

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, MAY 16th, 2019 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 7:32 pm
- b. **Roll Call:**
 - Members Present:** J. Gordon, D. Young, F. Rich, G. Dickinson, D. Durst, S. Blodgett, D. Morse, J. Marcott (Alt), K. Ebbitt (Alt), D. Porter (Alt)
 - Members Absent:** J. Anastasi, J. Adiletta
 - Others Present:** D. Fey, T. Lasota, T. Lajoie, Mr. & Mrs. Ryniewicz, G. Glaude, and W. Menghi

II. DESIGNATION OF ALTERNATES:

D. Porter and K. Ebbitt were seated.

III. CHAIR'S REPORT:

- a. **Interim ZEO:**

J. Gordon said the office hours for the interim ZEO are currently 3 hours on Monday mornings, and 3 hours on Tuesday afternoons. He noted the ZEO will begin working on the backlog but has not yet addressed any enforcement issues.
- b. **ZEO Office:**

J. Gordon noted that while the Board of Selectmen said additional help in the ZEO office would be available there has been little assistance to date, however the assistance provided by Crystal Adams in handling the packets for this meeting was greatly appreciated.
- c. **Format of Meeting Packets:**

J. Gordon had been asked about sending meeting packets by email only, and not send the physical packets out to reduce staff time. He and the Commission members agreed there was no need to change the format of the meeting packets, especially because many times there are large format sized materials that need to be distributed, for example, 11" x 17" maps. D. Durst noted the Commission members are supposed to review the material prior to a meeting, and not everyone has the ability to print at home what is sent by email.

D. Fey distributed copies of the new zoning regulations that includes the new sign regulations which went into effect on May 15, 2019.

J. Gordon reminded the Commission members of the public hearing on June 20, 2019 regarding the changes to Article 5, zoning permit and special permit application requirements.

IV. MINUTES:

- a. **Regular Meeting: April 18th, 2019:**
- b. **Special Meeting: May 2nd, 2019:**

F. Rich **MOTIONED** to **APPROVE** the April 18th, 2019, and the May 2nd, 2019, meeting minutes as presented, with a change to the April 18th, 2019, meeting minutes so that on Page #1, the motion to add an agenda item changes "Block 35" to "Block #5". D. Young **SECONDED**;
MOTION CARRIED 6:0:4; ABSTAINED: J. Marcott, G. Dickinson, K. Ebbitt, D. Porter

V. **CITIZENS' COMMENTS:** None

VI. **NON-RESIDENTIAL ZONING PERMIT:**

- a. **258 Route 171 Change of Business Use from Garden Gate Florist to C.R. Premier Properties, LLC, Carol Ryniewicz - Map #6395 Block #61 Lot #08:**

J. Gordon said he reviewed the file as there was no staff to do so, the fee is paid and felt the application was complete. The applicant felt the application was self-explanatory and there was no need to comment.

D. Porter **MOTIONED** to **APPROVE** the change of business application as presented;
D. Young **SECONDED; MOTION CARRIED UNANIMOUSLY**

VII. **NEW BUSINESS:** None

VIII. **PRELIMINARY DISCUSSION:** None

IX. **UNFINISHED BUSINESS:**

- a. **#542-06-08m United We Stand, LLC, William Menghi – Subdivision Modification to Merge 2 Lots on Prospect Street – Map #5703 Block #05 Lots 13-4 & 13-5 (Previously: Gary Potter, 5-Lot Subdivision):**

D. Morse **MOTIONED** to **UNTABLE** #542-06-08m United We Stand, LLC, William Menghi – Subdivision Modification to Merge 2 Lots on Prospect Street – Map #5703 Block #05 Lots 13-4 & 13-5 (Previously: Gary Potter, 5-Lot Subdivision);

G. Dickinson **SECONDED; MOTION CARRIED UNANIMOUSLY**

J. Gordon briefly reviewed the history of the 5 lot Prospect Street subdivision which was originally approved 11/16/2006 with 10 conditions included, noting the \$75,284.00 bond for erosion sediment control in the common driveway. J. Gordon also noted in January of 2011 Mr. Potter asked for a \$17,000.00 reduction of the bond; a report from Design Professionals and a memo from D. Fey said that part of the bond could be released but the remainder of \$58,284.00 was to remain to ensure the work on the common driveway and the cistern installation. Mr. Potter passed away in 2014, and there was a request in February 2016 for an extension. An attorney's review said the extension could be granted by the Commission and has been extended to November 16, 2020 with the bond remaining in effect.

J. Gordon noted various letters and documents in the Commission members meeting packets which included a memo from D. Fey dated May 6, 2019, the NDDH approval letter and the application, and recent email from Greg Glaude clarifying the open space and common driveway. D. Fey said everything in her May 6, 2019 memo has been addressed. J. Gordon noted the updated maps included in the packets.

Greg Glaude of Killingly Engineering presented the modification application, explaining the conservation easement was deeded to the Town after the subdivision was approved. He said that one lot was built on and the driveway was built, and William Menghi purchased the remaining 4 lots in 2017, and noted most of driveway and the detention pond was in at that point as well as the drainage improvements and the swale. G. Glaude also said Mr. Menghi put in the cistern which is noted in the letters from Design Professionals.

Mr. Glaude explained it is Mr. Menghi's wish to merge 2 lots (13-4 and 13-5) into one contiguous parcel to build his own house on. He noted the access road right of way, which is also a CL&P

easement, and also noted the total combined area of the 2 lots is 1.665 acres. G. Glaude displayed a site plan showing the house, septic, and a pool, and noted the approval from NDDH for the septic system on this parcel. He noted the cost of the driveway would be shared between the parcels, and Mr. Menghi, having 2 parcels would be responsible for 2 shares of the driveway expenses and maintenance which is recorded and in the records.

J. Gordon noted D. Fey's recommendation to not issue a Certificate of Zoning Compliance if these 2 lots are combined until all requirements and conditions of approval have been met and all bills have been paid and inspection approval.

F. Rich asked about the concrete structures that are currently on the lot; William Menghi (owner) said he was going to install extra basins even though they are not required. D. Fey said unless there is a redesign which would need to be approved things should be left as-is.

D Porter **MOTIONED** to **APPROVE** the subdivision modification application as presented and add in as a condition of approval that no Certificate of Zoning Compliance be issued for the combined lot 13-4 & 13-5 until all bills related to this item have been paid in full and any applicable requirements or conditions of prior approval of the subdivision have been met;
G. Dickinson **SECONDED**;

J. Gordon asked D. Fey about the release of the bond; D. Fey said a separate decision regarding the bond can be made once all of the bills have been received and paid and briefly explained the process. **MOTION CARRIED UNANIMOUSLY**

X. ZEO REPORTS

a. PERMITS: None

b. ENFORCEMENT: None

J. Gordon and D. Fey provided a briefing regarding a ZBA application recently submitted to Town Hall; what was thought to be 4 small lots was purchased in 2010 but a clause in the zoning regulations stating vacant adjacent lots which are not a part of an approved subdivision have to be merged together if their ownership is common. The buyer wanted this divided into two lots rather than one, but he was turned down by ZBA and the then merged lots remained as one; the buyer obtained a permit to build one house on this lot, which was then sold.

The new buyer filed documents to transfer what would have been two lots from the old development to another individual, who then in turn has applied for a variance to build a house which would be too close to the property line according to the zoning regulations. D. Fey said the Town asked her to review this application because it was not known how to handle or process this application with no current ZEO, and in reviewing the application noticed it stated "per previous approval". Because a variance would not be needed if there was previous approval to build a house, D. Fey investigated further, noting the application had not yet been paid for and the property was only 0.9 acres which is too small to be divided.

D. Fey submitted her concerns to the First Selectman and recommended discussing this issue with the Town attorney. The attorney recommended not accepting the application as it was not valid and not paid for. Shortly thereafter, the applicant made a slight change to the application and paid for it, and it was inadvertently accepted by the Town where it remained unnoticed until 2-3 weeks later. D. Fey again recommended the Town to contact the attorney to determine how to handle this application since State Statutes dictate specific timing in the processing of a submitted ZBA application.

J. Gordon said this issue has been brought to the attention of the new interim ZEO.

XI. CITIZENS' COMMENTS: None

XII. BUDGET REVIEW AND BILLS:

a. Bill Requiring PZC Vote: Invoice #19.183, Design Professionals, Inc: \$403.75:

F. Rich **MOTIONED** to **APPROVE** the payment of Invoice #19.183, Design Professionals, Inc: \$403.75; D. Morse **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

XIII. CORRESPONDENCE:

a. Town of Dudley, Planning Board, Public Hearing Legal Notice

J. Gordon noted several correspondences from the Town of Dudley and Halloran & Sage LLP; he also noted a communication with Attorney Roberts regarding the bank drive through.

D. Fey noted new temporary healthcare structures definitions for the subdivision regulations.

XIV. ADJOURNMENT:

F. Rich **MOTIONED** to **ADJOURN**; G. Dickinson **MOTION CARRIED UNANIMOUSLY**.

The meeting was **ADJOURNED** at 8:15 pm.

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