

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, DECEMBER 20, 2018 AT 7:30 PM
WOODSTOCK TOWN HALL, MEETING ROOM 1

MEETING MINUTES

I. MONTHLY MEETING AT 7:30 PM

- a. Call to Order:** J. Gordon called the meeting to order at 7:33 pm
- b. Roll Call:**
 - Members Present:** J. Gordon, D. Young, F. Rich, J. Adiletta, G. Dickinson, D. Durst, D. Morse, K. Ebbitt (Alt), D. Porter (Alt)
 - Members Absent:** D. Frederick (Alt), J. Anastasi, S. Blodgett
 - Noted for Record:** Quorum
- c. Others Present:** T. Lajoie, D. Fey, T. Lasota, and 45 others

II. CITIZENS' COMMENTS: None

III. DESIGNATION OF ALTERNATES: D. Porter and K. Ebbitt were seated for J. Anastasi and S. Blodgett

IV. PUBLIC HEARING – 7:30 P.M.

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

J. Gordon noted the 3rd month continuation of this public hearing and explained the public hearing rules to the public that were present. He also noted for the record additional documents that were received via email after the meeting packet went out to the commission members:

12/16/2018 from Frank and Ann Estey

12/20/2018 from Tom Grasso

12/12/2018 from Elizabeth Zimmerman Smith

12/10/2018 from John Day Jr.

12/20/2018 from James Dunlea

12/20/2018 from Anne Ethier

12/20/2018 from Qin Li

Stewart Morse, Chairman of the Woodstock Agricultural Commission felt the proposed changes were beneficial for the ongoing agricultural businesses in the town, good for the town, would improve assessed value of property, allow people to utilize their business plans and assets more effectively, and increase the probability of the town obtaining more PDR land. Mr. Morse asked if he chose to utilize the minor subdivision option (if enacted) and then later chose to sell his land to a builder residing in town, would the same small subdivision option be available to that builder. J. Gordon replied that it would not as it would fall under re-subdivision and the minor subdivision can not be done again.

Ann Amberg said people moved here to live in God's country and wanted to keep the "quiet corner" quiet, and was concerned with having to hire more law enforcement due to a larger population, conservation of the water, and raised taxes. She asked about having a town vote, and J. Gordon explained how Planning & Zoning were combined as allowed by State Statute, with the commission members elected by the people being tasked with decisions regarding changes to any text amendments proposed. J. Gordon further explained how the Planning & Zoning commissions operate.

John Day asked if there was anything specifically limiting putting the decision before the town; J. Gordon

said questions regarding what can and can not go to town meeting would need to be asked of the Board of Selectmen who then in turn would request input of the town attorney.

Jim Dunlea said the commission should defer their vote until after a town meeting where they could get direction from the town on how they should vote. J. Gordon replied the Planning & Zoning Commission has been extremely proactive in keeping the community as well as other boards and commissions, and has received and considered input from members of the public.

Kathy Brainard question if the community was not happy with results of the changed regulations could the regulations be changed again after electing new commission members. J. Gordon said that it was possible as with any voted election.

Linn Weaver of Farm Credit East said when farmers borrow money they use their real-estate as collateral, but when they are from Woodstock they can not be lent as much due to the lower property values and zoning restrictions. He explained loans and equity and added that they can't value the whole property because currently 50% needs to be set aside, and supports the changes proposed by the commission as it would help to alleviate that issue.

Linda Auger of Taylor Brooke Winery and a member of the Woodstock Agricultural Commission agreed with Linn Weaver and Stewart Morse.

Jean Pillo, a member of the Woodstock Conservation Commission, opposed the proposed regulation changes due to concerns with water quality, water sheds, town services outweighing town tax income, and felt the extreme density bonus was going in the wrong direction for the town.

Jeremy Serwer asked if the Commission had considered creating a separate category for property thought of as 100% agricultural vs buying land for subdivision purposes only, to protect or better farm value while controlling density at the same time. J. Gordon felt that it is important to look at things from entire town as a whole point of view and not just consider specific circumstances or groups of property owners.

Rebecca Hyde asked for clarification regarding the 2.5 acre requirement, the exception of the conservation model, and the 1.25 acre lots. J. Gordon referred to the subdivision regulations in 2003 and the changes made in 2005, noting that the proposed regulations actually increase the minimum buildable lot size to 1.25 acres, and if using the open space option the minimum buildable lot size would be 1 acre which is an increase over the current $\frac{3}{4}$ acre. The changes would more closely resemble regulations that were in place prior to 2005, which didn't turn Woodstock into a suburban sprawl. J. Gordon added the regulations only apply to sub divisions, not to those who own land and want to build a single house on it.

