

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

The Woodstock Planning Commission held a public meeting at 6:00pm on Wednesday,
February 5th, 2025, to discuss the following:

Members present: Ben Pauly (Chair), Matt Driscoll, Alex Mulley, Sarah Glasser Tucker, Mary Margaret Sloan, and Brad Lawrence

Public present: Harry Falconer and Bryan Kovalick

Staff present: Stephanie Appelfeller, Mike Tuller, Molly Maxham, and Emily Collins

Administrative Tasks

1. **Call to Order** – Ben Pauly called the meeting to order at 6:03pm. No adjustments were made to the agenda.

2. **Minutes:**

Matt Driscoll motioned to approve 12/04/24 minutes as printed.

Sarah Glasser Tucker seconded.

Vote. 6-0. Approved.

Matt Driscoll motioned to approve 01/08/25 minutes as printed.

Sarah Glasser Tucker seconded.

Vote. 6-0. Approved.

3. **Public Comment: None**

4. **Planning Consultation:**

Bryan Kovalick from Two Rivers-Ottauquechee Regional Planning Commission was present to conduct a planning consultation to the board. Bryan Kovalick recited the purpose of planning consultations as described in Vermont state statute. Twice within an eight-year period, the Regional Planning Commission (RPC) shall consult with municipalities to determine whether they are receiving adequate support and ascertain the efficacy of their efforts. Bryan Kovalick asked the following questions and allowed for group discussion.

Bryan Kovalick asked what planning efforts the board is currently, or planning to, undertake to update the 2023 amended Town Plan, which expires in September of 2027. Benjamin Pauly shared that Harry Falconer is applying for a municipal planning grant to build a future land use map. The grant will be awarded in April or May for work to begin in June or July. This would assist in the long-term goal of completely rewriting the Town Plan. There would also be a high focus on housing as directed by the Selectboard and Trustees.

Bryan Kovalick then asked what activities the board is involved in implementing the Town Plan. Bryan Kovalick stated that the ongoing process of rewriting the zoning bylaws is a relevant activity and asked if the board is focusing on the Village or Town. Benjamin Pauly said that the goal is to adopt revisions by June or July. These revisions will focus on allowing for densification efforts in the Village because of the potential offered by existing infrastructure. Depending on grant funding, the board would then direct their focus to the Town. Benjamin Pauly shared that Laura Powell may have more information on capital budgets, but that the board has not discussed budgets in detail as the Selectboard and Trustees have. Bryan Kovalick added that the Planning Commission may be involved in this process but is not required to be. Bryan Kovalick inquired about supplemental plans. Benjamin Pauly said that there have been discussions about focusing development in the East End, but that nothing specific has been proposed. Benjamin Pauly noted that the general spirit of their efforts is to make the development process as straightforward as possible within their growth goals. Bryan Kovalick asked about other related programming and Benjamin Pauly stated that there has been interest expressed in designating Neighborhood Development Areas and looking into subdivision bylaws.

Bryan Kovalick asked next if the board is receiving appropriate funds for their planning efforts. Benjamin Pauly stated that they have not identified a need for any funding but are optimistic for the municipal planning grant.

Bryan Kovalick asked if anything has hindered, interfered with, or delayed the planning process. Benjamin Pauly shared that there has been a lack of clarity surrounding policies and procedures to follow, especially as multiple board members are new to their roles. Mary Margaret Sloan said that they would appreciate advice from legal professionals on best practices to encourage transparency and public involvement. Bryan Kovalick notes that posting agendas in more locations and for longer than the required time could drive more engagement.

Bryan Kovalick inquired about any other ongoing or future planning needs of the board and how Two Rivers could assist with these needs. Benjamin Pauly said that Harry Falconer is a great resource to rely on. Benjamin Pauly again expressed interest in designating Neighborhood Development Areas and looking into subdivision bylaws. He says that Complete Streets would become a priority if Neighborhood Development Areas are pursued. Benjamin Pauly also expressed interest in understanding Act 250 housing exemptions, especially concerning floodplain standards. He wondered if Kevin Geiger or Kyle Katz with Two Rivers could assist in the Village adopting certain zoning regulations consistent with state regulations. There was conversation regarding the balance between building flood resiliency and mitigating the impact of new development on old development. Benjamin Pauly expressed interest in updating design criteria and Matt Driscoll advocated for a sort of package system to streamline the approval process. Harry Falconer said that this can be modeled after other towns. Sarah Glasser Tucker indicated that she has concerns about new buildings looking too similar to one another. Bryan Kovalick recapitulated the board's areas of interest: clarity in design review criteria for design review districts, reviewing zoning bylaws and regulations for subdivisions, integrating Complete Streets initiatives into planning, and Act 250 housing exemptions through revisions to the bylaws.

