

PLANNING COMMISSION
Draft Minutes
November 6, 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, Jessica Melville, Hunter Melville, Graham Melville, Alex Melville, Dave Bolinger, Mary Riley, James Smiddy, Linda Smiddy, Mimi Baird, Catherine Harwood, Jennifer Raymond, Doug Raymond, Nicholas Burke, Les Berge, Whitam K. Van Meter, Chris Cassidy, Wendy Marrinan, Shari Sacks, Ron Behrns, Barbara Kennedy, Laird Bradley, Anne Crothers, George Crothers, Lynn Bohannon, Jill Rose, Kathy Tenwelp, David Brown, John Endicott, Jennifer Endicott, Mary Young-Breuleux, Reid Richardson, Macey Lawrence, Barry Milstone, David Hill, Susan Fuller, Mary McCuaig, Randy Mayhew, Jason Merrill, Eden Piconi, Patrick Fultz, Barbara O'Connell, Kat Gray, Brenda Blakeman, Janet Spangler, Michael Brands

I. OPENING

Chair Miller opened the meeting at 7:30 pm.

II. APPROVAL OF MINUTES

The minutes of October 2, 2019 were approved as submitted.

The approval of the September 18, 2019 minutes was continued.

III. PUBLIC HEARINGS

A. Village Zoning Regulations - River Street/Mountain Avenue Rezoning

The request is an amendment to the Village Zoning Map to convert 26 properties of Residential Low Density zoned parcels along River Street and Mountain Avenue to Residential Medium Density.

Due to neighborhood concerns (mainly additional lots via subdivision), the Town Planner prepared a new map (11/6/19) of the proposed change. The original map was agreed to by the PC at the October 2, 2019 meeting. The proposed map removes 4 lots that could be easily subdivided.

At the October 2nd meeting, 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 the September 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.

The Town Planner explained the difference between the October 2 and November 6 versions. Two larger parcels (Schubert, Gerrish) would remain RLD on the west side of Mt. Ave. Two larger parcels (Koven, VanMeter) would remain RLD on the east side of Mt. Ave. Three smaller parcels (Baird, Sligar, Williams) along the east side of Mt. Ave were added to RMD.

Chair Miller opened the floor to comments.

Mr. Burke, an attorney representing Kurt Gerrish of Mountain Avenue, addressed the PC. He had numerous questions and was confused by the new map proposal.

The Town Planner noted no action on the new map would be possible tonight, due to too many changes that would warrant a new public hearing. The PC will take comments on the proposal in general.

Mr. Van Meter, Mountain Avenue resident, asked why is the zoning map being changed when only one person desires the change. The rest of the neighboring property owners prefer no change.

The Town Planner noted at the October 2nd meeting the surveyor indicated 73% of the Residential Low Density lots are non-conforming in that they don't meet the minimum lot size, 20,000 square feet. Bringing these lots into conformance was the key driver of the change.

Mr. Van Meter continued, the historic significance of the neighborhood would be eroded if this change is adopted. Additionally, property values would fall.

Mr. Burke had concerns with the notification process. Mr. Gerrish received a hearing notice just last week. The report submitted with the packet lacked both data and an adequate analysis of the proposal. There is a direct conflict with the Town Plan's Goal # 1 in the Historic section. As grandfathered lots, there have been no issues, why change? The neighborhood is worried about additional lots and the associated housing. There must be other areas of town to place affordable housing, than Mountain Avenue. The proposal is not well thought out and needs to be placed on hold.

Ms. Baird, Mountain Avenue resident, read a letter from her neighbor, Mr. Sligar which had been delivered to the PC via email. The proposal was done in haste without any substance. It is open to an easy challenge. What is the actual problem. Affordable housing is not addressed via the proposed change. The potential of 9 additional lots is disturbing. The public hearing notice is inadequate.

Ms. Crothers, Mountain Avenue resident, is opposed to the change. Due to her current renovation project, she understands that current sewer and electricity are maxed out in this area of town. Additional houses cannot be built in this area.

