

**WOODSTOCK PLANNING & ZONING COMMISSION  
MONTHLY MEETING  
THURSDAY, FEBRUARY 17, 2011, 7:30 P.M.  
WOODSTOCK TOWN HALL, MEETING ROOM 1**

**MINUTES**

**I. MONTHLY MEETING – 7:32 P.M.**

- a. Call to Order – 7:32 p.m.
- b. Roll Call – Dave Fortin, John Anastasi, Gail Dickinson, Jeff Gordon, Delia Fey, Fred Rich, Syd Blodgett, Ken Goldsmith, Dottie Durst (7:35 p.m.), Joseph Adiletta (7:36 p.m.)

**II. CITIZENS' COMMENTS**

**III. DESIGNATION OF ALTERNATES – Ken Goldsmith**

**IV. MINUTES**

Regular meeting of 01-20-2011

Special Meeting of 01-13-2011

**MOTION TO APPROVE BOTH MINUTES BY RICH/GOLDSMITH.**

**MOTION CARRIED. Anastasi abstains.**

(Durst is present at 7:35 p.m and Adiletta at 7:36 p.m.)

**V. SCENIC ROADS**

Letter from Attorney DeCrescenzo received on February 17, 2011 has been distributed to PZC. There were clarifications that Chair Gordon had requested and this is a follow-up. Letter dated January 24, 2011 from BOS is read for the record by Gordon and it is a response to PZC's letter. Chair Gordon did have a follow-up meeting with First Selectman and confirmed that they will not do asphalt millings but only what they feel is maintenance from here on. Discussion ensued on whether this correspondence puts this issue to rest or not and what will be the procedure to inform the public in the future as to activity on a scenic road.

PZC has frustration with this issue being on the agenda for several months with repetitive discussion month after month without it being resolved once and for all. PZC would rather work closely with the BOS and highway foreman in resolving this instead of changing the ordinance. PZC would like to go before BOS with a memo of understanding as to responsibilities of PZC and BOS. Key information is the understanding that it is the PZC that has the authority to determine what is an alteration or maintenance. What about the millings already put down? Blodgett would like to put something on the record as to recommendations for repairing what has already been done. As to the future work, we need to have better communication. Steps in enforcing

the Scenic Road Ordinance would be to issue a Cease and Desist and then legal action through the court. Recommendation is for PZC to put together a document showing definitions for maintenance/alteration/ improvements and share it with BOS. To begin with, a memo should be sent to BOS and highway foreman stating the following:

“Recognizing that the Planning and Zoning Commission have the responsibility for determining maintenance, alteration and improvements on scenic roads and that the Board of Selectmen have the responsibility for maintaining scenic roads in a passable manner that is safe to the public, it is our belief that to work together collaboratively the highway foreman shall present to the PZC at least twice a year any plans for maintenance, alteration or improvements on scenic roads so that the Commission may exercise their authority to determine what requires a public hearing.”

- This memo from Chair Gordon goes out to BOS and highway foreman;
- PZC will offer BOS and highway foreman a choice of three dates for a Special Meeting in March;
- Talking point list put together for meeting;
- The agendas and advertisements for this meeting will be very specific as to exactly what will be discussed, and it will be on the website and advertised in a local newspaper;
- The agenda will be mailed out to all property owners on scenic roads;
- All parties to come to an agreement at this Special Meeting as to definitions;
- A memo of understanding will be generated afterward as to the agreement and this memo could be an appendix in the current ordinance without actually changing it.

Goldsmith talks about other committees through the Green Valley Institute already doing the work in researching better methods of maintaining/altering or improving dirt roads and reaching out to them might be beneficial instead of reinventing the wheel with creating our own advisory committee. It is recommended to reach out to them. Action plan has been discussed.

## **VI. NEW BUSINESS**

#SP 95-01 Marcus Johnson, Senexet Road gravel pit – update on noncompliance and bond issue.

Fey states that this Special Permit is very old and was renewed a few years back. A neighbor had complained to Fey and she had contacted our attorney for advice. The \$3,000 bond that was collected would not be nearly enough to cover this work if the town has to get involved. A lien could be placed on the property for any additional cost to the town. Fey had contacted Mr. Johnson approximately two years ago and he had informed her that he was going through personal hardship and it was the wrong time of year to complete this type of work and said he would handle it in the fall or spring. The work was never done. The Commission needs to decide how Fey should respond at this

