

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, September 19, 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 7:30 pm.

b) **Roll Call:**

Members Present: J. Gordon, D. Young, G. Dickinson, F. Rich, J. Adiletta, D. Morse, J. Marcotte, S. Blodgett

Alternates Present: D. Porter, N. Fraser, D. Ryniewicz

Noted for Record: Quorum

Others Present: Town Attorney Rich Roberts, Delia Fey, and others

II. **DESIGNATION OF ALTERNATES:** D. Porter was seated.

III. **CHAIR'S REPORT:**

a) New Commissioners:

J. Marcotte was voted in at the last meeting, moving from alternate to full member, and took his oath of office previously. At its September 5th meeting, the Board of Selectmen appointed two new alternates—D. Ryniewicz and N. Fraser—both of whom took their oath of office previously.

b) Recording Secretary:

Chairman Gordon introduced Cindy Brown as the Town's new Recording Secretary. He noted that Regional Planner Delia Fey was present.

c) ZEO Office Update:

Tina Lajoie was welcomed back as the Zoning Enforcement Officer and Wetlands Agent for the Town. Atty. Rich Roberts was acknowledged as being present for the meeting. Dr. Gordon asked Ms. Lajoie to share her office hours, which are: Monday, 8:30 am – 12:30 pm; Tuesday, 12:30 – 4:30 pm; and Wednesday, 10 am – 6 pm. She can be contacted by phone as well.

Chairman Gordon asked that agenda 5(a) Kazantis Real Estate, 156 Route 171—non-residential zoning permit—be postponed to the next meeting. In its place an application for a non-residential zoning permit from Meadowside Campground, 25 Route 197, was presented—Map 5701, Block 06, Lot 08B1. Supporting material was provided at the meeting.

Motion was made by F. Rich, and **Seconded** by J. Adiletta, to postpone the non-residential zoning permit application from Kazantis Real Estate to the next PZC meeting and add the non-residential zoning permit application from Meadowside Campground. **The motion passed unanimously.**

IV. **MEETING MINUTES:**

a) August 15, 2019 Regular Meeting:

Motion was made by G. Dickinson, and **Seconded** by D. Morse, to approve the August 15, 2019 regular meeting minutes as presented. **The motion passed unanimously.**

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

a) Meadowside Campground, 25 Route 197—Map 5701, Block 06, Lot 08B1:

Chairman Gordon asked Tina Lajoie for the status on this application. Ms. Lajoie confirmed that the application is complete, and fees have been paid. After review of the site plans and survey for the campground, she identified that the setbacks meet PZC regulations for a non-residential permit. She introduced Rocco Addeo, VP for Meadowside. Mr. Addeo stated that the intent is to build a garage for a camp tractor and storage area for tools.

Motion was made by J. Adiletta, and **Seconded** by G. Dickenson, to approve the application as presented.

Chairman Gordon asked for verification on an email from the Northeast District Department of Public Health regarding the need for a DEEP permit but saw a handwritten note stating it's not required. Mr. Addeo stated he was informed by a DEEP representative that due to it being an outbuilding, he doesn't need to go through the process and opted to not submit an application due to the expense.

The motion passed unanimously.

VI. New Business: None.

VII. Unfinished Business: None.

VIII. ZEO Reports:

a) Tina Lajoie provided her zoning report. Mr. Adiletta thanked her for the detail in the report.

b) Zoning Item – Buck's Soft Serve:

Chairman Gordon stated that he was asked by the Commission to communicate with the town's legal counsel, which he had done. The Commission received information on this subject prior to the meeting, which was noted as attorney/client privilege. He, Atty. Roberts and Tina Lajoie (ZEO) had a conference call to discuss the process on this particular matter.

Dr. Gordon asked Atty. Roberts about the Interim ZEO's report, who at the time was Mike D'Amato. Atty. Roberts stated that Mr. D'Amato's report did not constitute a ruling that could be appealed to the Zoning Board of Appeals (ZBA).

Chairman Gordon stated from a process point of view the Commission could 1) accept the Interim ZEO's Report as presented; or 2) hold a public hearing to allow the parties involved the opportunity to speak on this matter, as specified in the regulations on Page 100, Article VI, Paragraph 14, which he referenced noting that a public hearing would be warranted on the basis that a special permit may be required. Town Atty. Roberts advised the Commission that Option 2 (mentioned above) would be an appropriate course of action. This will allow the property owner, and others, the opportunity to provide opinions on the subject and present evidence to the Commission, following which the Commission could determine whether there is sufficient evidence that may lead to the conclusion of a special permit.

From a process standpoint, Dr. Gordon stated that if the Commission were to determine that a future public hearing on this matter is warranted, any in depth discussions on this topic would need to occur during the public hearing and not during this meeting. Atty. Roberts agreed.

Mr. Adiletta suggested that for this to be warranted by the Commission, the appropriate course of action would be to call on Article VI, para. 14 of the regulations.

Motion was made by J. Adiletta, and **Seconded** by D. Young, to request a public hearing regarding Buck's Soft Serve citing zoning regulations Page 100, Article VI, para. 14. The public hearing will be held on October 17, 2019, at 7:45 pm, in Meeting Room 1, at the Town Hall.

Chairman Gordon asked Atty. Rich Roberts about the scope of discussion the Commission can conduct due to having a motion on the table. Atty. Roberts felt that because it's not a pending application, the Commission had the flexibility to decide to accept public comments on this topic at this time.

Chairman Gordon invited Commission members and others to speak. Atty. Michael Carey from Suisman, Shapiro, Wool, Brennan, Gray and Greenburg, P.C. based in New London, CT, stated his name for the record and his role of representing Buck's Soft Serve and its owners. He suggested that the Commission take a close look at the regulations because it was his point of view that they are ambiguously written. He further stated that if it does, in fact, mean that during a five-year term of a home occupation permit in which the town zoning officer had already found that it is properly issued and is not being violated, and subsequently jeopardizing the permit by requesting the applicant submit a special permit after the five-year permit was issued, he feels is a question of legality. Dr. Gordon thanked Atty. Carey for his comments.

D. Young asked for clarification on the motion to hold a public hearing which was on the table. Dr. Gordon stated that the purpose of the public hearing is to receive comments and/or evidence relative to the status of the home occupation permit.

F. Rich noted that Buck's Soft Serve currently holds a five-year permit. Should a special permit be issued, it runs with the land.

The motion passed unanimously.

IX. CITIZENS' COMMENTS:

Chairman Gordon stated that further comments on this topic should be directed to Tina Lajoie, ZEO. He further stated that once a public hearing is closed, no further correspondence or communications may be received into record.

Atty. Carey stated that there was concern Meeting Room 1 wasn't large enough to hold the public meeting. Dr. Gordon stated that provisions are made should there be a larger turnout.

Chairman Gordon reported that Interim ZEO, Mr. D'Amato, confirmed he would not be submitting any additional comments on this matter and his report was final.

Peggy Flanagan asked for clarification on the zoning regulations relative to parking spaces. Dr. Gordon stated that she may contact ZEO Tina Lajoie with questions about the regulations.

X. BUDGET REVIEW AND BILLS:

Chairman Gordon referenced the latest budget report as of 9/11/19, a copy of which was distributed to members prior to the meeting.

F. Rich mentioned the Celebrating Agriculture event taking place Saturday, September 21, at the Fairgrounds.

XI. CORRESPONDENCE: None.

XII. ADJOURNMENT:

Motion was made by F. Rich, and **Seconded** by D. Morse, to adjourn. **The motion passed unanimously.** The meeting adjourned at 8:04 pm.