Ms. Harwood, 17 Mountain Avenue, noted two cars have ended up in her garden. There is too much traffic now. Three lots across the street from her have been added to the RMD zone via the red lined map. This will increase traffic and the number of accidents.

Ms. Smiddy, Mountain Avenue resident, spoke against the proposed change. She would benefit from setback reductions but opposes the change nonetheless. The affordable housing argument does not hold water. Historic implications are important to think about. Adding nine units of new homes will have a major negative impact on the historic district. The Town Plan supports the historic patterns of the Village, the proposed change does not. People come to Woodstock due to

its strong support of historic homes and pattern of development. The Town Plan states from a historical perspective spaces between buildings are as important as the building themselves.

Ms. Marrinan asked PC to review impact on the historic district. The original zoning designation recognized the historic impact density has on the neighborhood. She bought her house because of the protections provided by being located in a historic district.

Ms. Miller noted allowing more housing is a good thing for Woodstock. Obviously, the homes in this area would not be baseline affordable. She agreed the process has been a bit too hasty.

Mr. Segal noted the PC responded to a predicament of a certain individual who desires to subdivide his lot. The reasoning that 73% of the parcels in question were overzoned, creating small non-conforming lots, had merit. The intent was to create a more realistic zone. The hearing process is meant to seek out input from the public. In this case, the public has been heard.

Ms. Miller stated the Village Zoning Rewrite has been an ongoing project and it may be best to address this specific issue during the full rewrite process. The rewrite should be finished in early spring of 2020.

Ms. Smiddy agreed that the zoning should be accomplished as a whole and not piecemeal as the proposal suggested tonight.

After additional discussion, Mr. Jervey motioned with a second by Mr. Segal, to defer the rezoning of River Street and Mountain Avenue to the Village Zoning Regulations rewrite process.

The motion passed with a 6-0 vote.

B. Town Zoning Regulations Section 103 General Store Definition

The request is to change the definition of General Store as it relates to the Hamlet Commercial district. The proposal adds the following text to the current definition, “with the ability to apply for an accessory use of up to 25 seats for consumption of food on premise”.

Mr. and Mrs. Endicott, new owners of the Taftsville Country, addressed the need for the zoning change. The new definition would allow consumption of food on site. A study of Vermont country stores shows that fresh food offerings is the number one draw that keeps country stores open. Continuing the operation of the store as-is does not work financially.

The new definition would also apply to the South Woodstock Country Store which is the other property zoned Hamlet Commercial.

The Town Planner noted he has received 9 emails supporting the proposed change.

Ms. Young-Breuleux, Taftsville resident, stated support for the change.

Ms. Childs, a 23 year resident of Taftsville, supports the store but has certain reservations. She lives directly across the street from the store. Previous store owners asked for the consumption of food on site but never received permission to do so. Twenty-five seats is too much. Parking is a major concern. Cooking on site is a concern. Will there be food delivery late at night. This is a quiet community. The neighbors do not need more noise and disturbance of a commercial nature.

Chair Miller stated the change if approved, would require a conditional use permit which would address all the issues Ms. Child mentions such as potential noise and parking.

Mr. Segal noted 25 is the maximum number of seats. Parking and other issues may not allow all 25 seats at the Taftsville site.

Ms. Rose, owner of the Apple Butter Inn, stated support for the proposal.

Ms. Childs stated that if Taftsville wishes to become more commercial she would like a retail designation for her property as well.

After additional discussion, Ms. Boston with a second by Mr. Segal motioned to approve the request as submitted.

The motion was approved with a 6-0 vote.

The Select Board will hold a public hearing in the future. The amendment would become effective 21 days after they approve it.

C. Town Zoning Regulations Section 526 Short Term Rentals

The request is to update Section 526 Short Term Rentals.

