

PLANNING COMMISSION
Draft Minutes
September 4, 2019

MEMBERS PRESENT: Sally Miller, Sam Segal, Ben Jervey, Susan Boston, Michael Pacht, Sara Stadler, Eric Goldberg
MEMBERS ABSENT: None
OTHERS PRESENT: Tom O'Brien, Carole Pickett, Kat Gray, Wendy Murrinan, Mary Riley, Patrick Fultz, Susan Fuller, David Hill, Michael Brands

I. OPENING

Chair Miller opened the meeting at 7:30 pm.

II. APPROVAL OF MINUTES

The August 7, 2019 minutes were approved.

III. NEW BUSINESS

A. Taftsville Country Store

Future owners of the Taftsville Country Store, John and Jennifer Endicott, have asked the Town Planner to change the format of the current store. They were unable to attend, the Town Planner presented their request. The Endicott's are 6 year residents of Taftsville.

After doing a lot of research and visits to other country stores, the Endicott's found that all successful stores have a restaurant attached. Note the stores in South Woodstock, Brownsville and Barnard as local examples. The draw in talking to customers is local food. As the gateway store to the community, they are perfectly located to address this need.

However, the definition of Country Store does not allow consumption or preparation of food on site. The Endicott's are requesting a change in the definition to allow essentially a small restaurant on site. There are only two remaining country stores in the Town, Taftsville and South Woodstock. The Endicott's have spoken to the residents of the community who noted strong support and who do not want to lose their local store.

The PC discussed the issue and agreed the definition should be changed to allow a 25 seat restaurant within the store. The Town Planner will draft language for review at the next meeting.

B. Stacey Gerrish

Mr. O'Brien, husband, presented Ms. Gerrish's request to convert her 186 acre property to an Inn district. A September 4, 2019 email from Ms. Gerrish to the Town Planner had been forwarded to the PC earlier.

Ms. Gerrish met with the Town Planner last week to discuss options for her property. She currently operates a 6 bedroom Short Term Rental on site. STRs restrict all activities to the paying guests and not to outsiders. Ms. Gerrish has had many requests to open her property to various events such as small weddings, office retreats and yoga practice. The property had been her grandmother's home which was historically used as an artist retreat and studio.

The 186 acre property, zoned Residential Five Acre, is located on a dead end town road, Kaufman Road, with no neighbors living close by.

The Commercial Recreation Facility use was considered but doesn't cover many of the events she would like to offer such as small weddings and office retreats. The use is restricted to outdoor activities such as golf, x-c skiing, mountain biking etc.

Ms. Gerrish prefers not to operate a 10 bedroom inn as she finds 6 bedrooms to be more manageable. She wants to keep activities small to less than 80 persons. There are plenty of open fields for parking needs. The large farmhouse is connected to large barns which could easily be converted to 10 bedrooms if needed. She lives in Colorado most of the year due to work commitments. Her Vermont home is in Bridgewater, she never stays at the Kaufman Road property.

After discussion, the PC noted a new zoning category may be required for large isolated parcels that would allow the desired activities. This will take time and discussion to achieve. The quickest route to allow the activities would be to convert the property to an Inn district. The Inn district via conditional use could allow accessory uses such as weddings and retreats.

Mr. O'Brien will discuss the options with Ms. Gerrish to see if they wish to submit an application to convert the 186 acre property to Inn district.

IV. OLD BUSINESS

A. Short Term Rentals

Chair Miller asked if the PC would like more time to continue research of the STR issue. Members agreed to start the Town Zoning Regulation STR rewrite. The entire Village Zoning Regulations is under study currently for a rewrite, the Village STRs will be addressed in that process.

It was noted that it is questionable if the Town, per Town Charter, has the right to adopt an ordinance restricting STR use. More research is being performed to unravel this mystery. The Village is currently working on a draft STR ordinance to be administered by the Fire Chief.

Chair Miller suggested working with the Residential Five Acre and Forestry STRs first as they had been exempt prior to a March 2019 public hearing notice. She noted three major issues to resolve: owner occupied/on site owner, accessory structures and # of events to be allowed.

The PC agreed the regulations need to be enforceable. Requirement of an annual report needs to be retained. If one does not submit the annual report the permit would be revoked. If violations were found the permit would be revoked. Following the South Portland model, a permit renewal would not be allowed for a year. Owners would have to supply documented proof of # of rentals per year and to whom. It was suggested including all users to list whether or not they are paying customers or family/friends.

Concerns of strangers in the neighborhood are very common theme among abutters and other neighbors.

The chief concern is to balance residential use with commercial activity. At what point does the use become a commercial use?

Inspection fees were discussed. What would the Fire Chief charge for a fire safety inspection for instance. Ms. Riley, Select Board, noted a range of \$150-175 was mentioned in earlier discussion.

Ms. Fuller suggested using the 1% local tax option to pay for fees as STRs benefit the goals of the EDC.

Fees are set by the Select Board. The PC can make recommendations regarding fees.

Following a lengthy PC discussion with numerous comments from the audience, the PC agreed to allow unlimited rentals for STRs with the owners on site at the time of rental and 15 rentals when not on site (out of residence) per calendar year.

Mr. Segal preferred allowance of more rental events per year. The regulations should regulate the impacts and not the number of events.

The PC agreed to expand the annual report requirement to include a revocation/renewal clause for non-compliance.

The Town Planner felt an appeal to the TDRB should be noted if an owner feels a revocation of permit occurred without cause.

Ms. Marrinan discussed neighborhood concerns. She lives next to a B&B and a STR. She is satisfied the B&B will take care of any issues and she knows who to speak to should issues arise. With STR rentals there is no one to talk to or in charge of policing activities. Neighbors should not have to call the police when an issue arises. They don't want to be viewed as complainers.

Ms. Riley noted support of Ms. Marrinan's statement.

In a discussion of rental of accessory structures, it was noted that the current regulations restrict a maximum of 6 guests and 3 bedrooms. If one use per property is allowed, they have to meet this threshold.

The use of accessory buildings was not considered an issue, when the PC agreed there would be only one use allowed per property.

The PC agreed to add a Fire Chief inspection process. The current policy of the State Fire Marshal's office is an auto-inspection form with little credibility.

A local manager able to arrive within 30 minutes on a 24/7 basis is required.

The above applies to the R5 and Forestry districts.

After discussion, the PC agreed to the following regulations for all other districts: continue allowing the 10 rentals per year, add five more events for a total of 15 events if owner is on site during the additional five rental events.

The Fire Chief inspection, local manager designation, accessory buildings, and annual report/revocation clauses were added as well.

The Town Planner will prepare a final draft for discussion at the October 2, 2019 meeting with a potential public hearing date of November 6.

B. Town Plan - Education Chapter

The PC will be holding a special meeting on September 18 for the sole purpose of reviewing the Education Chapter of the Town Plan. It was suggested that the school board president and principals be invited. Town Planner will contact these individuals and place ad in the paper. Mr. Goldberg suggested a site visit to both Hanover and Woodstock schools to experience the difference of each facility. He will contact the schools to set a time and email PC members.

VI. NEXT MEETING

The next regular PC meeting is scheduled for October 2, 2019.

VII. ADJOURNMENT

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner