

PLANNING COMMISSION
Draft Minutes
May 1, 2019

MEMBERS PRESENT: Sally Miller, Sam Segal, Susan Boston, Michael Pacht, Eric Goldberg, Sara Stadler, Ben Jervey
MEMBERS ABSENT: None
OTHERS PRESENT: Mary Margaret Sloan, Howard Krum, Brenda Blakeman, Clay Reed, Karim Houry, Isabelle Chicoine, Kat Gray, Jill Davies, John King, Michael Brands

I. OPENING

Chair Miller opened the meeting at 7:30 pm.

II. APPROVAL OF MINUTES

The PC approved the April 3, 2019 minutes as submitted.

III. PUBLIC HEARING

A. Section 526 Short Term Rental

This is a Public Hearing per V.S.A. 24 §4441 to amend Section 526 Short Term Rentals of the Town Zoning Regulations. The Five Acre and Forestry exemptions are to be removed from Sections 301, 302 and 526. A Conditional Use review shall be required for all Short Term Rentals (in all zones of the Town), per Section 526 A.

The hearing was continued from the April 3, 2019 meeting.

The Public Hearing warning is for a Section 526 amendment to remove the exemption for Residential Five Acre (R5) and Forest Reserve (FR) districts. Any substantial change to the warning would require a new hearing and new warning per State statutes.

Some members of the audience were hoping to add items to the amendment.

Mr. Segal noted he had heard of two individual comments on the proposed change. One person had plans to buy another home to use as a full time Short Term Rental (STR), but with new rule change will not. This person owns his residence and a separate cabin for STR. Another person was not too concerned with the change.

Mr. Segal does not support the current amendment proposal. R5 properties are larger than higher density properties, therefore had have fewer “neighborhood” issues.

Ms. Davies, Select Board member, asked that the term “number of times” not “number of events” be used to determine quantity of rentals. A software program, Host Compliance, prefers this method of determination.

Mr. Segal stated he had viewed a video of the software and questioned how the software could possibly detect between a family member or friend's use versus a blocked period of time.

Chair Miller stated turn-over is a big concern of neighbors, disruption of the neighborhood. Therefore events are more important to count than individual days of stay.

Mr. King asked what the goal of this amendment is. He has stayed in numerous STRs in his travels. He sees the benefits and not the negatives of STR use. New people come to town, visitors get to stay with a real world experience.

The Town Planner noted he has received numerous inquiries from commercial firms looking for STR opportunities. There are a number of individuals in Woodstock that own more than 1 home that are used as STRs.

Mr. King saw no difference between B&B's and STRs. If B&B's are allowed as a residential use, then STRs should be allowed as such.

Chair Miller noted that B&B's are required to have the owner of the business on site at time of rental. Normally, STRs are rented without the owner being present, therefore there is a lack of oversight.

Mr. Reed asked where R5 zones are located.

The Town Planner showed the R5 zones on the large scale Town Zoning Map. Over 80% of the town is zoned R5 or FR.

Chair Miller noted the STR regs predate Airbnb and the other digital renting programs. The regulations were meant to grant neighbors a window of review.

Mr. Reed did not see any issues with STRs in the R5 zone and asked why a regulation is needed.

Ms. Boston noted she lives across the street from an R5 zone. Parties and noise every weekend, and overuse of the property would not be appreciated by the neighbors.

Ms. Blakeman added she did not have an issue with too many cars, how many cars is too many?

Mr. Segal is okay with regulating R5 zoned properties but felt the 10 event number is too restrictive.

Ms. Boston added the regulations should be consistent throughout the town, and not just written for a few.

After additional discussion, Mr. Pacht moved with a second by Ms. Boston to approve the Section 526 amendment as warned. The vote passed with a 5-2 vote (Mr. Segal and Mr. Jervy voted against).

B. T-4898-19 Michael Willis

The application is to amend the Town Zoning Regulations to add the Residential/Office zone to Section 521 Multiple Low Occupancy Apartments. The property is located at 2748 Unit #3 East Woodstock Road and zoned Residential/Office.

