

Woodstock Planning & Zoning Commission

MONTHLY BUSINESS MEETING

Thursday, October 20, 2022

7:30 PM

WOODSTOCK TOWN HALL, MEETING ROOM 1 & VIRTUAL via Zoom

The state statute currently allows for in person meetings unless quorum or more requests virtual meetings. Because of virtual attendance, this meeting is being recorded. This procedure has been reviewed and approved by Town Attorney Richard Roberts.

A recording of this meeting can be viewed at: <https://youtu.be/AcWRzcEu8Ho>

1. **Call to Order**- Chairman Jeffrey Gordon called meeting to order at 7:37 pm

a. Roll Call- *Noted for record: Quorum*

Members Present- Jeffrey Gordon (Chair), Jeffrey Marcotte, Dean Gould, Mark Blackmer, Timothy Young, Syd Blodgett, Joe Polulech

Members Present via Zoom - Doug Porter, Dwight Ryniewicz, David Morse (joined at 7:40 pm), Joe Adiletta (joined at 7:40 pm)

Members Absent-Nancy Fraser

Others Present- Delia Fey (Town Planner), Zoning Enforcement Officer Dan Malo, Members of the Public including Jason & Jamie Beausoleil, Pete Parent, Mary Weaver, Brian Victor, Mike Allen, Jose Macho, and Recording Secretary Amy Monahan. Several members of the public attended the meeting via Zoom including Gail Usher White, Kathleen & Ross Ellison, Katie Rogola, Bill Rewinski, Bill Breslau and Melissa O'Day.

b. Designation of Alternates: Dean Gould, Dwight Ryniewicz and Doug Porter were seated. Dwight Ryniewicz and Doug Porter were unseated at 7:40 pm.

c. Pledge of Allegiance: Jeffery Marcotte led the Pledge of Allegiance

2. **Chair's Report**

a. Thank you to staff and commissioners for all the work at meetings and for what you do between meetings.

3. **Citizen's Comments**

a. None

4. **Meeting Minutes**

a. September 22, 2022 Monthly Business Meeting

b. October 6, 2022 Special Meeting

- i. Jeff Marcotte made a ***Motion** to approve the September 22, 2022 Monthly Business Meeting minutes and the October 6, 2022 Special Meeting minutes as presented. ***Seconded** by Mark Blackmer. ***The motion passed** with 1 abstention (Polulech).

5. **Non Residential Zoning Permits**

a. None

Woodstock Planning & Zoning Commission

6. Preliminary Discussion

- a. None

7. New Business

- a. #647-03-31M- English Neighborhood Road – Subdivision Modification Page 2 of 2
 - i. It was noted for the record that this is a complete application and fees have been paid.
 - ii. Pete Parent of CHA is present to represent the applicants. He noted that earlier this year a subdivision was approved for this location by the commission. After discussions with adjacent property owners, the decision was made to abandon the previous easement and transfer the property to adjacent owner. It was noted that this property transfer does not affect any setback requirements.
 - 1. Jeffrey Gordon asked for clarification as to where the access leads to and requested to have that clearly marked on the plan.
 - iii. It was noted for the record that the land transferred would not become an independent lot.
 - iv. Doug Porter requests a notation to explain the modification because without both plans to review, it is hard to see the changes being made.
 - v. Tim Young made a ***Motion** to approve #647-03-31M- English Neighborhood Road – Subdivision Modification Page 2 of 2 as presented and modified with additional information requested by the commission. ***Seconded** by Dean Gould. ***The motion passed unanimously.**

8. Public Hearing

- a. SP641-06-25M- Jason & Jamie Beausoleil- 599 Route 169- Rusty Relic – add retail space to barn, add 2nd floor of house for retail, and add new parking area
 - i. Joe Polulech has requested to be recused from the hearing as he has missed previous hearings. Doug Porter will be seated for this agenda item.
 - ii. It was noted for the record that based upon state law, this public hearing must close on October 29, 2022.
 - iii. Jeffrey Gordon stated that a revised floor plan dated 10/09/22 and a memo from Delia Fey dated 9/28/22 have been submitted for this application. Dan Malo will review his findings on enforcement concerns previously stated pertaining to this property. Doug Porter submitted a document regarding this application dated 10/17/22 and several photos have been submitted by Doug Porter as well. Communication dated 10/04/22 from the Town Attorney has been received and a decision needs to be made by the commission on making this document public.
 - iv. Doug Porter sent an email to Delia Fey with several photos pertaining to the Rusty Relic location. Doug asks for clarification about the 6500 square feet of Amish furniture advertised, current weekly live music, Christmas lighting and merchandise displayed outside of the building by the applicant as all of these items conflict with the original permit.
 - 1. “21 rooms and over 6500 ft. of Amish furniture” is advertised on the business Facebook page. Jamie Beausoleil stated that the 6500 square feet include the items in storage locations including the barn and a trailer. Jason Beausoleil clarified that there is significant square footage for stored furniture. Doug Porter is satisfied with the response from the Beausoleil’s about square footage.

