

**MEETING MINUTES**  
**MUNICIPALITY OF WOODSTOCK, VERMONT**  
**WOODSTOCK PLANNING COMMISSION**  
31 The Green  
Woodstock, VT 05091

The Woodstock Planning Commission held a public meeting on Tuesday, April 11, 2023 to discuss the following:

Members present: Susan Boston (Chair), Mary Margaret Sloan (Vice Chair), Frank Horneck, Laura Powell, Susan Silberberg, Nicholas Seldon

Staff present: Steven Bauer

Public present: Nicole Green

**Administrative Tasks**

- Call to Order: Susan Boston called the meeting to order at 7:02 PM.
- Adjustments to the agenda: Approval of minutes
  - 3.1.23
  - 3.9.23

Nico Seldon made a motion to approve the minutes from March 1st. Laura Powell seconded.

**VOTE: 6-0. Approved.**

Susan Silberberg made a motion to approve the minutes from March 9th. Frank Horneck seconded.

**VOTE: 6-0. Approved.**

**Administrative Officer Nomination**

Pursuant to [24 V.S.A. § 4448\(a\)](#), the Planning Commission must nominate an Administrative Officer for a three-year term. Steven Bauer explained that since he was appointed by the Selectboard to finish a vacated term, the Commission needs to nominate an Administrative Officer for a new three-year term. Chair Boston confirmed that this has never been done on a schedule and that there's no documentation on when this should be done but Steven is following precedent from other towns who do it the first meeting after Town Meeting.

Mary Margaret Sloan stated that she would be voting no due to the agendas and minutes not being posted or going out to the Commission on time, in accordance with Open Meeting Law. In addition, she stated that he is not following [VSA section 4448](#), specifically "the administrative officer shall administer the bylaws literally and should not have the power to permit any land development that is not in conformance with these bylaws." This is in relation to a personal issue with a neighbor's property and has been covered in several local papers.

Susan Silberberg asked what would happen if the Planning Commission did not nominate Steven. Steven responded that it would be a question for VLCT.

Laura Powell commented that per her recollection the agendas have been posted on time, just not always sent to the Commission, with the exception of the March meeting when Steven was out on paternity leave.

Nico Seldon commented that he's been ruminating that when someone starts a new role, if a mistake is made, is there a lesson learned from it? From his perspective, it appears that things are running smoothly now.

Laura Powell made a motion to nominate Steven Bauer as Administrative Officer for a term of 3 years. Frank Horneck seconded.

**VOTE: 5-1 (Sloan: Nay). Approved.**

### **Discussion regarding Village Zoning Changes**

Mary Margaret Sloan asked if the groups mentioned in the document have been asked to make comments on the changes the Commission is proposing. Steven replied that the representatives from the EDC Housing Group (Jill Davies and Trena Tolliver) and Two Rivers gave testimony in front of the commission; the Woodstock Community Trust and Twin Pines Housing have had one-on-one conversations with Steven's office. The only group he hasn't been in direct contact with is the Thompson Senior Center, but he can reach out.

Mary Margaret also commented that the Village Design Review Board and Town Design Review Board should be involved in the discussion since changes are being proposed to conditional use review. Steven replied that the VDRB and TDRB don't have a role in the legislative advisory process, but as a courtesy he can bring it up at their next meetings.

### **- Regarding ADUs**

Regarding the permitting for the ADUs, Steven commented that if the Commission decides to not require a permit but retain notice to the neighbors, the Commission can consider explicitly stating a Certificate of Occupancy be issued before someone can live there.

Chair Boston asked how much time the permit would add to the process. Steven replied that an administrative permit could take 4-6 weeks, depending on who the office is working with. It takes the office on average 10-14 business days to review and approve the administrative permit, then the permit has a 15-day appeal period when it's publicly posted. So neighbors have 15 days to appeal.

Chair Boston stated that she feels more comfortable requiring a permit. Mary Margaret Sloan agreed, given that the current regulations require a permit for two-family households and accessory buildings.

Laura Powell asked how many permits the Planning & Zoning office has issued for ADUs. Steven doesn't have exact numbers but estimates that maybe 5 permits have been issued while he's been in Woodstock, including 2 that were in process when he was appointed.

Susan Silberberg commented that ADUs are an incremental approach to helping the housing crisis. One particular area ADUs are helpful is in aiding the aging population that is overhoused. ADUs provide an opportunity to move to smaller quarters and remain in their communities. Frank Horneck supported Susan's statement.

Nico Seldon expressed that he is vehemently opposed to ADUs. He believes that they are a problem in that they are increasing property values, and the increasing cost is an obstacle to those looking to buy homes. He is concerned about changing the character of the village by increasing the density. He doesn't believe we should be removing barriers to build ADUs, but incentivizing development of dense multi-unit housing. He reiterated that it's a privacy issue and that he believes it should be decided by a vote with the Village residents.

Susan Silberberg commented that the Village actually used to be denser and that Woodstock didn't have zoning until recently. She asked what type of character we are trying to preserve and warned against making generalizations about doubling the population in the Village. She asked Steven if there is an estimate for how many lots ADUs could actually be built.

Laura Powell commented that while she recognizes the concern for increasing property values, she feels that the demand for housing outweighs that concern. In terms of the character of the village, she gave a specific example of a home on River Street that has an ADU and also appears from the street to be a single-family home but houses 4-unit between the main house and the ADU. She also supported Susan Silberberg's point that there is no single solution for solving the housing demand, and the Commission is proposing something that is a small, incremental change.

Susan Silberberg asked what the options are in terms of permitting.

Steven defined the following options:

1. Currently, detached apartment/ADU currently requires a conditional use review - 15 day appeal after the issuance. Requires both a VDRB hearing and DRB hearing if the parcel

is within the Design Review District. Abutters are noticed by mail and the permit is posted in 3 physical locations. The total timeline to build is 2-3 months.

2. Remove the conditional use approval, apply for an administrative permit if you meet the criteria. This cuts the timeline to 4-6 weeks. No public hearing process and abutters don't receive notice in the mail. Notice is posted publicly to the newspaper. DRB hearing would apply on parcels in the Design Review District.
3. If you meet the criteria, you can by right build an ADU. Certificate of Occupancy would still need to be issued after the fact. There would be no notice to abutters or to the public.

Given that the only other construction with the 3rd and lowest burden of permitting is a fence outside the Design Review, Susan Silberberg advocated for keeping an administrative permit process in place so that there is a higher burden and the public is given notice. The rest of the group agreed.

The Commission also discussed doing a character survey of the Village, especially in the context of the upcoming Town Plan rewrite and the desire to condense some of the zones.

#### **- Regarding Home Occupation**

The Commission discussed permitting and exemptions for home occupation. The group agreed that a permit shouldn't be necessary for remote work, but that noticing neighbors should be a consideration. Steven suggested keeping the home occupation permit the same but expanding the exemptions to include remote work.

#### **- Regarding a character survey/setbacks**

Chair Boston commented that it would be helpful to have a character survey to go along with the changes being considered.. In the past the Commission has had an AmeriCorps Vista volunteer who was able to do neighborhood surveys during zoning changes. asked how the Commission could determine how many parcels are affected, how many already conform to the setbacks and how many do not.

Susan Silberberg commented that after walking through most of the neighborhoods, most streets have varying setbacks and are non-conforming, so some might consider the character to be different. She volunteered to do a character survey over the weekend with Laura Powell to provide some photographic information to the Commission.

Nico Seldon expressed that he does not agree with the changes to the setbacks. He re-iterated his concern that the density feels very cramped.

#### **- Regarding height maximums**

Mary Margaret Sloan stated she feels comfortable keeping the max height at 35ft instead of 40ft, she expressed concern that it could set a precedent for other zones outside of the Village.

Chair Boston asked how changing the height would increase housing. Steven responded that in certain commercial and industrial zones (i.e. the East End), it would be the difference between a two-stories and three-stories, which would impact the number of units able to be accommodated.

The Commission discussed changing the height maximum in the commercial industrial zones and keeping the current maximum for the residential zones. This would mean allowing 3.5 stories in commercial and industrial zones and 2.5 stories for residential.

Susan Silberberg warned that whatever the maximum height is, especially in commercial districts, the Commission should expect that builders will build to the maximum. She also stated that there's a case to be made for adding density on the edges of the village, if there is concerned about maintaining character inside the village center.

The Commission agreed that there isn't currently enough information and that Susan and Laura will survey building heights during their character survey and circle back to the Commission.

Nico Seldon departed the meeting at 8:52pm.

**- Regarding setbacks for ADUs**

Mary Margaret Sloan asked why side and rear setbacks for ADUs would be half of what's required by the district. She stated she is opposed to the change and believes the setbacks should be adhered to, and that residents can apply for a variance if they can't adhere. Susan Silberberg agreed with Mary Margaret citing that change is difficult and that the Commission could be more successful in implementing these changes if they are more incremental, but also exempting ADU setbacks doesn't make sense.

**- Regarding parking minimums**

Susan Silberberg stated that she wants input from the EDC and Village businesses before we vote on changes to parking. She suggested that the Commission just eliminate additional parking required for an ADU, as a first step.

Steven responded that the current parking requirements have been an obstacle for people building and utilizing vacant space in the Village (i.e. above Dr. Coburn's Tonic). And that the Commission had previously stated it wanted to remove the requirements in the more industrial areas and let the market decide.

Susan Silberberg stated we know we want more apartment building and we don't want parking requirements to slow that down, but we need to answer if we will be taking away parking spaces during the day that customers need. Steven responded that the Commission should bring the issue back to the EDC since their housing sub-committee suggested the changes. Susan Silberberg responded that she thinks it would be more effective to involve them before the Commission makes the changes. Steven suggested keeping the requirements proposed as is and reaching out to the EDC to present at their next meeting.

### **Discussion regarding update Planning Commission Report for Town Plan Adoption**

Steven presented the changes that Two Rivers requires to approve the Town Plan. After the Commission voted in the fall to approve the Town Plan changes, the Selectboard and Trustees met separately then Two Rivers contacted Steven to highlight details within the Town Plan that conflicted with the Regional Plan. Two Rivers is requesting that the Commission revise the future land use map to change the Commercial Light Industrial (CLI) district in West Woodstock to Business Service Light Industrial (BSLI) which would prohibit retail. This change would affect four parcels.

Susan Silberberg asked why the Commission was just being notified of their request now, as the Commission had approved the Town Plan back in the fall. Steven responded that the individuals requesting the village designation in Taftsville disappeared for a time and the office wasn't sure if they still wanted the village designation.

Susan Silberberg stated that the Commission worked really hard to move this through by a deadline and that the group had decided it was good policy, regardless of the potential owner's involvement. She added that she is surprised by the requested change given the Commission's commitment to transparency.

Steven asked if we want to schedule another meeting to discuss the proposed zoning change in West Woodstock. Mary Margaret Sloan asked if the Commission would be voting on the entire Town Plan or just the piece in contention with Two Rivers. Steven responded that it's just one piece. Steven added that the change from CLI to BSLI wasn't flagged in the past two revisions of the Town Plan, but Two Rivers flagged it this time.

Susan Silberberg asked when Two Rivers came back with the determination that the change needed to be made. Steven responded that it happened in January. Chair Boston asked why the change was necessary, Steven responded that Two Rivers doesn't allow for retail that far outside of the Village. Frank Horneck asked what would happen if the Commission didn't approve the change, Steven responded that Woodstock would not receive Regional Plan approval.

Susan Silberberg asked why the Commission wasn't notified of the change and didn't get a report back until after Steven had met with the Selectboard. Steven said that he wasn't sure there was support from Town leadership to make the changes to the Town Plan. Mary Margaret Sloan emphasized that the Commission made a commitment to transparency and that she feels Steven has not been transparent with the Commission. She requested that the Commission be notified of any updates regarding Planning work with the legislative bodies.

Laura Powell asked if the joint meeting with the Selectboard and the Trustees will be warned the same way the public hearing was noticed. Chair Boston replied that it had been warned already in last week's paper.

Chair Boston made a motion to approve the change as requested by Two Rivers. Susan Silberberg seconded the motion.

**VOTE: 5-0. Approved.**

### **Committee Housekeeping**

Chair Boston notified the Commission that she will be resigning effective immediately from the Commission.

Susan Silberberg also notified the Commission that she intends to resign in the next few months due to a work sabbatical.

Chair Boston made a motion to adjourn. Susan Silberberg seconded the motion.

**VOTE: 5-0. Approved.**

### **Action Items**

- Steven Bauer will send document covering the clerk's duties to the Commission.
- Steven Bauer will reach out to the Thompson Senior Center on the proposed housing changes
- Steven Bauer will reach out to the EDC to get a slot at their next meeting to review the parking requirement changes.
- Susan Silberberg and Laura Powell will conduct a site survey in the Village in regards to setbacks, building height, and character.
- Steven Bauer will send the recording of the meeting to Mary Margaret Sloan.