

WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MEETING
Thursday, November 19, 2020 – 7:30 PM
ZOOM Online

In accordance with Governor Lamont's Executive Orders and social distancing guidelines recommended by the CDC in response to COVID-19, members of the Planning & Zoning Commission participated in the meeting via ZOOM online.

MINUTES

I. MONTHLY MEETING AT 7:30 PM:

a) **Call to Order:** Jeffrey Gordon called the meeting to order at 7:31 pm.

b) **Roll Call:**

Members Present: Jeffrey Gordon, Frederick Rich, Jeffrey Marcotte, Joseph Adiletta, David Morse, Mark Blackmer, Syd Blodgett, Gail Dickinson, Timothy Young

Alternates Present: Dwight Ryniewicz, Nancy Fraser, Doug Porter

Absent:

Noted for Record: Quorum

Others Present: Tina Lajoie, Delia Fey, Atty. Rich Roberts, Pete Parent, Members of the Public

Jeffrey Marcotte led the Pledge of Allegiance.

II. MEETING RULES AND GUIDELINES: Chairman Gordon briefly reviewed the rules and regulations associated with the Governor's Executive Orders relative to conducting meetings via Zoom Online during COVID-19. The Governor has extended his executive orders through February 9, 2020.

III. DESIGNATION OF ALTERNATES: No alternates were seated.

IV. CHAIR'S REPORT: Chairman Gordon thanked the Commissioners and staff for their ongoing work with the Planning & Zoning Commission. Dr. Gordon reminded Commissioners that the Connecticut Sexual Harassment Prevention Training is strongly recommended. Once the online training is complete, Commissioners should send their certificate to Crystal Adams at the Town Hall.

V. CITIZENS' COMMENTS: None.

VI. MEETING MINUTES:

a) October 15, 2020 Regular Meeting

b) November 5, 2020 Special Meeting

Motion was made by Gail Dickinson, and **Seconded** by David Morse, to **Approve** the October 15, 2020 Regular Meeting minutes and the November 5, 2020 Special Meeting minutes as presented. **The motion passed unanimously.**

VII. Annual Meeting Business:

a) Election of Officers: **Motion** was made by Joseph Adiletta, and **Seconded** by Timothy Young, to **Approve** the slate of officers as presented: Jeffrey Gordon, Chairman; David Morse, Vice Chairman; Jeffrey Marcotte, Secretary. **The motion passed unanimously.**

b) Approval of 2021 Meeting Dates: The 2021 Planning & Zoning Commission meeting calendar was included in the meeting packets. It was noted the September meeting date was moved one week later due to the Yom Kippur holiday.

Motion was made by David Morse, and **Seconded** by Gail Dickinson, to **Approve** the 2021 Planning & Zoning Meeting Calendar as presented. **The motion passed unanimously.**

- c) Scheduling of Annual Legal Training Session: Normally these sessions are held in April. The Chairman will confer with the Town Attorney for convenient dates. After discussion, it was recommended March 4, 2021 be considered. Chairman Gordon will contact Atty. Roberts to check his availability.
- d) Review of Bylaws: Chairman Gordon stated the Bylaws are required to be reviewed annually in November per the Bylaws. There were no changes last year. He asked Commissioners for their feedback on whether anything required attention. There were no comments from Commissioners and the review was complete.

VIII: PRELIMINARY DISCUSSION: None.

IX. NON-RESIDENTIAL ZONING PERMITS: None.

X. NEW BUSINESS: None.

XI. OLD BUSINESS:

- a) #645-10-29 – Center Road LLC – Center Rd (Map 5126 Block 23 Lot 11) – 3-lot subdivision

Motion as made by Joseph Adiletta, and **Seconded** by David Morse, to **Utable** #645-10-29 – Center Road LLC – Center Rd (Map 5126 Block 23 Lot 11) – 3-lot subdivision. **The motion passed unanimously.**

Chairman Gordon referenced updated documents received for this meeting.

Pete Parent, who was in attendance representing the applicant, stated that an overall boundary plan was provided showing the northern boundary and the wetlands that were delineated in the field. He provided some options for the layout of the subdivision of the western most lot. Currently, it does not conform to the regulations relating to frontage and number of driveways along the frontage. He spoke about the history of Lot 11B. The applicant is seeking the Commission's input on the best option the Commission would be comfortable approving, while also being sensible from a construction standpoint. Three different site plan designs were provided, which included the primary site plan noting a simple private driveway accessing the western most lot; Sheet 4-A indicating a private road or town road accessing the western most lot; and Sheet 4-B showing an extension of the common driveway to the two eastern lots that would provide access to the western lot.

Commissioners asked questions relative to curb cut distancing and which scenario is the most fully compliant. Delia Fey confirmed the shared driveway site plan would be in compliance. Further discussion ensued about compliance. Ms. Fey cited sections of the regulations that referenced curb cuts, specifically page 67, chapter 6. Chairman Gordon cited the New Curb Cuts regulations for Commissioners' reference as well. Delia Fey answered questions relating to front lot minimum standards and interior or rear lot minimum standards. Dimensional requirements were then discussed in the regulations.

It was noted that Design Professionals' review of these plans are required. Chief Baron and John Navarro would also need to provide input on the revised plans. Mr. Parent confirmed an official approval from NDDH is pending.

Motion was made by David Morse, and **Seconded** by Gail Dickinson, to **Table** #645-10-29 – Center Road LLC – Center Rd (Map 5126 Block 23 Lot 11) – 3-lot subdivision to the December 17, 2020 meeting. **The motion passed unanimously.**

Chairman Gordon stated that the December 17th, 2020, meeting takes the application review to the statutory deadline for review by the Commission, so that if there were to be bad weather that day and the meeting needed to be postponed, the Commission could not do so on this application. It was suggested that the applicant seek an extension request. Mr. Parent agreed and will formally send a written request to the ZEO at the Town Hall. The Commission approved an extension of 35 days if needed.

- b) #SP640-04-24 ND Swadia, LLC, dba Woodstock Country Store – Special Permit Modification to SP396-98-02 at 1484 Route 171 – Proposed Woodstock Country Store & Gas Station with apartment below

Motion was made by Gail Dickinson, and **Seconded** by Timothy Young, to **Utable** #SP640-04-24 ND Swadia, LLC, dba Woodstock Country Store – Special Permit Modification to SP396-98-02 at 1484 Route 171 – Proposed Woodstock Country Store & Gas Station with apartment below. **The motion passed unanimously.**

Chairman Gordon stated the number of days remaining on this application based on state statute is up to 108 days to deliberate and to render a decision, and an additional seven days from Executive Order provisions. Thus, a maximum of 115 days remains.

Primary Motion was made by Joseph Adiletta, and **Seconded** by Gail Dickinson, to **Approve** as presented #SP640-04-24 ND Swadia, LLC, dba Woodstock Country Store – Special Permit Modification to SP396-98-02 at 1484 Route 171 – Proposed Woodstock Country Store & Gas Station with apartment below with the proposed LED fuel price sign having been withdrawn by the applicant, and with the following conditions: 1) the number of fueling stations is decreased from three (3) to two (2); and 2) a proportional decrease in the size of the canopy and in the number of under canopy lighting is done.

Discussion ensued. Chairman Gordon commented on three waiver requests regarding lighting. He offered that if lighting is spilling onto Barlow Cemetery Road, he would like to see partial shielding in place for the driveway lights.

Commissioner Rich disagreed with the motion, specifically relative to number of customers and the lighting on Barlow Cemetery Road. He felt extra lighting would not hurt on the corner, as long as it does not spill onto other property. Commissioner Ryniewicz noted there is shielding available for certain LED fixtures that could potentially keep the light on a downward projection at the entrance on Barlow Cemetery Road. David Morse explained the pumps are placed so customers are going in tandem and not parallel. Delia Fey confirmed the downstairs' storage area is for the store's use.

Timothy Young requested amending the primary motion to note partial shielding on the driveway lights be required so as to minimize the amount of lighting that extends beyond the property line in excess of what is allowed by the Regulations. Commissioners Adiletta and Dickinson agreed with the amendment to the primary motion. There were no objections raised by Commissioners, and no separate vote on the amendment.

