

**WOODSTOCK PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
THURSDAY, OCTOBER 17, 2019 AT 7:30 PM  
WOODSTOCK ACADEMY, BATES AUDITORIUM**

**MINUTES**

- I. Call to Order:** J. Gordon called the meeting to order at 7:40 pm.

**Roll Call:**

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

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

**Noted for the Record:** Quorum

**Others Present:** Attorney Rich Roberts, Tina Lajoie, Cindy Brown, members of the public

- II. Designation of Alternates:** D. Porter and N. Fraser were seated.

- III. Chair's Report:**

Chairman Gordon thanked the commissioners and staff for their ongoing work with the Planning & Zoning Commission.

- IV. Public Hearing:**

- a. For the purposes of hearing testimony and receiving evidence, as per Zoning Regulations Article VI, Section E (Home Occupations), Paragraph 14, regarding Buck's Soft Serve, LLC.

Chairman Gordon noted for the record that two public notices were placed in the Villager newspaper pursuant to the Planning & Zoning Commission's Rules and Regulations pertaining to a special meeting, both of which ran October 4 and October 11, respectively.

Chairman Gordon explained the purpose and process for the special meeting.

In June 2019, the PZC received into record complaints regarding Buck's Soft Serve, LLC not operating within the parameters relative to the home occupation permit issued in 2018. The Commission followed an established process in which an investigation was conducted by the former zoning officer, Mike D'Amato. The Commissioners received Mr. D'Amato's report in August, which is a matter of public record. During a regular meeting of the PZC, members of the public were invited to speak on this topic. As a result, the Commission determined a special meeting was warranted in order to receive any additional evidence and testimony in order to make an informed decision.

Dr. Gordon referenced Zoning Regulations Article VI, Section E, Para. 14, of the Home Occupation Regulations which allows the Commission to “determine if the size, scope and onsite or offsite impacts of an existing home occupation are such that the spirit and intent of the home occupation permit are no longer being met and a special permit is required.” The purpose of the public hearing is for the Commission to receive evidence and hear testimony to allow it to determine whether Para. 14 applies and whether a special permit would be required.

Chairman Gordon invited the owners of Buck’s Soft Serve, LLC to speak. The owners declined. Atty. Michael Carey from Suisman, Shapiro, Wool, Brennan, Gray and Greenburg, P.C. based in New London, CT, spoke as the representative of Buck’s Soft Serve owners and operators.

Atty. Carey questioned whether the Commission has jurisdiction to enact a regulation such as Article VI, Section E, Para. 14. He noted the use that was approved for this property met the spirit and intent of the regulation. Atty. Carey stated that Mr. D’Amato’s letter of August 2019 stated that Buck’s Soft Serve, LLC was in compliance and still practicing in the spirit and intent of the regulation. Thus, he questioned PZC’s authority to come back and enforce a different outcome.

Atty. Carey made comments suggesting that Commissioners Dickinson and Adiletta have shown bias and should recuse themselves.

Chairman Gordon received for the record photos dated May 27, 2018, first day of business 2018, October 15, 2019, and other photos of neighboring properties. The photos represent the day Buck’s Soft Serve, LLC opened and what the property looks like presently. Atty. Carey offered that traffic issues are legally irrelevant.

Chairman Gordon also received into record Exhibits from Atty. Carey, some of which included PZC meeting minutes, ZEO investigation reports, and letters of support for Buck’s Soft Serve, LLC.

Atty. Carey ended his report at which time the owner of Buck’s Soft Serve, LLC was invited to speak. Owner Judy Buell provided a brief overview of the process she undertook to receive the permit in 2018.

Chairman Gordon opened the meeting to public comments. Several citizens shared their complaints toward, and support of, Buck’s Soft Serve, LLC. The complaints focused primarily on public safety, traffic, and litter on Kenyonville Road, as well as alleged permit violations specific to the number of parking spaces allowed and misuse of trailblazing signs. Supporters of Buck’s Soft Serve, LLC felt the opposite about the above-mentioned complaints and that Buck’s Soft Serve has remained the same in scope and size since the permit was issued in May 2018.

There were no further public comments.

Commissioner Fred Rich shared the difference between the two permits. The home occupation permit is valid for five years. The special permit runs for the life of the property.

**Motion** was made by D. Young, and **Seconded** by D. Porter, to close the public comments of the special meeting.

**Discussion:**

Gail Dickinson stated she did not arrive to the meeting with any prejudgment and would not be recusing herself from the meeting.

For the record, Chairman Gordon stated that he was informed of a complaint from the owners of Buck's Soft Serve relative to a Commissioner having some type of a bias or conflict. Dr. Gordon stated there was no evidence presented that indicated this had occurred. He referenced earlier comments during the meeting regarding the conduct of Joe Adiletta and Gail Dickinson as Commissioners. Dr. Gordon offered his experience working with them on the Planning & Zoning Commission and has never found them to be in violation of any conflict nor anything inappropriate.

**The motion passed unanimously.**

**V. Old Business:**

- a. Buck's Soft Serve, LLC – Zoning Regulations Article VI, Section E (Home Occupations)

**Motion** was made by F. Rich, and **Seconded** by G. Dickinson, to allow Buck's Soft Serve, LLC to continue its current home occupation permit until its expiration in 2023

**Discussion:**

Commissioners Fred Rich, Jeffry Gordon, Joe Adiletta, Nancy Fraser and Syd Blodgett offered individual opinions to the public regarding their decision.

**The motion passed with 7 in favor, 2 opposed, 0 abstentions.**

**VI. Adjournment:**

**Motion** was made by D. Young, and **Seconded** by G. Dickinson, to adjourn. **The motion passed unanimously.**

The meeting adjourned at 9:49 pm.

Respectfully submitted by Cynthia Brown, Recording Secretary

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

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