

**VILLAGE DEVELOPMENT REVIEW BOARD
WOODSTOCK TOWN HALL
31 THE GREEN
February 12, 2020
DRAFT MINUTES**

MEMBERS PRESENT: Jane Soule, Wendy Spector, Keri Cole, Randy Mayhew
MEMBERS ABSENT: One Vacancy
OTHERS PRESENT: Bob Belisle, Sherry Belisle, Michael Brands

I. CALL TO ORDER

Chair Soule called the meeting to order at 7:30 PM.

II. PUBLIC HEARINGS

A. OLD BUSINESS - NONE

B. NEW BUSINESS

1. V-3515-20 Robert & Sherry Belisle

The application is for Conditional Use approval to convert a STR to a one bedroom B&B. The property is located at 33 Prosper Street and zoned Residential Low Density.

Mr. and Mrs. Belisle presented the application.

The VDRB reviewed numerous floorplans and a site plan.

The owners wish to convert their Short Term Rental to a one room B&B.

The owners are present in the home during rental events.

The owners received a permit to create an apartment on January 24, 2008. The STR permit as granted on December 17, 2018. The home was permitted in 2007.

In 2019 the owners had 23 rental events which is well over the allowed 6 rental events for a calendar year. Therefore, they wish to convert the STR to a B&B which would allow unlimited rentals of the room for the year.

The apartment is located in the second floor of their garage which is attached to the main home.

The key words in the definition of B&B were read: “A residential dwelling, occupied by an owner of the business ... in which a portion of the home is adapted to use as lodging...”

The intent of the B&B definition is that one’s home is being used for the lodging. Is the apartment considered part of the main home or is it a separate dwelling?

One resolution would be to remove the kitchen aspect of the apartment. The kitchen is considered a key element of a dwelling. This would allow the apartment space to be considered part of the main home and not a separate dwelling unit.

The applicant noted they would like to be able to use the apartment for long term use as well, when and if the opportunity presents itself. They are willing to remove the stove which is considered the main element of a kitchen when used for the B&B purposes.

The VDRB had a lengthy discussion on whether or not the stove should be removed from the kitchen area.

Both Mr. Mayhew and Ms. Cole felt the kitchen was not an issue as a dwelling unit could have two kitchens. The Zoning Regulations do not contain a specific definition of dwelling unit that references a kitchen unit.

Chair Soule and Ms. Spector agreed the kitchen creates a separate dwelling unit. The kitchen should be removed to allow a clean permit.

The Town Planner stated that the State Fire Marshal’s Office and the Board of Listers commonly refer to the presence of a kitchen is an indicator of a dwelling unit.

Ms. Spector noted B&Bs are limited to 3 guestrooms only. A guest room is a guest room and not an apartment. Therefore, removing the kitchen removes the apartment identity.

The use is a bed and breakfast. Only breakfast may be served, therefore transients should not be able to prepare other meals while in residence.

The VDRB had no issue with allowing the option of granting both the B&B use with a long term rental.

A B&B may require additional State permits such as the Fire Marshal’s Office and Health Department. It is the owners’ responsibility to contact the State.

The Short Term Rental permit would be invalidated once the B&B permit is vested.

The VDRB reviewed Sections 103 Definitions, 503 Bed and Breakfast and 710 Conditional Use criteria with the applicant.

Testimony was voted closed.

III. OTHER BUSINESS

A. Zoning Officer's Report

The report was presented.

B. Food Truck Gulf Station

A food truck operation (actually an RV trailer) serving smoothies, wishes to setup a seasonal business at the former Gulf Station at Richmond's Corners. The trailer would sit on the grassy knoll with parking in the lower section. Vehicular access to or from Route 4 would not be allowed. There would be chairs but no tables. Water and greywater issues need to be resolved. As a licensed trailer, the State permitting processes are mainly non-existent for this type of use. An application will be forth coming as owners wish to setup in the spring. Mr. Mayhew questioned if the prohibition of "free-standing retail" uses impacts the application.

IV. DELIBERATIONS

A. V-3515-19 Robert & Sherry Belisle

After discussion, the following findings of fact were established:

1. The VDRB reviewed numerous floorplans and a site plan.
2. The owners wish to convert their Short Term Rental to a one room B&B.
3. The owners are present in the home during rental events.
4. The owners received a permit to create an apartment on January 24, 2008. The STR permit as granted on December 17, 2018. The home was permitted in 2007.
5. The apartment is located in the second floor of their garage which is attached to the main home.
6. The applicant noted they would like to be able to use the apartment for long term use as well, when and if the opportunity presents itself.
7. The VDRB had no issue with allowing the option of granting both the B&B use with a long term rental.
8. A B&B may require additional State permits such as the Fire Marshal Office and Health Department. The owners need to contact the State.
9. The Short Term Rental permit would be invalidated once the B&B permit is vested.
10. The VDRB reviewed Sections 103 Definitions, 503 Bed and Breakfast and 710 Conditional Use criteria with the applicant.

After further discussion, Mr. Mayhew moved with a second by Ms. Cole to approve the application with the following condition:

- 1. Amend permit to allow for alternative use of apartment as a B&B.**

The motion was approved with a 4-0 vote.

V. APPROVAL OF MINUTES

The minutes from January 22, 2020 were approved as presented.

VI. NEXT MEETING

The next VDRB meeting is scheduled for February 26, 2020.

VII. ADJOURNMENT

The meeting adjourned at 8:40PM.

Respectfully submitted,

Michael Brands, AICP
Town Planner