

PUBLIC HEARING NOTICE

WOODSTOCK PLANNING COMMISSION

31 The Green
Woodstock, VT 05091
(802) 457-7515

PUBLIC HEARING FOR PROPOSED AMENDMENT TO THE TOWN OF WOODSTOCK ZONING REGULATIONS

WEDNESDAY, NOVEMBER 6, 2024, at 5:30 P.M.

The Woodstock Planning Commission will hold a public hearing on Wednesday, November 6, 2024, at 5:30 PM in the Conference Room of Town Hall (31 The Green), and via Zoom, for the purpose of reviewing the proposed amendments to the Town of Woodstock Zoning Regulations. Copies of the proposed amendment will be available from the Planning & Zoning Department or on the Town website at www.townofwoodstock.org/planning-zoning.

You may access the hearing as follows:

To join virtually by computer, please click this URL: www.zoom.us/join enter the Meeting ID and password:

Meeting ID: 886 4885 1165

Passcode: 345452

To join virtually by phone, please dial [646-931-3860](tel:646-931-3860) and enter the Meeting ID and password:

Meeting ID: 886 4885 1165

Passcode: 345452

To join the meeting in person: Woodstock Town Hall, Large Conference Room (Second Floor), 31 The Green, Woodstock, VT 05091

STATEMENT OF PURPOSE

The purpose of this amendment is to clarify and adjust the size and scale requirements of Section 536: On-farm Restaurants.

DISTRICTS AFFECTED:

Residential Five-Acre

SECTIONS AMENDED or ADDED:

Article V. Sec. 536. On-Farm Restaurants

BYLAW AMENDMENT
AMENDMENTS TO SECTION 536: ON-FARM RESTAURANTS
PLANNING COMMISSION HEARING DRAFT
November 6, 2024

SECTION 536. ON-FARM RESTAURANTS

A. Statement of Purpose:

The purpose of this section is to specify provisions that support the responsible expansion of on-farm restaurants into the R5 District. The Town recognizes the important role that agriculture plays in the economic vitality of Woodstock's future. The Town also understands that such a demand can place an undue burden on the Town's rural landscapes without proper oversight and regulation.

B. Requirements. Any restaurant located in the R-5 District must comply with the following requirements:

1. Before receiving a conditional use permit to operate an on-farm restaurant, an applicant must submit a certificate of farm determination from the Vermont Agency of Agriculture, Food and Markets to the Administrative Officer.
2. Hours.
 - a. Hours of operation shall not exceed 11:30a.m. to 10:00p.m., five (5) days per week.
 - b. No customers shall be seated outside after 8pm or inside after 9:30pm.
3. Size and Scale.
 - a. The minimum lot area required is ten (10) acres except that the minimum lot area shall be five (5) acres for the adaptive reuse of farm structures existing as of July 1, 2022.
 - b. ~~The footprint of the restaurant building shall not exceed 2,800 square feet.~~
 - b. The footprint of the outdoor dining area shall not exceed 25% of the total footprint of

- the restaurant building.
- c. Occupancy shall be limited to the maximum occupancy load, as determined by the Woodstock Fire Chief, or 100 persons, whichever is less.
 - d. The occupancy limit for daily outdoor dining shall not exceed 25% of the amount as determined by § 536(B)(3)(c).
 - ~~e. No customers shall be seated outside after 8pm or inside after 9:30pm.~~
4. Menu. The daily menu must feature products produced on site, as determined by the TDRB. The applicant shall provide a sample menu to the TDRB that identifies the products either produced or not produced on the farm, at least forty-eight (48) hours before the noticed hearing.
 5. Parking. Shall conform with the requirements of § 522(E), unless otherwise determined by the TDRB.
 6. On-site retail sales are prohibited.
 7. Special Event Standards. Events include product demonstrations, tastings, classes, and celebratory functions, (e.g., weddings).
 - a. All special event parking shall be located at least 500' from the nearest residence.
 - b. Outdoor special events shall be limited to no more than three (3) events per year.
 - c. All outdoor evening events shall cease by 10:00pm on weekends (Friday – Sunday) and 9:00pm on weekdays (Monday – Thursday). No event may start before 8:00am.
 - d. Noise shall not exceed 60 decibels (dB), as measured at the property line.
 - e. There shall be no firework displays.
 - f. Attendance shall be limited to the maximum allowed occupancy load, as determined by Woodstock Fire Chief, or 150 persons, whichever is less.

C. Definitions.

As used in this section:

“Farm” shall have the same meaning as in Section 2.14 of the Vermont R.A.P.

