

Town of Dorset Planning Commission January 7, 2014 Minutes

Members Present: B. Breed (Chairman), B. Herrmann, D. Pinsonault, B. Beavin, D. Lawrence, H. Coolidge, Kay Manly, Brooks Addington

Members Absent: G. Squire

Also Present: Tyler Yandow (Zoning Administrator), Jordan Dickinson, Derry Dickinson, Nancy Faesy, Vivienne E. Smith, Nancy McCafferty, Robert McCafferty, Kevin Gecha, Ramsay Gourd (Barrows House), Steven Bryant (Barrows House), Kit Wallace (DRB), Gregg Gawlik (Clubb Residence)k, Ruth Tanenhaus, Ed Tanenhaus, Ron & Natalie Quigley, Linda McGuinness, Terri Hathaway (DRB), Linda Bowden, Joan Hazelton, Doris Streeter, R. Schalit, Steve Jones, Steve Hazelton, Jack Gilbert, Robin Chandler, Henry Chandler, Chip Ams, Janet Saint Germain, Frank Parent (Barrows House), Curtis Taylor, Ellen Maloney, Jim Hand, Jim O'Neil, Lee Romano, Pat Taylor, Peter Palmer (DRB), Jim Clubb (DRB), Katie Adams, Lee Jones, Susan Romano, Liz Wilson, Andrew Tarantino, Jason Day

B. Breed, Chairman, opened the meeting at 7:00 p.m.

Approve Minutes of December 3, 2013

D. Lawrence moved and H. Coolidge seconded to approve the December 3, 2013 minutes as presented. Motion carried 8-0.

Report from the Zoning Administrator

T. Yandow reported as follows:

BCRC: No activity.

Zoning Board of Adjustment: No meeting was held in December 2013.

Schu property: Zoning permit has been issued with conditions: 3 sheds to be removed by 1/30/14, 1 shed to be moved to meet setbacks by 5/1/14. ZA will follow up as needed.

Permits: 4 zoning permits were issued from November 27, 2013 to December 31, 2013: 1 access permit, 2 building permits, 1 sign permit. See attached Zoning Permit Summary of 01/07/14. Total permits same period: 2012 – 3; 2011 - 4.

Report from the Design Review Board

Clubb Residence ~ B. Escher noted that G. Gawlik represented J. Clubb who recused himself at the DRB meeting. New drawings were submitted showing the garage revision from a two car to a one car garage using the same materials as previously submitted. The DRB members approved these changes and requested that a new drawing of proposed change be submitted.

Dorset Theatre Festival Administrative Offices - (Bickford building next to the Dorset Union Store on Church Street) ~ K. Wallace represented the Dorset Theatre Festival and presented two sign color options. The sign is to be hung below the Three Pears Gallery sign. The sign approved by the DRB is dark green with a white background. T. Yandow stated that he did not receive a sign application from the Dorset Theatre Festival. B. Escher responded that they would have the applicant submit an application to the Zoning Administrator for approval and repeat the DRB sign hearing.

Barrows House Event Barn ~ All five members of the DRB were present: Bob Escher, Kit Wallace, Jim Clubb, Peter Palmer and Terri Hathaway. Lindy Bowden recused herself as she is an abutting neighbor to the proposed event barn. B. Escher explained that the members applied the Dorset Village Design criteria for the Historic District for the review of the formal application of the Barrows House and the presented plan failed approval by a unanimous vote of all five (5) members. The main reasons cited for failure were location, scale and design and the DRB had over fifteen (15) issues with the plan based on criteria and the Town Plan. B. Escher stated that the application was taken seriously as a large project with respect to the Town Plan which is very clear about commercial development in the Historic District. At the November 14th DRB meeting, discussion concentrated on the site plan and conformance to criteria 1 through 5. The DRB had requested any additional information with respect to a more specific location of the new septic system, but S. Bryant informed them that the septic is being designed by a licensed engineer and would be located as shown on the plan (between the barn and Route 30). B. Breed noted that septic design and placement is not part of the DRB or PC review. B. Escher commented that they were interested in the septic location relevant to site plan design. The DRB agreed to review the application as presented without septic location and parking.

In reviewing criteria 1 through 5, the question was “is the basic design in keeping with the surrounding Historic District and with the bulk and definition as an accessory or outbuilding,” the DRB felt that the basic design is an agricultural barn versus a traditional historic livery or carriage barn. They felt it was not appropriate in the Historic District. B. Addington asked if that was the DRB’s opinion that it was not historical and P. Palmer responded that every Town is unique in how it develops and where it develops and Dorset is a marble town not a farming town. Dorset farms were on the perimeter of the Village center and the Barrows House was built as a fine home, not a farm house and an agricultural barn building would not be natural to that site.

The second question was “is the bulk of the structure consistent with the lot size and its neighbors; and is the structure designed and placed so as to not adversely affect the Historic District.” B. Escher cited the bulk of the barn and it being a little smaller than the Barrows House, but substantially larger than the other outbuildings as adverse since traditionally the main structure should be the outstanding piece. Locating the barn there would remove a significant site feature of open green space and criteria 4.3.2 and the Town Plan both list preserving open green space as important. B. Breed asked if the application had been a request to build a large house in the field, would the DRB have the ability to say it has to remain a field and it cannot be built. He thought that the DRB may have misinterpreted the Town Plan with regard to open space because, when talking about preserving open space, you have village centers and no sprawling development – maybe give increased density to certain areas such as cluster

development. He did not believe that preservation of open space in the Town Plan was appropriate in this discussion. B. Escher responded this was the consideration of a large barn, not a house and stated that they did not misinterpret the Town Plan as open space is open space no matter the location. Controlling sprawl is something everyone wants. B. Breed questioned whether it was the historical significance of the open space according to the criteria or if it was the mass (bulk) of the building being the issue and whether it would make a difference if the building was half the size. Is this field so significant that nothing could ever be developed on it? B. Breed wanted clarification about Village scale and what it means as he wants to understand the objections of the DRB. J. Clubb replied that they believe the size relative to the other buildings and density are important considerations and applicable to other locations in the Village. B. Addington asked if there was anything in the bylaws which states the size is not allowed or is this opinion based on architectural aesthetics. J. Clubb commented that P. Palmer has stated that it does not fit historically and doesn't fit the footprint because it dwarfs the other buildings on the property – it's an aspect of scale. B. Escher stated that it is the responsibility of the DRB to report to the PC and they are trained in Village development and the barn would have been a livery or carriage house. B. Addington reiterated his question of whether it is aesthetics or criteria that determines if the barn fits and B. Escher replied that the DRB has an understanding and knowledge of the criteria and it is not a decision of feeling or emotion. It's understanding that the criteria is just as important as the zoning setbacks or height and the proportions of this building compared to the inn and the outbuildings is out of scale and the reasons of why it would be there are not right. Discussion of area barns ensued: lighting store carriage house, Stern's barn, and Schwindt barn with comments of that the Stern barn is the same distance from Church Street as the Barrows House; the Barrows House barn side wall was reduced to bring into Town scale; Stern barn is located right next to the roadway; the Stern barn dwarfs the main house; and the barns are not in meadows. B. Escher noted that the DRB members had agreed that the barn was an accessory/outbuilding to the Barrows House and the issues are location, scale and design. The appropriate location would be in the back of the property. B. Breed asked what would fit into the area; were suggestions given for what would work pertaining to size, etc. B. Escher answered that options were never talked about. S. Bryant stated that this would be an event barn, not a party barn and R. Gourd noted that a livery barn would be taller and would not be a viable venue. B. Herrmann questioned the size of the outside walls and the pitch of the roof with R. Gourd responding with dimensions and noting that they had done a great deal of study with regard to size and viability. S. Bryant said that there would still be 150 feet of lawn in front of the barn. R. Gourd stated that they had created computer generated models showing the approach north and south on Route 30 and it would be hard to see through the tree line. He commented that they could argue about whether there could have been an agricultural barn or not at this location, but it would not have been a pool or tennis court. This building is at the edge of the Historic District and he felt strongly that this barn was an appropriate building for the site. He noted that this was a corner lot which had two fronts and two backs or two fronts and two sides. S. Bryant stated that the DRB suggested the tennis court area and they did not believe this is an appropriate site and some neighbors would rather see it located as currently proposed. B. Escher agreed with R. Gourd about interpretation, but disagreed on the discussion that this conforms to criteria and the DRB Board was unanimous in their decision not to approve the application. There are so many issues with criteria and Town Plan standards – outbuildings should be located in the back; the proportion of development is too

