

# Woodstock Planning & Zoning Commission

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## SPECIAL MEETING

Thursday, April 13, 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: <https://youtu.be/pUVVT-zKf8>

1. **Call to Order-** Jeffrey Marcotte called meeting to order at 7:32 pm
  - a. Roll Call- Noted for record: Quorum  
Members Present- Joe Polulech, Jeffrey Marcotte, Dean Gould, Joseph Adiletta, Timothy Young, David Morse  
Members Present via Zoom - Dwight Ryniewicz, Doug Porter  
Members Absent- Nancy Fraser, Jeffrey Gordon (Chair), Mark Blackmer, Syd Blodgett  
Others Present- Delia Fey (Town Planner), ZEO Dan Malo, Recording Secretary Amy Monahan and Town Attorney Rich Roberts  
Designation of Alternates: all alternates were seated (Doug Porter, Dean Gould, Dwight Ryniewicz)
  - b. Pledge of Allegiance: Jeffrey Marcotte led the Pledge of Allegiance
2. **Chair's Report**
  - a. None
3. **Annual Legal Training Session with Attorney Richard Roberts**
  - a. Rich Roberts noted that no questions were submitted for this training session. He also noted that the legislature is in the long session and most bills have just been submitted for review. He feels it is premature to speculate what will be passed at this point.
  - b. Rich Roberts discussed transit-oriented development. Specifically in terms of affordable housing and impact of access to public transit in affordable housing areas on regulations. He feels this consideration will bring changes to the current suggested amount of affordable housing required in areas like Woodstock.
  - c. Rich Roberts noted the topic of time limits on special permits as discussed in a recent case. The case discussed included a timeline of construction in the application that impacted the permit. Rich notes that wording on special permits need to be clear but special permit regulations need to include clarification on the length of permit for the details listed.
    - i. Delia Fey asked if more uses should be listed and broken down by category. Rich Roberts noted that some towns outline special permits for each use, but he does not recommend that level of specificity. He would like clear standards for each use, but he does not recommend that standards be too detailed/limiting.
    - ii. Delia Fey noted that criteria and standards have a different purpose. Criteria is what can and cannot take place in evaluating applications. Standards are details about the use that need to be followed. Creating different standards for different uses would be beneficial. Woodstock currently has standards for residential and non-residential. Having additional categories under non-residential will help the zoning process.
  - d. Rich noted a case from Westport of an application to cut trees and build office building submitted in 2004, 2009 and again in 2019. When the town asked for extension to make decision on application, the

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applicant refused to consent to such extension. The commission then closed the hearing without a decision being made, met additionally about the application, and subsequently denied the application. The court found that the process did not allow proper input from applicant and was reversed. This case clearly shows that a fair public hearing requires the ability for the applicant to speak.

- e. Joe Adiletta asked if the commission can put restrictions/conditions on a zoning permit like the process with special permits.
  - i. Rich Roberts suggests approving applications based on what they can do/plan to do instead of what they cannot do. This allows for the applicant to state scope and the approval be based on stated scope. Anything that falls outside of that scope would have to come before the commission for approval if there are any changes in the future.
  - ii. Delia Fey noted that she often approved permits with condition to prove that project is done as presented (usually by as built or reiterating size approved in the approval documentation).
  - iii. Joe wanted to put conditions on use and scope of use. Rich recommends the approval letter include the details of any conditions. This is not a permit, more a memo for the file.
- f. Joe Adiletta asked if there is an amount of time that noncompliant use can continue and then become grandfathered. Rich Roberts stated that only non-compliant structures can be grandfathered. Use cannot be grandfathered.
- g. Joe Adiletta also asked if a notice of violation is considered an enforcement action. Rich Roberts noted that notices of violation and cease & desist notices from towns were not enough to impact legal outcome/judgement. Legal civil action must be started to force outcome.
- h. Joe Adiletta noted that article 4, in our regulations, states if an activity is not specifically allowed, it is prohibited and asked if that was a true statement. Rich Roberts noted that most regulations list what you can do because of the never-ending amount of non-applicable options of what is not allowed. Rich noted that in most cases, for uses not listed, comparable use regulations are followed.
- i. Joe Polulech asked if enforcement letters and notices are exhausted, are we allowed to fine per day for noncompliance and how hard is that to enforce. Statute does allow that type of approach, but ultimately a judgment is needed and the fine amounts may not come back to the town in a reasonable way.
  - i. Rich Roberts noted 2 ways to handle enforcement
    - 1. Go to Court to seek daily fines for violations issued by ZEO (by statute)
    - 2. Use the Citation Ordinances – basically zoning tickets that you follow statutory citation process. Then go to court with citations to be made into judgement.
- j. It was noted that IWWA fines are statutory and set by the State of Connecticut.
- k. Dan asked for new training requirements to be reviewed.
  - i. Any Planning & Zoning or Zoning Board of Appeals member must have 4 hours of training, one of which must be on fair and affordable housing EVERY OTHER YEAR. There are many avenues to obtain these training requirements. Each commission is supposed to report to its legislative body or Board of Selectmen with compliance updates.
  - ii. The link with training options will sent to commissioners.
  - iii. The training and tracking process for Planning & Zoning and Zoning Board of Appeals is new and will most likely evolve in the future as other training programs have established themselves.

## 4. Adjournment

- a. Timothy Young made a **\*Motion** to adjourn. **\*Seconded** by David Morse. **\*The motion passed unanimously**. The meeting adjourned at 8:50 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.