

PLANNING COMMISSION
October 2, 2019
Draft Minutes

MEMBERS PRESENT: Sally Miller, Sam Segal, Ben Jervey, Susan Boston, Michael Pacht, Sara Stadler, Eric Goldberg

MEMBERS ABSENT: None

OTHERS PRESENT: Tom O'Brien, Ethan Gilmour, Hans Meijer, John Holland, John Holloway, Tim Traver, Susan Ford, John Endicott, Jennifer Endicott, David Hill Susan Fuller, Townsend Belisle, Shoshana Belisle, Ekiah Pickett, Carole Pickett, Mary Mayhew, Jason Merrill, Allan Stein, Jill Davies, Patrick Fultz, Barbara O'Connell, Kat Gray, Brenda Blakeman, Michael Brands

I. OPENING

Chair Miller opened the meeting at 7:30 pm.

II. APPROVAL OF MINUTES

The minutes of September 4, 2019 were approved as submitted.

III. PUBLIC HEARING

A. T-4956-19 Stacey Gerrish

The application is for Town Zoning Map amendment to convert tax parcel #03.02.04. from Residential Five Acre to Inn District. The property is located at 207 Kaufman Road and is zoned Residential Five Acre.

Mr. O'Brien, husband of the applicant, presented the application.

The PC reviewed a zoning map of the 186 acre property and proposed floor plan of the home showing 10 rooms.

Currently the property is operated as a six guest room short term rental. No permit was required as the property is located in the Residential Five Acre zone. The owner wishes to have commercial events such as small weddings, yoga retreats and conference center activities. As a short term rental these activities are not permitted.

Converting the property to an Inn district would allow the activities proposed for the site.

However, the applicant has no desire to operate an inn and prefers not to expand the number of guest rooms to ten. The home is located in a very quiet and isolated area. The owner prefers to keep the uses to a minimum with as little impact as possible.

Mr. Segal noted the Inn district designation is the quickest and easiest way to allow additional uses. Creating a new regulation specific to the request will take time.

Ms. Ford, attorney representing a number of large property owners, stated many of her clients are not happy to have an inn located in their midst. She prefers a more specific regulation, something like Section 516 Home Enterprise allowances comes to mind.

There were no abutters present.

The Town Planner stated a regulation similar to the Home Enterprise regulations could be written to customize the owner's request and address potential neighborhood concerns.

Ms. Ford noted there are no inns on remote properties located away from the main roads.

The PC agreed the inn district designation is not a perfect fit for the requested uses and would also open up the opportunity for any three acre plus property to have an inn designation. The regulations should be written to allow the specific use and not use old zoning where it does not fit.

After further discussion, Mr. Pacht, with a second by Ms. Boston motioned to defer consideration of the request while the PC expeditiously writes up a new regulation that would be more specific to the owner's request.

The motion passed with a 7-0 vote.

IV. NEW BUSINESS

A. Taftsville Country Store

Mr. and Mrs. Endicott, new owners of the Taftsville Country Store, are applying for a zoning amendment to allow consumption of food on site. Fresh food offerings are the draw that keep country stores open. Continuing the operation of the store as-is does not work financially.

The Endicott's envision seating for up to 20 patrons with a commercial kitchen on site. The main intent is to have prepared meals for sale as a retail item. They wish to be landlords and are seeking the right tenant, preferably an established chef. They have a dozen applicants so far.

It was noted parking is a main concern. A 20 seat restaurant would require 7 parking spaces plus employee parking. This would be in addition to the parking necessary for retail clients, 1 per 200 square feet of retail.

Overall, the Taftsville community shows support for the proposed use.

Based on discussions from the September 4, 2019 PC meeting, the Town Planner drafted an amended definition of general store, adding “with ability to apply for an accessory use of up to 25 seats for consumption of food on premise.”

The Endicott’s stated they only need a maximum of 20 seats.

The new definition would also apply to the South Woodstock Country Store. There was no information on the exact number of seats currently in place at SWCS.

Chair Miller noted accessory use is a word in the definition as the restaurant use would be considered secondary to that of the store’s retail function.

The Endicott’s replied that this works as the predominant use is to sell prepared food which is considered a retail product.

Mr. Traver. Taftsville resident, spoke in favor the request.