large for the property which all comes back to location, scale and design. B. Breed asked again about if the proposal was a house of this size would it impact the viewscape and J. Clubb responded that the decision would not be changed if it were a house. B. Addington asked what would happen if the property was subdivided and a large house built and J. Clubb responded that it would not be proportional to the area. B. Escher noted that this was not relevant as the Barrows House was an inn and generalizations cannot be made. J. Clubb stated that building a 6,000 sf house would not be appropriate in the Village of Dorset. B. Breed remarked that from a zoning perspective it would be allowable if it met density and zoning regulations. T. Hathaway noted that the DRB always looks at whether new construction will fit the criteria and this has nothing to do with a house or barn, but is based on stated criteria. B. Escher referenced Town Plan section 5.5.13 regarding open space and the development of commercial buildings in Village scale and this is not appropriate. B. Beavin stated that the regulation says “should” and asked whether the DRB determined that this building will detract from the streetscape and suggested that all criteria has to be considered. D. Pinsonault asked where the “back” was located and B. Escher responded that there are two backs and two fronts and that the back of the building is physically located where the tennis courts are and the street sides (Route 30 & Dorset Hollow Road) are the fronts. B. Escher noted that they support the concept, but have to consider the criteria and report their findings to the PC. B. Breed questioned whether there was any discussion about making the barn smaller. S. Bryant noted that they had the barn located closer to Route 30 to be further away from L. Bowden’s house, but moved it back for the DRB. He also noted that there had been no discussion about what could be done, except to relocate the barn to the tennis court area. E. Tanenhaus, who lives on Barrows Heights, expressed concern about relocating the barn to the tennis court area. D. Dickinson requested a noise ordinance be put in place as the noise from events intrudes on her home life. S. Bryant explained that indoor events would end by 11:00 p.m. and the barn will have appropriate sound materials used. Currently events/weddings are held outdoors with no sound proofing. B. Breed wondered why there had been no discussion about reducing the mass and scale of the project and S. Bryant said they had asked guidance from the DRB, but it was not given. B. Escher stated that it was not the DRB’s responsibility to give suggestions or to say they want something. D. Pinsonault and B. Addington felt it would have been helpful if the DRB had given suggestions. P. Palmer responded that this had been done with R. Gourd on the phone with the recommendation of looking at the Center Hill building (Past & Present Antiques) in Manchester, but R. Gourd had said this would not work and presented the same plans.

B. Escher recommended a site visit for the DRB, PC and public so that a possible compromise can be reached. E. Tanenhaus suggested the site visit include the Barrows Height area. S. Bryant noted that the tennis court location for the barn is not supported by the Barrows Height residents. B. Escher asked if the applicants would be willing to compromise with a smaller building and S. Bryant replied that he would like to have the PC’s input on what can be done as he felt additional discourse with the DRB would not be productive. K. Manley stated that it was clear that the DRB was unanimous in their decision and nothing has changed on either side, but asked if it is feasible economically to do the project as a smaller building. S. Bryant answered that this proposal was the ideal “sweet spot.” B. Escher stated that they have met repeatedly, formally and informally - by phone and in person, with the applicant and have worked very hard

on this project and it has not been bypassed in anyway. He did not believe it was the DRB's responsibility to say what the building should or should not be, but only to consider the criteria. J. Clubb remarked that the economics of the building do not matter to the criteria.

T. Hathaway suggested a change in the December 19th DRB minutes to reflect that attendee, Steve Bryant, was a representative of the Barrows House, not the owner. S. Bryant stated that he is an owner and partner, not just a representative. D. Lawrence moved and B. Herrmann seconded to approve the December 19, 2013 DRB minutes as presented with the condition that the Dorset Theatre Festival will submit a sign application to the Zoning Administrator and the DRB will re-do their application. The December 19, 2013 DRB minutes will reflect that S. Bryant is a partner in the attendee list. Motion carried 8-0.

B. Breed consulted with the PC members about moving forward with the site development review noting that the DRB is advisory to the PC and the PC can agree or disagree with the DRB. He asked if the members felt that a continuance of this meeting to have a site visit and then continue the discussion at the next PC meeting would be helpful. D. Pinsonault asked if this would delay the applicant and B. Breed responded yes. T. Yandow expressed that it would be helpful to have a site visit so everyone can see the perspective of the proposal from all points on the property. It was agreed to have a site visit.

Site Development Plan review per Bylaw §3.8.3 ~ Barrows House, 3156 Vermont Route 30 ~ New Events Barn

B. Breed reviewed ZBL Section §3.82 ~ Site Development Plan Requirements with comments being made on the following items:

#11. Location of All Existing and Proposed Streets and Driveways ~ V. Smith asked where the access to the barn would be located and R. Gourd replied that they will be using current curb cuts and are not proposing any additional curb cuts.

#12 Proposed Vehicular Circulation and Parking ~ No additional parking has been designated. J. Hazelton commented there had previously been problems with parking along Dorset Hollow Road and would like to make sure this will not be a problem in the future. B. Breed noted that this potential problem can be discussed and conditions put in place to fix any problems, if necessary.

#13 Project Number of Daily Vehicular Round Trips Generated ~ B. Breed asked for an analysis to be submitted for the projected number of daily vehicular round trips generated (average and peak). B. Addington asked if the parking would be similar to events currently held as nothing would change operationally except from a tent to a barn. S. Bryant responded that there should be no significant change in peak numbers. J. Gilbert questioned where parking would be if the two inns, two restaurants and the event barn were in use at the same time. S. Bryant replied that if there was a large event in the barn, the Barrows House restaurant would not be open to the public in order to focus on the special event. The Dorset Inn, as a separate entity, would be open to the public. If the barn is hosting a smaller event, there is the potential for both to be open at the same time. V. Smith wanted this made part of the minutes if S. Bryant was making this agreement now. B. Breed asked if there would be a kitchen in the barn and S. Bryant

answered that there would only be a serving kitchen. B. Addington suggested that the applicant be prepared with solutions to every possible problem scenario such as parking, driveways, raucous behavior, etc. S. Bryant said that the Barrows House is licensed for 115 people in the restaurant and 60 people at the inn and has operated successfully with parking for this number of people. V. Smith noted that when the driveways are crowded, the people drive across the grass by the side driveway in front of her house in order to exit the property. B. Breed stated that the establishment of permit conditions will need to be reviewed so the applicant should be prepared to address all concerns (number of events, how often events occur, parking, exiting property, etc.). E. Tanenhaus expressed concern regarding Barrows Height Lane as it is a narrow – no shoulder roadway and the lack of access for emergency vehicles if cars park there. He requested a restriction be placed for no parking at any time on Barrows Height Lane during special events. B. Addington thought that possibly working with the Town Manager for proper signage for the road would help alleviate any parking problems from happening. V. Smith remarked that since the change in plantings have made it possible to park in the grassy areas by Dorset Hollow Road, she would like it to be defined which non-paved areas cars can park on and what can be used as an entrance and exit from that area. People are not always using the designated driveway when it is blocked and she would like to have it delineated that this is not a parking area. D. Pinsonault stated that it is allowable to park on a lawn, but landscaping may be requested to help with the problem. V. Smith wanted the parking and the entrance and exit pathways to be defined and stipulated now.

#18 Proposed Water Supply ~ S. Bryant explained that he met with Jack Stannard who has given approval subject to the technical capacity to hook into current water feed for the property to support the event barn. If the capacity was not sufficient, a well would be installed. It was not clear how this determination would be made. B. Breed requested that documentation on water supply be submitted. There are two bathrooms and a service kitchen proposed for the event barn. B. Breed thought there was a moratorium on new water hookups in the area, and S. Bryant replied that they are using a current hookup, but are prepared to move forward with a well, if necessary. T. Yandow asked about water line locations and R. Gourd noted that water services were shown on the map.

#19 Fire Protection ~ S. Bryant stated that the application was presented to the Dorset Fire Department and will follow whatever requirements that are issued by the State Fire Marshall. Sprinklers may be required. B. Beavin asked if this item was about the ability of the Fire Department to service the property and B. Breed replied yes, but he was trying to cover the concerns of the neighbors. E. Tanenhaus expressed concerns for safety and quality of life if the event barn is located in the tennis court location, especially for fire and emergency vehicles. He asked if there is a possibility for installation of a reserve water cistern for fire protection. B. Breed noted that this is outside the purview of the PC.

#26 Existing and Proposed Lighting ~ R. Gourd indicated that lighting cuts were submitted to the DRB, but not T. Yandow and are shown on the drawing.

#28 Other Information ~ B. Escher asked if there was a backup septic plan and F. Parent showed the septic map which is located on the front lawn area.

B. Breed explained that Section §3.8.3 Site Development Plan Review, items 1 through 5 would be reviewed at the next Planning Commission hearing after the site visit. He advised the applicants to review this section in depth for the specific criteria in preparation for the next meeting. V. Smith asked if there will be an opportunity for additional input from people at the next meeting and B. Breed replied yes. N. Faesy asked if the building has to live up to the Vermont building energy codes and was told yes. E. Tanenhaus asked about the level of sound proofing and if someone will be on premises from the beginning to the end of the event. S. Bryant responded that they would be self-policing noise pollution/control. B. Addington commented that the other option is to continue with outdoor tent events which have no sound proofing. V. Smith noted that there is no noise ordinance in Dorset so it defaults to the State Statute with the discretion of the State's Attorney to enforce at a traditional level. She has called the State Police on many occasions to terminate the noise from the Barrows House and the time is 10:00 p.m., not 11:00 p.m. V. Smith wants a discussion on what can be done about noise disturbances after 10:00 p.m. E. Tanenhaus also expressed concern with noise levels. S. Bryant explained that they are hoping to have high end destination wedding events with responsible people and that an event coordinator would be on site.

B. Herrmann moved and K. Manly seconded to continue the Site Development Plan review for the Barrows House proposal of an event barn to January 16, 2014 at 8:00 a.m. for a site visit at 3156 Vermont Route 30, Dorset. This review will then continue at the next PC meeting in February. Motion carried 8-0. B. Escher requested that the building be staked out on all corners and that a height reference is in place for the site visit.

Planning Grant ~ Discussion of New Map(s) Created by BCRC

None

Public Comments Taken

None

Other Business

It was the consensus of the PC Board to move the regular PC meeting for March to Wednesday, March 5, 2014 due to Town voting on Tuesday.

D. Lawrence moved and B. Beavin seconded to adjourn the meeting at 9:25 p.m.

The meeting was re-opened at 9:30 p.m. for a discussion with Jason Day and Andy Tarantino under the Other Business heading at the request of T. Yandow. J. Day explained that he is in the process of purchasing A. Tarantino's property (Hills Court) to open a small wind turbine manufacturing plant – Star Wind Turbines. These turbines would be considered under the small wind category of Act 250 and are made for home, farm and ranch type applications. The shop would be built in the industrial zone and would service New York, Vermont and Canada. J. Day anticipates that he will have three full time employees (two moving up from New Jersey) and anticipates the employment of 10 to 30 more people. The building would be an 8,500 SF wood building, single floor built in accordance to the local building codes. D. Lawrence asked if there

