

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MEETING
Thursday, February 20, 2020, 7:30 PM
Woodstock Town Hall, Meeting Room 1

MINUTES

I. MONTHLY MEETING AT 7:30 PM

- a) **Call to Order:** Jeffrey Gordon called the meeting to order at 7:39 pm.
- b) **Roll Call:**
 - Members Present:** Jeffrey Gordon, Frederick Rich, Joseph Adiletta, David Morse, Jeffrey Marcotte, Tim Young, Mark Blackmer, Gail Dickinson, Syd Blodgett
 - Alternates Present:** Nancy Fraser, Dwight Ryniewicz, Doug Porter
 - Absent:** None
 - Noted for Record:** Quorum
 - Others Present:** Delia Fey, Atty. Rich Roberts, Members of the Public

II. DESIGNATION OF ALTERNATES: None.

Chairman Gordon requested agenda items 7a, 7b, 7c and 13a move before item VI. Public Hearing.

Motion was made by Gail Dickinson, and **Seconded** by Frederick Rich, to move agenda items 7a, 7b, 7c and 13a before item VI. Public Hearing. **The motion passed unanimously.**

III. CITIZENS' COMMENTS: None.

IV. CHAIR'S REPORT: Chairman Gordon thanked the commissioners and staff for their ongoing work with the Planning & Zoning Commission. Dr. Gordon noted that ZEO Tina Lajoie was absent.

V. MINUTES: Special Meeting of February 6, 2020 & Regular Meeting of January 16, 2020:

Motion was made by Joseph Adiletta, and **Seconded** by Jeffrey Marcotte, to approve the February 6, 2020 Special Meeting Minutes and January 16, 2020 Regular Meeting Minutes as presented. Gail Dickinson and Frederick Rich **Abstained**. **The motion passed.**

VI. NEW BUSINESS:

- a) **#637-02-21 (M-#323) Stephen G. & Lorraine E. Gabriele, Lot 39F, Crystal Pond Rd. – Modification of Subdivision (originally VIIa on agenda):**

Chairman Gordon reported that #637-02-21 (M-#323) could not be discussed during this meeting. He spoke with Delia Fey earlier, reviewed the application, and did not find documentation, per subdivision regulations, within the required time to notify the abutters within 500 feet. This item will be tabled to the March meeting.

Motion was made by Gail Dickinson, and **Seconded** by David Morse, to table the above-referenced agenda item to the March meeting. **The motion passed unanimously.**

- b) **SP638-02-22 Stephen G. & Lorraine E. Gabriele, Lot 39F, Crystal Pond Rd. – Multi-family Residential Development (originally VIIb on agenda):**

Chairman Gordon stated that this multi-family application requires it go through a special permit process. Therefore, a public hearing would need to be scheduled for this item.

Motion was made by Joseph Adiletta, and **Seconded** by Timothy Young, to schedule a special meeting during the March meeting, at 7:45 pm. **The motion passed unanimously.**

Chairman Gordon noted that certain outstanding items need to be received before the meeting packets are distributed to Commission members. The applicants have been made aware of this.

c. CR Premier Properties (Carol Ryniewicz, owner), 258 Rt. 171 – Change of Business from Bank to Real Estate Office (originally VIIc on agenda):

Prior to leaving for vacation, ZEO Tina Lajoie reviewed and confirmed the above-referenced application was complete. Carol Ryniewicz clarified that the purpose of the space is for meetings and real estate closings, and not as a conference center as noted on the application.

