

# **PUBLIC MEETING AGENDA**

VILLAGE OF WOODSTOCK, VERMONT

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

VILLAGE DEVELOPMENT REVIEW BOARD

Wednesday, April 9, 2025, at 5:30 PM

The Meeting will be held in person and via Zoom [CLICK HERE TO JOIN](#).  
The login information is at the bottom of this agenda.

## **I. CALL TO ORDER: 5:30 PM**

## **II. PUBLIC HEARINGS**

- A. V-0023-25 – Andrew and Christine Heining**  
Location: 27 Maple Street  
Parcel ID: 24.52.21  
Review: Conditional Use Approval  
Proposed Development: After-the-fact fence permit.

## **III. APPROVAL OF MINUTES – 03/26/2025**

## **IV. OTHER BUSINESS**

## **V. ADJOURNMENT**

This is a hybrid meeting, both in-person and on Zoom.

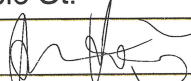
<https://us02web.zoom.us/j/88648851165?pwd=SzJPWHJDTINDK2ZVNXBzdVArDytdz09>

**Meeting ID:** 886 4885 1165

**Passcode:** 345452

## Woodstock Planning & Zoning Application

All applicants must be the owner, the owner's attorney, or authorized agent of property described herein. A person holding a binding agreement to purchase property may sign application by providing written proof of such agreement. If an agent or attorney will represent or speak on owner's behalf, owner must complete the agent portion of this application.

Applicant: Andrew Heining Phone: 7742831116 Email: andrewjh@gmail.com  
Address: 27 Maple St. City/Town: Woodstock State: VT Zip Code: 05091  
Co-Applicant: Christine Heining Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: 27 Maple St. City/Town: Woodstock State: VT Zip Code: 05091  
Signature(s): 

\*What is the best way to contact you? Phone or Email email  
\*What address would you like your Notice of Hearing/Permit mailed to? 27 Maple St., Woodstock, VT 05091

### Agent Authorization

(a representative speaking on behalf of the owner/applicant)

I, \_\_\_\_\_ owner of property located at \_\_\_\_\_ Woodstock, Vermont, hereby designate as my agent.  
Name of Agent: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Agent may be accepted as though made by me personally, and I understand that I may be bound by an official decision made based upon such representation  
Signature: \_\_\_\_\_

Parcel ID Number(s): 24.52.21. Address: 27 Maple st. Woodstock VT 05091 Zoning District: RMD Overlay District: DR

Proposal of project: \_\_\_\_\_  
6-foot cedar privacy fence separating property from 33 Maple St., installed Fall, 2024

### ----- Planning & Zoning Office Only -----

Village Design Review Hearing Date: / Village Development Review Hearing Date: 3/26/25  
Town Development Review Hearing Date: / South Woodstock Review Hearing Date: /  
Planning Commission Hearing Date: / Conservation Commission Hearing Date: / Administrative: /

Date Recvd: 2/28/25 Date Complete: 3/6/25 By: el Application #: V-0023-25

Review Fee: — Itemized Fee: — Recording Fee: — Total Fee: —

Paid: cash — check — MuniPay: — Payment Date: —

**CONDITIONAL USE**  
**SUPPORT STATEMENT**

If your answers require additional space,  
you may respond on separate sheet(s), following this format.

(not commercial)

1.

Applicant

Andrew Heining

Owner (if different)
2.

Date

3/5/2025

Parcel ID

Map

Block

Lot
3.

Nature of your request:

Approval for cedar panel fence separating 27 and 33 Maple St., Woodstock, VT
4.

Zoning District

Residential Med Density

Minimum Setbacks:

Front:

Side

Rear

Min. Lot Size

Min. Frontage

Do your plans conform to these requirements?

NA

If not, please explain:
5.

Describe the location and the proposed project, including type & extent of development and any other description/explanation.

A cedar privacy fence was installed along the property line separating 27 and 33 Maple Street in Fall, 2024. Construction consisted of the following: 10-foot steel posts were driven 4 feet underground, and the 6-foot-tall by 8-foot-wide prefabricated cedar fence panels were affixed. "Lifetime" Steel posts were chosen for their strength and resistance to rot, and made possible the omission of digging and pouring concrete footings, minimizing environmental impact. Care was taken to elevate panels 1-2 inches off the ground to mitigate rot.

Additional pickets are to be added to the 33 Maple Street side of the fence, covering each steel post (pictured). This work was halted when neighbors lodged complaint with Planning & Zoning, alleging fence did not meet regulations, but will be completed when snow melts.

## Planning Department

---

**From:** Brayton, Asa <Asa.Brayton@vermont.gov>  
**Sent:** Thursday, October 31, 2024 12:33 PM  
**To:** Planning Department  
**Cc:** Stephanie Appelfeller; Woodstock Listers; Pfeiffer, Rebecca  
**Subject:** RE: SFHA/Floodway Concerns at 27 Maple Street, Woodstock

Good afternoon Mike,

According to the current flood hazard area regulations for the Town of Woodstock, the fence is allowable in the SFHA but not in the floodway. Section 405 (D)(1) says no development is allowed in the floodway, which would include both types of fences. It is difficult to tell without visiting the site where the floodway begins, but any fence in the floodway would need to be removed. From the image below, the floodway looks to begin about 35' from the existing shed near the property line. But it would need to be measured out in person to say for sure.



Not allowing any development in the floodway is a higher standard than the state model, which allows development that does not cause a rise in the BFE. Split rail fences would be allowable under this phrasing. I or TRORC could work with you to revise your local flood hazard area regulations to allow split rail fences. Towns in the NFIP will be required to update their flood hazard area regulations in the next few years with the update of FIRMs, so that would be another opportunity to update floodway language.

There's nothing I could find, specifically in the flood hazard area regulations, that would not allow the panel fence based on how it could direct floodwaters.

Let me know if you have any further questions.

Best,  
**Asa Brayton, CFM** | Regional Floodplain Manager  
Vermont Department of Conservation



*Please note that this email message, along with any response or reply, may be considered a public record, and thus, subject to disclosure under the Vermont Public Records Law (1 V.S.A. 315-320).*

---

**From:** Brayton, Asa <Asa.Brayton@vermont.gov>

**Sent:** Monday, November 4, 2024 4:28 PM

**To:** Mike Tuller <mtuller@townofwoodstock.org>; Pfeiffer, Rebecca <Rebecca.Pfeiffer@vermont.gov>

**Cc:** Stephanie Appelfeller <sappelfeller@townofwoodstock.org>

**Subject:** RE: Fence Placement within SFHA in Woodstock Village near Floodway - 27 Maple Street

Good afternoon Mike,

It looks to me that the opaque panel fence is likely in the SFHA and some/most of the split rail fence is likely in the floodway. Any of the fence within the floodway would need to be removed as Woodstock flood hazard area regulations do not allow any development in the floodway.

I've attached the email I sent in response to you on a different email thread that goes more in detail. Let me know if you have any questions.

Best,

**Asa Brayton, CFM** | Regional Floodplain Manager

Vermont Department of Conservation

Watershed Management, River Corridor & Floodplain Protection

C 802.522.4999 | [Asa.Brayton@vermont.gov](mailto:Asa.Brayton@vermont.gov)

---

**From:** Mike Tuller <[mtuller@townofwoodstock.org](mailto:mtuller@townofwoodstock.org)>

**Sent:** Friday, November 1, 2024 1:34 PM




## Woodstock, Vermont

*The Shire Town of Windsor County*

TOWN - VILLAGE MANAGER GOVERNMENT

Town Hall • P.O. Box 488 • Woodstock, Vermont 05091 • 802/457-3456

TO: Andrew and Christine S. Heining, 27 Maple Street

FROM: Michael Tuller, AICP, Director of Planning & Zoning 

CC: Stephanie Appelfeller, Chief of Staff  
Kathy Avellino, Zoning Code Compliance

DATE: February 18, 2025

RE: **Pending Notice of Violation – Village Zoning Code Section 513 – Fences  
Certified Mail # 9598 0710 5270 0658 5609 60**

I spoke with Stephanie Appelfeller last week regarding her recent communication to you related to your fence construction project, which has unfortunately compelled me to take an enforcement position to seek resolution regarding this complaint issued by your neighbor. When I met you (Mr. Heining) out at your property last year regarding the panel fence constructed that separates your parcel at 27 Maple Street with your neighbors at 33 Maple Street, you voiced a position that your project was compliant with Village zoning code.

Since I met with you, there has been an on-going disagreement about whether the fence was compliant based on the written version of the Village zoning code specific to fences, or whether aspects of the completed project needed to be a permitted activity and/or necessitate VDRB review.