point since Mr. Johnson is not responding to her letters. Fey states that the site appears stable now since there are lots of plants growing. Town attorney advises that if the \$3,000 does not cover the full cost to do this work, a bill for the remainder should be issued to Mr. Johnson and a municipal lien could be filed if necessary. Permit states that the area must be restored to agricultural use. Fey recommends town engineer walk the site to assess, make determination on cost for remediation and move forward with plan and authorization of work. Discussion and questions surrounding the town bringing this site to a safe condition and what the standard might be, and whether the lien could be created stating the owner is in violation of the permit and therefore subsequent buyers would be advised and the town would continue their enforcement practices beyond the safety measures that were corrected. The next letter that is generated for Mr. Johnson from the town, and authorized by the town attorney, will be sent certified, return receipt and specify what is detailed in the town attorney's letter of January 20, 2011. Adiletta would like a follow-up with attorney to find out what kind of future encumbrance could be put on the property to satisfy the E&S concerns. Fey states that after a neighbor complained, the highway department did improve the swale along the road and the drainage problem was corrected but that did not address the special permit and current issue.

**MOTION BY ADILETTA FOR PZC TO ACCEPT THE RECOMMENDATION OF TOWN ATTORNEY, AS STATED IN HIS JANUARY 20, 2011 LETTER, TO GET ENGINEER TO GO OUT TO THE SITE, DEVELOP A REMEDIATION PLAN, AUTHORIZE THE WORK AND UTILIZE THE BOND, AND ANYTHING BEYOND THE \$3,000 A MUNICIPAL LIEN WOULD BE FILED. ALSO, AUTHORIZE FEY TO CONTACT THE ATTORNEY TO FIND OUT IF PZC CAN LEGALLY ENCUMBER THE PROPERTY UP TO THE CONDITIONS DESCRIBED IN THE SPECIAL PERMIT. SECONDED BY ANASTASI. If Mr. Johnson happens to respond to this letter and agrees to remediate, then Fey must be notified immediately. MOTION CARRIED UNANIMOUSLY.**

**VII. PRELIMINARY DISCUSSION(S) - None**

**VIII. ZEO REPORT**

- a. Report on Zoning Enforcement
  - b. Report on Zoning Permits
- Fey provides her reports to the Commission.

**IX. BUDGET REVIEW & BILLS**

**MOTION BY FORTIN/DICKINSON TO ADD PAYMENT OF BILL TO DESIGN PROFESSIONALS IN THE AMOUNT OF \$431.25 REGARDING BONDING SECTION OF REGULATIONS. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY DICKINSON/ANASTASI TO PAY ABOVE MENTIONED BILL. MOTION CARRIED UNANIMOUSLY.**

Memo from Treasurer's office confirms the review of the submitted PZC Budget and states that a representative does not need to attend any meeting to discuss in further detail.

**X. POCD UPDATE**

Survey is ready. Ads are in the Villager and Shoppers Guide. Fey will be sending post cards for survey out to businesses, boards and commissions and e-mail out to town staff. Discussion on possibly advertising POCD or more general updates in the Villager on things the Commission is working on as a way to communicate with the public.

**XI. CITIZENS' COMMENTS**

**Durst:** Fee amount was incorrect for home occupation and should be corrected. Fey will correct.

**Durst:** Is requesting PZC be informed of any controversial issues involving zoning that may not be brought before PZC just to be kept in the loop, for instance, ZBA cases.

**Durst:** Requesting PZC receive a copy of the Conservation Commission letters from March 2010 regarding update to lighting regulations and March 2004 prior to the next subcommittee.

**Durst:** Discussion on 8-3 g of the regulations re: filing a site plan

**Goldsmith:** There is a raised bill that will be going for a public hearing in Hartford that would allow a developer of a subdivision to file a mylar on the land record without posting the bond that is currently required. Discussion ensued on how this would affect the town.

**XII. CORRESPONDENCE AND MINUTES OF OTHER BOARDS AND COMMISSIONS**

a. Minutes from ZBA – 01-25-2011

b. Minutes from IWWA – 02-07-2011

Gordon talks about receiving correspondence from Bill Brower regarding a recent application and notifying him that the assessor's office has not been enforcing Article I, Section 9 of the zoning regulations on the merging of nonconforming lots. Fey wrote a memo to both the assessor and assistant assessor about this regulation and has also created a handout for the public located in both offices. This memo will be provided to the first selectman also.

**XIII. OTHER**

- 87 West Quasset Road – Cell tower to be moved back away from the road but on the same land as old tower.

- Zoning enforcement fine ordinance was on the BOS agenda this evening. Still needs details addressed. Gordon has been active with answering BOS questions.
- Fortin asks if everyone has lighting information to prepare for subcommittee meeting on March 3rd.

**XIV. ADJOURNMENT**

**MOTION TO ADJOURN BY DICKINSON/FORTIN AT 10:30 P.M.  
MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Planning & Zoning Commission

**DISCLAIMER:**

***These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's minutes for approval/amendments. Please note that the audio recording is the legal record of the meeting.***