



Town of Woodstock
Planning Board
Meeting Minutes
June 8, 2026

APPROVED 8/10/26

Board Attendance: Lee Freeman, Kathryn Cordeiro, Igor Bily, Bonnie Ham, Scott Rice, Margaret LaBarge, Cathy Riley-Secretary

Board Absent: Jerry Miserandino

Public Attendees: Laura Spector-Morgan

Call to Order

Margaret called the Planning Board meeting to order at 5:00 pm.

Approval of April 13, 2026 Minutes

Igor made the motion to approve the April 13, 2026 minutes. Kathryn seconded the motion and the vote was as follows: Lee-Abstain, Kathryn-Yes, Igor-Yes, Scott-Yes, Bonnie-Yes, Margaret-Yes. The motion passed.

Approval of May 11, 2026 Minutes

Lee made a motion to approve the May 11, 2026. Scott seconded the motion, and the vote was as follows: Lee-Yes, Kathryn-Abstain, Igor-Yes, Scott-Yes, Bonnie-Yes, Margaret-Yes. The motion passed.

Questions & Discussion with Legal Counsel, Laura Spector-Morgan

Margaret introduced Laura Spector-Morgan who was in attendance to answer some questions that the Planning Board had in regards to ordinances and potential land use regulations.

Scott informed Laura that they were working on the Subdivision Regulations and asked if the regulations could be enforced without zoning.

Laura stated that they could do mainly dimensional things that relates to the lot, but cannot have any setbacks. Laura added that Woodstock has a Set-Back Ordinance that was adopted using the zoning procedures. Laura added that the Subdivision Regulations have to relate to the division of the land and not to use or structures. Laura noted that they could regulate lot size and maybe lot coverage.

Laura mentioned that Wetland protection requirements could not be enforced, however you could require a lot to have an amount of upland and be not entirely wetland.

Lee asked about frontage and Laura stated that they could do frontage, as well as be empowered to adopt driveway regulations and in that they could do slope. Laura added that it would be preferable to keep the Driveway Ordinance separate from the Subdivision Regulation because you want driveway regulations to apply to everyone. If put in the subdivision regulations, the restrictions would only apply to people who are subdividing.

Margaret asked if they can require that a subdivision of a certain number of lots have a road and Laura replied yes, they can limit the number of lots that a driveway can serve, but they will be in a position of having to define what was a driveway versus a private road.

Laura noted that all that they can do is approve the road and its construction standards, and Scott added that that would have to go to Town Meeting to be voted on.

Scott mentioned that access to three or more lots would be a road and not a driveway, and Laura noted that that would be fine as long as they have a distinction of what is a road and what is a driveway. Laura added that usually a road would have to be wider and other requirements.

Margaret stated that they do have a road standard in the subdivision regulations, and it applies to both private and public roads, and was wondering if they could require it to be a public road. Laura replied that she thinks they can. Laura added that in zoning, RSA 674:41, does have frontage requirements that include a Class 5 public road, and that it should be fine to put that in the subdivision regulations.

Bonnie asked if they can say there must be a less than 10% grade for a driveway, and Laura replied that they could. Bonnie noted that they care because of the rescue access of it, and all agreed.

Igor asked if they could they be forced to connect to the Town sewer and water if it is available. Laura mentioned that there is a state regulation that says 100 feet, and she will have to check if they can increase the distance, and whether it would be to the edge of the property and will get back to the Board. Laura added that they could waive the subdivision regulations if needed.

Scott asked Laura if there is no zoning, what dangers are we facing. Scott noted that there are 8 towns in New Hampshire without zoning and Woodstock is one of them. Laura noted that it is important to adopt because Woodstock, for example, would not be able to prevent a Walmart from being built if they buy the land.

Lee asked Laura what resources the Town needs to support zoning. Laura replied that a lot of towns just have the Board of Selectmen as the enforcing authority, and they operate on a complaint-based system. Laura added that they would need to have a Zoning Board which would need 5 members. Lee noted that it is hard to get enough volunteers to create a ZBA.

