems such as rodents from the trash, odors and unsafe traffic problems, along with loitering.

Boardmember Brad Prescott asked the applicant about the dumpster location, and how it would be accessed. He mentioned it is not specifically located on the site plan. The Endcott's responded that it would be located behind a hedge, and they plan on installing a driveway to access the dumpster.

Board member Brad Prescott asked the applicants to identify the number of parking spaces currently used. The Endicott's received approval from the Chapel nearby and granted them four spaces from the Chapel. Brad asked how many employees they would have at any given time. They replied that 2-3 employees would be there at any given time. The tenants upstairs have 2 spaces reserved for them. The remaining spaces total approximately 8 in front of the store, 5 on the side of the store and 4 at the Mennonite chapel, for a total of 17 spaces.

Board member Brad Prescott asked the applicant about the well on the site plan and its location in regards to the dumpster and access to it. The applicant could not explain if it would interfere.

Board member Kim French asked the applicants where the hood and vent would be. They responded that it would vent out the east facing window.

Board member Brad Prescott asked the applicants what the frequency would be for dumpster pick-up. The applicants said that the chef informed them that the

pick-up at the dumpster would be twice a week, and recycling and composting through Woodstock Compost.

Michael Pacht stated that he owned a 120-seat restaurant and never smelled odors from his restaurant. He also does not smell food odors in Woodstock Village either.

John Endicott stated that adding a commercial kitchen does not create parking demand.

Gail Childs reiterated that Taftsville is a residential community and that the commercial kitchen will allow the country store will grow into something with adverse impacts on the community.

Chair Don Bourdon asked if there was any other testimony, hearing none, he closed the item to testimony.

Testimony was voted closed.

3. **T-5032-20**; Audsley Property Holdings, LLC, owner; Shawn Audsley, applicant; 18 Mill Road; Parcel #31.02.36.; Zone: BS/LI; To Construct Addition Within Buffer & Add 2 Apartments.

Chair Bourdon opened the item up for discussion.

Applicant Shawn Audsley's agent and builder, David Warren introduced the project to the board. The project is the rehabilitation and expansion of an existing older barn so that it can serve the needs of two local businesses that currently occupy it. The addition would include a shed garage that encroaches into the riparian buffer, which was approved by the Conservation Commission at the June 17th meeting.

The TDRB would be approving the expansion and the uses in the remodeled barn structure. Discussion ensued about dimensions and locations of proposed additions and the uses, such as a garage, apartments on the upper floor and offices on the main floor.

Chair Don Bourdon opened the item up for public comment. No comments were received.

Testimony was voted closed.

3. **T-5033-20:** Michael Malik, owner/applicant; 2394 Fletcher Hill Road; Parcel #32.03.25.; Zone: R5/FH; To Remove & Replace House in Flood Hazard Area.

Chair Don Bourdon opened the item up for discussion and testimony.

Applicant Michael Malik introduced his project to the board. He stated he recently purchased the property and would like to substantially improve the existing single-family house without exceeding the existing footprint of the house. He also mentioned that approximately 1,000 square feet of accessory buildings have been removed from the property, reducing the total area of the property covered by structures.

The board discussed the application and the fact that it is in the floodway. The application was approved by the Conservation Commission at the June 17th meetings.

It was also reviewed by the District Floodplain Manager John Broker-Campbell. John Broker-Campbell stressed the importance of not allowing the new house to expand beyond the existing footprint of the house. Any expansion beyond the existing footprint would be deemed new development, which is not permitted in a floodway.

Town planner Neal Leitner noted that new development is not permitted in the floodways per Section 405.D.1., so the existing footprint must be adhered to.

As the existing house is located approximately 80 feet from the spring high-water mark of the Ottaquechee River, it is within the 100-foot Riparian setback.

Therefore, the findings of development within the riparian buffer must also be met.

The board mentioned that the property has been cleaned up significantly under the new property owner.

They also agreed that raising the proposed house 18 inches above the BFE would help alleviate potential flood hazard concerns.

Chair Don Bourdon opened the item up for public comment. No comments were received.

Testimony was voted closed.

IV. DELIBERATIONS

I. DELIBERATIONS

T-5008-20: Dorothy Standish, owner; 0 Carlton Hill Road; Parcel #08.01.02.; Zone: R5/Conservation; To Construct New Home in Buffer and Remove 35 Trees to Allow View to Water.

Chair Bourdon opened deliberations on the item.

Planner Neal Leitner discussed the history of the application at the Conservation Commission. The location of the house has been altered for various reasons over the course of the year. The proposed house location they see on the TDRB location is the one that was deemed suitable for the Conservation Commission. The amended application to include the cutting of 35 trees to enable the house to gain a view of the reservoir was rejected by the Conservation Commission. Only the house location was approved with a condition that it was set back further into the property away from the edge of the hill that slopes down to the reservoir to prevent erosion and to limit how much of the house is located within the 100' wetland buffer.

The proposed location shows the house located partially outside the buffer and further to the west of the slope to the reservoir without any proposed tree removal for view.

The TDRB discussed the environmentally sensitive property and reviewed concerns they had regarding the placement of the house.

The building envelope did not have any dimensions to it, so it was not clearly defined.

The board agreed that the exact location of the house would be necessary especially since it is located partially within a wetland buffer.

Chair Bourdon mentioned that the board could place the item into recess until the dimensions and exact location of the house are submitted. A revised site plan showing house dimensions along with exact distances from benchmarks would be needed to grant approval for the application.

Chair Bourdon asked for a motion to place item into recess until building envelope location is dimensioned and the exact location of the house is identified by benchmarks.

