

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, JUNE 20th, 2019 7:30 PM
WOODSTOCK TOWN HALL, MEETING ROOM 1

MINUTES

I. MONTHLY MEETING AT 7:30 PM

a. **Call to Order:** J. Gordon (Chair) called the meeting to order at 7:31pm

b. **Roll Call:**

Members Present: J. Gordon, D. Young, F. Rich, G. Dickinson, J. Adiletta, S. Blodgett, D. Morse, J. Marcotte (Alt), K. Ebbitt (Alt), D. Porter (Alt)

Members Absent: D. Durst, J. Anastasi

Noted for Record: Quorum

Others Present: D. Fey (NECCOG Regional Planner), T. Lasota (Recording Secretary), M. D'amato (Interim ZEO), S. Morse, E. Herbert, L. Auger and 13 others.

II. **DESIGNATION OF ALTERNATES:** D. Porter and J. Marcotte were seated.

III. CHAIR'S REPORT

J. Gordon requested to add a new agenda item X to be called X: Old Business, Proposed Text Amendments to Zoning Regulations Article V, Non-Residential Zoning Permits and Special Permits.

J. Adiletta **MOTIONED** to **ADD** a new agenda item after IX to be called X: Old Business, Proposed Text Amendments to Zoning Regulations Article V, Non-Residential Zoning Permits and Special Permits;

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

a. **ZEO Office:**

J. Gordon noted M. D'amato's interim position will continue after July 1, 2019 until a permanent ZEO is hired, and he has made the BOF aware that contingency funds may be needed to pay for the services that are beyond what has been budgeted for the 18-19 fiscal year. J. Gordon also noted his continuing work with the First Selectman to hire and fill the ZEO position permanently.

J. Gordon thanked the Commission and staff for their continued service and work, and reminded everyone there is no PZC meeting on July 4, 2019; the next meeting is July 18, 2019. The next special meeting for the strategic plan will include AG issues will be the first Thursday in August.

IV. MEETING MINUTES

a. **May 16th, 2019 Regular Monthly Meeting**

b. **June 6th, 2019 Special Meeting**

G. Dickinson **MOTIONED** to **APPROVE** the May 16, 2019 and June 6, 2019 meeting minutes as presented;

D. Morse **SECONDED; MOTION CARRIED UNANIMOUSLY**

V. **CITIZENS' COMMENTS:** None

VI. **NON-RESIDENTIAL ZONING PERMITS :** None

VII. NEW BUSINESS : None

VIII. PRELIMINARY DISCUSSION

a. Tree House Brewing:

J. Gordon reminded everyone that preliminary discussions are non-binding, and thanked Tree House Brewing for coming to Woodstock and being a part of the Woodstock business and agriculture communities.

Kimberly Golinski (brewery manager), and Danny Goudreau (owner), introduced themselves. K. Golinski gave a brief history about the property noting the previous owner sold cider and produce, and said they would like to continue doing the same but would also like to source products such as cheeses and meats from other farms. They have planted over 1200 fruit trees and 1400 berry trees, and currently have over 100 trees that will be producing fruit this year to make their own cider with; and have hives to produce their own honey in the future.

M. D'amato (interim ZEO) said there was a pre-existing use of the property and suggested to K. Golinski and D. Goudreau to come to PZC for a preliminary discussion, clarification of the existing use, get input on how the Commission felt and to get their questions answered, prior to submitting any formal applications to PZC. K. Golinski commented they were hoping to open in mid July for at their produce sales. J. Gordon confirmed the use would be similar to what it previously was.

D. Morse asked if the State regulations would allow the sales of produce other than their own; K. Golinski said they had not checked with the State yet and would need to do more research. J. Adiletta felt there might be State restrictions on PDR land; he noted Tree House Brewery was originally interested in a cidery, and move the product to their Charleton MA facility for the retail sales, with no indication of retail sales in the Woodstock area. D. Goudreau said the intent was always maintain the property the same as the previous owners had, taking over where the Taylor's left off.

J. Adiletta felt it was important to look at the State regulations for PDR; he added that as a Commission they were getting ready to address farm stands, and retail sales at farm stands for products not produced at the farms, so now was an opportune time for this to come forth as a preliminary discussion.

J. Gordon said it was the next item on the Commission's strategic plan to start addressing the agriculture issues, which would come up at the August Special meeting. He added the current regulations as written would need to be followed.

D. Goudreau and the Commission members also discussed the Taylor's past operations and the percentage of sales of products from other farms; G. Dickinson asked if there were any plans to sell beer; K. Golinski replied there would not beer, and they are working out the processes for hard ciders.

M. D'amato verified that currently nothing further would be needed to move forward with the sales of their own produce from their own farm; G. Dickinson said anything they grow on their farm can be sold, adding that a farm stand is "by right". J. Adiletta welcomed K. Golinski and D. Goudreau to Woodstock.

The Commission agreed to move to agenda item **X - ZEO Reports** as it was not yet 8:00 pm.

IX. PUBLIC HEARING AT 8:00 PM: J. Gordon **OPENED** the public hearing at 8:21 pm.

For the record J. Gordon stated this public hearing was noticed consistent with State Statute on June 7th and June 14th in the Villager; NECCOG, adjoining towns, and public registry were also notified.

a. Proposed Text Amendments to Zoning Regulations Article V, Non-Residential Zoning Permits and Special permits:

J. Gordon explained this public hearing for Article V deals with permit requirements to streamline and improve what is required or is not always required for Non-Residential Zoning Permits and Special Permits, as proposed by D. Fey and him; it also includes who has the authority to approve non-residential, Ag, and sign permits (ZEO or the Commission), as proposed by a majority present at a prior PZC meeting.

D. Fey referenced draft text written by J. Filcheck of NECCOG for several other towns regarding various ways to regulate agriculture, and proposed the commission review this material for consideration. J. Gordon noted this dovetails in with the AG related permits and who is to sign off on them, adding this is currently handled by the office of the ZEO, and there is a proposal in the text amendment to move that ability to the Commission. He noted D. Fey's June 12, 2019 memo for the record.

J. Gordon opened the floor for public comment:

Paul Miller was concerned with putting agriculture into the permitting process because having to come before the Commission to put up a building or a vegetable stand would slow everything down; he added it was better to get an answer or opinion from one person rather than nine opinions from the Commission, and having to wait for an upcoming meeting to get a decision rather than getting an answer the same day or in a more reasonable amount of time. P. Miller was also concerned that the PZC did not notify or request written permission of the Agricultural Commission to change regulations. J. Gordon commented the part of the proposal about the PZC vs the ZEO approving permits was added by a majority present at a prior PZC meeting, and noted he had voted against this part of the proposal.

J. Adiletta felt it important to note part of decision for including this under the purview of the Commission was due to the fact that there was no ZEO and it was unclear as to when there would be a ZEO. He added it was presumed there would be staff assistance to review the applications and weigh in from a professional ZEO perspective whether or not the application was complete and consistent with the regulations so it would not slow down the process, other than having to come before the Commission. J. Adiletta also felt it was important for the Commission to hear and respond to concerns found during the permit request process for agriculture.

D. Fey noted for every amendment change, notifications go out including to the Agricultural Commission.

Stewart Morse, Chair of the Agricultural Commission, said they did receive the notice which was after the fact and for the public hearing, but did not get the opportunity to participate in the structure of the changes. He noted there would be a ZEO eventually, but this process makes things more cumbersome than streamlined, and if the AG community wants to get a Special permit then working through a ZEO is more efficient for both the applicant and the Commission. J. Gordon noted that part of this proposal was for streamlining the permit requirements in general, and the other part of the proposal about the PZC vs the ZEO approving permits was added by a majority present at a prior PZC meeting.

Linda Auger questioned the difference between the ZEO and the Commission, and agreed with S. Morse, noting this was just adding more layers. She also questioned why there should be a Zoning officer if they are not allowed to do the job they are being paid to do. J. Adiletta commented there is information to be

reviewed with any application and added this brings more attention to the types of permits coming to Town Hall.

D. Porter said he thought this text amendment was going to be streamlining the process and was surprised to see agricultural use structures and signs having to go before the Commission; he felt this should be delegated to the ZEO to be dealt with promptly rather than having to wait for the next Commission meeting, and added Woodstock should be more business and agricultural friendly.

S. Blodgett felt it is important to “test drive” the new regulations, and the process could be changed once a new permanent ZEO was hired.

J. Adiletta suggested having the ZEO review all applications before they come to the Commission and felt if it is unknown how the regulations work in the community they can not get a feel for their effectiveness or impact.

J. Gordon stated whether the ZEO or the Commission reviews the applications, the regulations in place still have to be followed; he pointed out the ZEO could approve or deny a permit without the applicant waiting for several weeks for the same verdict. J. Gordon also noted the ZEO can provide feedback to the Commission as to whether or not the regulations are effective, which has been done regularly by the ZEO's. F. Rich noted the Commission receives a list of what goes on every month.

G. Dickinson said there are many agricultural structures and uses that can be requested that are seasonal, and having an applicant wait several weeks for a permit where could mean a loss of sales and wasted produce; she felt having permitted uses approved only by the Commission didn't make sense.

D. Morse agreed with F. Rich and G. Dickinson; F. Rich noted the ZEO's hours are to increase to 15 hours weekly starting July 1, 2019 and will have more time to handle to the job.

Elmer Herbert noted the agricultural industry doesn't have the luxury of time and asked if a barn were destroyed would it take several weeks to get an approval to rebuild it. J. Gordon replied no zoning approval was needed for an exact replacement, only a building permit.

J. Gordon commented agricultural permits and sign permits don't make up 100% of the permit requests, but if a person's permit request is delayed it is a 100% impact on that person. He raised concerns about the permit process becoming slowed down.

D. Porter noted Woodstock is one of the few towns where a non-residential zoning permit has to go through the Commission and felt this should be delegated to the ZEO who has the knowledge, training and experience to approve or deny a zoning permit request; he added that a decision can be challenged by bringing it before the Zoning Board of Appeals, which is a system in place for that purpose.

