

MEETING MINUTES
VILLAGE OF WOODSTOCK, VERMONT
PLANNING & ZONING DEPARTMENT
31 The Green
Woodstock, VT 05091

VILLAGE DEVELOPMENT REVIEW BOARD

The Village Development Review Board held a special public meeting on August 9, 2023, at 7:30pm to conduct the following business:

Members Present: Randy Mayhew, Vice Chair, Wendy Spector, Keri Cole, Mary Ann Flynn
Public Present: Jeff Meyer, Nathaniel Eisen, Jim Sligar, Kathy Washburn, Michelle Adams, Amy Martsolf.
Staff Present: Steven Bauer and Stephanie Appelfeller

Call to Order:

Randy Mayhew called the meeting to order at 7:31 PM.

Adjustments to Agenda: None

Public Hearings:

- A. V-3802-23: Kathy Washburn**
Location: 509 Church Hill Road
Parcel ID: 23.54.29
Review Type: Conditional Use Approval
Proposed Development:
To use property as a bed and breakfast.

Kathy Washburn explained the bed and breakfast will be in the basement apartment of her home which has its own separate entrance. Kathy Washburn indicated she lives upstairs full time. Mary Ann Flynn asked the size of the unit and Kathy Washburn responded it is a studio unit. Wendy Spector asked Steven Bauer to explain the difference between short term rental and bed and breakfast and Steven Bauer responded that the main difference under Section 504, Bed and Breakfast is a residential dwelling occupied by the owner with not more than one full time employee while short term rentals do not need to be owner occupied. Additionally, there are no limits to how many times the unit can be rented in a bed and breakfast.

Keri Cole motioned to close testimony.
Wendy Spector seconded the motion.

Keri Cole moved to approve the application as presented.
Mary Ann Flynn seconded the motion.

VOTE: 4-0. Approved.

B. V-3803-23: Jeff and Katherine Meyer

Location: 18 Mountain Avenue

Parcel ID: 23.51.15

Review Type: Design Review Approval

Proposed Development:

To remove 2 L.F. of fencing, move 35 L.F. of fencing, and install a blackened copper hanging lantern.

Jeff Meyer presented the application and explained that part 1 references the proposed fencing changes and part 2 is regarding lighting. Jeff Meyer mentioned that a survey was recently completed by Brad M. Ruderman and Associates. Jeff Meyer has requested to remove 2.3 feet of fencing in front of garage and move the existing 6-foot fence in rear yard 2.1 feet to align with property line. Randy Mayhew asked if the rear fence is visible from the road, and Jeff Meyer said no, it is not visible from Mountain Ave.

Jeff Meyer would like to remove the picket fence to get around the garage easier. Wendy Spector asked if there will be a gap between 16 Mountain Avenue and 18 Mountain Avenue, and Jeff Meyer responded there is no fence along the side of the garage currently and they do not plan to add one in that location. Jeff Meyer mentioned Photo 1B shows the property line stake and where the fence will be removed.

Randy Mayhew commented that it is not the responsibility of the Board to determine property line and boundary disputes and if the application is approved, it is the responsibility of the owner to determine it is on the correct property. Mary Ann Flynn asked if removing fence will affect adverse possession and Randy Mayhew replied that the Board does not determine if adverse possession has occurred, that is a civil matter between the parties.

Jeff Meyer presented Part 2 of the application reflects a proposed blackened copper hanging lantern. It will be partially visible from the street but screened from trellis of porch.

Nathaniel Eisen introduced himself as the attorney representing Jim Sligar, the resident at 16 Mountain Avenue. Jim Sligar then presented photos that showed the condition of fence in 2011 when purchased. He explained that he and the prior owner of 18 Mountain Avenue worked together to replace and maintain the fencing. Jim Sligar explained that the current fence has been the understood boundary line for 40 years.

Jim Sligar explained the three main issues with the application include:

- The Meyer's do not own the property they wish to move the fence onto.
- The fence will need to be cut to move which could ruin the integrity of the fence.
- Removing the pickets along the garage would leave a gap and could create a safety concern for their dogs.