Brad Prescott motioned to place the item into recess until the requested information is provided on the site plan. Motion seconded by Kim French.

Motion approved 4-0.

The TDRB finds that the proposed conditional use meets the following standards of use as defined in Section 403.E(f) Standards for Review:

- i. Reduce impact of stormwater runoff.
- ii. Prevent soil erosion.
- iii. Protect wildlife and fish habitat.
- iv. Maintain water quality.

T-5031-20: John & Jennifer Endicott d/b/a/ Taftsville Commons, owner/applicant; 2706 East Woodstock Road; Parcel #05.04.01.; Zone: Hamlet Commercial; To Install Commercial Kitchen.

Chair Don Bourdon opened the item to deliberation. Wade Treadway commented that the infrastructure at the country store is prohibitive for future growth into a full-service restaurant.

He stated the application for the commercial kitchen is straight forward and the application should be viewed as just a commercial kitchen application.

Kim French stated that the country store was closed previously because it did not have a commercial kitchen, which made it unprofitable. She thought the country kitchen would allow for the community to have a country kitchen again.

Board member Brad Prescott mentioned that the parking issue is relevant to the application because the commercial kitchen and take-out service will increase customers, and therefore potential parking demand.

He noted that the plans indicate that there are 8 spaces in front of the store. He stated that he supports the application.

Chair Don Bourdon stated that he also supports the application. He mentioned that it was an application for a commercial kitchen, not a restaurant. He asked the town planner if there was a zoning amendment for the general store definition in the town zoning regulations.

Neal Leitner confirmed that the definition of a general store now allows for up to 24 seats. He noted that this application does not request any seating.

Chair Bourdon stated the request is relatively small, especially compared to the operations at the South Woodstock country store for instance.

Board member Brad Prescott asked if they would be open to making the placement of the dumpster and access to it a condition of approval.

Chair Bourdon agreed it could be placed as a condition of approval.

The other board members concurred.

Kim French motioned to approve the application with a condition that a site plan is included to include the dumpster location and access within 30 days of approval. Wade Treadway seconded the motion.

Motion approved 4-0.

T-5032-20: Audsley Property Holdings, LLC, owner; Shawn Audsley, applicant; 18 Mill Road; Parcel #31.02.36.; Zone: BS/LI; To Construct Addition

The TDRB discussed the application to make improvements to the existing barn and permit the proposed encroachment into the 50-foot riparian buffer from Vondell Brook. The board also discussed the history of the barn and its prior uses.

The board mentioned that the improvement of the old barn structure would be beneficial.

They agreed that the proposed 14-foot expansion south into the hard pack gravel parking lot would not increase impervious surface, and that the required riparian planting plan recommended by the Conservation Commission should be required as a condition.

Brad Prescott agreed that the adaptive reuse is beneficial and is supportive of the application.

The TDRB finds that the proposed conditional use meets the following standards of use as defined in Section 403.E(f) Standards for Review for a conditional use permit in a riparian buffer area:

- i. Reduce impact of stormwater runoff.
- ii. Prevent soil erosion.
- iii. Protect wildlife and fish habitat.
- iv. Maintain water quality.

The TDRB also finds that the proposed conditional use meets the following standards of use as defined in Section 312.C.1. and C.10.a.; multi-family dwelling and Business Services (Office).

Brad Prescott motioned to approve the application as submitted, Kim French seconded the motion.

Motion passed 4-0.

T-5033-20: Michael Malik, owner/applicant; 2394 Fletcher Hill Road; Parcel #32.03.25.; Zone: R5/FH; To Remove & Replace House in Flood Hazard Area.

Chair Don Bourdon opened the item up for deliberation.

The board discussed the application and the fact that it is in the floodway.

The application was approved by the Conservation Commission at the June 17th meetings submitted.

It was also reviewed by the District Floodplain Manager John Broker-Campbell. John Broker-Campbell stressed the importance of not allowing the new house to expand beyond the existing footprint of the house. Any expansion beyond the existing footprint would be deemed new development, which is not permitted in a floodway. Town planner Neal Leitner also noted that new development is not permitted in the floodways per Section 405.D.1., so the existing footprint must be adhered to. As the existing house is located approximately 80 feet from the spring high-water mark of the Ottaquechee River, it is within the 100-foot Riparian setback. Therefore, the findings of development within the riparian buffer must also be met. The board mentioned that the property has been cleaned up significantly under the new property owner. They also agreed that raising the proposed house 18 inches above the BFE would help alleviate potential flood hazard concerns.

The TDRB finds that the proposed conditional use meets the following standards of use as defined in Section 403.E(f) Standards for Review:

- i. Reduce impact of stormwater runoff.
- ii. Prevent soil erosion.
- iii. Protect wildlife and fish habitat.
- iv. Maintain water quality.

The TDRB also finds that the application meets all applicable Sections per 405.C. & 405.D.; Flood Hazard Area.

A motion was made by Kim French to approve the application as submitted, seconded by Brad Prescott.

Motion passed 4-0.

T-5034-20; Yummy Woodstock, LLC, owner; Patricia & Andrew Reid, co-applicant; 4374 West Woodstock Road; Parcel #07.01.33.; Zone: R1; To Extend Dining Area.

Application continued to the July 28, 2020 meeting at applicant's request.

II. OTHER BUSINESS

III. APPROVAL OF MINUTES – February 25, 2020 & June 10, 2020 were approved as submitted.

IV. ADJOURNMENT

Meeting adjourned 10:00PM

V. NEXT MEETING

VI.

The next TDRB meeting is scheduled for July 28, 2019.

Respectfully submitted,

Neal Leitner
Town Planner