G. Dickinson and J. Gordon discussed the density factor and lot size vs. buildable land.

Rebecca Hyde commented that goals for the town are to preserve prime farm land but that was being lost in discussions, she added small communities were the most pleasurable to live in. R. Hyde also mentioned the various types of farmers in the town noting it was important to bring the productivity of farms to a maximum.

Kathleen Barrack asked what precipitated the regulation changes. J. Gordon said the Commission is always reviewing regulations and has a strategic plan regarding the different things it looks and wants to accomplish, adding there is a need to clarify definitions and keep up with changes in State Statutes.

K. Barrack asked if there was something specific that was brought to the Commissions attention and referred to a 4 lot issue. F. Rich replied the 4 lots with no set aside was brought up by himself, noting he

saw his fellow farmers were having problems; he felt that perhaps if they could just sell a lot, they could then afford something else they needed. F. Rich went on to say today they would have to subdivide their whole farm on paper and survey the entire property, which all costs money and they wouldn't make anything on the lot by the time they were done. He added the proposed lot sizes were increasing not decreasing, and though he and other Commission members are not completely happy with the new regulations, it is a compromise.

K. Barrack thought this was good information but wondered how this helps the farmer to sell an acre; F. Rich said the farmer doesn't have to give up any land to sell that one lot and further explained that currently set aside land is not useable.

G. Dickinson said farmers were encouraged to farm the open space, and if subdividing farmers are encouraged to keep prime land for farming and put the houses on the less prime land. The goal of the present regulations is to protect land and the water supply and encourage people to think about that.

D. Fey felt people were confusing zoning with sub divisions and noted sub division regulations are not necessarily about residential land, it pertains to how the land is being divided, whereas zoning pertains to how the land is used.

Lee Wesler, Chairman of the Woodstock Conservation Commission, asked what would prevent a developer from buying multiple 5 acre lots and putting 4 houses on each 5 acre lot since the minor subdivision doesn't require any set aside. J. Gordon said if a developer or individual who owns the land wish to present a proposal that would be up to them, and the Commission looks at each application as separate.

Garth Evans asked if someone already has an approved subdivision, can they the use the new proposed regulations and do a re-subdivision of some of the land that was used for the open space set aside under the old regulations. D. Fey answered said once a subdivision is approved and the mylar maps are filed with the town, it becomes an effective subdivision; they are allowed 10 years to do public improvements, and if not completed are allowed to file an extension. If then not completed in the time allowed, the subdivision becomes void, but the open space or conservation land is restricted due to easements placed on the land.

Maura Robie, a member of the Woodstock Conservation Commission, commented on the language regarding conservation land calculations found on page 66 of the proposed regulations noting they were against the definition unless something more specific was put in place, as they are not supportive of a blanket definition applied to any property. J. Gordon read the rest of the definition to clarify its content to the public and explained limited structure could be granted for agricultural use if appropriate for that specific use, and recreational limited structures for recreation use.

M. Robie also commented about and read the definition of conservation easement or restriction. She also commented on the earlier dialog regarding this process over the last 4 years and how revising the regulations came about, stating the Commission should be more transparent, finding any information regarding these changes on the Town website is a challenge, and though members of the Conservation Commission did participate in some of the meetings, their concerns and input had not been noted. J. Gordon said the PZC Commission is always fully transparent and available, and thought the Conservation Commission was perhaps not making use of the various opportunities provided to them. D. Fey said she previously worked at the Town with T. Lajoie for 12 years, and added agendas are sent to the Conservation Commission and the public registry each month and every effort is made to communicate.

Dave Claprood said he spent a great deal of time reviewing pages 68-69 of the proposed regulations and

thanked the Commission for the clarifications. He thought a person shouldn't be penalized for his or her occupation choices and have their land be compromised and felt that was something the Commission was looking at as well. He also felt the town was being sufficiently managed and hoped that it would continue to be and hoped there could be a compromise that allows for open space to be preserved but not penalized since farmers work very hard for their land and what they need. D. Claprood said he appreciated the work done by the Commission and trusted them to do the right things. He asked what the timeframe would be in reviewing and revising the regulations once passed. J. Gordon said it would be up to the Commission to determine which areas of the regulations to review. J. Adiletta added that a text amendment can be proposed at any time by a citizen and initiated by a text amendment request; D. Fey added it would be similar to a special permit application process including fees and deadlines that have to be followed.