Commissioner Adiletta noted that based on the lighting diagram, he believes 15,870 lumens would be reduced as a result of decreasing the size of the canopy structure. Chairman Gordon stated a waiver would still be required.

Commissioner Marcotte suggested that in lieu of reducing the pumping stations from three to two, consider limiting the business hours of the third fueling station thereby reducing the lighting.

Chairman Gordon stated the E&S Control Bond of \$13,800 and the E&S Control Plan that Design Professionals approved will require a vote by the Planning & Zoning Commission.

Atty. Rich Roberts was consulted by Chairman Gordon about the process to follow for conditions to the motion to approve the application that would require changes to the site plans. Atty. Roberts offered that the motion would be satisfied with the stipulation that a site plan that complies with all of the conditional approval and the regulations be submitted by the applicant. The PZC Chairman and designated staff would have the authority to approve the revised site plans noting the compliance.

Chairman Gordon cited the three waiver requests that would require a motion which are referenced in the Planning & Zoning Commission's zoning regulations. Article XI-F-5(a)ii: Having greater than 0.25 lumens go beyond the property line; 2) Article XI-F-4(b)i: having more than the allowed total amount of lumens in a finished developed area; and 3) Article XI-F-4(b)-iv: having under-canopy lighting that is greater than 10 lumens of intensity.

Commissioner Adiletta shared that the current plans, by his calculations, call for 39% over the allowable limit of lumens. Should the two lights under the canopy be reduced from the overall number, it would decrease to 18% over the allowable limit.

Motion was made by Joseph Adiletta, and **Seconded** by David Morse, to **Grant** the waiver request allowing greater than 0.25 lumens go beyond the property line noting all criteria stated in the Planning & Zoning Commission's Zoning Regulations Article VI, Section F, Subsection 5, Item a, Sub-item ii be met with such waiver. **The motion passed unanimously.**

Motion was made by David Morse, and **Seconded** by Timothy Young, to **Grant** the waiver request allowing the total amount of lumens in a finished developed area noting all criteria stated in the Planning & Zoning Commission's Zoning Regulations Article VI, Section F, Subsection 4, Item b, Sub-item i be met with such waiver. **The motion passed unanimously.**

Motion was made by David Morse, and **Seconded** by Mark Blackmer, to **Grant** the waiver request allowing under-canopy lighting that is greater than 10 lumens of intensity noting all criteria stated in the Planning & Zoning Commission's Zoning Regulations Article VI, Section F, Subsection 4, Item IV be met with such waiver.

Discussion ensued. Commissioner Dickinson stated the Planning & Zoning Commission developed its lighting standards based on current standards and feels the current proposed plans should be decreased to satisfy the P&Z regulations and in conjunction with the Illuminating Engineers Association (IEA) standards. Chairman Gordon agreed and shared his concerns.

The motion passed with 5 Yea (Adiletta; Blackmer; Morse; Rich and Young) and 4 Nay (Blodgett; Dickinson; Gordon; Marcotte).

Motion was made by Timothy Young, and **Seconded** by Frederick Rich, to **Approve** the E&S Control Bond of \$13,800 and the E&S Control Plan as presented and approved by Design Professionals. **The motion passed unanimously.**

Chairman Gordon referred back to the primary motion so amended with various motions listed above, and noted for the record that if approved, a revised site plan with conditions of approval be submitted by the applicant and said site plans would be reviewed and considered for sign off by Delia Fey, Tina Lajoie and Chairman Gordon.

Motion was made by Joseph Adiletta, and **Seconded** by David Morse, requesting the applicant **Submit** revised site plans verifying compliance with conditions of approval. **The motion passed unanimously.**

Chairman Gordon stated that in order to be in compliance, all special permit decision criteria needed to be cited in the zoning regulations so that Commissioners would have the opportunity to object. There were no objections noted by Commissioners.