Mr. Willis was unable to attend the hearing, the Town Planner presented the application.

Mr. Willis sold his engineering business, which is moving to Windsor, VT. The empty office space would be converted to an apartment. However, there are already 2 apartments on the 0.35 acre property which has a 2 unit limit.

The Residential/Office zone density requires 1 acre per additional residential units. To remedy the density issue, the addition of the R/O zone to Section 521 is proposed. This would allow up to 4 apartments with a total of 6 bedrooms in an existing structure in a commercial zone without regard for the acreage of the parcel.

The Town Plan supports the need for additional units of affordable housing. MLOA was created to address this need as all units are restricted to 1 or 2 bedrooms.

The Town Zoning Map showing the Residential/Office zoned was viewed by the PC. There is only one R/O zone in the Town, which is located in Taftsville. The former R/O zones located elsewhere in the Town have all been converted to other zones. There are 9 parcels located on the south side of Route 4 and 3 on the north side of Route 4. The zone extends east of the cemetery to the Town line. The Willis property is the last parcel on the east, south side of the R/O zone.

This area of Taftsville is served by the Taftsville sewer plant which is currently underutilized. Adding additional residential units would not be a burden to the system.

The amendment could benefit Mr. Frates who owns a large house also zoned R/O on Route 4. It currently has 3 apartments and one commercial unit. The change would allow an additional residential unit. When the Mascoma Bank office vacated the Frates property a year ago, Mr. Frates had inquired about additional apartments.

There were no comments from the attending public concerning the proposed change.

After additional discussion, Ms. Sadler motioned with a second by Mr. Segal to recommend approval of the zoning change per State Statute Title 24 Section 4441 to be heard at a later date by the Select Board.

The motion passed with a 7-0 vote.

The Town Planner will pass the request onto the Select Board to schedule a public hearing.

IV. NEW BUSINESS

A. Short Term Rental Study Group

Ms. Davies, Select Board member and member of a STR Study Group, asked to give a brief summary of the April 3rd PC presentation. The group is concerned with the negative impacts of STRs, and enforcement procedures. The impact on long term rental opportunities is making it difficult to find affordable housing for employees and young families wishing to move to town.

On the enforcement side of the issue, Ms. Davies described a digital application, “Host Compliance”, created specifically to monitor STR activities. A video (sales pitch) on the program had been made available. A short review of STRs in Woodstock was completed which revealed 75 STR venues in the Town and Village. Most are single family homes with an average of 2.5 bedrooms per home.

The STR Study Group proposes the adoption of interim zoning which could place a stay on all STRs for a period of 2 years with a 1 year extension possible. This would give the Town and Village the opportunity to study the issue and to write regulations to control any negative impacts. Ms. Davies will be presenting the interim zoning proposal to both the Board of Trustees and Select Board at their June meetings.

Ms. Davies stated 59% of Woodstock properties are owned as second homes.

The Town Planner spoke with the attorney that recommended the use of interim zoning. He strongly recommends that the Town should first hold a public forum to gather information from all sides of the issue. Adoption of interim zoning requires public recognition of a problem that mandates an emergency solution.

The Town Planner distributed Section 4415 of VSA 24, the State statute which details the adoption process for interim zoning.

Mr. Reed is not happy with additional regulation of STRs. Focusing on second home owners is not a good strategy. Second home owners add a lot to the local economy. Burdening second home owners with additional regulations will not create more affordable housing. In many cases, second home owners become local residents.

Mr. Segal noted the PC does not know all the facts, but there is overall concern with the lack of affordable housing in the community.

It was agreed STRs have changed the economics of purchasing a second home, making the purchase much easier.

Chair Miller referring to a recently completed town wide housing study, stated the study did not concentrate on the STR issue. More information is required.

It was also noted that STRs help local young families purchase and maintain homes.

Ms. Davies felt keeping money in Woodstock is important.

