

PLANNING COMMISSION
Draft Minutes
December 2, 2015

Members Present: Sally Miller, Susan Boston, Keri Cole, Sam Segal
Members Absent: Nick Scheu, Paul Highberg, One Vacancy
Others Present: Lea Kachadorian, Kim French, Lowell Gray, Michael Brands

I. CALL TO ORDER

The meeting was called to order at 7:30 pm.

Mr. Highberg sent an email this evening noting his inability to continue serving on the Planning Commission. The PC thanked Mr. Highberg for his service to community.

II. APPROVAL OF MINUTES

The minutes of the November 5, 2015 meeting were approved as submitted.

III. NEW BUSINESS

A. Public Hearing - Town Zoning Regulations - Wetlands

Chair Miller read the proposed amendment to the Town Zoning Regulations concerning wetland regulations in Section 403 Conservation District as proposed by the Town Select Board. The PC had discussed the proposed amendment at their last meeting.

An oversight in the 2010 Town Zoning Regulation rewrite allows work within the actual wetland but not within the 100' buffer area that surrounds it. To correct the oversight, the Selectboard requests a change to allow work within the buffer area as well.

In addition, the following criteria were also added to help boards with the review process:

The applicant shall prove that there is no other practical location on their property but that located within the buffer for the intended development. The applicant shall prove that any work or use proposed within the buffer shall prohibit stormwater, sediment or other forms of erosion from entering the wetland and shall not create an undue impact on fish or wildlife habitat.

The Town Planner noted that both the Town Development Review Board and the Conservation Commission have received copies of the amendment prior to their meetings this November.

Ms. Kachadorian, Conservation Commission member, and Ms. French, Town Development Review Board member noted support for the changes, adding that the supplemental criteria will be very helpful during the review process.

There were no public comments or letters sent concerning the proposed amendment.

The Planning Commission closed the hearing and approved the amendments as written.

The Town Planner will post the notice for the Select Board which would hold a public hearing after January 2, 2016. The amendment would take effect 21 days after Select Board approval.

B. Town Zoning Rewrite

The Town Planner sent out a list of potential changes to the Town Zoning Regulations to start the rewrite conversation. The TDRB is aware of the rewrite list but has not yet had time to review and discuss them.

Due to the recession immediately after the most recent 2010 adoption, many regulations added at that time had not been tested. This year the TDRB has had a number of riparian and wetland applications. Short term rental applications have also been numerous in 2015. Riparian review was a new regulation in 2010. The wetland buffer was expanded from 50' to 100' in 2010.

Chair Miller noted the Town Zoning Regulations were thoroughly rewritten in 2010. She asked the PC members if they felt a thorough rewrite would be required or if specific areas should be targeted. The members agreed there did not appear to be a need for a thorough rewrite.

Section 403 B.1. Riparian Buffer was discussed. The Town Planner noted there have been a few issues with riparian applications. The regulations do not address existing development within a riparian area. Should smaller lots have more flexibility? Existing lawns straight to a river or brook should be considered grandfathered, however one should not remove existing riparian vegetation to place a lawn to a water body. The issue of bank height difference, whereby one side of a water body is significantly higher than the other side, needs to be dealt with. Riparian buffers are meant to mitigate flood and stormwater overflow. A higher bank would be less impacted than a shallower bank.

Adoption of the River Corridor regulation is encouraged by the State with financial benefits redeemable during flood or highwater damage events. The State has written a model, but the model needs flexibility allowances written in. A meeting with State officials is scheduled next week to address this. The Town Planner would like to use the River Corridor language to address riparian issues at the same time. Both concepts are very close in nature. He has been working with TRORC staff to enable this.

Section 525 Short Term Rentals (STRs) have been part of the zoning regulations for many years, but it is only within the past few years, with the onslaught of websites servicing STRs, that the use has become popular. The Town Planner listed a number of questions. Should the +5 acre zoning district exemption continue? Should the use be restricted to full time residents (+6 months)? Should proof of Vermont room and meals license and tax payments be required? Should adequacy of a home owner's insurance be required? Should the number of rentals be equal to that allowed in the Village, reduce from 10 times a year to 6 times a year? The Town Planner pointed to various studies and

articles that indicate STRs reduce the number of full time rental units available. Woodstock with its high property evaluations suffers from the lack of affordable rental space for its residents.

The Town Planner stated that many applicants share their frustration with the STR regulations. A State Fire Marshall inspection is required and sometimes the required fire safety improvements can be costly. The limited number of rentals allowed per year is a concern. Vacation rental companies desire a more flexible set of rules as Woodstock is consider a prime location for tourism.

Mr. Segal felt that additional regulation of STRs would do nothing to make Woodstock more affordable. STRs help one purchase a home by offsetting some of the cost. STRs are valuable to Woodstock's dominant tourist economy. A stay in a STR may encourage one to purchase property in the area and become a member of the community.