Linda Auger, speaking on behalf of the Woodstock Business Association, was surprised to see the sign permit issue coming back as she thought this had been previously resolved; she noted this is an issue for business owners. L. Auger also noted that while the process had been streamlined it is still not easy to understand, and felt sign permits shouldn't have to come before the Commission.

J. Adiletta **MOTIONED** to **CLOSE** the public hearing; G. Dickinson **SECONDED**;
MOTION CARRIED UNANIMOUSLY

X. Old Business - Proposed Text Amendments to Zoning Regulations Article V, Non-Residential Zoning Permits and Special Permits:

G. Dickinson **MOTIONED** to **APPROVE** the proposed text amendments to Zoning Regulations Article V as presented, except word E. 1. to read, "The Commission shall approve or deny Zoning Permit applications for non-residential uses and student housing uses", word E 2. to read, "The ZEO may approve or deny Zoning Permit applications for agricultural uses, residential uses, and signs", and format H. 2. so that the starting paragraph is listed as "a." and the rest of the formatting follows in alphabetical order;

F. Rich **SECONDED**;

J. Adiletta questioned why non-residential and student housing were specified in the motion to come before the Commission as there is a professional ZEO on staff; J. Gordon said when student housing was created, it was done so to be reviewed by the Commission, but it could be changed to be reviewed by the ZEO dependent on its wording. D. Porter felt this should be a separate discussion. J. Gordon noted Section 6.i states a public hearing process is required, and renewal applications require Commission approval via public process. G. Dickinson noted the public process was more transparent.

J. Gordon read the complete motion on the table; **MOTION CARRIED 7:2:0**

J. Adiletta and S. Blodgett **OPPOSED**

D. Morse **MOTIONED** to set an effective date for the approved text amendments to Zoning Regulations Article V as July 18th, 2019; G. Dickinson **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

XI. ZEO REPORTS :

M. D'amato handed out ZEO reports for Commission members to review. He noted he had been prioritizing with the goal being to process items quickly and be responsive; no actions have been taken on submitted complaints yet, they are only being collected while established procedures are being put in place.

a. Zoning Permits:

J. Gordon asked for an update on a current ZBA matter; M. D'amato said the Town received the application and in consultation with the ZBA chair and the Town attorney it had been determined there was information missing from the application; without this information the ZBA is unable to make a decision and a letter was sent to the applicant requesting the information be provided to make the application complete. Until this information is submitted, the application will not be complete and therefore will not be on the ZBA agenda. J. Gordon asked if this application was a matter separate from the zoning violation; M. D'amato said this was a variance application to make a portion of the lot a buildable lot. He noted several other factors i.e. mergers, subdivisions, and non-conforming lots that may or may not be a part of the subdivision. M. D'amato said they have requested a certification from the applicant's attorney that this is a separate, legal, conforming lot, and without this certification the ZBA can not move forward.

b. Zoning Enforcement:

J. Gordon also asked about 88 Kenyonville Road (Buck's Soft Serve Ice Cream). M. D'amato said a few complaints had been received regarding the home occupation permit that was issued and the current operation, and whether it has expanded in size beyond what was provided to town when permit was issued. No action has been taken at this time.

J. Adiletta, J. Gordon, D. Porter, and M. D'amato briefly discussed ZEO/ZBA statutory timeframe requirements.

Judy Buell owner of Buck's Soft Serve Ice Cream, 88 Keynonville Road submitted several letters in support of her business from her neighbors; J. Gordon noted receipt of 6 documents for the record, to be followed up on by M. D'amato, and to be reviewed by the Commission at next month's meeting.

D. Porter and D. Fey discussed sign regulations in related to a Supreme Court ruling stating sign content can not be dictated and discussed business vs. informational signs. J. Gordon noted the court's decision focused on First Amendment rights and content neutrality but didn't clarify everything.

G. Dickinson questioned the complaints regarding 88 Kenyonville Road; M. D'amato said all of the complaints were via phone calls. J. Buell asked about the notification process; M. D'amato said he would set up an appointment to look at the property and review the issue. J. Gordon added a notice of violation will be sent only if there is a violation, and D. Porter said operations can continue as is until a notice to stop has been received.

D. Fey explained the notification process; the Commission members discussed written documentation, the right to see who made a complaint, anonymity, and FOI (Freedom of Information). J. Gordon stated that the Interim ZEO will investigate any complaints and take action only if needed, and report back to the PZC.

Commission members next moved to agenda item IX - Public Hearing.

XII. CITIZEN'S COMMENTS: None

XII. BUDGET REVIEW AND BILLS: None

XIII. CORRESPONDENCE: None

XIV. ADJOURNMENT:

F. Rich **MOTIONED** to **ADJOURN**; D. Morse **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

The meeting was **ADJOURNED** at 9:19 pm.

Respectfully submitted by Terri Lasota (Recording Secretary)

DISCLAIMER: These minutes have not yet been approved by the PZC.

Please refer to next month's minutes for approval/amendments.