Ms. Blakeman felt it was too bad the Airbnb model doesn't work to promote long term rentals. Long term rental tenants are a much higher risk than STRs tenants. Long term rentals are very difficult in Vermont.

Chair Miller suggested a hybrid regulation whereby local owners would be allowed to do STRs more often while in residence. This is similar to the foliage period exemption.

Ms. Davies asked the PC if they had any feedback concerning the Host Compliance video that had been sent around.

Mr. Segal felt the data is difficult to decipher, especially regarding the issue of blocked out periods of time. These could have many interpretations such as family or friend use and just periods of time when the space was not rented for whatever reason.

Ms. Davies noted Host Compliance would write enforcement letters as well.

This brought up many concerns of how is a private company able to enforce a town regulation against private citizens.

Ms. Davies stated many communities use Host Compliance and the PC should reach out to obtain additional reviews. The annual cost would be \$10,000. This would be much cheaper than hiring an additional town employee to do the same thing.

Ms. Sloan, an owner of an R5 zoned STR, stated she needs to be able to rent more than the 10 events per year to maintain revenue streams. If affordable housing is the issue, resolve that first before placing additional regulations on STRs.

Wrapping up the discussion, Chair Miller noted there is a state wide STR summit in Brattleboro on May 19th & 20th. This would be a great opportunity to learn more about the issue.

The Town Planner is unable to attend. Ms. Beach, the P&Z assistant, will attend. Ms. Gray also stated she plans on attending.

Ms. Blakeman restated her concerns with long term rentals. They have been a long term problem in Woodstock, one that is not caused by the advent of Airbnb and other similar websites.

V. OLD BUSINESS

A. Town Plan Rewrite

The Town Planner stated that the Energy Chapter rewrite is complete. The section on Forest Parcelization and Wildlife Corridors is complete. The Capitol Budget is nearly complete, it will be sent out to the PC for confirmation.

The PC has been working on the Education chapter as all agree it is a very important chapter. However, the task has been more time consuming than originally thought. The school system is going through a major evolution, with the State exerting more control than seen in the past. The middle and high school buildings are due for a major renovation or possibly a complete rebuild. Woodstock's participation in the elementary school is down to 33% of the student population.

Chair Miller suggested dating each chapter so there is an understanding as to when the chapter was written. This would allow the reader to know how dated the material is.

The Town Planner explained that town plans are now valid for an eight year period. Plans are also much more complex than just a few years ago. It is near impossible for a PC to complete a diligent rewrite as a onetime event every eight years. Rewriting the plan in segments periodically is a much more efficient and effective method to keep a plan up-to-date and viable.

Mr. Goldberg suggested adding language to the plan indicating that a future draft is shortcoming. The education chapter is needed now, as the town's people and Select Board need to be aware of the various issues impacting local education.

Chair Miller agreed, adding that the consolidation issue is new and not well understood.

The Town Planner will contact the TRORC specifically on the efforts to rewrite the education chapter. Is there a minimal allowance or does the rewrite have to be comprehensive. Goals could

be added to the end of the chapter stating further study and perspectives are needed to obtain a better understanding of the issues.

If the PC agreed to a June 5, 2019 public hearing for the Town Plan materials, the Vermont Standard deadline is May 10th, next Friday.

The Town Planner will send the 99% completed Capital Budget to the PC for finalization. This would be the final piece needed to adopt at a minimum, the Energy Chapter enhancements.

B. Village Zoning Rewrite

Due to a shortage of time there was no further discussion of the Village Zoning Regulations rewrite.

C. Visioning

Chair Miller invited all PC members to attend the Woodstock Community Visioning Project which will hold a kick-off event on May 29, 2019. It would take place here in the main conference room at 5:30 pm.

D. Housing Group

A few months ago with the completion of the Housing Study, Chair Miller and Ms. Boston volunteered to work on a housing subcommittee. Chair Miller asked if other PC members would be willing to volunteer with the group.

VII. NEXT MEETING

Next PC meeting is scheduled for June 5, 2019.

VIII. ADJOURNMENT

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner