

Woodstock Planning & Zoning Commission

MONTHLY BUSINESS MEETING

Thursday, April 27, 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.

This meeting can be viewed at: <https://youtu.be/9T855FOcVE8>

1. Call to Order- Chairman Jeffrey Gordon called meeting to order at 7:35 pm

- a. Roll Call- Noted for record: Quorum
Members Present- Jeffrey Gordon (Chair), Joe Polulech, Dean Gould, Joseph Adiletta, Dwight Ryniewicz, David Morse
Members Present via Zoom - Jeffrey Marcotte, Syd Blodgett
Members Absent- Mark Blackmer, Nancy Fraser, Doug Porter, Timothy Young
Others Present- Delia Fey (Town Planner), Recording Secretary Amy Monahan, Allison Masley, Eric Nelson, Paul Coyne, Megan Miles, Lisa Dalterio, Sara Morin. Public attendance via Zoom: Rich Roberts, Kathleen Ellison, Heather Mydlarz, Jaqueline Gendreau.
- b. Designation of Alternates: Dwight Ryniewicz and Dean Gould were seated
- c. Pledge of Allegiance: Jeffrey 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. Thank you to all members of the public for attending.
- b. Jeffrey Gordon requested that he be able to include Land Use Office report in his Chair Report and there was no objection.
- c. Jeffrey Gordon requested that the commission meet next week to cover commercial cannabis regulations. The commission agrees.
- d. Jeffrey Gordon shared that Dan Malo is no longer the Woodstock ZEO and there is currently no one qualified and available to be hired as new ZEO. The town officials are working with Mike D'Amato to have him step in as acting ZEO. Jeff would like to designate Mike D'Amato as the agent for the commission tonight to allow him the necessary authority to act on enforcement issues.
 - i. Joe Adiletta made a ***Motion** to authorize Mike D'Amato as the Agent for Planning & Zoning Commission effective on his date of hire as Zoning Enforcement Officer. ***Seconded** by David Morse. ***The motion passed unanimously.**
- e. Jeffrey Gordon clarified that any commissioner who attended the annual training meeting does get credit for 1 hour of required education.

3. Citizens' Comments

- a. None

4. Meeting Minutes

- a. March 16, 2023 Monthly Business Meeting
 - i. Joe Polulech referenced page 3, item number xiv and noted it should read: "Joe Polulech asked if there are any plans for additional buildings or infrastructure and also would like to see the

Woodstock Planning & Zoning Commission

actual number of acres that can be developed per deed restriction. It was stated that there are currently no plans to expand infrastructure.”

- ii. Joe Polulech noted that page 4, item xxv contains a typo and should read “Jeff Gordon confirmed that there will be no additional...” Jeffrey Gordon further noted that he did not confirm but instead asked for confirmation that there would be no additional adverse impact on the land with the change being proposed.
 - iii. Delia Fey requested that the language on page 4, item xxii read “Eric Nelson noted that all produce grown is used in the Treehouse Ecosystem. “
- b. April 13, 2023 Special Meeting/Annual Legal Training
- i. Delia Fey referenced page 1, item 3.c and stated that Rich said time limits on special permits don't apply in Woodstock because we don't have site plan review. Site Plan Reviews approvals can have time limits. Limiting Special Permit approvals for time is more complicated, especially if no new construction is involved. The Regulations need to be clear about the separation of uses. Various uses can have more detailed standards for each Special Permitted use than are currently in the Regulations. Now many of the uses are considered under the same 'Non-Residential' use category and currently there is a narrow list of standards. The Regulations also currently contain a "Town-Wide' section with standards where some apply to residential and some apply to non-residential uses.
 - ii. Delia Fey referenced page 1, item 3.C.ii and requested it be changed to read “'Criteria' is currently used for evaluating Special Permit applications prior to a decision whereas standards are the rules the use has to follow such as setbacks the structure has to be from the boundary lines, as one example”.
 - iii. Delia Fey referenced Page 2 (top line) and suggested the following revision for that sentence: “They closed the public hearing without letting the applicant speak, spoke about the applicant in very derogatory terms and then in subsequent meetings discussed the application before denying it.”
 - iv. Delia Fey referenced page 2, item e.iii and noted for the record that the details of the approval should be included in any correspondence sent to the applicant regarding the approval and included in the application file to ensure everyone is on the same page.
- c. David Morse made ***Motion** to accept minutes from March 16, 2023 and April 13, 2023 as amended above. ***Seconded** by Joe Adiletta. ***The motion passed** with abstaining (Jeff Marcotte).

5. New Business

- a. 292 Route 169 – The Olde Pineapple – Non-residential Zoning permit
 - i. This application is complete and fees have been paid.
 - ii. Joe Adiletta asked clarification of which building is being considered for this application. It was confirmed that the building in question is building 1 of the property card. He also asked if this property had been permitted as a special permit. It was clarified that the previous special permit application was to add residential use to the property. This property has always been used for retail and previously was permitted as non-residential zoning.
 - iii. Joe Adiletta referenced the current noncompliance with a business on the property and asked if that should impact this application. He wanted to know who is responsible for noncompliance (business or property owner). Rich Roberts noted that notices should be issued to both and both have best interest to fix the noncompliance. Jeffrey Gordon noted that this concern will be addressed later in the meeting and that this application is for a separate business.
 - iv. Dwight Ryniewicz noted that this application is a separate issue and has no bearing on the land owner or other business on the property. He feels it should be handled as a separate

Woodstock Planning & Zoning Commission

application. Jeffery Gordon agrees and views this as a parallel concern taking place on the property with another business.

- v. Jeffery Marcotte made ***Motion** to approve application for 292 Route 169 – The Olde Pineapple – Non-residential Zoning permit as presented *Seconded by Dwight Ryniewicz. ***The motion passed** with 6 in favor, one opposed (Adiletta) and one abstaining (Polulech).

6. Preliminary Discussion

- a. Tree House Farm & Fermentary, 54 Joy Road: discussion about proposed beer fermentation & sales
 - i. This is follow-up preliminary discussion. This item has no submitted application and the discussion is non-binding.
 - ii. There was question with the previous process used in approval at the Tree House Location. Research of the previous process was completed and a letter was sent to Tree House summarizing the previous process. This letter included approval for proposed operations, reference to the approval by Department of Agriculture and current status of PDR land use. This letter also stated approval is based on operations taking place in existing space with no changes in structures, signage, driveway or capacity and noted that expanded uses would require additional permitting.
 - iii. Joe Adiletta noted discussion from 2019 and quoted from minutes that stated there was no intention to sell beer at this location.
 - 1. Delia noted that when the plans changed, it was the reason they returned to the commission and is why they are here before the commission.
 - iv. Joe Adiletta asked for clarification that Tree House would continue as of right and does not require any further permitting. Delia Fey clarified that what is proposed has been deemed allowable by the ZEO but if use was to change, additional permitting would be required. Jeffery Gordon noted that there is no further item for the commission to vote upon and stated that the letter from Dan is a clear reference as to what can take place on this property.
 - v. Megan Miles answered previous meeting's questions: She noted that development rights are regulated in the deed and read the deed restrictions to the commission. Megan noted that using the Woodstock GIS, she found that total acreage is 93.5 acres and estimates prime farmland is 50 acres. 5% of prime farmland would be 2.5 acres and current structures take up roughly an acre and with the parking area, the current buildable area is currently capped. David Morse noted that the prime farmland acreage should have been listed in the PDR sale documents.

7. Old Business

- a. Commercial Cannabis Regulations will be discussed on May 4, 2023.

8. Land Use Department/Zoning Enforcement Officer Report

- a. Office
 - i. Covered in Chair Report
- b. Permits
 - i. None at this time
- c. Enforcement
 - i. As of April 27th (today), Buck's Soft Serve LLC Home Occupation permit has expired. As of March 14th, a letter was sent to address this permit expiration date. To date, no response has been received from the business owner. At this point in time, with expired permit, a letter of violation would be the next step and should be issued to the business owner.

Woodstock Planning & Zoning Commission

- ii. The noncompliance at Supreme Shed has a set deadline for new special permit application submission of May 8, 2023. Nothing has been received as of today.

9. Budget Review & Bills

- a. Nothing to report at this time.

10. Citizens' Comments

- a. Brian Linton asked about a correspondence that he had submitted and if it had been distributed to the commission. Jeffrey Gordon noted that his correspondence was not submitted because there was no open application for the item in the correspondence. Jeffrey Gordon noted that complaints can be sent to the Zoning Enforcement Officer and that his correspondence was placed in the property file.
- b. Brian Linton commented that the commission allows the sale of beer at farm stands. Jeffrey Gordon noted that Tree House has gone through the process with the Department of Agriculture and Consumer Affairs and that very specific approvals have been made to allow the operations on that particular property.

11. Correspondence

- a. Delia Fey suggested that the commission get a copy of "What's Legally Required" as it has very good land use information. Joe Adiletta suggested the purchase of 3 (one for Chair, one for Office and one for Commission to share).

12. Adjournment

- a. Dwight made a ***Motion** to adjourn. ***Seconded** by Joe Adiletta. ***The motion passed unanimously.** The meeting adjourned at 9:05 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.