Woodstock Planning & Zoning Commission

2. “Live music every Saturday on the green” is advertised on the business Facebook page. The Beausoleil’s have brought in one (or 2) musicians to play on their lawn to provide ambiance to the customers. The music provided is very low key and meant for shoppers, not as a separate event. Doug Porter noted that special permits are unique, and applicants need to include all activities on special permit applications to be in compliance with the permitted activities.
 - a. Jeffrey Gordon noted that consistency is needed with all businesses for any decisions made by the commission and other businesses will need to be addressed pertaining to live music accordingly.
 - b. Delia Fey noted that there is no noise ordinance in the Town of Woodstock and it is difficult to enforce noise issues without a noise ordinance.
3. Christmas Lighting as shown in a photo on the business Facebook page is a concern within the Historic District. Jason Beausoleil noted that the lighting picture is from the previous year. The lights were installed by a lighting engineer as seasonal lighting and help customers with navigating the walkway in the early darkness of winter.
 - a. Delia Fey noted that temporary seasonal lighting is exempted according to town regulations.
 - b. Jeffrey Gordon stated that regulations exempt seasonal lighting and if this business is required to define their seasonal lighting use, then all business will have to do the same. Dwight Ryniewicz agrees with Jeffrey Gordon and feels that regulating seasonal lighting exceeds the authority of the commission. Joe Adiletta feels that exemption applies to residential lights and a special permit is what makes lighting details relevant.
 - c. Delia Fey feels that a ZEO would not be able to enforce and exempted item- in this case, the lighting. A text amendment to the regulations can be made if the commission chooses to do so.
 - d. Dan Malo agrees with Jeffrey Gordon and Delia Fey in terms of enforcement.
 - e. Syd Blodgett discussed intent of seasonal lighting and time frame concerns with seasonal lighting as a time frame would have to be defined.
 - f. Jeffrey Marcotte brought up other holiday seasons that could be celebrated with lights and that specifics need to be created if any lighting regulations are made. Timothy Young agrees that a season can be found for many holidays all year long and that lighting could become a huge can of worms.
 - g. Dan Malo stated he would not have jurisdiction for enforcement according to current regulations.
4. Outdoor Merchandise on Display- Several photos submitted show items displayed outside of the sales building which was prohibited in the original permit.
 - a. It was noted for the record that the photo referenced, was a delivery being unloaded that was advertised to customers. These items did not remain outside on display for any length of time.

Woodstock Planning & Zoning Commission

- b. Dan Malo did visit the site and items outside were discussed. Most items outside are temporarily located outdoors and not meant to be left outside for display for any length of time.
 - c. Dan Malo stated that Barrels were noted at his visit but they serve as ballads and guide customers to the entryway. The trucks are both running and registered.
- v. Enforcement Review by Dan Malo noted the following: This property is no longer mixed use and kitchen has been removed. Live music was addressed with the applicant. The Child Hill driveway and curb onto 169 are both compliant. The Erosion Sediment Control Bond is still active for building of rain garden that is pending. Applicants worked with Tina Lajoie about archeologist concerns as required. Parking spaces are not marked but no more than 5-8 customer vehicles were on site during ZEO visit. Dumpsters are currently on site and non-compliant but they are screened by full size plantings and are addressed in the modification. Driveway apron on Child Hill Road is in compliance. Dan Malo confirmed that the first floor of barn is currently storage with no customer access and there is currently no use on the second floor. The barn does need significant work and increase sales area would help fund barn updates.
- vi. Jeffrey Gordon noted that current revised application is for allowing a dumpster to be placed on site and for use of 2nd floor as retail space. The original requests of additional parking and use of the barn for sales area have been removed from this application.
- vii. Joe Adiletta made a ***Motion** to authorize the public release of attorney email for discussion.
***Seconded** by Mark Blackmer. ***The motion passed unanimously.**
 - 1. The applicants were given a copy of this document for review.
 - 2. This document is in reference to the parking concerns which are no longer a request from the applicant. The advice of the town attorney is to follow the same timeline and order followed in the original permit process.
 - 3. Delia Fey feels that there is no item that falls under Historic District prevue in the current application. The dumpsters are not structures and are screened and 2nd floor retail is use that is not under Historic District.
 - 4. Joe Adiletta wants Historic District Authority clarified and feels that dumpsters would be a consideration of the historic district. Jeffrey Gordon noted that any changes not visible from any public roadway would not require historic approval according to state documentation. Dan Malo stated that generally dumpsters are incidental to commercial operations.
- viii. There was a previous request for the 2nd floor plan to be submitted. The second floor plan was submitted and meets needs of the commission for retail space determination.
- ix. The Town Fire Marshal and Building Official had previously signed off on use of second floor. Delia Fey shared an email from the Fire Marshall dated July 7, 2022 that stated he had no concerns with this location at that time.
- x. Traffic study- with not additional space beyond what is currently being used a traffic study may no longer be needed. Delia Fey feels that authorizing second floor use would not necessarily increase the number of customers.

Woodstock Planning & Zoning Commission

- xi. Doug Porter noted that the original application included landscaping at porch area and driveway area. Dan Malo noted that remaining landscaping is dependent on the future rain garden project. Both Dan Malo and Delia Fey have sent information to the Beauseoleils to assist with the rain garden. Doug Porter suggested to consider changing the drainage rain gardens if needed to further the project and bringing any different drainage ideas to the commission.
- xii. Gail Usher, Chair of Historic District Commission clarified that applications may be approved by other areas of the town and still need a certificate from Historic District. She suggested that the Beauseoleil's reach out to the Historic District to meet and see if an application is necessary.
- xiii. Jeffrey Marcotte made a ***Motion** to close the public hearing. ***Seconded** by Timothy Young. ***The motion passed unanimously.**
- b. 655-09-22 – Woodstock Inn Assoc – 94 Plaine Hill Rd (5781-50-4B) – resubdivision
 - i. This public hearing will not be opened due to a request from the applicant made to withdraw the application.
- c. SP656-09-22 – Activity on a Scenic Road – Town of Woodstock, Center Cemetery Road
 - i. This public hearing cannot be opened at this time due to failure to properly notice per state regulations. This hearing needs to be rescheduled.
 - ii. Dean Gould made a ***Motion** to reschedule this public hearing for November 3, 2022 at 7:45 pm. ***Seconded** by Jeffrey Marcotte. ***The motion passed unanimously.**

9. Old Business

- a. SP641-06-25M- Jason & Jamie Beauseoleil- 599 Route 169- Rusty Relic –add retail space to barn, add 2nd floor of house for retail, and add new parking area
 - i. Jeffrey Marcotte made a ***Motion** to approve application SP641-06-25M- Jason & Jamie Beauseoleil- 599 Route 169- Rusty Relic as currently presented. ***Seconded** by Mark Blackmer. ***The motion passed unanimously.**
 - 1. Mark Blackmer asked for clarification on how Historic Commission can affect Planning & Zoning decision. Jeffrey Gordon noted that the Historic Commission certificate affects the applicant but not the decision of the Planning & Zoning Commission.
 - 2. Joe Polulech is again recused from this motion and Doug Porter is again seated for this vote.
- b. 655-09-22 – Woodstock Inn Assoc – 94 Plaine Hill Rd (5781-50-4B) – resubdivision
 - i. No action at this time.
- c. SP656-09-22 – Activity on a Scenic Road – Town of Woodstock, Center Cemetery Road
 - i. No action at this time.

10. ZEO Reports

- a. Office
 - i. Dan Malo and Tracy Giarrusso are working together to learn town specifics. They continue to process permits and catch up on work in the office.
- b. Zoning Permits including Home Occupation Permit Applications
 - i. No permits are complete enough to present at this time. Dan Malo noted that the Chris Mark Castle is looking for a possible Bed & Breakfast but no details have been provided at this time.
- c. Enforcement and Follow Up on Commission's Questions about Pending Enforcement Matters

Woodstock Planning & Zoning Commission

- i. Dan Malo has reviewed the materials sent to him pertaining to Air BnB. He has sent out letters requesting voluntary compliance for 2 locations and is working with those owners.
 - 1. Brian Victor asked if a short term rental requires a change of use permit. He noted the use of mentioned Air BnB seem to be classified as R1 according to regulations. He would like to see this type of operation considered to be a use that would need public hearing and set regulations.
 - 2. Jose Macho noted the change of air BnB/virbo in the aspect of them being operated as a business instead of supplementary income as they were when the rental model was created.
 - 3. Mike Allen noted that there is another avenue to approach these concerns via Air BnB companies.
 - 4. Dan Malo explained that voluntary compliance is the first step. He will work to get locations to compliance. The next step would be to issue a violation.
- ii. Supreme Sheds status update is that Ashley Stephens did send a compliance letter in September of 2021. Dan will continue to research and update at the November 3rd meeting.
- iii. Venue location at intersection of Center Road and Route 197 (at the Lyon Hill Road end) – no update at this time.

11. Budget Review & Bills

- a. A bill in the amount of \$690.00 from Design Professionals for the subdivision on Lyon Hill Rd has been revived and needs to be voted on by the commission for payment.
 - i. Syd Boldgett made am motion *seconded by Tim young

12. Correspondence

- a. None

13. Adjournment

- a. Timothy Young made a ***Motion** to adjourn. ***Seconded** by Mark Blackmer. ***The motion passed unanimously**. The meeting adjourned at 10:20 pm.

*Respectfully submitted by Amy Monahan, Recording Secretary. DISCLAIMER: These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's meeting for approval/amendments.