D. Durst followed up on a previous comment regarding regulation areas for the Commission to review, noting that when something is not working as anticipated it is reviewed and considered as soon as it is discovered.

Rick Canavan, a member of the Woodstock Sewer Commission, said he understands the proposed changes are to help farmers but was concerned about any possible back door openings in the regulations.

Jean Pillo commented that nothing in open space says there can not be timber harvesting or hunting; she noted that at the last public hearing it was stated the Conservation Commission was opposed to hunting, which was not a true statement. J. Pillo went on to say if PZC wanted their input they should have come to the Conservation Commission meetings.

Jim Dunlea said the regulation changes opens the specter town wide, and felt people moving into town would be pressured by real estate agents into thinking to buy and subdivide. He added currently they make hay and corn fields available for free to farmers but if the land is all subdivided farmers would no longer have that available.

Bruce Zoobie of Echo Farm said he left Middletown due to more and more houses and is concerned that would happen here as well.

Qin Li asked if the land they have now will allow more houses; F. Rich replied it would allow less houses. Qin Li also asked if a study had been done to show if tax revenues from new houses would support the school system, or would they become a tax burden. She said she would rather pay higher taxes to support the schools and farming community, and felt this was the wrong direction for the character of Woodstock and is concerned with the impact to the town for generations to come.

Lee Wesler asked F. Rich if the new regulations do not lead to more lots and more development, what is the advantage to the farmer, and how does a farmer get a bigger loan. F. Rich said the farmers land would be worth more money, but it's not just farmers, it would mean anyone who owns a large piece of land. L. Wesler and F. Rich discussed; J. Gordon said as he understood it, a more developable lot would bring higher value to the land.

G. Dickinson explained density and open space, adding that national and state data through Connecticut extension shows lots in open space subdivisions are worth more than conventional subdivision lots.

Sue Conner felt the amount of conservation land would be limited and was against the new regulations.

Don Barach asked if the President's newly signed Farm Bill effects any farmers in Woodstock.

Todd Morin said this does affect net worth as his dropped with the old regulations.

Stewart Morse of the Agriculture Commission said they attended many of the meeting regarding the subdivision regulations changes and felt everything was very transparent, adding they only people not able to speak were those who did not attend.

D. Fey talked about the Community Conversations and the guest speaker Rick Harminaut who spoke about property value in Woodstock and how the subdivision regulations don't affect all people in the same way.

Jeremy Serwer commended the Commission for their time, effect, and way they've conducted themselves.

J. Adiletta commented to the audience regarding the Commissions appreciation of the public input and civil discussions, noting the importance of hearing the input from everyone. He added the emailed comments and presence will help determine how to further review the drafted regulations and provides a different perspective of how people view the Town of Woodstock. J. Adiletta also added that as Commissioners it is part of their job to weigh and evaluate all of the information, but at some time they have to vote on how to change the regulations.

G. Dickinson, J. Gordon, and J. Adiletta discussed the minimum buildable lot size, density factor and the examples in the proposed regulations in need of correction.

D. Fey pointed out under the proposed subdivision regulations option 1, the mass and lot yield calculation is based on a density factor of 2.5 acres is the same as it currently is; the only difference is the minimum lot size of a buildable lot currently could be as small as .75 acre.

D. Young believes there is a misconception on small lots as F. Rich mentioned regarding smaller buildable lots and not having to survey the entire parcel to obtain it, noting that a builder can not develop smaller portions of a large parcel a section at a time consecutively due to the way the regulations are written. He added this would not lead to the concerns raised by the newspapers or various recent conversations.

Maura Robie interjected saying the concern wasn't one property, but that a builder could develop various small groups of lots all over town. D. Young referred to the issue F. Rich had when wanting to give a family member one small lot from his farm property, yet had to pay for an A1 survey of the entire property before he could do so making the expense greater than the small lot is worth. He added the Commission is trying to make easier for owners of properties so they can give small lots to family members, divide it between their children, or sell of a small portion for money to take care of other expenses.

Richard Mabel asked for verification regarding the first option for a 40 acre subdivision and conservation or set aside land being 10 acres or 25%. D. Fey confirmed it was if it is 5 or more lots. R. Mabel also asked about the fee in lieu in item A4. J. Gordon said it is an option per State Statute and explained how the fee in lieu works. F. Rich added that some people believe that fee in lieu is the better because it then allows the town to use the money to purchase land they wish to protect rather than having various scattered parcels. R. Mable also inquired about the projections of population density and whether it would increase or decrease, or remain the same. D. Fey referred to the build out analysis report done by NECCOG which is available in the Building Department.