Your neighbor, David Steele asked staff last fall whether the wooden panel fence was compliant with Village zoning, when issues related to the height of the fence being no greater than 6' tall and the "good side" of the fence facing the neighbor's side of the parcel could be debated. Though a reasonable person may say the issues raised could be construed as trivial, in my role as the Village Administrative Officer, I must interpret the code literally. If I cannot render a decision based on the ordinance language, I am required to allow the Village Development Review Board (VDRB) to review the issue in a public meeting.

If you are willing to submit a completed Planning & Zoning Application to our Office by Friday, February 28, 2025, we will waive all necessary fees needed in bringing your VDRB application before the Board in a scheduled Hearing, Wednesday, March 26, 2025.

If you choose to ignore this opportunity to resolve this on-going complaint, it would be my recommendation to issue a fine in the amount of \$100 per day for the first 7 days, \$200 per day 8-14, up to \$500 per day on the fifth week until the issue is resolved.

If there is any additional information you need regarding this pending Notice of Violation you are welcome to reach out to Stephanie Appelfeller or Kathy Avellino at Town Hall.





# 27 Maple Street

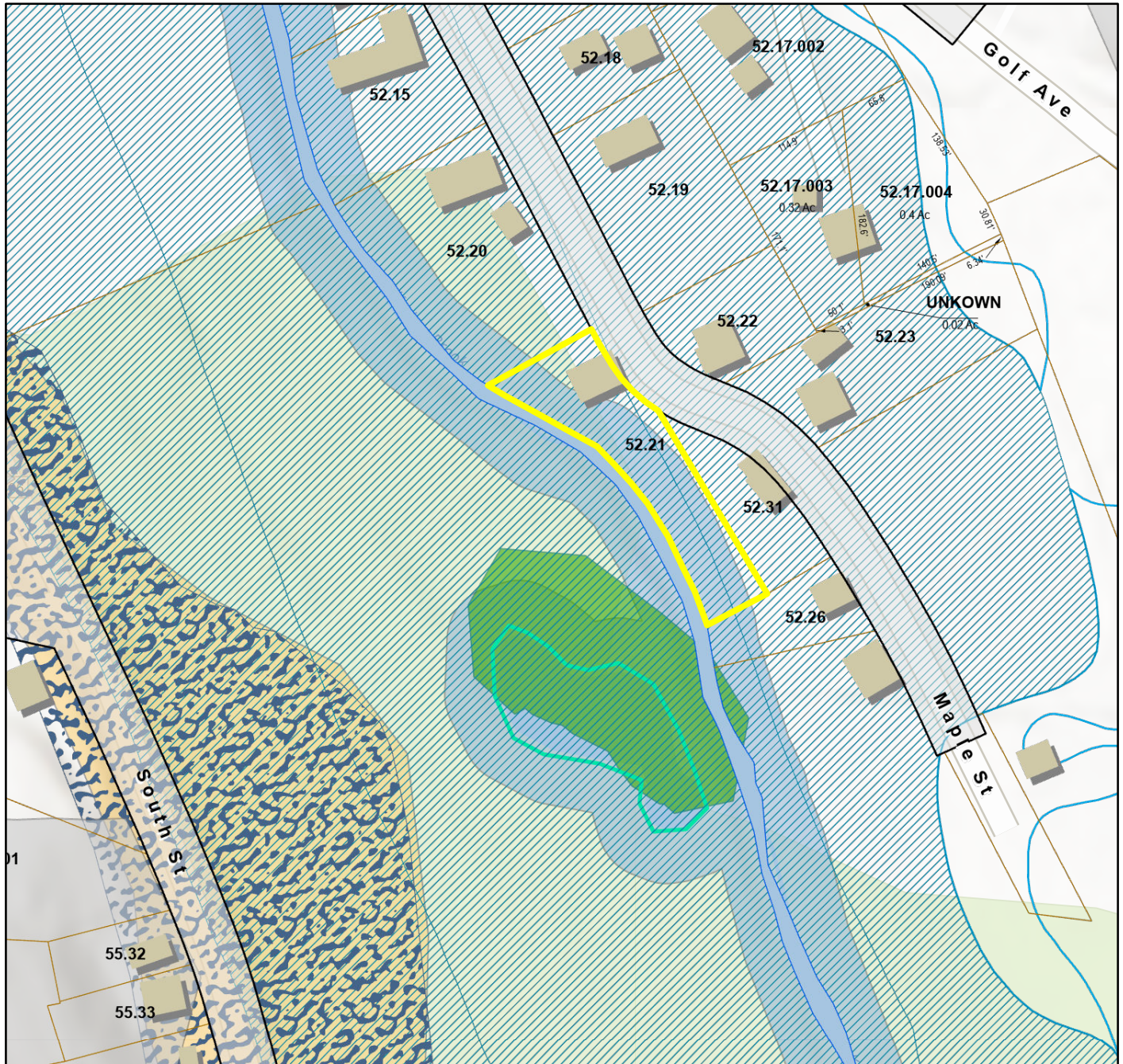
Village of Woodstock, VT

1 inch = 137 Feet



www.cai-tech.com

March 7, 2025



PWater	Hydric Soils
Property Line	100 Year Floodplain
Public Road	500 Year Floodplain
Buildings	Wetlands (2004 Arrowood Environmental Report)
Right of Ways	VT Significant Wetlands Inventory
Water-poly	50 Foot Surface Water Buffer
Slope > 25%	Swamps Floodplain Forests Fens S2

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





### LEGEND

- LOMRs
- Political Jurisdictions
- Profile Baselines
- Cross-Sections
- Base Flood Elevations
- Levees
- Coastal Transects
- Transect Baselines
- General Structures
  - Flood Structure
  - Bridge
  - Dam, Weir, Jetty
  - Other Structures
- River Mile Markers
- Limit of Moderate Wave Action
- Flood Hazard Boundaries
  - Limit Lines
  - SFHA / Flood Zone Boundary
  - Flowage Easement Boundary
- Flood Hazard Zones
  - 1% Annual Chance Flood Hazard
  - Regulatory Floodway
  - Special Floodway
  - Area of Undetermined Flood Hazard
  - 0.2% Annual Chance Flood Hazard
  - Future Conditions 1% Annual Chan
  - Area with Reduced Risk Due to Lev
  - Area with Risk Due to Levee

### NOTES

Map created using ANR's Natural Resources Atlas

1: 855  
March 26, 2025

43.0 0 22.00 43.0 Meters  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere 1" = 71 Ft. 1cm = 9 Meters  
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



Satellite ▾

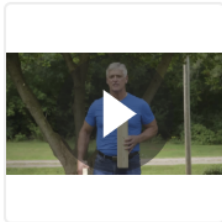
Woodstock, VT 05091, USA





## 6 ft. x 8 ft. Cedar Tongue-and-Groove Solid Top Fence Panel

★★★★☆ (50) [Questions & Answers \(22\)](#)





























**March 26 & April 9<sup>th</sup>, 2025**

David & Joan Steele

33 Maple Street

Woodstock VT

**RE:** Woodstock Village Zoning / Development Review of After-the-fact fence permit for 27 Maple Street.  
Abutters Comment / Requests – 33 Maple Street, David & Joan Steele

Based on the application that was submitted on February 28<sup>th</sup> (Completed on March 5<sup>th</sup> 2025) we call into question the Privacy fence which is a portion of the total fence project. This portion of their fence violates the two (2) zoning laws within the village Sections 513 B&C as well as Vermont State Fencing law Section 3817.

- Village Zoning SECTION 513 FENCES A permit (except in the Design Review District) is not required for a fence, or for a wall used as fence, if it complies with the following:
  - A. Shall not be higher than four feet in the front yard (as measured from original ground level).
  - B. Shall not be higher than six feet in all yards (as measured from original ground level)
  - C. The good side of the fence shall face the neighbor.
  - D. An exception may be granted in special circumstances with conditional use approval.

- **§ 3817. Unnecessary fence; maintenance prohibited; penalty**

A person shall not erect or maintain an unnecessary fence or other structure for the purpose of annoying the owners of adjoining property by obstructing their view or depriving them of light or air. A person who violates a provision of this section shall be fined not more than \$100.00.

Regarding the After-the fact fence permit request be based off a “Privacy Fence”. The privacy fence was only placed along our adjoining property with the exception of 1 other panel along the south Neighbors property where they then converted to Split Rail fencing. **This fence provides little to no privacy.**

1. From the street you can look straight into their yard
  2. Our house (33 Maple) sits above / higher elevation and thus we can see over the fence and into their yard and even less privacy from our back deck / windows from our house
- Height of the fence (Section 513-B)... Out of the 25 panels 16 of them exceed the height limitation ranging from 1.5 to 9 inches. Per the Application it is stated “Care was taken to elevate panels 1-2 inches off the ground to mitigate rot.

