

WOODSTOCK PLANNING & ZONING COMMISSION  
REGULAR MONTHLY MEETING THURSDAY, AUGUST 15, 2019  
WOODSTOCK TOWN HALL, MEETING ROOM 1

**MINUTES**

**I. MONTHLY MEETING**

- a. The call to order by Chair Jeffrey Gordon was at 7:00 PM.
- b. Roll Call: Jeff Gordon, Fred Rich, Doug Porter, Syd Blodgett, Joseph Adiletta, Dave Morse, Dexter Young, Gail Dickinson, Jeff Marcotte. Absent: Ken Ebbitt (excused), John Anastasi. Staff: Delia Fey, Town Planner (excused); Acting Recording Secretary Dotti Durst. Several members of the public.
- \* The Chair noted that a quorum was present.

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

**III. CHAIR'S REPORT**

- a. The Commission held a moment of silence in memory of the wife of Commission member Ken Ebbitt.
- b. Resignations and Vacancies- Thanks were expressed to Dotti Durst for her years of service on the Planning and Zoning Commission. The resignation of K. Ebbitt, effective August 26, has been received by the Town Clerk. A full seat on the commission is open, which is to be filled by the Commission from among the alternates. The Republican Town Committee has endorsed the appointment of alternate Jeff Marcotte to the full seat, thereby creating a vacant alternate seat, which is filled by appointment at the discretion of the BOS.
- c. Recording Secretary Terri Lasorta accepted a full-time position in her community, creating a vacancy. The BOS is advertising the position; temporary staff will be utilized short term. Terry handled the minutes in a very responsible and effective manner; thanks!
- d. ZEO Office Update- Mike D'Amato, Acting ZEO, was thanked for all the work he has done to bring accumulated ZEO matters up to date; he is not present (a professional obligation in another community). The Chair J. Gordon and the BOS are working with former ZEO, Tina Lajoie, to arrange for her return; this is expected on September 2, pending the finalization of details.
- e. Vote to Appoint the Commission's Agent/ZEO- Planning and Zoning Commission appointment is part of the official process when a new ZEO is selected for hire. **Motion J. Adiletta seconded by D. Morse to appoint Tina Lajoie, CAZEO, as the Commission's Agent, effective with her start date at the Town Hall, carried unanimously.**
- f. Letters of Credit – a situation developed as part of division of the estate of a person whose name is on a bond for work on an application; therefore review of possible forms in which an Erosion and Sediment Control Bond can be submitted was conducted. The types currently available to an applicant are itemized in the Zoning Regulations. The town

treasurer communicated to Chair J. Gordon that she endorses use of a Letter of Credit with the town attorney concurring. F. Rich: if the applicant goes bankrupt, is the town protected or could we be shut out? D. Porter: the bank itself which was holding the bond for a subdivision in West Woodstock went bankrupt and the Letter of Credit was not honored in the subsequent legal process. J. Adiletta: there has to be a procedure in place for an estate to assure that the town will be made whole. The decision about the form of the E and S Bond is always made by the commission.

g. PZC- Representative to the Open Space Land Acquisition & Farmland Preservation Committee- the BOS is asking for confirmation from all Boards and Commissions.

S. Blodgett has served in this role for a considerable period of time, and was in fact the original Chair of the Committee; he is thanked for his continued participation. **Motion D. Porter seconded by J. Adiletta to nominate Syd Blodgett to continue as the Commission's representative on the Open Space Land Acquisition & Farmland Preservation Committee carried unanimously.**

#### IV. MINUTES

a. **Motion G. Dickinson seconded by D. Morse to approve the Regular Meeting minutes of July 18, 2019 carried unanimously with the following modifications: 1.) item VIII last paragraph, page 4, should read "J. Gordon suggested the path for W. Reese to start with would be to obtain a special permit. D. Morse and Commission members discussed the various time lines, permit standards, related exemptions, and special permits." 2.) item IX b I, page 4, should read "Peggy Flannagan submitted documents about Buck's Soft Serve." 3). #8 last line page 4: There is no Ag Permit; the word Ag should be omitted.**

b. **Motion J. Adiletta seconded by D. Morse to approve the minutes of the August 1, 2019 Special Meeting as presented carried unanimously.** Abstaining: S. Blodgett, G. Dickinson, D. Morse, D. Porter

#### V. CITIZENS' COMMENTS- none

#### VI. NON-RESIDENTIAL ZONING PERMIT- none

VII. NEW BUSINESS- 42 Hebert Lane, Corey Bonette, Map #6397, Block #58, Lots #01-20 & 01-21, Request for Subdivision Lot Boundary Line Adjustments: Applicant's representative Paul Archer, Archer Surveying, provided documentation (approved Hebert subdivision layout map, 6/9/86) demonstrating a proposed lot line modification which would result in about ¼ acre being subtracted from lot 1-8, and added to lot 1-9, providing a small buffer for lot 1-9. The 1986 plans indicate that the location of the proposed change will not impact the watershed, and is not near where soil tests were conducted, as the proposal is up-grade from those locations. The vacant raw land parcel, 1-8, has not had soil

testing. Note: the application spelled Hebert Lane incorrectly. **Motion G. Dickinson seconded by J. Adiletta to approve the lot line adjustment carried unanimously.**