would be a turbine installed on site and J. Day responded that he would like to have two turbines installed for research and development. He noted that they manufacture small turbines of 50, 80 and 110 feet high and the towers are raised and lowered with hydraulics. J. Day explained that his requirements so far are to get approval from Green Mountain Power, contact the local township with regard to their wind ordinance, obtain a Certificate of Public Good, submit a proposal to abutters and submission to the Public Service Board. D. Pinsonault asked if there are problems with too much wind and J. Day replied that these turbines had articulating blades which sense wind speed, and the blades will feather and shut down if the speed exceeds a safe velocity. B. Addington commented that people usually do not want wind turbines in their “backyard” and may not be receptive to the idea. J. Day noted that less than 150 feet from the ground and 150 kilowatts in power is considered a small wind project. He will have to have full public hearings and address concerns for aesthetic impact and threats to wildlife. Also, it will be up to the neighbors to show cause for anything less than 150 feet, but he cannot arbitrarily place a turbine in someone’s view. A. Tarantino commented that J. Day will be bringing industry to the Town and the land is located in a commercial zone. T. Yandow informed the Board that he is the architect on this project and will have to recuse himself from discussions. The PC Board members did not offer any objections to the project.

D. Lawrence moved and B. Herrmann seconded to adjourn the meeting at 10:00 p.m. Motion carried 9-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 1/7/14

Regular Meeting X

Special Meeting

(Please Print)

Testifying

Name	Address	Representing	(Yes or No)
Jordan Dickinson	20 Maple Hill Ln, Dorset		
Derry Dickinson	" "		
Nancy Foresy	328A Rt 30	?	
Vivienne E Smith	57 Dorset Hollow Rd	self	Y
NANCY McCAFFERTY	580 DORSET Hollow Rd	"	
Kelley Mc Cafferty	" " " "	self	N
Kevin Glecha	PO Box 48 East Dorset	self.	N
Ramsay Graves	P.O. Box 300 Monrocks	Barrons House	Y
STEVEN BRYANT	P.O. Box 740, Dorset	" " " "	Y
Kit Wallace	2173 Upper Hollow Rd Dorset	DRB	N
Gregg Gault	Herrich Brook Rd Pawlet	James Cobb	Y
Ruth Tanenhaus	35 Barrus Hts Ln Dorset	self	n
Ed Tanenhaus (EAT)	35 Barrus Heights Ln	Self	Y
Ron & Nadehe Ormley	59 Barrus Heights Lane	by EAT Acting in Fact	Y
Linda Mc Carver	Barrus Heights Lane	by EAT Acting in Fact	N
Jerri Orchardway	198 Church St	DRB	N
Linda Bowden	PO Box 241 Dorset	self	
Joan Hazelton	PO Box 35 Dorset	self	
John Streete	77 Dorset Hollow Rd	self	
R. SCHALIT	299 KELLERER DORSET	DRB	N

Town of Dorset ~ Planning Commission

Date 1/7/14

Regular Meeting

Special Meeting

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Steve Jones	6 Farwell Lane	Myself	?
Steve Hazen	121 Dorset Hollow Rd	"	?
Jaek Gilbert	2427 West Rd Dorset	"	?
Robin Chandler	210 Danby Mt Rd	"	?
Henry Chandler	210 Danby Mtn Rd	"	?
Chip Ays	147 Upper Hollow Rd	"	No
Jan Saint Germain	511 Upper Hollow Rd,	"	No
Frank Parent	Long Trail Engineering, E. Dorset	Barrows House	Yes
Curtis Taylor	191 Hidden Hollow	Myself	No
Eileen Maloney	Med Tom	Self	No
Jim Hand	1705 Morse Hill Rd	"	No
Jim Jueil	2354 Danby Mtn Rd	Self	No
Lee Romano	968 Rte 30	Self	No
Pat Taylor	Hidden Hollow	Self	No
Peter Palmer	49 Morse Hill Rd	DRB	Yes
Jim Clubb	40 Cheney Road	DRB	Possibly
Ratie Adams	3039 Route 30	self	No
Lee Jones	West Road	Self	No
Susan Romano	Rt. 30	Self	No
Liz Wells	West Rd	Self	No
Andrew Tarentino	PO Box 343 Manchester	self	Yes
JASON Day	Pitts Town, NJ	Self	Yes