The Town Planner noted the first step is to amend the zoning to allow the proposed use. Once adopted, a conditional use and site plan review would be required to address potential impacts to the neighborhood such as parking, noise, trash, pedestrian and vehicle circulation, etc.

The PC agreed with the request. General stores are important to the local economy. The community supports the proposed use. The request complies with the Town Plan. As an accessory use the restaurant portion of the business would remain secondary to the retail function.

After further discussion, Mr. Segal with a second by Mr. Pacht moved to approve the draft amendment for a November 6, 2019 public hearing.

The motion passed with a 7-0 vote.

B. Discussion - John Holland - Proposed Barn

Mr. Holland, owner of the former Conklin Farm located at 651 Pomfret Road, presented his vision for the property. A few years ago, an old barn was replaced by a new post and beam structure. The intent is to reestablish an agricultural use on site and to conduct events related to this use per the State Agriculture laws.

The Conklin Farm, formerly the Nelson Farm, had been dairy farm for many years. In the 1940s, the farm was considered a poster child for the vanishing dairy farm as even back then dairy farms were considered at risk of survival.

The farm would be renamed the Peacefield Farm. It would be a livestock operation with chickens, pigs, sheep and beef cattle. The barn, super insulated with radiant heat in the floor, was designed and built to enable a future commercial kitchen and event space.

The owner needs to achieve a threshold, whereby at least 50% of the food served is grown on site. This would allow the proposed agricultural events. He hopes to achieve

this within three years. State permitting such as waste water and fire safety would be required.

Mr. Holland's intent is to keep the community abreast of his activities as he moves his plan forward. He has no interest in weddings and prefers to concentrate on corporate gatherings. At the moment, a 50 person maximum is being considered, mainly to accommodate parking and to minimize neighborhood impacts.

C. Discussion - Ethan Gilmour/Hans Meijer - Village Zoning Map Amendment

Mr. Meijer and Mr. Gilmour, surveyor, presented an informal zoning request. Mr. Meijer's property is too small per the Residential Low Density standards to be subdivided. The 29,880 square foot property has two separate homes on site but is unable to meet the 20,000 square foot minimum per lot. A variance request at last month's VDRB board meeting was denied as well. During the hearing it was noted the majority of the properties in his neighborhood are over zoned, resulting in numerous non-conforming lots.

Mr. Gilmour presented a map showing that 73% of the RLD district properties in the Village are over zoned. He asked that a new Medium Density District be created to produce a more realistic zoning map, one which is more conforming to the actual parcel sizes.

The Town Planner suggested the request be considered as part of the Village Zoning Regulations rewrite which is occurring at the moment. The Town Planner hopes to have a public hearing draft ready by January 2020.

Mr. Meijer noted time is urgent. He is forced to sell his property due to his wife's deteriorating health situation. She needs to be placed in a care facility on a permanent basis.

The Town Planner stated the least complicated Residential Medium District would include all properties along River Street north of the river, west of the covered bridge and east of the Route 4 intersection. A rough draft of this was drawn over the Gilmour map and reviewed by the PC.

After further review Mr. Pacht with a second by Ms. Stadler moved to approve the proposed Medium Density District for a November 6, 2019 public hearing.

The motion passed with a 7-0 vote.

D. Short Term Rental & Site Plan Amendments

The Town Planner drafted a Short Term Rental regulation based on the criteria approved by the PC at the September 4, 2019 meeting. Each item of the regulation was voted on by the PC at the earlier meeting.

Copies of the draft were distributed to the PC and the public to enable discussion. Mr. Pacht presented a few minor clarification edits. The PC agreed with the edits, as they do not change the substance of the regulation.

Mr. Segal stated he had sent around an email addressing the right of property owners to operate Short term Rentals. He is concerned with the over regulation of the number of events and feels the PC should be more concerned with impacts on the neighborhood. The argument of commercial use versus residential use does not hold water, a resident is allowed to rent ones property as a right.

Chair Miller stated the issue is a community issue. Regulations are written for the whole community and not a specific group.

Mr. Segal restated the right to rent.

Chair Miller responded zoning is written to protect the community. Short term rentals are removing homes from the rental market making it difficult on potential new residents and local workers.