D. Fey addressed Jean Pillo and the Conservation Committee and explained why PZC members do not attend and provide input at Conservation meetings noting that it does not follow State Statutes to have

one PZC member represent the thoughts of the Commission. Instead, the PZC invites committees to attend and share input at the PZC meetings.

J. Gordon wanted to highlight other areas of the subdivision regulations being addressed in the proposed changes, such as updating a number of the general provisions, re-sequenced and connected related items making it easier to find them, and making it easier for everyone to use the regulations. Also, a number of changes are being made to make the process easier and more cost effective and negate the need for waiver requests in some cases by specifying core application requirements, with requirements for addition information only requested on an as needed basis. J. Gordon also recognized John Navarro of the Highway Department for providing input on designing of streets and cul-de-sacs to accommodate fire, safety, and snow removal vehicles and apparatus, as well as other various Town right-of-way issues. J. Gordon also mentioned the detailed look at bonding and insurance and keeping track of State requirements, and the correcting of areas in the regulations that were not working well.

J. Adiletta said he had been keeping an unofficial tally of those supporting and not supporting the regulation changes, and the feedback suggests there is more influence to not change regulations than to change them. He also talked about the cost to the Town of buildings vs. open space or farm land and noted residential units tend to cost the Town approximately \$1.30 - \$1.40 for each dollar that a residential unit pays in taxes, supporting the schools, roads, etc. For every dollar that farm land and open space pays into the town, it costs the Town approximately \$0.60 - \$0.70 in services, so open space helps to support the residential parts of the Town. J. Adiletta also noted various Town surveys showing people would like to see Woodstock as a rural residential town, but also makes it challenging for large property owners to get value from their land when income is needed.

D. Durst expressed regret that the Commission did not put forward and clarify the 5 key changes to the proposed regulations, noting that Woodstock residents have been very verbal about this proposal and have not been easily able to locate, understand, and compare the current regulations to the proposed changes due to the format used in the documentation.

F. Rich **MOTIONED** to **CLOSE** the Public Hearing; D. Young **SECONDED**. **MOTION CARRIED UNANIMOUSLY**. The Public Hearing was **CLOSED** at 9:35 pm.

V. NON-RESIDENTIAL ZONING PERMIT

a. Rational Acoustics LLC, 32 Crabtree Lane (Previously CME building) – Change of business and new sign:

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

T. Lajoie said the application appears to be complete and have been paid, and the applicants have provided a diagram of how sign will be changed, adding the sign proposal is part of this application.

Karen Anderson, managing member of Rational Acoustics LLC, said the business is current located in Putnam but just purchased the CME building, adding it is not a retail business but is a private software development company, since they are not opened to the public and not a storefront there are no retail clients coming to the building.

G. Dickinson **MOTIONED** to **APPROVE** the application as presented for Rational Acoustics LLC, 32 Crabtree Lane (Previously CME building) – Change of business and new sign; J. Adiletta **SECONDED**. **MOTION CARRIED 8:0:1**; D. Porter **ABSTAINED**.

VI. PRELIMINARY DISCUSSION

a. 880 Route 171, Fraser Davis (owners Kevin Ford & Brenda Vandamme – Taylor's Corner B&B), 880 Route 171 – Proposed special permit /business use of barn:

J. Gordon explained this is only a preliminary discussion and not a formal application and anything discussed at this time is non-binding.

T. Lajoie noted a full review has not yet been done; D. Fey said she reviewed the information with Fraser Davis and thought it to be a great idea, but said there would be concerns regarding the corner and current location of the driveway that should be reviewed with the engineer they choose to hire.

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

Fraser Davis introduced himself as the new proprietor of the Bed and Breakfast, adding Kevin Ford and Brenda Vandamme remain the property owners but have provided him with written consent to act as the agent in the filing of the Special Use Permit and also to make alterations to the property if the application is approved and has consent to move forward with this project. F. Davis also noted they would work with an engineer for the site line survey and location of the driveway, any possible wetlands issues, an A2 survey and anything else needed or requested.

J. Gordon asked about the land and capacity for parking; F. Davis said the specifications of the parking lot will depend on the wetlands and intended the parking plans to be low impact and environmentally friendly. J. Gordon noted parking must be ADA compliant and also mentioned the lighting regulations that must be considered in planning this project.

J. Adiletta questioned F. Davis about the layout; F. Davis explained their intentions and he and the Commission members also discussed signage and sign regulations, fire safety; D. Durst, F. Davis, and the Commission members discussed types of allowable events.