Motion was made by Joseph Adiletta, and **Seconded** by Frederick Rich, to approve the CR Premier Properties change of business application as presented. **The motion passed unanimously.**

VII. CORRESPONDENCE:

a) Wyndham Land Trust, Request for Letter of Support from PZC (originally XIIIa on agenda):

Motion was made by Joseph Adiletta, and **Seconded** by David Morse, to allow Chairman Gordon to prepare a letter of support on behalf of the PZC for Wyndham Land Trust's land acquisition. **The motion passed unanimously.**

VIII. PUBLIC HEARING – 7:45 pm (originally VI on agenda):

a) SP636-01-20 Desiree Kocis – Proposal to Designate for Joy Road or a Portion Thereof as a Scenic Road:

Doug Porter recused himself from the public hearing and left the meeting. Chairman Gordon noted for the record that two public notices were placed in the Woodstock Villager newspaper pursuant to the Planning & Zoning Commission's Rules and Regulations pertaining to a special meeting, both of which ran February 7 and February 14, respectively.

Chairman Gordon explained the purpose and process for the special meeting. Owners of land abutting Joy Road were notified; however, Dr. Gordon noticed on the list that one person was not notified in time but was in attendance. He referenced the Scenic Road Ordinance of April 22, 1986, which explains the criteria the Commission is required to follow and the role of the Commission. He ended by sharing the process for receiving documents in support of the proposal and referenced several documents in the Commission's possession.

Chairman Gordon stated that the Ordinance places the PZC with sole authority to designate a scenic road only on town roads "free of intensive commercial development and intensive vehicular traffic." The term "intensive" is not defined in the Ordinance. As well, the road is required to meet at least one of the criteria listed in the Ordinance. A written statement indicating agreement to designate a road scenic is required to be filed with the town from owners of a majority of lot frontage on the proposed road.

Applicant Desiree Kocis was invited to speak. Ms. Kocis stated that the entirety of the road is preferred for the scenic road designation; however, she shared that a portion thereof (specifically Route 169 to Dividend Road) was also noted for consideration. Noted for the record, Ms. Kocis submitted a map showing this representation and a photo of a pond on Joy Road. She shared that the purpose of designating Joy Road as a scenic road is a long-range goal to protect and preserve its scenic integrity and to prevent the road from any right of way modifications. She ended by offering that the road is not safe due to speeding issues, and she is worried about the possibility of the road being widened in the future.

Chairman Gordon invited any questions from Commission members. Mr. Rich asked Ms. Kocis if she was aware of any plan to change or widen Joy Road. She responded that she has not heard anything about altering Joy Road.

Chairman Gordon asked Atty. Roberts several questions regarding the Ordinance and the designation of a scenic road. For the record, they are as follows:

1. Does the Ordinance require the Commission to designate a road as a scenic road if the requirements are met or can the PZC determine not to designate? Atty. Roberts responded that the PZC has discretion in this matter.
2. Does the Ordinance allow for part of a contiguous road or the entire road to be designated? Atty. Roberts responded that the PZC can do all or part.
3. If a road is designated as a scenic road, can a subsequent proposed land use (e.g., nonresidential; non-agriculture) be allowed if it were to be determined at a later date that the commercial development might be “intensive” or cause “intensive vehicular traffic”—can the scenic road designation limit any activities not in the right of way and not in the road if a new property owner wants to do something? Atty. Roberts suggested the PZC review its regulations for any type of submitted application to see whether the scenic road is a criterion to consider in determining if a special permit use is appropriate or not.
4. If a road is designated a scenic road and, subsequently, the PZC approves a land use and that land use then is determined to be intensive or create intensive vehicular traffic, can this effect the standing of the scenic road designation such that the PZC would have to, in turn, un-designate the road as scenic because it no longer meets the ordinance criteria? Atty. Roberts replied no; the designation is made based on the conditions at the time the application is made. To remove the designation from a road, the Commission would go in a reverse process—getting petitions signed by the majority of the lot frontage owners stating they want to take away the scenic road designation, which would be followed by a public hearing and action by the Commission.
5. Does the Ordinance allow the PZC to modify the application, for example, is it able to identify the portion thereof? Atty. Roberts stated the PZC can approve the application in whole or in part. The only condition to be satisfied if it was approved in part would be to collect written signatures from the majority of the frontage owners along the part of the road the PZC has chosen to designate.
6. Can the PZC conduct a site walk on the road? Atty. Roberts stated that this would need to be noticed as a special meeting and should follow the protocol for special meetings.

