

Woodstock Planning & Zoning Commission

MONTHLY BUSINESS MEETING

Thursday, January 19, 2023

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:

1. Call to Order- Chairman Jeffrey Gordon called meeting to order at 7:41 pm

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

Members Present- Jeffrey Gordon (Chair), Jeffrey Marcotte, Mark Blackmer, Joe Polulech, Dean Gould
Members Present via Zoom - Doug Porter, Dwight Ryniewicz, David Morse, Syd Blodgett, Joe Adiletta, Timothy Young

Members Absent-Nancy Fraser

Others Present- Delia Fey (Town Planner), Zoning Enforcement Officer Dan Malo, Phyllis Lawton, Joan Rivers Bardwell, Several members of the public including Jose Macho, Mike Allen, Rania Baik and Recording Secretary Amy Monahan.

Public that attended the meeting via Zoom- Kathy & Ross Ellison, Brian Victor, Juliet Hanson, Kathy Barach, Grant & Paula Fraiser, Karen Spencer and others.

b. Designation of Alternates: Dean Gould was seated.

c. Pledge of Allegiance: Jeffery Gordon 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.
- b. Thank you for all members of the public who have taken the time to attend this meeting.

3. Citizen's Comments

- a. None

4. Meeting Minutes

- a. November 17, 2022 Monthly Business Meeting
- b. December 15, 2022 Monthly Business Meeting
 - i. Jeff Marcotte made ***Motion** to approve meeting minutes from November 17, 2022 and December 15, 2022 as amended. ***Seconded** by Mark Blackmer. ***The motion passed** with one abstention (Gould).
 - 1. Jeffrey Gordon noted that the spelling of commissioner Doug Porter was incorrect for Item 1.b in the December 15, 2023.

5. Preliminary Discussion

- a. None

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6. Non-Residential Zoning Permits

- a. None

7. New Business

- a. 98 Beaver Dam Road – Bed & Breakfast Application
 - i. Additional Documents- an email from applicant and document from Building Official have been received since packets were distributed to commissioners.
 - ii. This application is a complete application and fees have been paid for the application.
 - iii. Dan Malo noted that regulations are not in place for this type of operation as outlined in application. Using the bed and breakfast model for regulations has brought up many items of concern from a zoning perspective.
 - iv. Dean Gould made a ***Motion** to authorize public release of Town Attorney document dated 11/10/2022. ***Seconded** by Timothy Young. ***The motion passed unanimously.**
 - v. Joan Rivers Bardwell spoke about her history living on Lake Bungee in the Town of Woodstock and the circumstances around the Air BnB that they currently operate. She noted that the entire Air BnB operation was done publicly with knowledge of the Lake Association.
 - 1. Jeffrey Gordon noted for the record that the Lake Tax District regulations do not negate the Town of Woodstock Zoning Regulations.
 - vi. Delia Fey noted that several Air BnB locations were approved while she was ZEO as a Bed and Breakfast. Jeffrey Gordon noted that Bed and Breakfasts are currently allowed in the Lake Districts.
 - vii. Phyllis Lawton, Superhost on Air BnB, noted that for many years they did not know of any issues surrounding the Air BnB operations. They were not aware of the need to get a permit for the Air BnB in their home.
 - viii. Jeffrey Gordon noted that it is important for people to understand that anyone living in a private association or district still needs to follow town zoning requirements.
 - ix. The email from Attorney Roberts was shared for public view. Jeffrey Gordon noted that the ZEO had asked the Attorney about the Air BnB concerns and was advised to regulate activity according to the Town of Woodstock Zoning Regulations. He also advised that the actions and decisions of the ZEO are not bound by private association or district deeds and covenants.
 - x. Dan Malo reviewed the current definition of a Bed and Breakfast in Woodstock Zoning Regulations and the Bed and Breakfast Application Packet.
 - xi. Joan Rivers Bardwell noted that NDDH gave her the appropriate form for lodging not serving breakfast and that Peter Thurlow was aware of number of bedrooms in reference to the septic approval.
 - xii. The Building Official and Fire Marshall are unsure of their roles. The Fire Marshall feels this is an accessory apartment because of the second kitchen and thus the Building Official should approve. The Building official feels there are no specific accessory apartment regulations to follow under state code at this time and this application is to be treated as a Bed & Breakfast.
 - xiii. Joe Adiletta sympathizes with Dan Malo on making the differentiation between Air BnB, Bed & Breakfast and Short-Term Rentals as the Town of Woodstock does not have regulations for Air BnB or Short-Term Rentals. Joe Adiletta is not comfortable with this use as a home occupation and does not have a solution for ZEO or applicants at this time.
 - xiv. Joe Polulech asked if Air BnB is a corporation. Is there a fee that is paid to Air BnB? Phyllis Lawton noted that Air BnB determines the fees and breakdown of money based on the price determined by the host.

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- xv. Jeffrey Gordon noted that Bed and Breakfast regulations are applicable with the sticking point being meals provided. He asked if any meals are provided. Phyllis Lawton noted that coffee, waters and snacks are provided but no meals are cooked and provided to guests.
- xvi. Syd Blodgett noted that the issue hinges on the words prepared and served. He feels that coffee and snacks are not considered a meal. He also noted that his interpretation of Air BnB is an online vehicle to find a Bed and Breakfast and the two should not be regulated separately.
 - 1. Joe Adiletta noted that there are some state documents and town regulations from other municipalities that differentiate between Air BnB and Bed and Breakfast. He does not feel comfortable with the commission inventing their own definition or trying to make one use fit into regulations of the other.
- xvii. Jeffrey Marcotte noted that regulations say nothing about meals being prepared. He thinks the health department would come into play via safe serve certification.
- xviii. Jeffrey Gordon noted that Joe Adiletta was correct that we do not have regulations for Air BnB in the Town of Woodstock. He agrees that Air BnB may not fit into the Bed and Breakfast model but we do need to address the ones in operation. He recommends considering treating this similarly to the Farm Stores by allowing them to operate with notification of upcoming regulations and how they could impact additional future operations while restricting any growth/change of the operation until regulations are created.
- xix. Mark Blackmer agrees with lack of regulations and confusion in enforcement surrounding Air BnB.
- xx. Joe Adiletta suggested to table a vote on this application and consider the application a non-compliant use but allow it to continue while regulations are created for short term rental.
 - 1. Jeffrey Gordon asked Delia Fey to check with any statute time restrictions. None were found at the meeting, but more research will be done. Dan Malo will check with the Attorney about time limits by statute.
 - 2. The applicants are in agreement with the suggested actions
- xxi. Joan Rivers asked Delia Fay about prior approvals. She noted that prior approvals were treated as bed and breakfasts per recommendation of the Attorney at the time.
- xxii. Timothy Young noted that if any changes were made in terms of serving food, the applicants would have to go back to the NDDH and the process would start over again. This would then make the applicants have to apply for a new permit.
- xxiii. Jeffrey Gordon made a ***Motion** to table this application, determined to be a noncompliant use at this time and allowed to continue as currently operating, to a time TBD. ***Seconded** by Jeffrey Marcotte. ***The motion passed unanimously.**

8. Old Business

a. Commercial Cannabis

- i. Jeffrey Gordon noted that the commission is working on regulation for this use. The moratorium has already been extended to April 30, 2023. He feels that the commission does not have time to craft thorough and legal regulations and hold public hearing and go to referendum before this deadline. He recommends a text amendment extending the moratorium to a later date.
- ii. Joe Adiletta feels this is a great idea and recommends an additional 6 months with the date of October 23, 2023 if allowable by statute.
- iii. Jeffrey Gordon made a ***Motion** to propose a text amendment to the Temporary and Limited Moratorium on Cannabis Establishments which would delete the moratorium end date of April 30, 2023 and substitute with new date of October 31, 2023. ***Seconded** by Jeffrey Marcotte. ***The motion passed unanimously.**

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1. This text amendment will be addressed at Public Hearing on March 2, 2023 at 7:45 pm
- iv. Jeffery Marcotte noted that he has reviewed the regulations sent by Delia Fey and likes the regulations presented by Killingly. He would like to mirror much of those regulations.
- v. Joe Adiletta would like to see some version of a first draft to work from. Delia Fey noted she is happy to draft a starting document but has gotten no direction from the commission to date.
- vi. Jeffrey Gordon noted that many definitions have already been established and that the commission did previously agree that special permit would be required for Cannabis operations. The Killingly regulations will be re-sent to the commission for review. Jeffrey Gordon noted that the commission previously discussed that they would not allow on aspect of Commercial Cannabis and restrict the other (both growing and retail will be defined).

b. Air BnB

- i. Delia Fey has sent information on this topic to the commission for review.

1. Joe Polulech noted he liked the definitions presented in the Ashford documents.

c. Home Occupation

- i. No applications to review at this time.

9. ZEO Reports

a. Office

- i. Jeffrey Gordon has submitted the proposed budget with comments in support of staffing and office resources in the Land Use Department.

b. Permits

- i. No permits are complete enough to present to the commission at this time and that the number of permits coming into the office has slowed down.
- ii. Jeffrey Gordon would like to get back to having the permit list presented to the commission.

c. Enforcement

- i. Supreme Sheds has been instructed to stop construction operations until special permit application is presented to the commission.

10. Budget Review & Bills

a. None

11. Citizens' Comments

a. None

12. Correspondence

- a. Jeffery Gordon noted that Saturday, March 11, 2023 is the CT Bar Association Annual Seminar. Commissioners are required by statute to meet certain amount of educational credit hours and parts of this seminar qualify for those credit hours.

13. Adjournment

- a. Timothy Young made a ***Motion** to adjourn. ***Seconded** by Mark Blackmer. ***The motion passed unanimously.** The meeting adjourned at 9:45 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.