“Farm structure” shall have the same meaning as in Section 2.15 of the Vermont R.A.P.

* * *

SECTION 810. CONDITIONAL USE APPROVAL

Any use or structure, which requires conditional use approval, shall not be granted a zoning permit by the Administrative Officer unless the TDRB determines that the proposed use or structure conforms to the general standards prescribed in these Regulations and does not cause an undue adverse effect on the following:

1. The capacity of existing or planned community facilities;
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Woodstock Town Plan;
3. Traffic on roads and highways in the vicinity;
4. Bylaws then in effect;
5. Utilization of renewable energy resources.

PLANNING COMMISSION REPORT

TO AMEND SECTION 536: ON-FARM RESTAURANTS

WOODSTOCK PLANNING COMMISSION

31 The Green

Woodstock, VT 05091

Pursuant to 24 V.S.A. §4441, the Planning Commission has prepared this written report to accompany the proposed amendment to Section 536 of the Town Zoning Regulations.

STATEMENT OF PURPOSE:

The primary intent of the proposed amendment to Section 536 is to clarify the mechanism for measuring whether a proposed on-farm restaurant meets the size and scale requirements in a more practical manner by removing the specific reference to 2,800 square feet (“SF”). A minor change is also proposed to move 536 3e from the ‘Size and Scale’ section to the ‘Hours’ section.

FINDINGS:

In 2022 the Selectboard adopted an “on farm restaurant” regulation after months of deliberation and constituent input. This amendment would expand beyond the foundations of Act 143 and allow for the development of on-farm restaurants in the Residential Five Acre District. As is common with new legislation, provisions of the amendment lost their clarity and resulted in confusion throughout the judicial process. Believing that the judicial interpretation of the language does not match their intent, the Selectboard tasked the Commission with reviewing and recommending changes that would create clarity for measuring whether a proposed on-farm restaurant meets the size and scale requirements.

After listening to residents, holding discussions on the topic, and researching farm structures in our town, the Commission concluded that removing the specific 2,800 SF limit allows for a more practical review of on-farm restaurants. The Commission determined that several factors contributed to the conclusion that a size restriction based on certain square footage was arbitrary, ineffective in measuring the impact to an area, and unduly restrictive of future on farm restaurants.

First, the commission looked at existing farm structures in Woodstock and found that there are many cases where there are very large existing farm structures, which are multiple times the size of a 2800 SF footprint building, yet fit the rural character of our R5 district. Historic development patterns have led to these very large farm structures being built over time with additions to accommodate increasing needs and multiple uses. These often very visible and prominent farm structures give a historical grand scale to the built agricultural landscape and we find that having a footprint restriction would limit the reuse of these existing structures.

Secondly, there are also many instances where very large structures have no or limited visual impact to the character of the area because they are screened or outside of view. We feel that a size limit would be unnecessary and burdensome in these circumstances where projects would

exist outside of sightlines of the surrounding area. The R5 district, with a minimum 5 acres for on-farm restaurants, can be large of scale with diverse contextual settings where buildings can be found above 2800 SF footprints without undue adverse effects on the character of the area.

Thirdly, the Commission feels that the other existing controls in the regulations of On Farm Restaurants are much more significant and effective in limiting the impact to an area. These include items such as the restrictions on hours of operation, days per week, outdoor capacities, last seating times, frequency of outdoor events, and occupancy limits.

Lastly, we were not able authenticate the original reasoning behind the establishment of a specific square footage. Through our previous findings, discussions, and public comment, any specific size limit, much less 2800 square feet, could not be justified in any meaningful light and we find TZR §536(B)(3)(b) to be baseless.

This proposed amendment ensures the evaluation of a future project's impact focuses on the conditional use and site plan criteria by eliminating a one-size-fits-all approach based on an arbitrary size limit.

CONCLUSION:

The proposed amendment focuses on removing the specific reference to 2,800 SF to provide a more practical mechanism for assessing whether a proposed on-farm restaurant meets size and scale requirements. This change aims to facilitate a more nuanced and fair evaluation process, support the viability and economic sustainability of agricultural operations, and minimize adverse impacts on the community and future applicants by avoiding arbitrary size constraints.

Respectfully submitted,

Benjamin Pauly

Benjamin Pauly,
Chair, Planning Commission

Matthew Driscoll

Matt Driscoll,
Clerk Planning Commission

Signature: *Benjamin Pauly*
Benjamin Pauly (Oct 15, 2024 10:26 EDT)

Email: benjaminpauly@gmail.com

Signature: 
Matthew Driscoll (Oct 16, 2024 09:04 EDT)

Email: matthew.m.driscoll@gmail.com