- Those noted sections are off the ground due to the uneven ground. The nine (9) panel sections that are flush to the ground (not raised) are the only sections that meet the height limitation / no Rot prevention for these panels.
  - i. Of the 16 panels that exceed the height only 4 fall within their stated “1-2 inches off the ground”.
- Direction of the fence (Section 513-c) Mr. Heining built the fence with the “Bad” side facing our property.

We feel this fence is in response to us asking multiple times last winter & spring to keep their dog out of our yard and not allow it to run freely throughout the neighborhood with no regard to the village leash laws. Thus, why we feel it is a Spite fence vs Privacy fence.

- The final time for us (frustrations were expressed) involved Mr. Heining and a friend standing next to our deck throwing dog toys and allowing their dogs to run throughout our yard and other yards around us.

The Fence project started in August of 2024. Over the course of this project (August 2024 thru today) we have had to initiate all communications. They never approached us to let us know they intended to build a fence. Had they we would have happily worked with them to find a win/win solution. Examples of us reaching out.

1. Found a string running the length of our property on the perceived property line
2. Shortly after that we woke up to find Electric dog fence flags. I approached and asked if they were installing an electric dog fence. I was told No, and Mr Heining walked away with no further interaction.
3. Around August 26<sup>th</sup> we noticed the large 10 foot metal stakes laid out along the property line. I sent the Heinings a text asking that they meet the town zoning laws (I attached the link to the website and section 513. **And also mentioned we do not have known property lines and a survey should be done and or the project should completed clearly on their property.**
  - a. Mr Heining reached out on August 31<sup>st</sup> asking to talk. In that discussion it was stated he believed he was on the perceived property line and had been trying to get a surveyor with no luck BUT planned to abide by the zone laws.
4. I requested another discussion in September and pointed out they were not following Section 513-C. No apologies were given and was told they would cover the post... They left no room for discussion so I stated I would like to see this plan prior to agreeing to it.
  - a. Fast forward to this past Saturday we came home to find them on our property installing the boards... Again never asked if we were in agreement with this plan. Due to the upcoming Review meeting in just a few days I asked them to stop work and leave our property.

Based on the above we request that the Board reject this application based on the fact that the Heining’s purposely built this section of their fence out of compliance. Thus we feel in addition to ignoring the Woodstock Village zoning laws they incurred the Vermont State “Spite” fence law as well.

We request that the board require the Heining's to replace the Wall fence with a split rail fence that matches the rest of their fence project. Doing so will maintain the existing zoning laws and provide a consistent aesthetics for our neighborhood.

Pictures attached:

**Wall / Spite Fence:**





**Provides No Privacy:**









Greater than 6ft in Height: 16 of the 25 Panels exceed 6ft





**“Good” Side vs Bad:**





**Build quality concerns / Why we do not want the bad side facing our property:**

Gaps result in limited screws holding the panel (usually at an angle & board cracked)







...













**MEETING MINUTES**  
**VILLAGE OF WOODSTOCK, VERMONT**  
**PLANNING & ZONING DEPARTMENT**  
31 The Green  
Woodstock, VT 05091

**VILLAGE DEVELOPMENT REVIEW BOARD**

The Village Development Review Board held a public meeting on March 26th, 2025 at 5:30pm to conduct the following business:

Members Present: Randy Mayhew, Wendy Spector, Keri Cole, and Jane Soule  
Public Present: Andrew Heining, Christine Heining, Lisa Lawlor, Polly Mahoney, David Steele, Joan Steele, Nathan Freund, Ryan Thibault, and Evan Chismark  
Staff Present: Stephanie Appelfeller and Emily Collins

**Call to Order:**

Wendy Spector called the meeting to order at 5:30 PM.

**Public Hearings:**

- A. V-0023-25 – Andrew and Christine Heining**  
Location: 27 Maple Street  
Parcel ID: 24.52.21  
Review: Conditional Use  
Proposed Development: After-the-fact fence permit.