VIII. UNFINISHED BUSINESS- none

IX. ZEO REPORT: Permit and Enforcements- The written August Land Use Staff Report was distributed. Acting ZEO Mike D'Amato completed an investigation of complaints of non-compliance against Buck's Soft Serve, 88 Kenyonville Road, and had found the operation to be in compliance with Woodstock's Home Occupation regulations; he enumerated his findings, citing details. He notes that when the original application was approved for the Home Occupation by a former ZEO, the discussion of parking indicated that four parking places should be provided, but that if other parking was available on the site it was not a problem. Chair J. Gordon reiterated that during the ZEO investigation period, the Planning and Zoning Commission could not be involved, and thus the opportunity for the public to communicate with PnZ during that process was limited.

Comments from the public: Lisa Wolslegel –has a concern about the direction the town is going. Woodstock has narrow country roads. She inquires if Zoning Regulations are current and about the renewal intervals and process. Peggy Flannagan- brought her tape recorder. She questioned the process that played out regarding public input during the complaint investigation time period. She cites the Euclid decision as being relevant and wonders if the town monitored the situation at Buck's and enforced the regulations. Photos were submitted at the previous meeting and are part of the formal file. She referenced a possible change in the character of the rural neighborhood. J. Gordon – repeated that the town attorney advised the Commission that during the investigation of compliance, the Commission was to follow the process which was subsequently used. The files for the matter are locked in an upstairs office and the Commission does not have access at this time.

Several commission members had follow-up questions and observations. J. Gordon – the attorney has, in answer to a question about the appropriate process to follow regarding public input while the investigation was underway, also noted that if a ZEO finds a matter under investigation to be in compliance with the Regulations, that it cannot be appealed to the ZBA, but rather becomes a matter for civil court. The original ZEO, Delia Fey, determined that the application warranted a Home Occupation Permit, and the current ZEO determined that the operation is in compliance with Regulations.

**Motion J. Adiletta seconded by F. Rich to make the Buck's Soft Serve home occupation and sign permit application files available in printed copies to the Commission for the Commission's September 19th, 2019, meeting carried unanimously.** It will appear on the next Regular meeting agenda. S. Blodgett asks that the materials be mailed out with the other meeting materials, thus providing time for review before the meeting. D. Porter –

if the ZEO decision is non-appealable, what recourse does the Commission retain? J. Gordon read the comments from the town attorney, who had previously been asked procedural questions. D. Porter: if we disagree with the decision of the ZEO, who bases decisions on the Regulations, perhaps we should re-examine the language in the Regs. J. Gordon – will pose the same 2 questions to the town attorney, for clarification. G. Dickinson – if a further complaint is received about this business, can the Commission itself investigate the matter, rather than the ZEO? J. Gordon- as the Attorney did not directly address this question it will be added to the other two being submitted.

D. Porter- should the town attorney be approached immediately? J. Gordon - the comment was already received from the attorney, specifying what may take place after the ZEO has completed a finding of compliance or of non-compliance

X. CITIZENS' COMMENTS- none

XI. BUDGET REVIEW AND BILLS- **Motion D. Porter seconded by S. Blodgett to approve payment to Design Professionals (\$420, invoice 19-329: July 1 – 25, Taylor Brooke Winery) carried unanimously.** Copies for Commission members of the financial reports, prepared by the Treasurer, were not in the room for the meeting, but will be sent out.

XII. VOTE TO FILL A FULL COMMISSIONER SEAT VACANCY- **Motion D. Porter seconded by J. Adiletta to approve Jeffrey Marcotte (alternate) to fill the remainder of the term of the vacant full Commissioner seat carried unanimously.** At the Town Hall, he will be sworn in and officially seated. The BOS will be informed that an alternate seat is vacant.

XIII. CORRESPONDENCE- Eastern Connecticut Conservation District- Upper Natchaug River Healthy Watershed Implementation Plan; Jean Pillo will conduct an information meeting at the YMCA Camp on August 29, 8-10AM.

New correspondence since preparation of the agenda: Pomfret proposed Text Amendments- Proposed Agriculture definitions, Ag uses including Farm Stand, Farm Store, Complimentary Ag uses, non-ag related ancillary activities, energy-related activities, CSAs and others. There is also proposed language for the creation of an Environmental Depot.

XVI. ADJOURNMENT- **Motion F. Rich seconded by G. Dickinson to adjourn carried unanimously.** Chair J. Gordon adjourned at 9:05 PM.

Respectfully submitted, Dorothy Durst (Recording Secretary) *Dorothy Durst*

*DISCLAIMER: These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's minutes for approval/ amendments. Please note that the audio record is the legal record of the meeting.*