Laura mentioned that a lot of adopted simple ordinances go from being three pages to around thirty pretty quickly.

Laura added that Site Plan Review is important because that is where you learn what is being done.

Margaret asked if there was any kind of help to reduce the likelihood of something catastrophic happening without enacting zoning, and Laura replied no, and that they don't have to adopt a comprehensive zoning ordinance, and that they could adopt a zoning ordinance that lists the permitted uses and leave it there, but that they also need to remember that if that is done then those are the permitted uses and anything else requires a variance.

Laura noted that some towns have a list of permitted uses, and anything else such as commercial is allowed by special exception, but if that is done there is no point in having zoning.

Margaret and Bonnie had concerns for commercial entities like Casella coming in and acquiring land for a landfill.

Lee commented that zoning makes him think of expanded taxes, and how once it is there, it keeps growing. Laura stated that the tax impact is not really within the Planning Boards' control.

Laura added that she has been doing zoning amendment articles for so long and knows that it is an art.

Bonnie asked Laura about a simple amendment and if all of the amendments also need two-thirds majority for approval, and Laura replied that zoning is adopted by a simple majority, and it is ballot voting with a required public hearing.

Scott mentioned that he has been through this a couple of times before and he thinks that both times it was too restrictive so it didn't pass, although it was close.

Lee asked if they need to have different zoning types, and Laura replied that they don't have to have that and could have one "mixed use" zone, but that they have to remember that it is going to also apply equally to Main Street. Lee then asked if there would be any benefit to having a village precinct as opposed to zoning. Laura noted that it would just be another layer of government, and if you have a village precinct that is responsible for zoning, you effectively have zoning.

Laura added that if there is zoning in a certain area of town, you will need a dedicated zoning board for the village area and then a completely separate additional board for other areas.

Bonnie stated that she was concerned about the recent legislation on ADU (Accessory Dwelling Units) which states that we must allow property owners to have at least one ADU, attached or detached. Laura noted that the legislation states: "a municipality that adopts a zoning ordinance". Lee stated that they are assuming that everyone has a zoning ordinance, and that he would challenge the applicability of the regulation in our "no-zoning" town. Laura countered that any challenge would likely fail due to the interpretation of no zoning being equivalent to a single zone without restrictions.

Laura added that without zoning, there are no restrictions on multi-family housing units, so someone can take their house and divide it into units for sale or rental. Bonnie's concern was that in those situations the property might not have the sewer or water capacity to support those buildings' increased occupancy. Scott added that they would have to be approved by the NHDES, and since it would be a subdivision, would have to come before the Planning Board.

Lee had a question on accessory dwelling units and whether the intent for that was one unit per lot. Laura replied that it is, for either attached or detached.

Margaret asked if she had heard correctly that the owner has to live in one of the buildings, either main home or ADU, and Laura replied that the town can require the owner to live in one of the two if it has zoning. Margaret added that that would be helpful to be able to prevent people from buying the land to build only short-term rental ADUs on it. Laura mentioned that they could adopt an ADU ordinance, go through the zoning process, however there is not a way to entirely prevent ADUs from being built.

Bonnie voiced her concern about the State and Legislature making decisions that are not fostering quality of life, meddling with local control, and promoting a very dense living situation.

Margaret brought up that there are several places in the current version of the Subdivision ordinance where it talks about preserving trees, not interfering too much with the boundaries of the lot, as well as the shape of the roadways. Margaret was curious if they worked on the language around that it would be clear enough to be enforceable without being too intrusive or prohibitive for the developers.

Lee noted that they also need to quantify it, and the way it is written now is “to fit in with the neighborhood” and because such a vague statement is hard to objectively define, it is therefore hard to enforce.

Laura commented that there are the “enforceability” and the “enforcement” issues. Laura added that the Planning Board can take care of “enforceability” and enforcement would fall to the Select Board or the State judiciary.