Certain Commission members had questions. It was noted that Commission members were unaware of any traffic study conducted on Joy Road in the last three years. Dr. Gordon stated he would investigate this further. Chairman Gordon stated that more than 50% of owners of a majority of lot frontage signed the request for the entire road or a portion thereof.

Chairman Gordon referenced a letter from John Navarro, Highway Department, regarding Joy Road. Dr. Gordon read the entire communication for the record. He also received a letter from the Chair of the Conservation Commission, Lee Wesler, which Dr. Gordon read for the record.

Syd Blodgett requested that Mr. Navarro provide additional information to support the statements he made in the letter mentioned above. Dr. Gordon noted this and will speak with Mr. Navarro.

Chairman Gordon invited members of the public to speak. Atty. Patrick, representing Treehouse Brewery located on 54 Joy Road, shared Treehouse’s excitement to be a part of the town of Woodstock and its appreciation and respect for the scenic nature of the town, Joy Road and all surrounding roads. On behalf of Treehouse, Atty. Patrick requested the PZC deny the application as it is not intended to serve the town ordinance’s purposes. It was felt that this proposal was a tactic to ward off development and simply a misguided attempt to deter Treehouse’s use of its property.

Several citizens shared their complaints toward, and support of, designating Joy Road or a portion thereof as a scenic road. Comments in support of the designation focused primarily on preserving the road in its current state for future enjoyment and having it be free of intensive commercial development and intensive vehicular traffic. Comments from residents who did not support the designation included the recommendation of having a traffic survey completed before action is taken on this application; the importance of not inhibiting new business, but rather preserving the town's future by supporting economic growth; careful consideration of residents' future improvements to their land, as PZC approval would be needed per the ordinance for any activity in the right of way; and the suggestion that this application was intended to block Treehouse from any future business development.

Joy Road resident Myra Anderson requested her initial support of the scenic road be removed. She was no longer in support of designating Joy Road or a portion thereof as a scenic road. Chairman Gordon noted this for the record.

Chairman Gordon stated that the Commission will need to continue the public hearing due to the way in which one person was notified. The public hearing will continue March 5, 2020.

Motion was made by Joseph Adiletta, and **Seconded** by David Morse, to continue the public hearing to March 5, 2020, at 7:45 pm. **The motion passed unanimously.**

IX. UNFINISHED BUSINESS: None.

X. PRELIMINARY DISCUSSION: None.

XI. ZEO REPORTS:

Office Update, Permits, Enforcement: The ZEO Report was included in members' packets. One active item is the internally lit sign on the Yankee Sales & Service property. The property owner has been notified on several occasions. He will speak with Tina Lajoie upon her return. Ms. Lajoie is working on updating a home occupation list to identify when the permits expire. Chairman Gordon has spoken with the BOS and BOF regarding having the ZEO hours increased.

XII. CITIZENS' COMMENTS: A citizen asked whether there was any new information about supposed trees being cut down on Pulpit Rock Road. It was suggested he follow-up with Ms. Lajoie when she is back in the office on March 3rd.

Mr. Rich asked about the new brewery laws recently passed. Atty. Roberts noted it was in last year's session and pertained to an increase in the volume breweries could sell. Mr. Rich felt PZC members could benefit from learning more about this new law. Chairman Gordon will ask Tina Lajoie to notify Atty. Roberts about this.

XIII. BUDGET REVIEW & BILLS: Chairman Gordon stated that the PZC is reimbursing United We Stand, LLC in the amount of \$520.00 due to United We Stand making the payment in error.

Motion was made by Joseph Adiletta, and **Seconded** by David Morse, to reimburse United We Stand, LLC in the amount of \$520.00. **The motion passed unanimously.**

XIV. ADJOURNMENT: **Motion** was made by Frederick Rich, and **Seconded** by David Morse, to adjourn. **The motion passed unanimously.** The meeting adjourned at 9:57 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.