

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

The Woodstock Planning Commission held a public meeting on Monday, February 12, 2024, to discuss the following:

Members present: Frank Horneck (Chair), Brad Lawrence, Benjamin Pauly, Mary Margaret Sloan, and Matt Driscoll, Nicole Green

Public present: Derek Demas, Susan Fuller, David Hill, Mary McCuaig, Deborah Neuhof, Christina Martin, Kat Gray, Barbara Connell, Michael Peters, Rachel Weber.

Staff present: Steven Bauer, Director P&Z, Stephanie Appelfeller

**Administrative Tasks**

1. Call to Order – Frank Horneck called the meeting to order at 6:03pm.
2. Adjustments to Agenda – Approval of 1/17/24 and 2/7/24 minutes moved to next meeting.
3. Approve Minutes – Moved to next meeting.

**On Going Business – Short Term Rental Regulation Draft Review**

Frank Horneck reminded the purpose of the ordinance is to:

1. Promote the public health, safety, and welfare of Woodstock residents and visitors.
2. Preserve Woodstock’s sense of place.
3. Allow limited number of STRs
4. Balance needs and rights of property owners and neighbors
5. Incentivize conversion of STR to long-term housing

Steven Bauer explained the recap from 2/7 meeting.

1. Cap total number of allowed STR permits at 5% of housing stock, 105 units. Breakdown of 55 owner occupied and 50 non-owner occupied.
2. Annual registration – January 1- December 31.
3. 3 windows for registration.
4. Establish as an Ordinance administered by ZA
5. No cap on number of times allowed to rent.
6. Level of priority for registration
7. Proposed Annual Fees – Owner occupied \$750 plus \$250 per occupant; non-Owner occupied \$3000 base plus \$250 per occupant.
8. Registration is nontransferable.
9. One STR per parcel and registrant

Changed definition of bed and breakfast to clarify “at least 2 but no more than 9 rentable units, not to exceed 9 sleeping rooms” Also must provide breakfast in a common kitchen.

Preexisting non-conforming use – non-conforming rights exist under zoning bylaws but not under municipal ordinance. On 1/1/25, STR in Village and Town must comply with the STR Ordinance. If

determined to be a legal preexisting, nonconforming use, will apply from July 1 – July 31 and do not towards permit cap.

Jill Davies asked for an example of pre-existing non-conforming use. Steven mentioned that it means a use that existed before a regulation was created. But under an ordinance there is not the same protection.

The Village STR regulations requiring a Conditional Use permit started in 2005, everyone before 2005 is considered pre-existing non-conforming. In town, the first regulation was adopted in 2002, except R-5 and Forestry Reserve who were exempt until 2019 when added. The R-1 district required an admin permit. The pre-existing non-conforming uses do not exist under an ordinance. Everyone must comply with the ordinance.

Mary Margaret Sloan was concerned the discussion was to grandfather in pre2019 STRs, and now talking about eliminating that entirely. Ben Pauly mentioned if applicants can prove they are grandfathered, they can apply to get a permit first. Mary Margaret Sloan said the Commission had been discussing the grandfathered STR would be allowed to operate until they sell the property. She thinks this is too big of a change that will impact people and will be problematic as have been told they are grandfathered. Ben Pauly feels this would simplify the process so everyone plays by the same rules.

Steven Bauer says it will guarantee non-conforming people a permit and not count towards the total 105 permits, for the first year.

Matt Driscoll asked if the cap grows in 2<sup>nd</sup> year and Steven Bauer said the cap can be adjusted if necessary. Do they pay permit fees every year? Matt Driscoll suggested making sure there is always a spot available for these registrants forever and determining if they need to pay the fee. Mary Margaret Sloan thought grandfathered people did not need to go through permitting process or pay the fee, other than the fire inspection and 10% fee.

Jill Davies asked that STR owners share in the cost of housing for people who work in Woodstock that can't find housing as they are causing part of the problem. Ben Pauly mentioned the biggest issue could potentially be the fee that the non-conforming use people have not paid in the past.

Steven Bauer stated that having every STR operator come under the same rules is the fairest thing to do. Matt Driscoll is concerned that can't ensure enough caps to allow in perpetuity. He suggested keeping the 105 cap and making a pool for other non-conforming users that cannot be taken away.

Nicole Green asked to clarify what is being grandfathered. Does parking disqualify? Mary Margaret Sloan said it sounds like nothing is being grandfathered. Ben Pauly said when people apply, they need to match new regulations. Steven Bauer thinks it should be simple and everyone match same rules. Ben Pauly said the parking and other regulations should apply to everyone.

Derek Demas indicated Julie Marks passed along requirements for non-conforming uses and he will forward. In 2019 when STR regulations were being reviewed, the Town did not have a charter and therefore could not create an ordinance.

The Commission walked through the criteria for what is grandfathered for existing non-conforming users. Ben Pauly asked if most are in the R5 and Forest Reserve and Steven guessed yes.

- Keep that it is non-transferable.
- One STR per registrant (Derek Demas estimated 5 people are impacted). Ben Pauly and Frank Horneck think registrants should comply with this. Mary Margaret Sloan does not agree and will not support, she wants more community input.
- One STR per parcel – Nicole Green mentioned it is like the prior topic. Ben Pauly and Brad Lawrence are in favor of one STR per parcel. Mary Margaret Sloan will not support.
- Parking – Should waive parking regulations going forward for pre-existing registrants? Nicole Green said that would exclude STR owners without enough parking. Steven and Matt mentioned it's determining a balance of compliance or protecting pre-existing, which is more important.

Derek Demas estimated roughly 5 people own more than one STR property, most are in the R-5 district and grandfathered in. He is aware of 3 owners that have more than one listing on the same property. He believes all 5 are Woodstock residents. He's not aware of any STR in apartment complexes. Steven Bauer asked total number of pre-existing, non-conforming in the R-5/Forestry pre 2019, and Derek Demas guessed 10-20 people will be impacted.

Ben Pauly asked what the issues would be if these non-conforming people have to apply. Derek Demas said the biggest issue is the zoning and said they don't need a permit. People will be upset about the fairness; they should not be part of the total cap. Mary Margaret Sloan feels the annual fee will be an issue.

Steven Bauer suggested no cap on grandfathered units.

- Maximum occupancy, fire, and safety - will not change as matching fire code.
- Tax remittance – not impacted
- Parking – Should be ok, as in the R-5 and Forestry district.
- Fees – Owner occupied - \$750 base and \$250 per occ. Non-owner-occupied \$3000 base, \$250 per occ. – Paid Annually

Ben Pauly mentioned Burlington taxes STR at 9%. Based on housingdata.org the proposed fees are less than 9% of the proposed revenue and are a fair fee. Brad Lawrence and Frank Horneck agree. Mary Margaret Sloan said projected revenue is too high and more than needed to cover costs. She said the public has brought this up consistently. Steven Bauer mentioned the budget will generate \$190k which is based on 2.1 and 2.8 average occupancy. She calculated \$256,000 which is over what was said is needed to cover expenses. Matt Driscoll said the fee structure is set this way to avoid asking citizens for tax increases in the future. Nicole Green said the revenue is important as the Select Board and Trustees require revenue. Nicole Green is ok with the fees as proposed.

**The Commissioners agreed to the proposed fee structure 5-1, Mary Margaret Sloan did not approve.**

## Public Comment

Barbara Connell – If the fees go up the nightly rate goes up, which eliminates certain people who want to rent the place. She asked the purpose of not allowing renting both structures on the same property. Ben Pauly responded that increasing long term rentals is the goal. The cap of 105 may max out and allows more people to have permits rather than one person taking all the permits. Barbara Connell mentioned there are exceptions and not all properties are suited for long-term rental. Steven Bauer mentioned renting under 14 days a year and stays over 30 days or Rural Retreat if on 150 acres are all exceptions available.

Susan Fuller does not think the renewal requires the same fee as it is a simpler process to renew. Suggested every 5 years when redo fire inspection then charge the renewal fee. State statute says municipalities cannot take away rights of the users with non-conforming uses, she is worried about litigation and takings. Steven Bauer mentioned that via 24 VSA 2291.9 the Legislature enabled an ordinance to regulate STRs.

Michael Peters – mentioned this is a big change. He thinks grandfathering should be all or nothing.

Mary McCuaig – Thinks the fees will be a hardship. Ben Pauly asked if other parts of application are hard to comply with, she said no just the fee. The caps on allowed permits will not impact the housing crisis. She will not long term rent the rooms if STR taken away.

David Hill explained the past Planning Commissions and Planning Directors told them that the grandfathered people would never be included. He does not like the fees. He rents an AirBNB and a tent at the property since 2018.

Christina Martin – In 2017 she started renting a chicken coop as an AirBNB and was told no permit needed because of district she is in. Also rents one room in her house. She asked that the commission allow her to be an ambassador for the area by continuing the STR as previously allowed.

Rachel Weber – asked about guest fee, Steven clarified it refers to the \$250 per occupant, annually.

Mary McCuaig – only rents in summer and the per person fee can be high if up to 7 people can stay in her home, it isn't proportional compared to people who rent all year long. Steven Bauer responded that doing it as a tax would be more equitable, but the town doesn't have staffing to handle that way yet.

Steven Bauer asked the Commission what part of the regulation is overly burdensome, they replied the contentious issues are fees, multi-STR on one property, and guaranteeing non-conforming use registrants get a spot.

Matt Driscoll asked if people who have multiple units are grandfathered and allowed to use all the properties. Ben Pauly said they still need to determine that. He asked if preexisting non-conforming could have a separate annual fee of \$500?

Steven Bauer explained that under an ordinance, grandfathering is not given. Matt Driscoll likes the idea of an ordinance vs bylaw.

Ben Pauly asked the Commission if they agree that people who can prove they are non-conforming be charged a fee of \$500 is fair? Steven Bauer will do research on the options. Barbara Connell recommends looking into if market can handle \$500 fee.

Steven Bauer suggested waiving the fee to bring pre-2019 non-conforming into compliance. Brad Lawrence has an issue with waiving the fee for non-conforming users. Ben Pauly suggested a nominal fee and two-unit cap per owner, but need to comply for everything else. Brad Lawrence agreed.

Barbara Connell agrees a fee is necessary and most people will pay.

Kat Gray –Is one of 5 people with multiple STR units, since 2010. Understands a \$500 fee is reasonable.

Mary Margaret Sloan asked what seasonal people feel about \$500 fee?

Christina Martin – rents one bedroom and a chicken coop, she supports \$500 fee combined for both units.

David Hill – suggested a fee of \$500 initial fee that goes down to \$100 renewal fee.

Susan Fuller - \$500 for entire property (\$500 each if in different locations).

Mary McCuaig - \$500 initially, and \$100 annually renewal after that.

Nicole Green – likes \$500 for non-conforming. And asked if someone is renting 4 units if they need to go down to 2 units? Barbara Connell mentioned she has 3 units and is actively looking to release one as a long-term rental. She would not be happy if must release it soon, asked to give her a year or two to change the model.

Derek Demas asked if someone rents a home as STR that is their homestead, but rent it over 180 day and it becomes non-owner occupied, what happens? Steven said he will only check on homestead status in April. He will ask Department of Taxes to verify.

Mary Margaret Sloan suggested a fee of \$250 annual fee for non-conforming units. And no per occupant fee. Nicole Green supports \$250 or \$500 for grandfathered. Ben Pauly likes \$500 annually. Cap at two per owner and/or property.

Timeline – The commission will meet again March 6 to finalize details. Special meeting will be set last week of March to finalize it on Monday 3/25 at 7pm. The Select Board has a deadline of 3/31/24.

Deborah Neuhoff – Has an apartment above garage with STR. She hopes to age in place in the home. She feels the fees are high.

### **Other Business**

The Commission will meet on March 6 and for a special meeting on Monday, March 25, 2024.

### **Adjournment**

Brad Lawrence motioned to adjourn the meeting.

Mary Margaret Sloan seconded the motion.

**Vote 6-0. Approved.**

**Meeting adjourned 9:05pm**