Andrew and Christine Heining presented their application for a fence they have installed along their property line. The Heinings explained that they used 6' prefabricated cedar fence panels to contain their dog and provide privacy, citing complaints from neighbors. The fence was installed using posts driven into the ground to minimize soil disturbances. The fence panels were attached to the posts unevenly because of the uneven ground and to allow water flow. The Heinings said that they plan to cover the steel posts with wooden pickets to make it more attractive and identical on either side. Several neighbors were present to share their feedback. Lisa Lawlor stated that there are other fences in the neighborhood that should set a precedent for this one to be allowed. David and Joan Steele expressed concerns about height, the dog's containment, and that the bad side of the fence faces their neighboring property. Polly Mahoney stated that she feels the fence diminishes the character of the neighborhood. The Board discussed the current zoning regulations for the flood hazard areas as well as possible solutions. The Board considered the height of the fence, the good versus bad side of the fence, flooding and erosion concerns, and regulations within the riparian buffer. Wendy Spector suggested exploring screening using vegetation.

Randy Mayhew motioned to continue the hearing, waiting for further information.



Wendy Spector seconded the motion.

**VOTE. 4-0. Approved.**

**B. V-0022-25 – Vermont Kitchen LLC**

Location: 217-4 Maxham Meadow Way

Parcel ID: 21.51.04

Review: Conditional Use

Proposed Development: Change of use from commercial to daycare facility.

Caroline Olsen introduced the application to expand their childcare facility in the mill building. Caroline Olsen would like to expand into units E and F, adding 2,000 square feet to their existing 1,000 square foot space. Caroline Olsen explained that they have already received approval from the municipality for increased water and sewer capacity. The Board expressed concerns about parking and traffic. Caroline Olsen said that there are enough public spaces and drop-off times are staggered enough to mitigate these concerns.

Randy Mayhew motioned to close testimony.

Keri Cole seconded the motion.

**VOTE. 4-0. Approved.**

Randy Mayhew motioned to approve the application as presented.

Keri Cole seconded the motion.

**VOTE. 4-0. Approved.**

**C. V-0020-25 – Nathan Freund**

Location: 431 Woodstock Road

Parcel ID: 21.51.40.001

Review: Conditional Use and Design Review

Proposed Development: Change of use from retail to mixed use retail bike shop and restaurant, a garbage corral, and a parking waiver.

Nathan Freund introduced his proposed development to convert the old bank building into a restaurant and bike shop. Jane Soule asked to clarify that the water capacity is sufficient. Nathan Freund confirmed. Nathan Freund described that the business would be similar to the current location in Stowe including bicycle and apparel sales, bicycle repair, and demo bikes in the basement with a bar and restaurant on the main floor. Jane Soule asked if the State had reviewed this proposal yet. Nathan Freund shared that he has completed the State permitting process. Randy Mayhew asked for more details on alcohol sales. Nathan Freund stated that the Stowe location currently serves only beer and wine and that would be the plan for the Woodstock location as well. Nathan Freund said that he may pursue a different class liquor license in the future, but being a daytime-only restaurant, there is little demand for other beverages. Jane Soule asked about the parking plan regarding the parking waiver request to have 13 parking spaces rather than the required 33. Nathan Freund presented a letter of recommendation from the Village Board of Trustees that endorses using East End public parking to serve restaurant patrons. Additionally, Nathan Freund stated that his target audience would be bicyclists and locals and tourists already walking around town, limiting car dependency and mitigating traffic



impact. Nathan Freund also pointed to the building plans explaining that they aim to maintain the current footprint. Jane Soule asked about the garbage corral. Nathan Freund described the plan to have a fenced-in rectangle in the northwest corner of the lot to conceal garbage and recycling bins. Randy Mayhew asked about pedestrian pathways to the property. Nathan Freund explained that the sidewalk reaches the building from the park, allowing for safe foot travel along public rights-of-way. Jane Soule asked where the outdoor dining would be located. Nathan Freund explained that the old drive-through location would be utilized for patio dining. Jane Soule asked about the water permit. Nathan Freund explained that the permit is set for one year in anticipation of the municipalization of the water company. Randy Mayhew asked about bicycle parking. Nathan Freund stated that there would eventually be a bike rack along the side of the building. David Steele, a local

Keri Cole motioned to close testimony.

Randy Mayhew seconded the motion.

**VOTE. 4-0. Approved.**

Keri Cole motioned to approve the application as presented.

Randy Mayhew seconded the motion.

**VOTE. 4-0. Approved.**

#### **Approval of Minutes - 2/12/24**

Mary Anne Flynn motioned to approve the minutes as presented.

Jane Soule seconded the motion.

**VOTE. 4-0. Approved.**

#### **Other Business: None**

Randy Mayhew motioned to adjourn the meeting.

Mary Anne Flynn seconded the motion.

**VOTE. 4-0. Approved.**

**The meeting adjourned at 7:00 PM**