



# Woodstock, Vermont *The Shire Town of Windsor County*

TOWN - VILLAGE MANAGER GOVERNMENT

Town Hall • P.O. Box 488 • Woodstock, Vermont 05091 • 802/457-3456

## PLANNING COMMISSION

### Minutes

March 1, 2017

**Members Present:** Sally Miller, Lowell Gray, Susan Boston, Sam Segal  
**Members Absent:** Jeff Bendis, Michael Pacht, Keri Cole  
**Others Present:** Betty Anne McGuire, David McGuire, Jamie Ziobro, Michael Trotsky, Robert Hutchinson, Katie Trotsky, Susan Pepe, Jim Pepe, Linda Cummings, Daniel Cummings, Barbara O'Connell, Frank O'Connell, David Beilman, Michael Brands

#### I. CALL TO ORDER

The meeting was called to order at 7:30 pm.  
Mr. Trotsky recorded the meeting.

#### II. APPROVAL OF MINUTES

The February 1, 2017 minutes were approved with a minor amendment.

#### III. BUSINESS

##### A. Town Zoning Rewrite

##### 1. List of Zoning Amendments

Due to the continued discussion of the Westerdale Road rezoning issue a final review of the list of zoning amendments was tabled until next meeting.

##### 2. Zoning Map Changes

A discussion of the proposed Westerdale Road zoning map changes was continued from the February 1, 2017 meeting.

Mr. Barry, co-owner of the Halle/Barry property, responded to the letter notifying him that a potential change in zoning of his property from Business Service / Light Industrial (BS/LI) to Residential One Acre (R1) would be discussed. The owners of the Adams property did not respond to the notification letter.

Mr. Barry stated he does not need the light industry or business service designation as he has no intention of doing any commercial development on site.

Mr. Barry does intend to add more housing units. The soil was tested last fall for percolation rates. An engineer was hired over the winter to draft septic system plans. A month ago, the septic system plans were submitted to the State for a Waste Water permit.



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Mr. Barry stated that he had read many of the neighborhood letters relating to a proposed change of the former Stott property.

Mr. Barry has owned the property for 15 years. He has brought it up to code. The barn was converted to residential units thus allowing retention of a barn. He described the tenants and how they contribute to the Woodstock community. Most of them are employed in Woodstock.

Mr. Barry cannot support the change to Residential One Acre as this would not support the required density for his plan to build more housing. His units serve an important role in Woodstock by providing work force housing for Woodstock employees. It also helps the school system by encouraging additional school children within the system.

Chair Miller asked about the removal of the business/industrial use from his property.

Mr. Barry stated he has no problem with the removal of the business industrial use allowance from his property. His intent is to create residential units. He does not know if his neighbors, the Adams, would want to maintain the business and industrial use designation or not.

He stated there are four apartments in the barn and two apartments in the duplex.

Ms. McGuire stated the tax rolls for his property indicate only five apartments not six.

Mr. Barry responded that the tax rolls must be wrong.

Ms. McQuire, as spokesperson for the Westerdale neighbors, addressed the PC. She distributed a document inclusive of her comments.

Ms. McQuire asked about the zoning amendments adopted in 2013. She felt the notice was inadequate as it did not note the specific changes to Section 312. Copies of the notices were submitted. A letter was read noting numerous issues with the 2013 BS/LI zoning change at the Halle/Barry property.

Mr. Trotsky read a letter addressing concerns with the proposed zoning change. He is a +25 year resident of Westerdale Road. He recorded the February 1, 2017 meeting and felt the minutes do not include all comments. He felt the PC needs to be fully informed. Although 14 landowners wrote letters, only five or six were distributed before the previous meeting. Ms. McGuire assembled a packet with all 14 letters and had the Town Planner send this to the PC. The 2013 public notice addressing the changes to Section 310 BS/LI were inadequate. Therefore, the amendments should not be considered legal. He felt the PC expressed a bias against second home residents.

Chair Miller asked for a copy of the transcript of the February 1, 2017 PC meeting.

Mr. Trotsky refused to grant the transcript.

The Town Planner was asked by the PC to contact the Town's attorney regarding the legalities involved when one records a meeting.

Mr. Trotsky does not want additional housing on Westerdale road, and asked that the Halle/Barry and Adams properties be rezoned Residential One Acre to prevent additional density.

Mr. McGuire noted there is a difference in a ½ acre density and a 20,000 sf density. Although minor, it is an issue. The neighbors are not happy with this slight change. He also mentioned that off-street parking should not be allowed in the BS/LI district.

Ms. Trotsky asked about non-conforming uses.

The Town Planner stated there is a difference between non-conforming uses and non-conforming structures. The non-conforming use has a higher threshold of review. If an application were to be submitted today, the property would be reviewed under the current zoning designation BS/LI.

Chair Miller felt changing the zoning to Residential One Acre is not a good idea. Taking into consideration the owner's comments and future plans for the property, the R1 designation has less validity.

Mr. Cummings reflected that the 2013 notice was wanting and therefore the changed density should not be legal.

The Town Planner will communicate with Ms. McGuire, as the neighborhood spokesperson, regarding any progress before the next meeting.

Mr. Hutchinson asked about water use for potential dwellings.

The Town Planner stated the State's Waste Water permit deals with both waste water and well water.

Mr. Beilman discussed the septic system's shadow area which would impact placement of future wells in regards to the potential development of the Halle/Barry property.

The Town Planner noted this information would part of the State's review process for a Waste Water permit.

After discussion, the PC agreed to wait for a response from their legal council before moving forward with the proposed amendment.

The Town Planner will contact the Town's Attorney to review both the notice and the recording questions.

Ms. McGuire asked that the Town Planner pass her March 1<sup>st</sup> testimony onto the Town's attorney to see if there is legal recourse to reverse the 2013 BS/LI amendment.

The Westerdale map change discussion was continued to the next meeting.

The Town Planner showed the PC a map of potential vernal pools that included parcel information. The vernal pool data was supplied by the Vermont Eco Center. The Eco Center indicated 4 categories of potential pools: high confidence, medium confidence, low confidence and unknown. The unknown pools rely on data not generated by the Eco Center.

Mr. Segal suggested the high and medium confidence pools be regulated as a regular vernal pool. The low confidence pools and unknown pools should require review by the CC before development to verify their vernal pool status.

The Town Planner will draft language to address the vernal pools that may need additional review.

In West Woodstock, the Don Amero Route 4 property (Parcel 31.01.51.) is zoned Hamlet Commercial (HC) as there had been a small store located there a number of years ago. The store has been closed and converted to a residential living unit. The Town Planner suggested that this property be rezoned Residential Medium Density, the same as the surrounding area. The PC asked that the Town Planner contact the property owner, Mr. Amero on this matter. The HC districts are single lot zones intended to be used as rural general stores, such as that found in Taftsville and South Woodstock.

#### **IV. OPEN DISCUSSION**

Chair Miller distributed an RFP to promote long-term sustainable goals including renewable energy. She will send out the digital version of the proposal. Sustainable Woodstock will be applying for this grant for the town. Sustainable Woodstock has worked with Vermont Council on Rural Development (VCRD) on a number of other initiatives including a Community Visit in 2005 (which actually led to the founding of Sustainable Woodstock) and the Vermont Digital Economy Project in 2013. The Town has participated in the Climate Economy discussions since the launch in 2015 and is an active member of the Vermont Energy and Climate Action Network, another VCRD initiative.

Also, the Economic Development Committee is developing a vision statement for the East End development package and has asked for help writing the statement.

If any PC members wish to work on either of these projects, please contact Chair Miller.