Town Planner distributed 20 copies of the public hearing version Section 526 Short Term Rentals. The section was rewritten to address public concerns with STRs.

Chair Miller noted this is a public hearing, wrapping up approximately six months of study and discussion. Tonight's hearing is for the Town Zoning Regulations and does not include the Village properties.

Ms. O'Connell asked for an update in the process. She has attended many but not all of the hearings concerning the Short Term Rental topic.

Chair Miller noted this is the public hearing version which was approved by the PC at their October 2, 2019. She noted the PC version should not be confused with the blue paged regulation distributed by Ms. Fuller at the beginning of the meeting.

Ms. O'Connell asked why non-owner occupied homes have a restriction of 15 events. Short Term Rentals are normally rented out when one is out of the home. It doesn't make sense to rent your home when you occupy it. All STRs in the R5 and Forestry zones should be allowed unlimited events. She can live with the rest of the regulations as proposed. The issue is number of events allowed.

Mr. Fultz, owner of Sleep Woodstock, stated planning is done to anticipate problems. Creating a proper balance between residential use versus commercial use is the key. The big problem is homes being purchased only to use as STRs with no intent to live in them as a home.

Ms. Fuller, proposes her own regulation, distributed on blue paper. The playing field is not level. There is no data that problems exist. Her regulations ask for a dog license like registration process for all STRs. Children of local homeowners can't afford to have homes without the revenue of STRs.

Mr. Sullivan, Curtis Hollow Road, has 2 STRs on one property. There is no data to support the need for regulation. He owns 100 acres. He is worrying about losing his STR use.

Chair Miller explained, that Mr. Sullivan will not lose his existing STR use, as they are grandfathered.

Ms. Fuller noted one would lose a grandfathered use if it is not operated for more than 2 years.

Ms. Blakeman owns 2 STR units in the Village. Her insurance rep noted no change in coverage is required for STR use. STRs do not compete with B&B or Inns.

Ms. McCuaig, Fletcher School House Road, felt the rules are a burden and difficult to enforce, re: the number of people and events. She recognizes her STR is grandfathered, but she does not want to lose her ability to do STRs. Her aunt, a neighbor, would like to rent her home but does not live here.

Mr. Milstone, Farmhouse Inn, stated most State and local regulations have been in effect for a decade or longer on this subject. Many individuals here rent multiple homes which is not good for local individuals seeking to purchase a home.

An unidentified individual stated he follows the PC minutes. He read the recent NYT article on NJ STRs. Watch what we ask for. Most communities are large, we are small and need visitors. How is this to be enforced. Housing is being reduced due to STRs. He believes under 50 % are licensed. He lives next door to a STR that rents every week of the year. The regulations should state "able to arrive within 30 minutes and not "living 30 minutes away".

Mr. Mayhew, North Street resident & VDRB member, noted item D. requires the Fire Chief to do a review without any standards for the review. Item C. needs clarification on a mandatory 2 night stay.

A local realtor felt property values will drop with STR regulations in place. Homes take a long time to sell here. Potential buyers will not buy in Woodstock.

Ms. Spangler, STR owner on Lincoln St., stated she lost the sale of her home as the purchaser refused to buy in a community with STR restrictions.

Mr. Crothers, 23 Mountain Avenue, stated issues with a neighboring STR at his Florida property as the owners were naturalists.

Ms. Childs, realtor, noted AIRBNB started as a simple rent a room computer application. Now it is well beyond that initial task. She agrees one should be able to rent out a room or so but not an entire house. The STRs are taking homes out of circulation which is not good for the community. She owns 10 rental properties. She has a single room to rent. There should be a limitation on number of homes one is allowed to have as STRs. Renting houses as STRs is a major negative for the homebuyer.

Ms. Piconi, Hartland Hill Road, stated there is no community in Woodstock anymore. There are too many non-resident strangers. Empty houses are not good for the community. STRs can help locals purchase a home. Additionally, she mentioned farm stays, an ag oriented STR, are allowed per State ag laws. She left a brochure with the PC.