T. Lajoie said the biggest concern was safety on the corner location, however John Navarro did provide some guidance to F. Davis in that regard.

VII. UNFINISHED BUSINESS

D. Porter rejoined the meeting.

F. Rich **MOTIONED** to **ADD** item **VII.b Minchoff subdivision** to the agenda; G. Dickinson **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

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

D. Porter **MOTIONED** to **TABLE** item VII.a until the Special Meeting on 01/03/2019 at 7:30 pm;
F. Rich **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

b. Minchoff subdivision:

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

J. Gordon said a letter was received from J. Navarro regarding an estimate for the work needed to completed per Design Professionals; he added that in conversation J. Navarro said the work could

be completed by his town crew, however he would like approval from the Board of Selectmen and make sure any type of liability documentation is covered.

J. Gordon also said the reply received from the town attorney regarding the conservation easement already in place indicated the burden lies with the property owner to seek a modification of the easement, and at that time the Commission may consider a pro-rata reduction of the easement area, adding there is a process to handle that if there is a new application for a new subdivision on the remaining land.

J. Gordon and the Commission members discussed how the bond money should be handled. J. Adiletta suggested holding \$5,000-\$6,000 of the bond; D. Fey said action needs to be taken because the bond can not be held on to; G. Dickinson said any repairs and unfinished items that need to be completed need to come from the bond money; J. Gordon said whatever is remaining would go back to the applicant but there has been no formal request for release of the bond money. T. Lajoie asked about the bill for the engineering costs of \$546.25; J. Gordon said that would come out of the bond.

K. Ebbitt and J. Gordon briefly discussed J. Navarro and the town crew completing the work; D. Fey noted they would need consent from the property owners, she also suggested getting input from the Town attorney regarding the use of the bond money for that purpose and the procedure to be used. K. Ebbitt, F. Rich, and the Commission members discussed the timeline for completing the work.

J. Adiletta **MOTIONED** to call the bond and ask the Town Highway Department to do the required improvements in the time frame as determined by the Town Highway Department, using the bond to pay for all expenses; D. Morse **SECONDED. MOTION CARRIED 8:0:1**; D. Porter **ABSTAINED**.

D. Porter rejoined the meeting.

VIII. NON-RESIDENTIAL PERMIT:

- a. Body & Soul Acupuncture and Massage Therapy (Kimberly Paquette Powell), 7 Beeches Lane, Suite 3 – Change of business and replacement sign:**

T. Lajoie noted this was a completed application and fees have been paid.

J. Adiletta **MOTIONED** to **APPROVE** the application as presented; D. Morse **SECONDED**;
MOTION CARRIED UNANIMOUSLY

J. Adiletta said this was the 3rd business coming to Woodstock this evening.

IX. CHAIR'S REPORT:

J. Gordon thanked everyone for their work and appreciated their presence at the meetings.

X. MINUTES

- a. Special Meeting: November 29, 2018:**
- b. Special Meeting: December 6, 2018:**

D. Porter said on page 6 of the 11/29/2018 minutes he rejoined the meeting before the bold b on page 8; G. Dickinson noted the misspelling of her first name.

F. Rich **MOTIONED** to **APPROVE** the meeting minutes with edits as noted; D. Young **SECONDED**;
MOTION CARRIED 8:0:1; D. Morse **ABSTAINED**

D. Durst noted for the record that she received and listened the recordings of the meetings that she missed from T. Lajoie and was prepared to participate in the discussions and votes of those agenda items including the text amendments.

XI. ZEO REPORT:

D. Young commented on the frequent events at the Roseland Park Pavilion and asked if they had permission for events, and were approved and covered by the fire marshal; T. Lajoie said the fire marshal does visit that location annually but didn't think there was an official permit on file. D. Young and T. Lajoie briefly discussed and T. Lajoie said she would follow up on the matter.

XII. CITIZENS' COMMENTS: None

XIII. BUDGET REVIEW AND BILLS: None

XIV. CORRESPONDENCE: On Common Ground - winter issue

G. Dickinson asked if a permit was needed to sell baked goods that were not made at the farm location; J. Gordon said in previously questioning the Town attorney about a similar issue the attorney felt this was a grey area and may not be fully permitted, adding that regulations should be crafted specifically for that scenario. The Commission members discussed and J. Gordon noted this as a flagged item for addition to review.

XVI. ADJOURNMENT

D. Morse **MOTIONED** to **ADJOURN**; G. Dickinson **SECONDED**;
MOTION CARRIED UNANIMOUSLY.

The meeting was **ADJOURNED** at 10:26 pm.