

Woodstock Zoning Board of Appeals
Monday, May 17, 2021
Regular Meeting – 6:00 pm – Meeting Room 1 – Town Hall

MINUTES

I. Monthly Meeting

a. **Call to Order:** Vice Chairman William Brower called the meeting to order at 6:04 pm.

b. **Roll Call:**

Members Present: William Brower, Raymond Smith, Dorothy Durst (Alt), Robert Laurens

Members Absent: Suzanne Woodward, Martin Nieski

Others Present: Patrick Monahan, Stuart Peaslee

II. Designation of Alternates: Dorothy Durst

III. Review Minutes of January 25, 2021: Dorothy Durst **MOVED** to **APPROVE** the meeting minutes of January 25, 2021 as presented; Raymond Smith **SECONDED**. **MOTION CARRIED UNANIMOUSLY.**

Ms. Durst was concerned that proper notification regarding the revised agenda did not follow protocol. Cindy Brown was able to provide clarity on the time the revised agenda was posted and the email communications timeline between Crystal Adams and ZBA members on the process of holding a hybrid meeting and an in-person meeting.

Tina Lajoie was asked to contact the Town Attorney for his opinion.

Stuart Peaslee shared concern about learning last week that the public hearing would not occur due to an incomplete application and a potential conflict of interest as a result of his name identified as the applicant and being the applicant's representative. He was under the impression the meeting would be a public hearing.

Ms. Lajoie clarified the meeting's intent was to meet and schedule a public hearing. She stated the timeline for the legal notice to appear in the paper would be June 4 and June 18 for the June 21 ZBA meeting. She provided some history behind how applications are received, and public hearings scheduled, noting the importance of ensuring the application is complete prior to a public hearing.

Applicant Patrick Monahan and Stuart Peaslee were comfortable moving forward with scheduling the public hearing.

IV. New Business:

a. **#21-05 – 64 Pulpit Rock Road – Patrick & Deirdre Monahan – variance request for front setback:**

ZEO Tina Lajoie restated the purpose of the meeting was to accept the application and determine whether the application was complete and to schedule a public hearing. Ms. Lajoie noted the application was incomplete because proper notification to abutters and posted signage were not done. Thus, a public hearing could not occur. She also shared the potential conflict of interest with ZBA member Stuart Peaslee being identified as the applicant and representing the owner.

Town Attorney Rich Roberts called into the meeting via speaker phone. Vice Chairman Brower cited a section of the Bylaws with Atty. Roberts and others present.

Atty. Roberts stated that Mr. Peaslee is unable to represent the applicant. He noted the Bylaws track almost verbatim Section 8-11 of the general statutes which specifically prohibit members of zoning commissions or ZBA's from representing any other person in front of the zoning commission

or the ZBA. It is designed to prevent the appearance that a member of the commission is using their membership on the board on behalf of an applicant before the agency. He stated it is basically one of the few black and white conflict of interest statutes for land use agencies. The intent is to protect the integrity of the process and to protect the appearance of the integrity of the process. The ZBA thanked Atty. Roberts for his clarification and he disconnected from the meeting.

ZBA members requested the applicant provide the original “as-built” plans prior to the next meeting.

Ms. Lajoie asked ZBA members if there were any additional items they would like to see for the public hearing. There were none.

The application will be modified to remove Mr. Peaslee as applicant.

Robert Laurens **MOVED to ACCEPT** #21-05 – 64 Pulpit Rock Road – Patrick & Deirdre Monahan – variance request for front setback and schedule a public hearing for June 21, 2021, at 6 pm; Raymond Smith **SECONDED. MOTION CARRIED UNANIMOUSLY.**

- I. **Old Business:** None.
- II. **Correspondence and Bills:** Dorothy Durst referenced Halloran & Sage correspondence included in the meeting packets that reported on the change in procedure regarding the Certificate of Location for auto repair facilities. Tina Lajoie cited the section in the regulations pertaining to this, and it was determined the language was sufficient as is.
- III. **Citizens’ Comments:** None.
- IV. **Adjournment:** Raymond Smith **MOVED to ADJOURN;** Robert Laurens **SECONDED; MOTION CARRIED UNANIMOUSLY.** The meeting **ADJOURNED** at 7:11 pm.

Respectfully submitted by Cynthia Brown, Recording Secretary. **DISCLAIMER:** These minutes have not yet been approved by the ZBA. Please refer to next month’s minutes for approval/amendments.