Mr. Alex Melville, a young person who grew up here, questioned why the Fire Chief is required to do an inspection, he assumed the State Fire Marshal's Office did this.

The Town Planner explained that the current policy for the State Fire Marshal's office is not to do any more STR inspections until the State funds these additional inspections. The current

requirement is to have an owner fill out a form, as a self inspection. To fill this void the Fire Chief would conduct inspections.

Mr. Melville continued, he only stays at STRs when he travels. As a younger person, he feels they are needed in Town. Visitors will avoid Woodstock and go to the towns that allow STRs.

The Planning Commission discussed the comments.

Chair Miller agreed it is difficult to get a handle on the problem without specific data on the number of STRs and times of use. She suggested the issue be continued until more specific data can be acquired.

Mr. Segal asked that the Planning and Zoning Office be tasked to go through all STR websites to list STRs and to cross reference them with parcel and owner information.

Chair Miller is willing to help the research. Realtors were asked to help as well.

After additional discussion, Mr. Segal with a second by Ms. Boston motioned to defer action on the proposed amendment until additional STR data can be gathered

The motion passed with a 6-0 vote.

IV. NEW BUSINESS

A. Town Zoning Regulation - Site Plan Amendment

The Town Planner presented a Section 809 Site Plan Review amendment which would include reviews of agricultural events. The State Department of Agriculture allows certain agricultural events to take place without a municipal permit. However, the State approved H.663 (effective July 2018) which allows municipalities to add site plan reviews of these events via a zoning amendment.

The proposed amendment is below in italics:

Section 103 Definitions:

Agricultural Events & Accessory Uses: These are events and accessory uses associated with agriculture per Act 143 which shall be located on a farm regulated by the AAFM (Agency of Agriculture, Food and Markets) under its RAPs (Required Agricultural Practices) and the operation shall be subordinate to the farming operation to be considered accessory. See 24 V.S.A. §4413(d).

Section 809 Site Plan Approval

A. No zoning permit shall be used by the Administrative Officer for any commercial, industrial, public and quasi-public use, multi-family dwelling (more than 2 units), subdivision of three lots or more, agricultural events & accessory uses, until the TDRB grants site plan approval.

The Town Planner noted this is a land use tool, allowed by the State to enable review of agricultural events.

Key elements addressed with a Site Plan Review would be parking, stormwater, landscaping, lighting and noise impacts of potential events.

Although the events themselves are allowed without local permitting, the State has granted the right of a site plan review process.

After discussion, Mr. Segal motioned with a second by Mr. Jervey to accept the proposed addition of agricultural events in Section 809 Site Plan Review for a public hearing to be held on December 4, 2019.

The motion passed with a 6-0 vote.

B. T-4956-19 Stacey Gerrish

The application is for a 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. Action on this was deferred to allow time for the creation of a new section.

At the PC's direction, the Town Planner drafted a new Town Zoning Regulation section entitled Rural Retreat. A draft was emailed before the meeting.

The PC discussed the draft and had the following comments.

The Town Planner needs to identify all parcels over 100 acres in the Town.

The number of employees is not necessary. This will be removed.

The number of attendees as written at 50 seems too restrictive, 85 was suggested. Ms. Gerrish in an email asked for 4 events per year with 140 attendees. The PC suggested 5 events per year with up to 150 attendees. The number of attendees should be treated similar to the Spring 2019 draft of a proposed, but not adopted, "Integrated Agriculture". The draft uses a tiered system with more events allowed for fewer groups of attendees.

The Town Planner will add the suggestions to a new draft for discussion at the December 4, meeting. A copy will be sent to Ms. Gerrish as well.

Mr. O'Brien, on Ms. Gerrish's behalf, thanked the PC for their continuing efforts.

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 December 4, 2019.
The Town Planner will not be present.

VII. ADJOURNMENT

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Michael Brands, AICP
Town/Village Planner