Jim Sligar asked the application be denied or delayed approval for 3 month timeframe to allow time for a solution.

Jeff Meyer responded that the picket fence will be stabilized after the 7 pickets are removed as there is a corner post, and the 6-foot lattice fence will be supported by a new fence post at the rear of the property for stability.

Nathaniel Eisen mentioned he understood the VDRB does not want to get involved in disputed property rights but felt it would be unwise for an application to be approved if on disputed land.

Randy Mayhew asked Steven Bauer if the Board is allowed to defer judgment on an application for three months and Steven Bauer explained the hearing can be recessed for three months but cannot put a condition for mediation between parties.

Keri Cole asked Jim Sliger if he is open to moving the fence if safety and aesthetics concerns can be solved. Jim Sligar replied no, they are opposed to moving the fence but will offer the Meyers a permanent easement to provide access to garage.

Randy Mayhew asked Nathaniel Eisen to explain the concerns for the criteria for approval. In particular, the setback issue as there will be a change in existing setbacks from the fence to garage. Nathaniel Eisen also mentioned all 3 criteria under site approval are affected; continuity, site features and landscaping.

Jeff Meyer stated he submitted a survey that was completed by a licensed Vermont surveyor which references a 2012 survey completed by Holt Gilmore that shows the same property line. Nathaniel Eisen responded that a property rights issue is not determined by a survey as a survey is not the definitive boundary line.

Wendy Spector motioned to close testimony.

Keri Cole seconded the motion.

VOTE: 4-0. Approved.

C. V-0006-24: Billings Farm & Museum

Location: 53 Elm Street

Parcel ID: 21.51.02

Review Type: Conditional Use Approval

Proposed Development:

To operate a food truck from April to October, as well as weekends in November and December and during special events.

Michelle Adams, Executive Director, explained that Billings Farm recently purchased a food truck which has passed the state inspection. The food truck was recently painted, and they plan to add wrapping at some point. Michelle Adams explained the food truck will be parked on the property directly behind the quilt show barn near the picnic tables and will not be visible from the street or parking lot.

Michelle Adams described Billings Farm would also like to bring the food truck to front of property near National Park and occasionally sell coffee and breakfast to the public in the mornings. Randy Mayhew asked how many people will be working in the food truck and Michelle Adams stated six employees. This season will be through October 31 and the truck will be parked at the rear of building but next season in April, Michelle Adams explained they would like to have it open to the public in front of the building as well. Michelle Adams mentioned they may also take the food truck to the National Park and Woodstock Inn at some point in the future.

Randy Mayhew suggested the applicants come back next season once they have a plan where to operate the truck. Wendy Spector mentioned if they want to put it at the Woodstock Inn or other locations, that is a different situation and should come back next year with a new application for approval.

Wendy Spector motioned to close testimony.

Keri Cole seconded the motion.

VOTE: 3-0-1. Approved. Mary Ann Flynn abstained.

Wendy Spector motioned to accept the application as presented.

Keri Cole seconded the motion.

VOTE: 3-0-1. Approved. Mary Ann Flynn abstained.

Deliberations

V-3803-23: Jeff and Katherine Meyer

Keri Cole commented that it is not within the Board's purview to consider boundary lines and rather need to consider this as a typical fence permit. Wendy Spector agreed it is not up to the Board to determine an amicable solution for the neighbors.

Wendy Spector moved to accept as presented.

Keri Cole seconded the motion.

VOTE: 4-0. Approved.

Other Business:

None

Approval of Minutes: 7/31/2023

Keri Cole motioned to accept the 7/31/2023 minutes as printed.

Mary Ann Flynn seconded the motion.

All voted in Favor

Adjournment:

Mary Ann Flynn motioned to adjourn the meeting.

Wendy Spector seconded the motion.

VOTE: 4-0. Meeting adjourned at 8:42 PM.