

**Town Zoning Regulations - 2017 Rewrite  
List of Proposed Amendments**

**Select Board Public Hearing**

7:00 p.m.

July 18, 2017

2010 Town Zoning Regulations are online at “townofwoodstock.org”, below are proposed changes

**DEFINITIONS:** Add

**Riparian Buffer:** a zone of interaction between aquatic and terrestrial ecosystems along streams, rivers, wetlands, and vernal pools. These areas perform important ecological functions which support unique habitats, natural communities and biological diversity.

**SECTION 403 CONSERVATION DISTRICTS**

**B. Surface Waters and Aquatic Protection Zones**

1. RIPARIAN WATER QUALITY & AQUATIC HABITAT PROTECTION ZONE

f. Standards for Review:

- I. Reduce impact of stormwater;
- ii. Prevent soil erosion;
- iii. Protect wildlife and fish habitat;
- iv. Maintain water quality;
- v. When considering an addition to an existing residence the following will determine if an addition can be approved: 1) there is no other location on the property for the proposed addition, 2) the addition shall be limited to 25% of the existing living space (heated square footage), and 3) the addition shall be no closer to a water body than the current structure.

2. Add to 2.a. “after map” and wetlands delineated by the Conservation Commission or a professional wetland delineator.

3. VERNAL POOLS, WATER QUALITY & AMPHIBIAN LIFE PROTECTION AREA  
The Critical Areas Inventory Map includes non-confirmed vernal pool sites mapped by Vermont Center for Eco Studies. These sites fall into two categories. The first category, the “high” and “medium-high” label, shall be reviewed as vernal pools. The second category, the “unknown” or “medium” label, shall be ground truthed by the Conservation Commission or a professional wetland delineator, prior to proximal development, to verify the vernal pool status. If determined not be a vernal pool, they are exempt from the following regulations.

**SECTION 404 DESIGN REVIEW**

(add after E. Limitations)

**F. Minor Application:**

Minor changes such as the following: conversion to energy efficient windows, installation of seasonal air conditioning, and minimal alterations not visible to the passing public may be eligible for an administrative permit. The following are not eligible for an administrative permit: additional square footage, dormers, new buildings, skylights and other similar items. If recommended for approval as a minor application, the Administrative Officer will issue a permit, if not; a full Design Review process would be required. The Administrative Officer shall inform the TDRB of all approved minor applications.

#### **SECTION 505        BUFFER STRIP / SCREENING**

All commercial uses (including solar installations >15KW) abutting a residential property or public road shall be screened with a vegetative buffer, no less than 10' wide except for points of access. The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate shall be determined by the TDRB. The screening shall:

- A.    Provide privacy, reduce noise and glare, or otherwise soften the visual impacts of the proposed development in order to achieve compatibility with surrounding vegetation,
- B.    Preserve existing specimen trees, tree lines, critical wildlife habitat, or wooded areas of particular natural or aesthetic value to the site where deemed necessary,
- C.    Be multi-specie to create vegetative cover compatible with surrounding vegetation,
- D.    Be effective immediately at the time of planting and be maintained forever.

#### **SECTION 524        PONDS AND POOLS**

- A.    The construction or installation of bodies of water.
  - 1.    Requires an Administrative permit. Ponds measuring less than 500 square feet of surface area are exempt.
  - 2.    Shall abide by the setback standards of the district in which it is located as measured from the toe of the bank.
  - 3.    To reduce the possibility of overflow, the maximum water level shall be two feet below the dam/berm.
  - 4.    All ponds shall meet stormwater standards whereby provisions for capturing 90% of an annual storm event are achieved.
  - 5.    Dry hydrant installation is encouraged where feasible. Contact the Fire Chief for additional information.
  - 6.    Construction of ponds where the water level is less than two feet below dam/berm shall require a Conditional Use Review. An engineer's report shall show proof of adequate stormwater containment.
  
- B.    Bodies of water larger than 100,000 cubic feet require a certified site plan prepared by a licensed engineer or architect.
  
- C.    ~~Above ground swimming pools less than three (3) feet deep are exempt from these regulations.~~ Construction of in-stream ponds is not permitted nor shall the natural flow of perennial and intermittent streams or their waters be diverted for the purposes of constructing a new pond. ~~or pool.~~

## **SECTION 525            SHORT TERM RENTALS**

The Town recognizes the benefit of Short Term Rentals to home owners, visitors and the community. However, it is important not to create a nuisance or change the residential character of the area. A permit is not required during foliage season (September 15 - October 21) when the owner or primary tenant is in residence throughout the rental period and provisions “D. - H.” are met. Short Term Rentals located in Residential Five Acre and ~~the~~ Forestry Districts do not require a permit.