Primary Motion was amended further by the five (5) secondary motions noted above such that the Primary Motion read: **Approve** as presented #SP640-04-24 ND Swadia, LLC, dba Woodstock Country Store – Special Permit modification to #SP396-98-02 at 1484 Route 171 – proposed Woodstock Country Store & gas station with apartment below, with the proposed LED fuel price sign having been withdrawn by the applicant, and with the following **conditions**: 1) the number of fueling stations is decreased from three (3) to two (2); 2) a proportional decrease in the size of the canopy and in the number of under canopy lighting is completed; 3) partial shielding on the driveway lights is required so as to minimize the amount of lighting that extends beyond the property line in excess of what is allowed by the Regulations; 4) the lighting waiver request pertaining to Zoning Regulations Article VI, Section F, Subsection 5, Item a, Sub-item ii regarding having >0.25 lumens extend beyond the property line is approved (noting that the Primary Motion includes a condition that partial shielding on the driveway lights is required so as to minimize the amount of lighting that extends beyond the property line in excess of what is allowed by the Regulations); 5) the lighting waiver request pertaining to Zoning Regulations Article VI, Section F, Subsection 4, Item b, Sub-item i regarding having more than the total lumens allowed on the total finished developed area is approved (noting that the Primary Motion includes a condition that Primary Motion has a condition requiring a decrease in the number of under canopy lighting allowed); 6) the lighting waiver request pertaining to Zoning Regulations Article VI, Section F, Subsection 4, Item IV regarding having the under canopy lighting be >10 lumens is approved; 7) the Erosion & Sediment Control Bond in the amount of \$13,800 is approved and the Erosion & Sediment Control Plan as presented (and as was approved by Design Professionals) is approved; and 8) revised site plans are required to be sent to Tina Lajoie (ZEO), Delia Fey (NECCOG Senior Regional Planner), and Jeffrey Gordon (PZC Chair) for their review and approval prior to finalizing the approval for #SP640-04-24 ND Swadia, LLC, dba Woodstock Country Store – Special Permit modification to #SP396-98-02 at 1484 Route 171 – proposed Woodstock Country Store & gas station with apartment below, in order to verify compliance with all of the conditions of approval set by the PZC. **The motion passed unanimously.**

VII. ZEO UPDATES:

a) Office Update:

- i. Office: In the last six weeks, 27 permits were processed. Some complaints have been received and Ms. Lajoie is researching accordingly. She will send Commissioners an email outlining all activity.
- ii. Permits & Enforcement: Tina Lajoie clarified that the grand opening of Rusty Relic at its new location has not occurred. Building permit approval is pending.
- iii. Tree House Brewing Company: Chairman Gordon stated this was on the agenda as the public has been asking for a status update. Further discussion ensued about the Department of Consumer Protection holding a hearing regarding a liquor permit. Ms. Lajoie reported that she has requested a status update from Tree House and it was recommended that there should be coordination among the different agencies so that the Town of Woodstock can properly plan in conjunction with state agencies on all of these pending items. Chairman Gordon asked Tina Lajoie that if Tree House Brewing Company were to get a liquor license from the State, that the Town would still need to issue a land use permit for the new activities/events involved. Tina Lajoie stated yes.

XIII. CITIZENS' COMMENTS: None.

XIV. BUDGET REVIEW AND BILLS: The Budget review was included in the meeting packets. There were no bills requiring action.

XV. CORRESPONDENCE: Chairman Gordon referenced certain correspondence that were included in the meeting packets. Discussion ensued regarding an effort in the state named Desegregate Connecticut, which is proposing to take away the local town authority when it comes to certain zoning regulations, especially with

subdivisions, and consequently creating regional zoning which would further take away local input and local decision-making. Commissioner Dickinson recommended sending a letter on behalf of PZC opposing land use control.

Motion was made by Gail Dickinson, and **Seconded** by Timothy Young, to send a letter on behalf of the Commission to State Senator Dan Champagne and State Representative Pat Boyd opposing any limitations on local control of land use. **The motion passed unanimously.**

Commissioner Rich requested that new members receive the zoning regulations and other helpful information if they have not already. Delia Fey stated that she had sent out such information last year and can do so again.

XVI. ADJOURNMENT: **Motion** was made by Frederick Rich, and **Seconded** by Timothy Young, to **Adjourn**. **The motion passed unanimously.** The meeting adjourned at 10:01 pm.

The recording of this meeting can be found here: <https://youtu.be/Y3X5Dz-02aQ>

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.