Margaret asked for some help clarifying the definitions of “substantial completion” and “substantial development” and referred to a paragraph in the Subdivision Regulations where it says that within three years, that there needed to be active and substantial development. Margaret asked Laura how much is substantial, and Laura replied that the Board needs to decide that, and that substantial development would be for things like putting in the utilities, and making sure the road is built if not top-coated. Defining substantial completion would be challenging because there is no answer in the law quantifying “substantial completion” based on, for example, how many houses have been built.

Laura added that all that statute does is protect the developers from changes to zoning and subdivision regulations. Laura added that if the Board decides and approves a subdivision with a one-acre lot, and then the ordinance is amended to require a two-acre lot, the statute protects them from that change for a period of time which is between 3 and 6 years. Laura noted that once they are substantially complete, then they are protected forever.

Bonnie stated that she and Kathryn had come up with three pages of recommended changes in the Subdivision Ordinance to ask the Planning Board, and that they had carefully reviewed everything in the ordinance. Kathryn added that they were focused on tightening up vague statements and eliminating duplication to make it clearer instead of more complicated, and if anything is being added in, it needs to be very clear.

Margaret stated that the Planning Board has been operating under the context that they are here to help people understand the regulations so that they can do what they want to with their land, and not make it more prohibitive.

Margaret wanted to know if Laura could clarify the distinction between incidental excavation and excavation that requires a permit, and if there is anything that they can do to eliminate gray areas and ensure that decisions related to permitting are applied fairly to all applicants.

Laura read the following from the RSA 155: “Excavation that is exclusively incidental to the construction or alteration of a building or structure or the construction or alteration of a parking lot or way, including a driveway, on a portion of the premises where the removal occurs. Provided, however, that no such excavation shall be commenced without a permit, a building permit and any state permits they need.”

When questioned about a mobile home park that is being developed, and clearing out other gravel to make it a mobile home park, and whether that would be incidental, Laura replied that it depends on what amount of excavation needs to be done to make it appropriate for the mobile home park needs.

Scott noted that it was a lot of excavation and not a flat lot. When asked if the water line has been installed all the way through the property, Scott replied that it was partially through. Lee asked if they can have as part of their excavation ordinance to say a certain amount "shall require an excavation permit" and Laura replied that they could not. She stated that "incidental excavation" could be specified as a certain amount per building, but that would require some waiver language because it is not always going to work for every building. Laura noted that there is no clear line, but if you put one in your regulation, it could be a starting point.

Lee suggested setting a volume limit on incidental excavation, for example over 1000 cubic yards, beyond which amount an excavation permit would be required.

Scott agreed that that would be a good idea. Margaret mentioned that if it is under 1000 cubic yards, then it does not need to be reported, adding that larger amounts must be reported and taxes paid.

Lee asked a hypothetical scenario if a pit that is reclaimed and closed but the owner wants to do something with it again, do they have to submit a new excavation application? Laura confirmed that any pre-existing excavation pit would be considered excavation if removal operations occurred and that would require a permit.

Margaret asked if they could define "incidental" as not for sale. Laure replied that they could not and if a developer comes in to build 20 houses and removes a lot of earth, they get to sell that, but they could define incidental to be a certain amount per building, or per acre, etc.

Margaret added that the Board's concern is that some of the potentially developable land used to be excavation pits, and questioned if reshaping something like that would be considered more excavation or incidental. Laura replied that if they have a building permit, it is probably incidental. Laura added that the excavation regulations are what the Planning Board can enforce. Lee added that in cases of alteration of terrain with a building permit, then it would not be under PB purview.

Laura stated that they can enforce the excavation regulations, and if it is being violated, then they can send them a letter to cease and desist.

Lee asked for clarification regarding someone having a building permit, and they are saying that it is incidental, but it looks like excavation, what authority does the Planning Board have? Laura replied that the job of the Planning Board would be to demonstrate that the removal is indeed not incidental to - construction. Laura added that the burden of proof in an enforcement action is on the town to demonstrate that the regulations are being violated. All agreed that this is something to be looked into with all of the future potential development. Scott suggested that we need to get Laura involved earlier with any gray areas that come up.