Chair Miller noted that the regulations were originally written to address abutters' concerns of negative impacts caused by an essential commercial use within their neighborhood. The neighbor's concerns need to be addressed as well. B&Bs and other lodging facilities are not always in favor of STRs.

Ms. Cole agreed that STRs are a valuable asset to the community, providing another, often more affordable means for people to visit Woodstock.

Ms. French, TDRB member, noted in recent TDRB meetings there seem to be numerous STR applications lately.

The PC agreed the topic may need more discussion and possibly a meeting focused on this specific topic as there are a wide range of viewpoints.

Section 518 Landscaping/Grading & Section 809 Site Plan Review were discussed. Landscaping of commercial uses may need enhancement, mainly within Section 809. Currently the TDRB requires landscaping on a case by case basis as each situation is unique. Landscaping is generally required for commercial parking and industrial uses that may prove to be unsightly. The State's solar siting regulations restrict landscaping from exceeding that allowed for other commercial uses. Ground mounted solar systems are not always aesthetically pleasing. Solar farms have been allowed virtually anywhere and often do not fit the aesthetics of their surroundings. Therefore specific landscaping elements should be added to address the issue. The Town Planner will do additional research and discuss the issue with various landscape architects.

Section 524 Ponds was discussed. A number of ponds in recent years have overflowed causing considerable damage to town roads. A pond should have overflow capacity designed in, or a secondary berm to hold stormwater in check. The overflow pipe could be installed 2' below the dam/berm level for each 10' of depth. The overflow capacity of a pond could be 20% of its volume. Infinity ponds, water level flush to dam level, should be prohibited. The current regulations don't address these issues. The Town Planner will do additional research on the issue.

Section 404 South Woodstock Design Review regulations should be changed to allow minor amendments similar to that contained within the Section 405 Village Design Review Regulations. With a recommendation from the Design Review Board, simple changes could be approved via an administrative permit. This process has worked very well with Village Design Review applications.

This saves applicants from attending a second often meaningless Development Review Board meeting and significantly speeds up permit issuance.

The TDRB would like more teeth in Section 530 Waiver to Setback. The waiver allows up to a 50% reduction in setback. The waiver has not been abused up to this point but it does allow significant setback reduction with little review. The TDRB will review and offer suggestions for change.

During a recent TDRB meeting, a reconsideration of a denied application was requested by the land owner. State Statutes Chapter 117 Section 4470 allows reconsiderations. In 2009, the TDRB Bylaws were amended to allow a reconsideration, however there is no mention in the Zoning Regulations. The TDRB asked that the 2009 Bylaw reconsideration language be added to the Zoning Regulations. The Town Planner will prepare a draft.

Zoning map changes were discussed. Generally, the map changes are made at the end of the rewrite process. The Town Planner asked PC members to think about the need for change as they drive around the community. Two potential changes were mentioned. Gray Perkins owns a building abutting the South Woodstock Country Store which he feels should be zoned commercial, a change from the current Residential Low Density zone. The store, as is the Taftsville General Store, is zoned Hamlet Commercial. The 8 acre Stott property (currently zoned Residential Five Acre) at the junction of Westerdale Road and Liberty Hill Road is for sale. A potential buyer would like to place multi-family housing on site but needs a higher density allowance.

The Town Planner will draft regulations for review at the January PC meeting.

C. Siting of Solar Facilities

The Town Planner briefly reviewed two documents listing issues for the State subcommittee on Solar Siting that would be reviewed at their upcoming December meeting. The documents will be emailed to PC members. The subcommittee is slated to issue a final report by March 2016. The PC will use the final report for reference as they rewrite the Select Board's Solar Siting Ordinance.

D. Interview Candidate for Planning Commission Vacancy

Mr. Gray presented himself as a candidate for the advertised Planning Commission vacancy. With Mr. Highberg's resignation the PC now has two vacancies to fill. Mr. Gray distributed his resume. He has a strong career background with technology and experience with planning and development endeavors in the City of Lynn, MA. He strongly supports the food-to-table movement and owns a farm on Hartland Hill Road. He is a full time resident and this summer became a member of the Woodstock Fire Department.

A lengthy conversation took place covering the many planning topics relevant to Woodstock.

After the discussion, Mr. Gray restated his interest in becoming a Planning Commission member.

The Town Planner will inform the Select Board and Board of Trustees of his interest so an official interview and appointment may be scheduled. The Town Planner gave Mr. Gray copies of the Town Plan and both the Village and Town Zoning Regulations.

The PC noted the interview process may take place next month, but that Mr. Gary is more than welcome to participate in the next PC meeting scheduled for January 6, 2016.

IV. NEXT MEETING

The next meeting is scheduled for January 6, 2016 at 7:30 pm.

VI. ADJOURNMENT

The meeting adjourned at 9:00 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner