

WOODSTOCK PLANNING & ZONING COMMISSION  
REGULAR MONTHLY MEETING  
THURSDAY, JULY 18th, 2019 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 7:32pm

**b. Roll Call:**

**Members Present:** J. Gordon, G. Dickinson, F. Rich, J. Adiletta, D. Durst, D. Morse, D. Young, J. Marcotte (Alt), D. Porter (Alt)

**Members Excused:** J. Anastasi, S. Blodgett, K. Ebbitt (Alt)

**Noted for Record:** Quorum

**Others Present:** D. Fey, T. Lasota, and 16 others

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

**III. CHAIR'S REPORT:**

J. Gordon noted the ZEO hours were still being restricted to 6 hours per week, due to the total approved hours being based on payrate, whereas the interim ZEO payrate exceeds the budgeted rate. He also noted Christine French has been assigned 6 hours weekly out of her current Assistant Clerks' hours to do Land Use clerking, and thanked Crystal Adams and D. Fey for assisting with the preparations for this evening's meeting.

**IV. MEETING MINUTES:**

**a. June 20th, 2019 Regular Monthly Meeting:**

J. Adiletta **MOTIONED** to **APPROVE** the monthly meeting minutes of June 20th, 2019, as presented, with note that 1.) Suzanne Woodward (ZBA Chair) asked that mention of the Interim ZEO consulting with her about an ZBA be changed to talking with her, and that 2.) D. Durst was present at the PZC meeting at 7:35 PM and left before the public hearing started; D. Morse **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

**V. CITIZENS' COMMENTS:** None

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

**VII. NEW BUSINESS**

D. Porter **RECUSED** himself from items a, b, and c.

**a. #624-2-15 Patrick J. & Erica J. O'Brien, 994 Route 169 (Map 2130, Block 30, Lot 6) – 2 lot subdivision, request to end family transfer provisions prior to the 10-year mark:**

J. Gordon noted for record the appraisers report and also noted that a violation of the family transfer has not yet occurred. It was also noted that because the subdivision is not being voided, a public hearing is not mandated.

Attorney Bill St. Onge presented and explained the subdivision history, noting that Lot 6a was existing and exempt from the subdivision; Lot 6b was a 6 acre lot occupied by granddaughter of the property owner, Mrs. Neely. The family hoped the 11 acre parcel could stay together, but after Mrs. Neely's passing it was no longer practical as family parcel, and the family is proposing to sell Lot's 6a and 6b. Mr. St. Onge said Lot 6b was subject the family subdivision provision.

Mr. St. Onge said in reviewing the regulations, it was not clear if the land should be valued as an approved building lot or as raw land, and said the appraiser provided values for both scenarios.

J. Adiletta confirmed the original lot presplit was lot 6a, and because no sale has taken place there has been no violation.

G. Dickinson asked why both lots are not subject to fee-in-lieu of; D. Fey said per the subdivision regulations only one lot would be in violation since there is only one lot planning to be sold.

D. Fey said she verified with the Town attorney that the penalty should be based on value of land in violation, excluding structures. J. Gordon questioned Mr. St. Onge about the two appraisals; Mr. St. Onge clarified the appraisal of \$48,000 was for a permitted approved building lot, and the \$43,000 was if this was just raw land.

J. Adiletta questioned the driveway apron of lot 6b; Mr. St. Onge said that was part of the already approved as part of the subdivision process. J. Gordon noted that nothing was changing on lot 6b other than it would no longer be in family transfer designation.

J. Adiletta referred to the July 8, 2019 letter from Attorney Roberts to Mr. St. Onge regarding setting a precedent; Mr. St. Onge clarified there was a slim chance of this situation occurring again to set a precedent. J. Gordon commented the precedent would be if a violation happens and it was decided not to take this to a public hearing; he added nothing is being voided, and it will be recognized that the family transfer disappears for lot 6b. Commission members discussed briefly; J. Adiletta commented for verification purposes there is no violation, only a change in designation of one of the properties.

J. Adiletta **MOTIONED** to **APPROVE** a fee-in-lieu of open space set aside payment of \$4,800 and have the money deposited in the town's open space fund; G. Dickinson **SECONDED**;

D. Durst questioned the term "violated" since no violation has occurred; J. Gordon replied the term is being used as per the regulations but is not intended as such due to the applicant being proactive.

J. Marcotte felt the \$4800.00 was steep and should be a lesser amount since it is subjective to what someone would pay for the property; J. Gordon noted per the assessor's office 2015 grand list the value for the land only is \$44,200.00, but the fee-in-lieu amount is determined from the appraiser's value.

Mr. St. Onge commented the fee was up to 10% in discretion and felt it would not be unfair to use a number less than 10%; J. Gordon said the regulations to not allow leeway to determine less than 10% and quoted regulation 3.1.c.2.b "...the amount of any fee-in-lieu of conservation land shall be 10% of the fair market value of the lot or lots in violation excluding the value of any existing buildings or structures at the time the family transfer subdivision was approved...".

#### **MOTION CARRIED UNANIMOUSLY**

**b. SP628-5-17m Taylor Brooke Winery (Linda Auger), lot adjacent to 848 Route 171, request for release of bond:**

J. Gordon noted for record, the request for release of the E & S bond of \$59,950.00 was received in writing, and Design Professionals has submitted a report dated July 17, 2019 with comments related to the vegetation and any areas of erosion control that need to be maintained, and has been confirmed with M. D'Amato there were no areas of concern. J. Gordon also noted Design Professionals will submit a bill which will be paid from the E&S bond money and the treasurer's office

will handle release of the bond.

F. Rich **MOTIONED** to **APPROVE RELEASE** of the E&S bond in the amount of \$59,950.00 plus any interest that may have accrued; D. Morse **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

- c. **Eugene and Nancy Fabrizio, 34 Taylor Trail – request for decrease of front setbacks for garage addition, Zoning Regulations Article IV, C, 2, vii, a&b (not a variance request):**

J. Gordon noted for the record this is not a variance request.

James Mack representing the applicant explained according to the as-built survey on file with the town, the house was only 73 feet from the road right of way. With the addition measuring 28 feet, at the closest point there would be a 45 foot setback from the road. Mr. Mack briefly explained the subdivision history. He noted per subdivision regulations dimensional requirements, the Commission may reduce the required setback to 20 feet in conservation subdivisions under two conditions: the street on which the lot exists is not a through street, and the street on which the lot exists will have low travel speeds; he noted both requirements are satisfied.

J. Adiletta asked if this is considered a modification of subdivision; J. Gordon did not believe so as per the subdivision regulations. D. Fey noted there where no subdivision features being changed.

G. Dickinson **MOTIONED** to **APPROVE** a **DECREASE** in the front setback to 40 feet;  
D. Young **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

D. Porter rejoined the meeting at 8:24 pm.

## **VIII. PRELIMINARY DISCUSSION**

- a. **Fairview Farms, 199 Route 171, Biodigester:**

J. Gordon noted for the record this is for preliminary discussion purposes only and is non-binding.

William Reese of Carbon Zero Fuels, LLC said he would like input on how to move forward, if possible, to put a biodigester at Fairview Farms, and reviewed his presentation for the Commission. He noted the new energy bill with the State of Connecticut that defines their project as agricultural and eliminates some permitting that they do not need to address for solid wastes. He added this repurposes organic wastes to energy and are focused on putting together a facility that creates renewable natural gas as well as nutrients for resale.

W. Reese said the Woodstock project would be creating a large amount of MMBTU's as well as nutrients, which result in phosphorus, nitrogen, and a potting soil; he added they are basically creating nutrients that go back into landscaping and agriculture, and using the manures to create products. These will be bottled or packaged and shipped out. W. Reese also noted no food wastes will be used, and 100% of the manure will come from the Miller's farm and from Putnam.

Mr. Reese talked about odor control technology, improvement of agriculture, reduced cost of farming, preserving open spaces, and community benefits; an increase of 5 trucks per day coming in and out from RT 395 to the farm was noted, with limited or no need for use of local roads. He also noted the facility would create approximately 5 jobs.

D. Morse asked who the operation would be owned by; W. Reese said the Miller family would have some ownership as well as Carbon Zero, and there would be an investment bank putting debt on the project and an energy company would bring in the other equities. D. Morse also asked how many of these facilities there are; W. Reese said there are facilities in Maine and Vermont but this is the first

one that he would have an ownership in.

The Commission members and Mr. Reese discussed phosphorus, chicken manure, waste water, grit and wood chips, gases, pressure, safety requirements, and methane /nonmethane.

J. Gordon asked if approval from any federal agencies would be needed; W. Reese said there was nothing on the federal side but they would need EPA approval for the air emissions which is through D.E.E.P. Since they will not be bringing in solid food wastes a solid waste permit will not be needed but they will need a wetlands approval. J. Gordon also asked about future expansions of the designs; W. Reese said they would probably look for an additional site.

G. Dickinson asked about the appearance and visibility of the facility since it is in the area of the gateway to the Town; W. Reese said the tanks would be visible as the current tanks are but would be willing to plant trees in front of them if able to do so. Commission members discussed.

J. Gordon suggested the path for W. Reese to start with would be to obtain an agricultural permit and a special permit. D, Morse and Commission members discussed the various time lines, permit standards, related exemptions and agriculture special permits.

#### **IX. ZEO REPORTS**

**a. Zoning Permits:** None

**b. Zoning Enforcement:**

**i. Buck's Soft Serve:**

Peggy Flannigan submitted documents on behalf of Buck's Soft Serve.

**X. CITIZEN'S COMMENTS:** None

#### **XI. BUDGET REVIEW AND BILLS:**

**a. Bill requiring vote – Design Professional, Inc, Invoice #19.265; Potter subdivision, \$425.00, June 19<sup>th</sup>, 2019:**

F. Rich **MOTIONED** to PAY invoice #19.265 (Design Professionals, Inc.) in the amount of \$425;  
D. Young **SECONDED; MOTION CARRIED UNANIMOUSLY**

**XII. CORRESPONDENCE:** None

#### **XIII. ADJOURNMENT:**

F. Rich **MOTIONED** to **ADJOURN**; G. Dickinson **SECONDED; MOTION CARRIED UNANIMOUSLY**  
The meeting was **ADJOURNED** at 9:32 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