

# Woodstock Planning & Zoning Commission

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## ANNUAL LEGAL TRAINING MEETING

Thursday, March 7, 2024

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.*

1. **Call to Order-** Chairman Jeffrey Marcotte called meeting to order at 7:30 pm
  - a. Roll Call- Noted for record: Quorum  
Members Present- Jeffrey Marcotte (Chair), Joe Polulech, Joseph Adiletta, Aaron Farbo, Mark Blackmer, Timothy Young, Dean Gould, John Day, Syd Blodgett (joined at 7:35 pm), David Morse (joined at 7:37)  
Members Present via Zoom - Dwight Ryniewicz  
Members Absent- Doug Porter  
Others Present- Delia Fey (Town Planner), Cameron James (Assistant Planner), Town Attorney Richard Roberts, ZEO Dan Malo, Dotti Durst, William Brower and Recording Secretary Amy Monahan.
  - b. Designation of Alternates: John Day and Dwight Ryniewicz were seated
  - c. Pledge of Allegiance: Jeffrey Marcotte led the Pledge of Allegiance
2. **Chair's Report**
  - a. Chairman Jeffrey Marcotte reminded all present to change clocks forward this upcoming weekend.
3. **Review of Home Occupation Permit Applications**
  - a. Carolyn Mason, 1186 Route 169 – sea glass jewelry crafting and online sales
  - b. Alexander Conrad MacNeil, 378 Route 171 – handyman/carpenter
    - i. The commission agrees that both applications seem to be appropriate home occupations.
4. **Annual Legal Training Session with Attorney Richard Roberts**
  - a. Rich Roberts started with Q & A
    - i. Does town have an obligation to adopt regulations like Air BNB in private tax districts/lake districts?
      1. No. Regulations need to be based on the best for the town, not a specific tax district. Any presented text changes would have to be uniform throughout. If a zoning regulation is created, it is by zone (this means that all tax districts would have same regulations as they are all in the Lake Zoning District).
      2. If you regulate something, you will have definitions, designated zones and performance standards for the regulations being created.
      3. Tax districts do have the right to create their own ordinances which they would then have to enforce depending on the legal basis of the district.
      4. Tax Districts cannot allow things that the town prohibits but can prohibit things that the town allows.

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- ii. Are there any upcoming classes that should be taken by commissioners?
  - 1. Keep checking with the Land Use Academy and seminar schedules of state offered classes and training. There is a conversation taking place at State level about all wetland commissioners being required to take training, but no final decisions have been made.
- iii. What should PZ members do when mail is addressed to them pertaining to applications?
  - 1. Be sure that the mail is brought to town hall and put into record.
- iv. When should ex officio attendees participate at meetings? What roles can they fill?
  - 1. Ex officio attendees can create legal quorum to hold meeting
  - 2. Ex officio attendees are allowed to speak during public hearing and in some situations, during the decision-making process
  - 3. Ex officio attendees are not allowed to vote
  - 4. Ex officio attendees are allowed to sit in executive session
  - 5. Ex officio attendees do not create quorum required to hold a legal vote on application
- v. Lead times for applications- please clarify.
  - 1. Must follow mandated requirements. The numbers should be verified counting back from the proposed meeting date to ensure all mandates are being met
- vi. Logistics of meeting space- please clarify.
  - 1. If capacity is exceeded and you must move rooms, you should continue the hearing until a larger room is available. You can move to another location within a meeting if people are adequately directed to the new location.
  - 2. If a hearing is opened and continued, you do not have to republish the legal notice. If you do not open hearing but postpone it to another time, the legal notices must be republished according to statutes.
- vii. If you recuse yourself from an agenda item, do you have to abstain or just not participate during voting process.
  - 1. The only time abstention is needed, is if you are needed for a quorum. If recused, you are not part of the quorum and do not need to abstain.
  - 2. If a conflict of interest is noted during hearing by applicant, it preserves his right to call upon that conflict at a later date.
- viii. How does Woodstock move toward increasing supply of affordable housing?
  - 1. The only solution is to convert or build. Unfortunately, most options that assist with creating affordable housing do not apply to rural towns without infrastructure.
- b. Attorney Rich Roberts reviewed an Affordable Housing power point presentation which can be viewed by downloading the attachment on the town website- <https://www.woodstockct.gov/planning-and-zoning-commission/pages/planning-zoning-meeting-march-7-2024>
  - i. Regulation 830-g applies to municipalities in the state with less than 10% of housing stock is affordable according to state statute.
  - ii. Woodstock: a perspective of affordable housing in town. From recent statistics, there are 3582 houses in Woodstock which would require 358 units to be affordable to meet 830-g requirements. Woodstock only has 56 units that could qualify as affordable housing.
  - iii. CGS 8-2 states what can and cannot be included in housing regulations.
  - iv. In addition to State Law, Federal Laws such as the Fair Housing Act and Americans with Disabilities Act need to be considered and met when creating housing regulations.
- c. Can you explain options for setting time limits on a special permit?
  - i. As a general rule, a special permit is an approval that runs with the land.
  - ii. The concept of setting time limits has been complicated within the last few years by several different legal cases.

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- d. Please clarify the authority of the P & Z Commission compared to ZEO?
  - i. Regular discussion between the ZEO and commission is the best practice. This allows for the 2 entities to be on the same page about topics.
  - ii. Appealing a ZEO decision to the courts is the only authoritative option that the Commission has over the ZEO.
  - iii. The town would want both to be on same page for ideal operations.

## 5. Adjournment

- a. Timothy Young made a **\*Motion** to adjourn. **\*Seconded** by Dean Gould. **\*The motion passed unanimously**. The meeting adjourned at 9:08 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.