

**WOODSTOCK PLANNING & ZONING COMMISSION
SPECIAL MEETING
THURSDAY, NOVEMBER 29, 2018 AT 7:30 PM
WOODSTOCK TOWN HALL, MEETING ROOM 1**

MINUTES

I. MONTHLY MEETING AT 7:30 PM:

- a. **Call to Order:** J. Gordon called the meeting to order at 7:31pm
- b. **Roll Call:** J. Gordon, D. Young, F. Rich, J. Adiletta, G. Dickenson, K. Ebbitt (Alt), D. Porter (Alt)
- c. **Absent:** D. Durst, S. Blodgett, D. Morse, J. Anastasi, D. Frederick (Alt)
- d. **Noted for the record:** Quorum
- e. **Others Present:** Tina Lajoie, Delia Fey, Frank Bicchieri PE (Bertin Engineering), Mr. Swadia, Norm Thibeault (Killingly Engineering Associates), Kevin Withers, Jean Pillo, Jock McClellan, Jim Dunlea, Lee Wesler (Conservation Committee Chair), Terri Lasota (recording secretary).

II. CITIZENS' COMMENTS: None

III. DESIGNATION OF ALTERNATES: D. Porter and K. Ebbitt were seated.

IV. NEW BUSINESS:

a. Michael T. Madulka dba Quinsigamond Realty, 10 Beeches Lane – Change of business name and new sign (Non-residential)

The applicant was not present; T. Lajoie explained the applicant would be sharing the same office as the current existing business and therefore is the same use, however the applicant would like a separate sign, which is part of the application.

J. Adiletta asked if sign was 18x18 inches, T. Lajoie confirmed and added that this would be an additional sign as opposed to a replacement sign.

J. Adiletta **MOTIONED** to **APPROVE** the application as presented, D. Young **SECONDED**.
MOTION PASSED UNANIMOUSLY

V. PRELIMINARY DISCUSSION:

- a. 1484 Rt 171, ND Swadia (Norm Perron, applicant) – proposed expansion of country store and mixed use

J. Gordon noted for the record that this is not a formal application nor has one been submitted, and any discussion during this meeting is non-binding.

Frank Bicchieri PE, representing Bertin Engineering and the owners Woodstock variety, explained the existing Woodstock Variety has a single family dwelling on the same 4 acre property with wetlands to the rear, septic will need to be done on site. He said they propose to demolish existing buildings and build a 50ft x 60ft general variety store as well as gas pumps. Mr. Bicchieri added that the first floor would be the variety store, and though initially they intended the back side a daycare but eliminated the idea of a daycare as it would not be practical. He went on to say that instead the concept is for one apartment on the basement level, and added they were trying to maximize use of space; i.e. gas station, walk out apartment and convenience/country store, keeping the country store look and feel.

D. Fey commented that having a gas station with a residence constitutes meeting with the building official and fire marshal before submitting a Special Permit application modification to make sure code issues are addressed; she also noted consideration of State road requirements. D. Fey added that zoning for this property is only grandfathered for one dwelling so a second dwelling or apartment wouldn't be allowed.

J. Adiletta asked if there was any record of gas pumps at this location previously; members briefly discussed and determined there was not, adding that this is regulated by different department of the State. J. Gordon noted zoning regulations still apply and would need to go through ZBA to be granted a Certificate of Location, and the PZC public hearing process. Members added the health department, IWWC, D.E.E.P., and the Fire Marshal would also need to be involved. J. Gordon said the PZC would need application approvals from all required agencies and commissions to consider a PZC application as complete.

J. Gordon asked F. Bicchieri about plans for lighting noting the various regulations for gas station type lighting, lighting under a canopy, the lighting regulations in general, and that a lighting plan is required; F. Bicchieri said they currently do not have lighting plans but are sensitive to the nearby residential area and welcome ideas as they would like to retain a country type look and feel.

K. Ebbitt inquired about business hours. Mr. Swadia said the hours would be the same as the current hours which are 5:00am to 10:00pm.

G. Dickenson, D. Fey, and J. Gordon discussed the regulations and grandfathered use for having a residence on a commercial property, and conforming use. J. Gordon read the regulations regarding nonresidential uses in Article IV, pg 56 E.2.B and E.2.B.I, noting there would not be an issue.

J. Adiletta complimented Mr. Bicchieri on the country type approach for aesthetics. F. Bicchieri thanked everyone for their feedback. J. Gordon briefly explained the completed PZC application and process of site walk and the public hearing.

VI. PUBLIC HEARING – 7:45 P.M.

a. #SP634-09-18 Smith Road, Scott & Pamela Shaw – Activity on a scenic road:

For the record J. Gordon noted the complete application has been submitted, the fees are paid, tonight (11/27/2018) RECEIVED a document from J. Navarro dated 11/20/18, the abutters have been properly notified, and public hearing legal notices appeared in the Villager newspaper on 11/02/2018 and 11/09/2018. J. Gordon stated the reason for the public hearing is due to Woodstock's Scenic Roads ordinance section 4a and the Selectmen and Highway Facility Foreman (J. Navarro) have been notified.

Staff input: T. Lajoie said she received a phone call from a resident concerned that work already started; she added that there were various delays with this application including weather issues in November. The contractors had submitted all of the necessary permit applications for building and Zoning in hopes of getting the foundation in; when the delays occurred J. Navarro allowed the contractor to put in a temporary property entrance so they could start working. A tree was also removed but it was on private property and not in the town's right of way.

J. Gordon confirmed for clarification that the Town Highway Foreman gave approval for temporary entrance even though PZC had not yet approved anything. G. Dickenson questioned who provided the authority; T. Lajoie commented that J. Navarro felt it could be put back as it was afterwards; J.

Gordon noted the ordinance.

Norman Thibeault of Killingly Engineering Associates, representing the applicants Mr. & Mrs. Shaw and spoke on their behalf. He explained the applicant wanted to install a driveway with access to Smith Rd. N. Thibeault noted the application's various delays and went on to note that he was not aware of the temporary access until recently when visiting the site for photographs to provide at this meeting.

N. Thibeault explained the driveway's location which was previously used as agricultural access; he also described the 28.2 acres L-shaped property and said the proposed driveway would be approximately 1100 ft. and added they have approval for the septic system from NDDH.

Mr. Thibeault mentioned the 18 inch birch tree near the driveway entrance and the cherry tree which was removed to enable access of larger vehicles such as dump trucks or oil trucks; he also talked about the existing break in the stone wall and the additional stones that were removed and stored to the side. N. Thibeault felt the site line was good despite curvature in road and said that there is not a lot of ground vegetation or low tree branches in that area. He also felt that because it is a narrow winding road it would not be traveled on too quickly. Mr. Thibeault went on to say that the construction entrance is exactly where the proposed permanent driveway is going.

J. Adiletta asked if the site line distances were on the drawings received by the Commission; N. Thibeault relied they were not and left it up to J. Navarro to review but estimated 200-225 feet to the west and more than that to the east due to the curvature of the road, estimating a possible 300 feet to the east. J. Gordon noted this for the Public Hearing record since it is not detailed on the drawings.

Doug Porter disclosed for the record that he has used Killingly Engineering to do work for him in the past and will continue to use their services in the future and has nothing to do with this project nor is there need to recuse himself.

J. Adiletta asked if the speed limit was posted in that area of Smith Road; N. Thibeault said it was not posted however it was assumed to be 25 mph.

J. Gordon asked when the temporary access driveway was installed; T. Lajoie replied that it was installed within the last 7-10 days. J. Gordon also asked if the temporary stone wall opening was in the same location as the proposed access opening; N. Thibeault said yes and added that there was an existing break in the stone wall and a worn path in field that was used for years by agricultural equipment. The proposed anti-tracking destruction entrance is in place as well matching the proposed plan.

J. Gordon asked N. Thibeault if anything else had been done on the property line or within the town's right-of-way; N. Thibeault said the opening in the stone wall was made 5-6 feet wider on the right (eastern) side. J. Gordon confirmed with T. Lajoie that this was done on the approval from J. Navarro.

D. Young, F. Rich and J. Gordon discussed whether or not this already was a farmer's driveway and J. Gordon commented that as an improvement the ordinance needs to be signed off on by the PZC. D. Young said the temporary use of an existing farm driveway should be noted.

D. Porter asked Mr. Thibeault if alternative driveway locations were considered; he replied they

were not.

Kevin Withers said there was never an opening at that point in the wall, the corner was always the right-of-way into those fields, and this opening was made after the land was purchased. N. Thibeault commented that the survey done in May 2018 located a break in the wall at that point, though he could not confirm how long the break had been there for.

Jean Pillo disclosed that the Conservation Commission Development Review Committee was asked to review this application however she and Grace Jacobson are Smith Road abutters. She noted there was an opening at that point in the wall and took a picture when it had flagging and tape on it which she recently sent to T. Lajoie, D. Fey, and J. Gordon, asking if a permit was given to begin the work. J. Pillo went on to say this was the most logical place to access the property due to the wetlands, but a tree that was in the right-of-way was removed without protocols being followed and work began without permission being given. J. Pillo noted the line of site issues and suggested use of a concave mirror and not take down any other trees. T. Lajoie said J. Pillo's email and pictures will be made a part of the public file. Ms. Pillo showed the commission members the pictures of tree removed from the town's side of the wall and a second picture showing the current condition of the opening which had been widened and gravel added. J. Gordon confirmed the pictures would become part of the public hearing record, and also noted for the record documents RECEIVED on this day (11/29/2018) from the Woodstock Conservation Development Committee dated October 9, 2018.

Jock McClellan asked if there were any repercussions laid out in the regulations for when someone does not follow procedures; J. Gordon replied that from a town point of view it is dependent on what the Commission decides should be done, but upholding the ordinance is in the hands of the Selectman. J. McClellan and J. Gordon briefly discussed.

J. Adiletta suggested that a mechanism be in place for urgent situations that involve other town officials and better communications between those officials and the PZC Chairman or appropriate boards that action is being requested.

G. Dickenson felt a letter should be sent to the Board of Selectmen regarding this issue since the Highway Facilities Foreman acted beyond his authority in allowing work to be done for temporary access.

F. Rich found it interesting that the temporary driveway was created in the same way that was suggested by the Conservation Committee but agreed that protocols and procedures should have been followed.

J. Adiletta **MOTIONED** to **CLOSE** the Public Hearing; D. Porter **SECONDED**.
MOTION PASSED UNANIMOUSLY

b. #101818 Proposed Comprehensive Revision to the Woodstock Subdivision Regulations via Text Amendment, draft dated 07/08/18:

J. Gordon noted this is a continuation of Public Hearing and for the record RECEIVED hand written notes from Attorney Roberts dated November 7, 2018. Also a 5 page document provided by D. Fey dated November 19, 2018 which was received today (11/27/2018) titled Review of Woodstock Conservation Commission's Concerns about the Proposed Revision to the Sub-Division Regulations Submitted at the PZC's Meeting on 10/18/18.

J. Gordon talked about the process this project has undergone over the last 4 years, having noticed every meeting in newspapers, listserves, and on radio, with 36 meetings opened to the public including “Community Conversation” meetings which were well attended. He also thanked the Commission Members for the important work they have put into this project.

D. Porter suggested allowing time for the Commission Members and the public to review the document provided by D. Fey; J. Gordon agreed and suggested the Conservation Commission be provided with a copy and time to review as well.

F. Rich and G. Dickenson discussed their views on the meaning and handling of open space.

Jim Dunlea commented that the financial impacts have not been looked at, as the change in regulations would create the possibility for more homes this also means more residents resulting in the need for more law enforcement officials and created expenses in various areas; he felt that when a land owner comments their land is being taken they are in effect wanting to “cash out” leaving the following financial burden and responsibilities to the town and others. Mr. Dunlea went on to say that the regulation changes proposed would fundamentally change the character of Woodstock, and a 1.25 acre minimum lot size would be incongruous with Woodstock’s brand or what the future of Woodstock should be for generations to come, and is fiscally irresponsible. Mr. Dunlea added that he recently spent nearly one million dollars to be in this town for what it is. J. Gordon reminded J. Dunlea and the public about the public hearing rules.

J. Gordon noted for the record a document provided by Lee Wesler, Chair of the Woodstock Conservation Committee, dated 11/27/2018 “Re: Proposed Subdivision Regulation Changes – Open space” as **RECEIVED**, and as a second document provided by the Conservation Committee. Copies of the document were distributed to Commission Members and Mr. Wesler read the document into record. (check recording), asks Greenways be included; sub divisions, lists items 1 through 3.

D. Porter **MOTIONED** to **CONTINUE** the Public Hearing on the proposed changes to the Subdivision Regulations on Thursday December 20, 2018 and start the public hearing at 7:30 pm;
J. Adiletta **SECONDED. MOTION PASSED UNANIMOUSLY.**

VII. UNFINISHED BUSINESS:

a. #492-04-06 Brickyard Rd, Peter Minchoff -14-lot open space subdivision – Expired

Doug Porter **RECUSED** himself from this agenda item.

J. Gordon said the town attorney has provided the wording needed to notate the expiration of the subdivision on the land record approval that clearly defines that lots #10-B, #10-C, and #10-K (as shown on map #1996) are not effected by this application expiration.

J. Gordon said Design Professionals Inc. had been asked to review the project and ascertain whether the southern driveway within the subdivision was completed to Town standards, and a one page document was received on November 19, 2018 which included Suzanne Choate’s assessment and 3 items to bring attention to:

1. DPI recommend the common driveways be paved, though they were approved as processed stone and the south driveway is processed stone. The plans indicate an 18 foot width which is not maintained along the entire common driveway, and varies narrowing from the 18 feet.

2. The drainage structures appear to have been installed according to plan, though all outfalls were not visible at the time of inspection. The area surrounding the two structures in front of the two southerly constructed houses appears to be stabilized and maintained. However, the structure and surrounding area at the northerly end of the common driveway have not been maintained. Vegetation overgrowth and mulch piles inhibit the intended drainage in the area.
3. The fire pond and dry hydrant appear to have been installed as indicated on the plan.

D. Fey suggested using the originally intended design since paving would affect drainage, and funds are not available to make those changes.

G. Dickenson felt that DPI was stating they had previously recommended the driveways be paved, but the recommendation was not followed, and noted they did what was approved which was compact and processed stone.

G. Dickenson asked about use of the bond money to widen the south driveway to the 18 feet, and address the vegetation and mulch piles; D. Fey and Commission members discussed the amount of the bond and process of accessing it, noting it could be sufficient in accomplishing the work.

F. Rich asked if completing this work would make these lots more usable; J. Gordon said it would not because the lots approved prior have now expired and have reverted back to one parcel minus the existing 3 lots with houses.

J. Gordon and D. Fey discussed what becomes of the open space and what the bond was including. J. Gordon noted if there was a new subdivision application it would only constitute the land that is remaining. He added the current bond money, if called, could only be used for the south common driveway and can't be used for anything else. D. Fey noted the 3 existing lot owners should be notified of the subdivision situation; J. Gordon said they would be notified once the Commission has determined their course of action.

D. Young asked if the Town Highway Foreman could provide an estimate; the Commission members discussed. F. Rich, G. Dickenson, and Commission members discussed what becomes of the open space if a new subdivision application is submitted; J. Gordon said more input from the Town attorney would be needed.

b. #SP634-09-18 Smith Road, Scott & Pamela Shaw – Activity on a scenic road:

F. Rich **MOTIONED** to **APPROVE** application #SP634-09-18 Smith Road, Scott & Pamela Shaw – Activity on a scenic road, as presented; D. Young **SECONDED**. **MOTION PASSED UNANIMOUSLY.**

c. #101818 Proposed Comprehensive Revision to the Woodstock Subdivision Regulations via Text Amendment, draft dated 07/08/18:

MUTE, no discussion.

D. Porter rejoined the meeting.

VIII. CHAIR'S REPORT:

J. Gordon talked about the upcoming change in Town attorney believed to be Hallor and Sage; he added that he did tell the Board of Selectmen several times the PZC Commission would like to have the free annual training session but was not sure if mention of this request was included in any of the bids or

proposals received. The BOS did say the legal fee savings were approximately \$50 per hour.

J. Gordon also talked about a letter send to Freedom of Information regarding questions asked pertaining to minutes and agendas; their reply was agendas must be available in the Town clerk's office but we have no liability if we have documentation to prove we have submitted but the Town does not post, which is the Town clerk's responsibility. J. Gordon added communications are in fact kept track of showing we are submitting documents on time, and according to the FoI reply as long as we are submitting our documents per State Statutes no penalties would be issued.

IX. DISCUSSION OF SUBCOMMITTEE WORK AND STRUCTURE:

J. Gordon asked the Commission what they would like to do with the current subcommittee, noting the Town attorney stated the meetings can be handled as the Commission sees fit, but suggested if the subcommittee meetings are removed, call them Special Meetings (which are item specific).

F. Rich questioned meeting room availability; members discussed, and J. Gordon noted if the room is available it can be used. Commission members discussed the next scheduled meeting on December 6, 2018 and was determined that date would become a Special Meeting for sign regulations and posted as such, post public hearing discussion.

J. Adiletta **MOTIONED** to **DISSOLVE** the Regulations Review Subcommittee and in its place hold Special Meetings of the Commission on the 1st Thursday of each month only for planning topics, but no business pertaining to permit applications. K. Ebbitt **SECONDED; MOTION PASSED UNANIMOUSLY.**

J. Gordon noted the next meeting will be a Special Meeting on December 6, 2018 for sign regulations.

X. ZEO REPORT:

F. Rich inquired about 11/28/2018, too many animals at 277 Woodstock Road. T. Lajoie said the according to the complaint, the residents have an excessive amount of animals on site which are not properly cared for; she added this was a health department situation. F. Rich also inquired about 10/17/2018, 283 Prospect Street, T. Lajoie and Commission members discussed, and D. Fey noted permits or C/O's couldn't be issued until the work was completed and inspected.

XI. CITIZENS' COMMENTS: None

XII. BUDGET REVIEW AND BILLS: None

XIII. MINUTES:

- a. Regular Meetings: October 18, 2018**
- b. Special Meeting: November 1, 2018**

F. Rich **MOTIONED** to **APPROVE** both the Regular Meeting Minutes of 10/18/2018 and the Special Meeting Minutes of 11/01/2018; J. Adiletta **SECONDED; MOTION PASSED UNANIMOUSLY.**

XIV. ANNUAL MEETING

- a. Election of Officers**

G. Dickenson **MOTIONED** to **NOMINATE** J. Gordon for Commission **Chair**; K. Ebbitt **SECONDED**.
MOTION PASSED UNANIMOUSLY

J. Adiletta **MOTIONED** to **NOMINATE** F. Rich for **Vice-Chair**; D. Porter **SECONDED**;
MOTION PASSED UNANIMOUSLY

D. Young **MOTIONED** to **NOMINATE** D. Durst for **Commission Secretary**; K. Ebbitt **SECONDED**;
MOTION PASSED UNANIMOUSLY

b. Election of Regulations Review Subcommittee Chair (if applicable): NONE

c. Approval of 2019 PZC meeting schedules:

D. Porter **MOTIONED** to **APPROVE** the 2019 PZC meeting schedule; D. Young **SECONDED**;
MOTION PASSED UNANIMOUSLY

d. Bylaws review – already done on September 20, 2018: NONE

e. Scheduling of Annual Legal Training Session:

D. Porter **MOTIONED** to **SCHEDULE** the Commission's Annual Legal Training Session
for 05/02/2019 at 7:30pm; F. Rich **SECONDED**; **MOTION PASSED UNANIMOUSLY**

XV. CORRESPONDENCE: None

XVI. ADJOURNMENT:

F. Rich **MOTIONED** to **ADJOURN**; D. Young **SECONDED**; **MOTION PASSED UNANIMOUSLY**
The meeting was **ADJOURNED** at 9:45pm.

Respectfully submitted by Terri Lasota, Recording Secretary

DISCLAIMER:

These minutes have not yet been approved by the Planning & Zoning Commission.
Please refer to next month's minutes for approval/amendments.