Bonnie asked a question about the definition of "restoration" whether there is a restriction on how long a restoration period goes on, and Laura quoted RSA 155-E:5 which defines minimum and express restoration standards and that everyone has to comply with.

Margaret added to Bonnie's inquiry and asked how many times a building permit can be renewed without anything being built. Laura stated that a building permit is valid for one year at a time, but can be renewed. She added that she has seen this exact same problem with another town, and no building

has been built even after 12 years. In that case, the Town eventually asked the Owner to stop, and he did.

Margaret asked if it was possible to put a limit on how many permits you can renew without building the structure. Laura noted that after one year, after it expires, they would have to apply for another and will have to comply with all of the new regulations. Laura added that if they get halfway through building it in two years, the Town would not want to deny the permit renewal because they wouldn't be able to complete construction.

Bonnie asked if the Town inspector would have a right to go in to see how things are going, and Laura replied that they could ask, and if denied, then it can be observed from a neighbor's property if they let you on, or they could demonstrate to the court that they think that there is a violation occurring on the property, there is a possibility of getting an administrative search warrant. Laura cautioned that a drone *cannot* be used.

The Board thanked Laura for her attendance and having a good discussion that provided a great deal of valuable insight.

Reports of Officers and Committees

Selectmen's Representative Report – Scott informed the Board that the Select Board has sent out to bid for the lower Woodstock water, and hope to get something by the end of August. Scott added that they were working on replacement operators for the wastewater treatment plant since the current operators are retiring. Scott mentioned that the Lead inventory is happening for the next year with a grant, and that every service line in the town is going to be inspected and identified with the ones that can't be identified they would have to dig up. Scott added that it is a bid mandate, and that it is ongoing with a new notice going out requesting pictures, so if there is no response, they will have to go door-knocking.

Earth Excavation Sub-committee – Lee informed the Board that he was hoping that they could vote on it now, but in light of the conversation earlier, that they want to look at it again before proceeding. Lee added that they want to make sure that all of the definitions are right. Margaret mentioned that Laura could also maybe go over it. Scott added that he does not want anything to go through without Laura's approval.

Floodplain Sub-committee – Margaret stated that there was nothing to add at this time since they did not have a chance to meet.

Masterplan Sub-committee – Lee had nothing to add this week, and that they want to make sure that everything coincides

Subdivision Ordinance Sub-committee – Margaret noted that they would like to set aside some Board time to have them all work together on it, and Katherine added that she will get the notes out so that everyone can review them again. Margaret mentioned that she had gone through about 2/3rds of it, and marked up the current Word document, and will send that around. The Board decided that they would meet on June 23rd from 8:30-10:30 am.

Other Business

Rogers Excavation Update- Margaret informed the Board that they had received an email from Brenda Noseworthy that they were still working through the details and will not be ready to proceed yet.

Inquiry Regarding Minor Subdivision on Parker Ledge Road- Margaret noted that all she knew was that someone was thinking about it and whether it was possible, but has not heard anything else.

Update on Minor Subdivision on Paradise Road- Margaret mentioned that there hasn't been anything submitted yet.

Freedom of Information Act- A request was made for the video recording of our May 2026 meeting; however, we denied the request for video, informing them that the recording is for purposes of producing minutes only and is deleted once minutes have been generated. Draft minutes were supplied to fulfil the information request

FEMA Notice- Margaret mentioned that there is a Flood Insurance rate map review on Tuesday at 9 am, via Microsoft Teams in case anyone else would like to watch it with her.

FYI letter from the Department of Transportation- Just to inform that businesses will not be allowed to have restaurant seating or other private materials within the State right-of-ways.

Response to NH Electric Coop- Margaret informed the Board that a letter has been prepared on behalf of the Planning Board requesting that they not spray any herbicides in Woodstock. A copy of the letter was included in the Board packet for the meeting and with no changes proposed it has been approved for sending.

Public Participation - None

Correspondence Received by the Board

Adjournment

Scott made a motion with Lee seconding the motion, and the meeting was adjourned at 6:10 pm.

Respectively Submitted,
Cathy Riley, Planning Board Secretary