Mr. Segal felt the frequency of rentals needs to be expanded, no one is making tons of money on 10-15 rentals per year.

Chair Miller pointed out that rentals in the Residential Five Acre and Forestry Districts are unlimited as long as one is present in the home.

Ms. Sadler spoke up in supports of the draft as written. The community deserves to be protected from potential negative impacts of unlimited STR use.

Ms. Boston noted Woodstock is already in a precarious position with 50% of its homes owned by non-residents.

Mr. Jervy supports allowance of more rentals for Woodstock residents than for non-residents. Local residents need the STR income to survive in the community.

Ms. Mayhew questioned the notion that non-residents are buying up properties for STRs. Without facts these regulations are not legitimate.

Ms. Gray, local owner of 2 STRs in an R5 zone, stated she is willing to register and encourages all STRs to do so. In this manner more information on STRs can be gathered.

Chair Miller explained the grand fathered process. Current operating STRs in the R5 and Forestry zones are allowed to operate into the future without permit or need to register. One can not force current operators to register, making it difficult to gather information.

Chair Miller stated the PC writes regulations which try to establish the proper balance between the various needs of the citizens. Most of the attending public has a vested interest in STRs.

Mr. Holloway lived 20 years in England. He served in the army and owns 2 properties. He works in the high school with special needs students. He has mixed feelings on the subject. Most teachers can not afford to live in Woodstock. STRs will allow affordability. Across the street there are NJ owners of a STR. He'd rather have a full

time resident on site. He stated local residents pay higher taxes than second homes. Local workers can't even afford to live here.

Ms. Fuller felt there are plenty of affordable homes with in a 20 minute drive.

Mr. Traver, owner of a 1 room B&B, stated data is essential but not always accessible. He has a ten year experience with Airbnb. He doesn't know of any complaints. He has invested 20k in his B&B. He rents to skiers and finds Hanover events provide renters as well. STRs don't cause affordable housing issues.

Mr. Fultz, motel owner, is part of a group of residents that worked over the summer on STR issues. Without a financial interest, residents are not showing up at the hearings. Commercial use needs to be balanced with residential use. A property should not be too commercial for a residential neighborhood. Local property prices and taxes are considered very affordable to outsiders from areas south of here. He recommended using Host Compliance to track properties and STR uses.

Mr. Pickett, South Woodstock resident and STR owner, is concerned with restriction on the number of events. To reduce unlimited rentals to only 15 events for R5/Forestry has no logic. Three of his renters have purchased homes here.

Mr. Pacht did not see a problem with unlimited rentals as one can achieve this by becoming a B&B.

Mr. Bisle, owner of a STR, grew up here and came back. STRs support local residents. The local economy is dependent on hospitality. Economic booms cause NY and MA residents to buy here, causing overvalued homes. Register all STRs and allow more than 15 events per year.

Ms. Gray noted STRs able her to live here. Her job is STR.

Mr. Jervy noted there 112 new homes have been constructed over time with the majority of them being owned by second homeowners. STR rentals don't control home prices.

Ms. Blakeman, owner of 2 STRs, stated STRs have been going on for centuries. Times are changing, we need to support STRs.

Mr. Hill asked why the Town has not sought legal advice. He is concerned with a takings issue.

The Town Planner responded that the Town just went through a 2 year STR court case. Four attorneys were involved. The current regulations stood up to all legal challenges. The draft is not much different from current STR regulation.

Mr. Pacht, former judge, noted the issue won't be decided until the US Supreme Court hands down a decision. He does not expect that any time soon.

Ms. O'Connell felt we need more STR information before adopting the draft. What would the PC do with this information. Affordable housing is not our issue, it has always been with us.

Mr. Segal noted support for the draft with the exception of number of rentals allowed per year.

After additional discussion, Mr. Sadler with a second by Ms. Boston moved to approve the draft for a November 6, 2019 public hearing.

The vote was 6-1. Mr. Segal voted against.

E. Site Plan Amendment - No action due to lack of time

V. OLD BUSINESS

A. Village Zoning Rewrite - No action due to lack of time

B. Education Chapter - No action due to lack of time

VI. NEXT MEETING

The next regular PC meeting is scheduled for November 6, 2019.

VII. ADJOURNMENT

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner