

MEETING MINUTES
TOWN OF WOODSTOCK, VERMONT
31 The Green
Woodstock, VT 05091

TOWN DEVELOPMENT REVIEW BOARD

The Town Development Review Board held a public meeting on April 25, 2023 to conduct the following business:

Members present: Wade Treadway, Chair, Brad Prescott, Alan Willard, Kim French, and Ernie Fernandez.

Public present: Kyle Kelly and Ian Mackenzie

Staff present: Steven Bauer and Stephanie Appelfeller

Administrative Tasks

Call to Order: Wade Treadway called the meeting to order at 7:30 PM.

Adjustments to Agenda: None.

Public Hearings:

The Town Development Review Board received testimony on the following proposed developments:

T-5280-23: Kyle and Angela Kelly

Location: 2076 South Road

Parcel ID: 08.03.16

Review Type: Conditional Use and Site Plan Approval

Proposed Development:

To construct a new single-household building, 900' new driveway, and garage within the Scenic Ridgeline District.

Chair Treadway opened the meeting with a brief description of the proposed improvements and mentioned the Conservation Commission was unable to attend the meeting as they had not been given proper notice but to proceed with the review knowing they will need a letter from the Conservation Commission.

Brad Prescott asked if the report from the Conservation Commission is not yet completed, do they have to wait to close testimony until that report is received?

Wade Treadway indicated there are two options; the hearing can be kept open until the report is received or deliberate with a condition of getting the report. Wade mentions the Conservation Commission may be interested in the vantage point of the property from the roadways. He has visited the property and believes the site is not visible from the Scenic Ridgeline.

Kim French mentioned that the Conservation Commission may be concerned with a significant amount of work that's being done on the driveway and waste treatment. Kim does not feel the Conservation Commission will consider the view of the site from the roadways, but rather that is the Development Review Boards role to determine the impact. Wade Treadway replied that the Conservation Commission will consider the sight lines of the Scenic Ridgeline.

Ian MacKenzie asked for clarification on why the Conservation Commission did not prepare the report, was it due to not being notified of the application.

Steven Bauer stated that the Open Meeting Law requires 48 hours notice before any public meeting be held, both online and in the public space. The Conservation Commission questioned whether proper notice was provided and decided to cancel and have not yet rescheduled.

Ian MacKenzie stated that Kyle Kelly is the grandson of the original owner of the farmhouse and received the land a couple years ago from his family with the intention of building a new family home on the land. He indicated the proposed driveway location was selected based on the drainage, the natural apron, and the topography in that area, and could provide a 12% slope. It will be a five-bedroom, single-family house with full basement and 3-bay garage. There will be an on-site drilled well to the northwest of the garage portion. The roof of the proposed structure is 33 feet below the ridgeline.

Alan Willard asked if 33-feet is the height of the roof from the ground. Ian indicated the 33 feet is the top of the roof to the ridge. The crest of the ridge is 33 feet higher than the roof.

Alan asked the height of the roof which Ian indicated is 28 feet from the ground.

Kyle Kelly was introduced. Ian mentioned that the house site elevation is 540 feet and there is a 28.1 height of the roof which is 567 and the elevation of the ridge is 600 feet.

Ernie asked the total size of the parcel. Ian indicated that it is roughly 49 acres. Ernie asked what portion of the site is in the Scenic Ridgeline zone. Ian said there are roughly 30 acres in the Ridgeline zone.

Kim French suggested that the zoning regulations are very explicit as to what can be built in the district and asked why the proposed home was determined to be in this portion of the site. Kyle Kelly responded and indicated that the homesite was selected as it was the portion of the site that would require the least change to the landscape.

Kim French asked for more details about the driveway and how it will be surfaced and expressed concerns about water runoff and potential impacts on wildlife. Ian MacKenzie replied that they anticipate the deer in the field will use this almost the same as they do now and do not expect their activity to change. Chair Treadway asked whether there are vernal pools near the site and Ian MacKenzie suggested that no, the wetlands and vernal pools are not within the area proposed for development.

Kim French inquired whether the home would be wired for solar panels as the glare from the panels may be an issue. The owner indicated they will most likely be prewired but have not decided on that yet and Chair Treadway replied that is not part of this application.

Chair Treadway suggested the specific design criteria for Section 406 Scenic Ridgeline District. Criteria one being the predevelopment clearing plans for construction sites prior to site disturbance. All related activities such as waste disposal and drive come into play, and everyone is comfortable with these items Criteria two is the development shall not serve as a visual focal point. The Board will look for the Conservation Commission's report to confirm but from my observations I don't see the project is visible from any town code or any other outlets. Kyle Kelly confirmed the home would most likely be painted white with a roof of an earthtone or gray. Chair Treadway continues that criteria three says development may not visually break the ridgeline which he indicates has been determined. It also deals with site disturbance and tree removal, which is not an issue as the owner will be constructing in the field.

Kim French indicated she plans to visit the site to verify it is not visible from the other roadways.

Chair Treadway stated that the Conservation Commission's next meeting is May 17, and the Commission will need to meet and give recommendations to the TDRB before testimony can be closed. Ian Mackenzie asked if the Conversation Committee can proceed with a special meeting and provide the report prior to the next TDRB meeting. Wade Treadway mentioned the Conservation Committee has 60 days to provide the report to the TDRB. Ernie suggested that the board wait until the next before determining the outcome.

Chair Treadway moved that the Board recess this present hearing until the next regularly scheduled meeting on May 23 at 7:30pm in hopes that the Conservation Commission report will be completed at that time.

Kim French seconded the motion.

Brad Prescott stated that because of the applicant's thoroughness and detailed responses to the Board's questions during the meeting, he was comfortable closing testimony and moving on to deliberations for the application and if approved by the Board, placing a condition on such approval that would require Conservation Commission's positive recommendation.

Steven Bauer clarified that Section 406 requires the TDRB to review and consider the recommendations of the Conservation Commission.

VOTE: 4-1 Approved. (Brad Prescott, nay). The hearing for application T-5280-23 is recessed until the next regularly scheduled meeting at 7:30 PM on Tuesday, May 23, 2023.

T-5279-23: Cathy and John Huycke

Location: 4896 South Road

Parcel ID: 33.02.09.002

Review Type: Conditional Use Approval

Proposed Development:

To use property to short-term rentals

Kim French suggested that the Board should not hear the application because the applicant was not present. Steven Bauer reminded the Board that it was not currently a requirement that the applicant be present and suggested that the TDRB make an amendment to the bylaws if they intend to require applicants be present to review applications. The Board agreed that an applicant should be present to be heard. However, they decided to make an exception to the current Huycke application as it is not currently required in the bylaws.

Steven Bauer questioned the Board as to whether they felt that they had enough information to decide on the application according to Section 810, without the applicant present. The Board confirmed they knew the property well and proceeded.

No additional testimony was received.

Chair Treadway moved to close testimony.
Brad Prescott seconded the motion.

VOTE: Testimony closed on a vote of 5-0.

Other Business:

Brad Prescott requested that Steven Bauer draft an amendment to the Board's bylaws that would require that all future Conditional Use applications have a representative present for the hearing, either in-person or online.

Brad Prescott moved to enter deliberations.
Alan Willard seconded the motion.

VOTE: 5-0. The Board entered closed deliberations.

Adjournment:

Kim French moved to adjourn the meeting.
Brad Prescott seconded the motion.

VOTE: 5-0. The meeting adjourned at 9:38 PM.