Harry Falconer asked if the board has done any hazard mitigation planning and clarified how it can be used as a tool for receiving assistance following natural disasters. Bryan Kovalick explained that a locality must have a Hazard Mitigation Plan in place to be eligible to receive individual aid or public assistance from the Federal Emergency Management Agency (FEMA) and compels the state to cover a portion of local match requirements to FEMA funding. Benjamin Pauly was unfamiliar with this idea. Harry Falconer explained that towns can apply for funding to work on Hazard Mitigation Plans with their RPCs and may integrate it with the Town Plan to demonstrate intentionality to FEMA and guide local policy, in the event of a natural disaster. Benjamin Pauly expressed interest in solidifying river corridors, or riparian buffer, protections with this effort, perhaps in the flood area bylaws.

Bryan Kovalick will draft a memorandum to compile the board's feedback and guide the next steps.

5. Continuation of Bylaw Analysis and Revision Recommendations:

Harry Falconer from Two Rivers-Ottawaquechee Regional Planning Commission was present to continue presenting zoning bylaw analysis and revision recommendations. Benjamin Pauly transitioned to Harry Falconer's presentation and provided context. Previous discussions have prepared involved parties by clarifying Woodstock's planning vision. Now, the board may review concrete changes to the zoning bylaws. The Selectboard and Trustees have set goals including increasing new housing development by simplifying the permitting process, general ease of use, building climate resilience, and ensuring consistency with state regulations. Harry Falconer presented changes to Acts I-III for the Planning Commission's review this evening and will continue to edit and present a few sections each coming month. The Planning Commission aims to complete a draft of the bylaw edits by June. Benjamin Pauly acknowledged that many of the edits are simple and related to grammar or formatting, but that some will warrant brief discussion. If an issue is contentious, it may be revisited on a later date in order to spend time efficiently. Harry Falconer began his presentation by echoing Benjamin Pauly's sentiment that he wants to work quickly, but that feedback is encouraged and board members should not feel rushed. June is an ambitious deadline and involved parties may choose to extend the timeline. Harry Falconer then laid out the parts of the bylaw and established the framework for his edits.

Beginning with Article I, Harry Falconer stated that it contains the general provisions and the definitions at present. Harry Falconer recommended that the definitions be moved to the end of the bylaw for the sake of consistent formatting. Harry Falconer stated that the zoning districts describe the purpose of each district and points to the official zoning map. Harry Falconer stated that Article III contains the use schedule that outlines allowed, conditional, and prohibited uses as well as dimensional standards, such as lot sizes and setbacks. Harry Falconer stated that Article IV describes overlay districts including the flood hazard area, the conservation district, and the design review district map. Harry Falconer recommended that the general regulations appear before the additional specific standards. This is for ease of use to clearly indicate which regulations may apply under any circumstances and which standards are more case dependent. Harry Falconer stated that Article VII establishes administration and enforcement, which is an important procedural material that should be a priority throughout this process. Harry Falconer

acknowledged that federal law supersedes state law. Harry Falconer explained that the legal citations and references have been corrected to the traditional format used in Vermont. Some lines have been deleted because they are unnecessary to include. Bryan Kovalick recommended that a severability clause be included.

Harry Falconer pointed out that Woodstock has a more generous definition of an “accessory dwelling unit” than the State has. This is legal. Alex Mulley asked which terms are defined in municipal code versus state statute. Harry Falconer explained that terms may be defined by municipalities in the event that the state has not defined the term or delegates that authority. There was group discussion to weigh the merits of changing their definition of an “accessory dwelling unit,” but it was decided that this has not been an issue. Harry Falconer described the difference between a permit and an approval and explains why it is important that the language is clear that a project is issued one permit but may be subject to seeking approval for a conditional use. Mary Margaret Sloan asked why there were two definitions for “affordable housing” and “affordable housing development.” Harry Falconer explained that this language allowed for the density bonus that appears later in the bylaws and goes beyond what the state requires. A density bonus of 40% is offered if 20% of the units are affordable or a bonus of 50% if 1/3 of the units are affordable. Harry Falconer recommended that this language be explicitly written in the bylaw. Mary Margaret Sloan and Benjamin Pauly asked if there were specific guidelines on when the Administrative Officer or the Village Development Review Board has authority in times of disagreement. It was decided that this will be revisited.