The following provisions shall apply to all other zoning districts to ensure that the commercial use of residential property does not adversely affect the neighborhood in which short-term rentals are located. In addition, home owners have the responsibility to comply with the Vermont Department of Taxes re: rooms and meals tax rules and regulations.

- A. Conditional Use Approval is required for rental periods of fewer than thirty (30) days.
- B. Short Term Rentals are allowed no more than ten (10) times in a calendar year with a two night minimum stay, excluding foliage season.
- C. All associated parking shall be on-site in designated spaces and comply with Section 521 Off-street Parking.
- D. ~~Rubbish~~ Garbage service shall be provided and ~~garbage~~ containers shall be maintained out-of-sight, not viewed from the street.
- E. Notice to renters of house rules regulations pertaining to parking, rubbish, noise, parties etc. shall be visibly displayed in the dwelling.
- F. Occupancy shall be restricted to two persons per bedroom, with a six person maximum per household.
- G. Name, address and telephone number of a manager shall be filed with the application and kept up to date.
- H. Prohibitions:
  - 1. Weddings, parties, catered events, ~~etc~~ and similar events.
  - 2. Signs and other outside indications ~~that the~~ dwelling is used as a short term rental.
  - 3. Outdoor activities between 9 PM and 7 AM.
- I. A Section 525 report shall be filed by the permit holder with the Planning & Zoning Office by January 31 of each year.

## **SECTION 530            WAIVER TO SETBACKS**

- A. In all districts, waivers may be granted by the Administrative Officer, without a hearing before the TDRB, for:
  - 1. Reductions in any setback as necessary to allow for disability access, as needed by current occupants.
  - 2. Reductions in side and rear setbacks to allow for necessary life safety improvements.
- B. In all districts, waivers of up to 50% of the setback may be granted using the Conditional Use Approval process, if the following criteria are met:
  - 1. The proposed development is compatible in scale and design of structures and overall existing development pattern of the surrounding area;
  - 2. The proposed development shall not infringe on potential solar gain or vistas of abutting neighbors;
  - 3. The proposed development shall not impinge sight distances on public and private roads;
  - 4. There is no other location on the property for the proposed structure;
  - 5. A waiver, if granted, is the minimum necessary to achieve the stated purpose of this section;

6. The proposed development resolves a practical difficulty and avoids undue hardship in developing the property within the required setbacks;
7. The hardship was not created by the applicant during their ownership.

**SECTION 532 GENERATORS / HEAT PUMPS /AC**

Generators, heat pumps, and or air conditioning units or compressors when placed outdoors shall not require a permit if they comply with the following:

- A. Shall not be placed in front yards;
- B. Shall meet setbacks;
- C. Shall be screened from public view;
- D. Shall not exceed 55 decibels, as measured three feet from the unit;
- E. The testing cycle of generators shall be scheduled during normal business hours;
- F. An exception may be granted in special circumstances with a Conditional Use Approval;
- G. If placed within the Design Review District a Design Review permit is required.

**SECTION 709 NONCONFORMING USES / NONCONFORMING STRUCTURES**

**A. Nonconforming Use:**

2. If a conforming use has been terminated, it may be reestablished within ~~six (6)~~ twelve (12) months. After this ~~six (6)~~ twelve (12) month period, a conforming use may be reestablished within ~~twelve (12)~~ twenty-four (24) months following its discontinuance only with TRDB approval. In their review, the TDRB shall consider the criteria listed below in "B.1".

**SECTION 820 RECONSIDERATION / REHEARING**

**A. Reconsideration:**

The TDRB may decide to consider requests for reconsideration by the applicant or an interested party only in extraordinary situations. A request for reconsideration may be made if an interested party feels there has been a misinterpretation of the Zoning Regulations, town ordinances or intent of the master plan. Such request shall be made in writing within 10 days of the issuance of the Notice of Decision and shall give specific instances of misinterpretation. It shall be treated in the same manner and notice given as in the original application. Should the request for reconsideration be approved, a rehearing would take place. **A rehearing may occur only if the request for reconsideration is approved.**

**B. Rehearing:**

The TDRB may decide to hear rehearings requested by the applicant or an interested party only in extraordinary situations. Requests may be made:

1. When there is new information that was not available at the earlier hearing that could make a difference in the outcome and/or,
2. The TDRB based its decision on misinformation provided by either the applicant or interested party. The information must be received by the Planning and Zoning Office within 10 days of the issuance of the notice of decision. The request must detail the exact reason(s) for requesting a rehearing. It shall be treated in the same manner and notice given as in the original application.

**Zoning Map Changes:**

- South Woodstock - Change southernmost parcel in Hamlet/Commercial to RLD
- Community Zone changes - add 14 town and non-profit owned parcels
- Critical Inventory Map - add potential vernal pools and update Jefferson Salamander