Mary Margaret Sloan noted that the agricultural exemption could be misleading because farming related operations occur on land that is not a farm, per statutory definition. It may be the case that agricultural activity could be regulated if it does not occur on a farm. There was group discussion weighing the merits of separate definitions for a farm and different agricultural activities. Harry Falconer said that he will look into a more straightforward way to compile those definitions, address relevant exemptions, and remain consistent with state statute.

Harry Falconer introduced changes to the definitions of “coverage” and “density” and explained how they are determined. There was conversation about how zoning regulations address how much of a lot a structure can cover, how many structures can be on a lot, and how many structures can be near one another. Sarah Glasser Tucker stated that she believes there should be more of a distinction between “coverage” and “building density.” Matt Driscoll discussed different ways this could be measured or defined by zoning districts. Harry Falconer said this may need to come from the Town Plan, but that he will workshop these definitions more and this will be revisited. Harry Falconer changed dwelling terms from “multi-family” to “multi-unit” for the sake of semantics. Harry Falconer changed the definition of “forestry” to be consistent with state statute. The board agreed they did not want to begin regulating this activity further. There are other regulations that address forestry, such as the establishment of scenic ridgeline districts. Town planning staff described that it is currently difficult to preclude a property owner from building in the hills.

Harry Falconer shared that municipalities are not allowed to disallow mobile homes anywhere permanent structures are allowed, so the bylaw was edited. Harry Falconer recommended that a relevant permitting process be more accessible in the use schedule. Harry

Falconer recommended that we replace the term “off-street shopping plaza” for ease of understanding and more straightforward enforceability. Harry Falconer recommended that the terms “planned residential development” and “planned unit development” be removed because they are not practical tools for Woodstock. Benjamin Pauly questioned its practicality for the town versus the village. The terms will not be removed. Harry Falconer recommended that the term “short term rental” be removed as they are now regulated by an ordinance and not in the use schedule.

Bryan Kovalick shared that it is unconstitutional to regulate the content of a sign, so this is something for the board to be cognizant of. There were questions regarding how to regulate characteristics such as lighting and size. Bryan Kovalick stated that it is still permissible to regulate the time, manner, and place of signs. Town planning staff have discussed moving toward a content-neutral regulation as new applicants are seeking approval for larger displays. The Two Rivers-Ottawaquechee Regional Planning Commission will work on new language to revisit this.

Mary Margaret Sloan noted that she would like to revisit the scenic ridgeline issue to discuss how to prevent new development for the sake of conservation efforts and protecting Woodstock’s appeal. Other definitions were changed to improve grammar, fix technical corrections, or become consistent with state statute.

Moving forward to Article II, Harry Falconer revised the zoning district abbreviations to match the map. He also noted that while it is permissible to regulate steep slopes and scenic ridgelines, it is difficult.

Moving forward to Article III, Harry Falconer recommended including a table at the beginning for the sake of usability. The table should include dimensional standards and uses for each zoning district. This would help readers understand what is or is not allowed on their property and when a permit would be necessary. Harry Falconer recommended other nomenclature edits to clarify that a project receives one permit. A property owner may seek conditional use approval, in pursuit of a zoning permit. Mary Margaret Sloan indicated that clarity was also needed when referring to “permitted” activities. There was discussion over the clearest way to distinguish between which activities are allowed, allowed with a permit, and not allowed. Benjamin Pauly noted that the language should also clarify when just an administrative permit is necessary and when conditional use approval would be required. This will be revisited.

Harry Falconer stated that it would be easier for developers to build multi-unit structures if they were subject to a site plan approval process rather than needing to seek conditional use approval. Harry Falconer proposed that conditional use approval only be necessary when the development would be incongruent with the purpose of a zoning district. Harry Falconer shared that the function of a site plan approval process is to encourage development that aligns with the town’s planning goals by streamlining the permitting process for applicants. This will be revisited to consider drainage, determine which zoning districts this would impact, and what requirements would be listed on an approval checklist. Harry Falconer edited the square footage per unit requirements to align with the purpose of each zoning district. This will be revisited because Bryan Kovalick expressed concern over the relationship of this number with spatial

requirements and sewer capacity. Mary Margaret Sloan, Bryan Kovalick, and Harry Falconer discussed the difference between town and state density regulations.

Benjamin Pauly adjourned the meeting.

Planning Updates

No other business was heard. Harry Falconer will work with his colleagues to review feedback from the Planning Commission. Individual board members will return to the next meeting with specific recommendations pertaining to their feedback.

The meeting was adjourned at 8:02pm