



**WOODSTOCK PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
THURSDAY, MARCH 6, 2014 at 7:30 P.M.  
WOODSTOCK TOWN HALL, MEETING ROOM 1**

**MINUTES**

**I. SPECIAL MEETING AT 7:30 PM**

- a. **Call to Order** – Meeting was called to order by Chair Gordon at 7:31 P.M.
- b. **Roll Call** – Dave Fortin, John Anastasi, Gail Dickinson, Jeff Gordon, Delia Fey, Fred Rich, Lynne White, Joseph Adiletta and Dorothy Durst.  
**Absent** - Dexter Young, Doug Porter and Travis Serrine.  
**Others Present** – Patricia Lacasse (Recording Secretary).

It is noted for the record that there is a quorum for PZC to conduct business.

**II. DESIGNATION OF ALTERNATES – Lynne White**

It is noted for the record that Syd Blodgett arrived at 7:32 p.m. for the meeting.

**III. MINUTES**

- a. Meeting Minutes – February 20, 2014

**MOTION TO APPROVE THE MEETING MINUTES AS PRESENTED BY JOSEPH ADILETTA, SECONDED BY LYNNE WHITE. DISCUSSION ON THE MOTION. DOROTHY DURST HAD NOT READ THE MINUTES. MOTION WITHDRAWN.**

**MOTION TO MOVE ITEM III MEETING MINUTES TO ITEM V MADE BY FRED RICH, SECONDED BY SYD BLODGETT. MOTION PASSED UNANIMOUSLY.**

**IV. OLD BUSINESS**

- a. #SP618-12-13 Mark Reynolds, 835 Route 169 (Map 7280, Block 29, Lot 57) – Proposal for off-road motorcycle events. – Noted for the record that the public hearing is closed and the Commission is now in the deliberation phase.

Chair Gordon reviewed the guidelines regarding the intervenor claims/petitions. He further stated that they reviewed each subject separately instead of reviewing each petition separately since the petitions mostly addressed the same claims. Review comments were then made by Delia Fey. At the end of the petition review, the Commission then reviewed each item under the special permit decision criteria in the zoning regulations. For the record, copies of the petitions were given to each Commissioner and to the applicant.

Dorothy Durst inquired if the Commission and the applicant had received copies of the petitions prior to the February 20, 2014, public hearing. Chair Gordon confirmed that they did not receive copies prior to the February 20, 2014, meeting.

**INTERVENOR PETITION CLAIMS:**

a) If permitted, the proposed activity would allow substantial unprotected wetlands crossing by the vendors, staff, spectators and participants as they enter the subject property to participate in the proposed events, which wetlands and/or watercourses have not been disclosed in the applicant's application to the Commission or the Inland Wetlands and Watercourses Commission of the Town of Woodstock (the Wetlands Commission).

•Delia Fey stated the same comment for both items a and b; the intervenors did not provide site specific information in regards to this alleged impact as part of this application. Noted – Only the Inland Wetlands and Watercourses Agency can take issue with information that was not submitted to them if they indeed needed it. Chair Gordon stated that they did receive documentation from the IWWA stating that they had approved the application that was submitted to them.

Dorothy Durst stated that the map that the applicant provided did indeed show the wetland soils and when you follow the route of the race track, the track is drawn so that it does not cover any of the wetland areas except in the two places indicated which allows for wetland crossing. Also, since the IWWA has reviewed the area and the intervenors have not shown any other evidence, she questioned the validity of both items a. and b. Joseph Adiletta also stated that this is an area that should be brought before the IWWA not the PZC and therefore, is not in their jurisdiction. It was also stated that IWWA had approved the application at their January 6, 2014, meeting as a non-regulated use in wetlands and watercourses but after the Fire Marshal made some recommendations they made an amendment to the original motion during their February 10, 2014, meeting and approved the application as a permit with special conditions as recommended by CME.

b) If permitted, the proposed activity would allow substantial unprotected wetlands crossings by the spectators and participants as they participate in the proposed events, which wetland and/or watercourses have not been disclosed in the applicant's application to the Commission or the Wetlands Commission.

**MOTION BY JOSEPH ADILETTA THAT THIS ITEM IS NOT WITHIN THE PURVIEW OR JURISDICTION OF PZC AND THUS DENIED, WE HAVE NO FINDING. SECONDED BY GAIL DICKINSON. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

**MOTION BY GAIL DICKINSON THAT THIS ITEM IS NOT WITHIN THE PURVIEW OR JURISDICTION OF PZC AND THUS CANNOT SUPPORT THIS ITEM. SECONDED BY JOHN ANASTASI. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

c) The proposed activity involves a substantial risk of spillage, leakage or other penetration of gasoline, oils, lubricants and other petroleum products into the soil, the groundwater and the wetlands that may be located on the subject property, which

wetlands and/or watercourses have not been disclosed in the applicant's application to the Commission or the Wetlands Commission.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application.

Joseph Adiletta stated that since this is a wetlands issue that this is out of their jurisdiction as well. Syd Blodgett and Dorothy Durst stated that since they are talking about groundwater and there is a concern about spillage of petroleum products into the environment that they do have the responsibility to take into consideration that the groundwater should remain intact and pure, however, they agreed that the intervenors have not provided any evidence to support their allegation.

**MOTION BY DAVE FORTIN THAT THE INTERVENORS HAVE NOT PROVIDED PZC WITH ANY EVIDENCE THAT WOULD CAUSE PZC TO SUPPORT THIS ALLEGATION. SECONDED BY FRED RICH. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

d) The proposed activity involves a substantial likelihood that unreasonable amounts of dust will be caused to become airborne on and off the subject property.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application.

**MOTION BY JOHN ANASTASI FOR PZC TO NOT SUPPORT THIS ALLEGATION SINCE NO EVIDENCE WAS PRESENTED IN SUPPORT. SECONDED BY DAVE FORTIN. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

e) If permitted, the proposed activity would occur in part on an abandoned or inactive apple orchard, at which there is a substantial likelihood that dangerous chemicals, pesticides and toxins may be located in close proximity to the surface.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application. Noted: Bruce and Donna Kosa did provide information regarding an unrelated property for a special permit for a ball field on Hawkins Road rejected due to contaminated soil in 2001 and 2002. Gail Dickinson did state that there is a historic apple orchard on the property and that there is data on pesticides used in apple orchards and that they have to have the presumption that they are present unless proven that it is not. Dorothy Durst also stated that there are older orchards that were discontinued before the use of pesticides. Joseph Adiletta stated that this is a valid concern and since they have not been provided evidence on this site that they would have to deny this item.

**MOTION BY JOHN ANASTASI THAT THIS ITEM IS NOT SUPPORTED AS THERE WAS NO EVIDENCE TO SUPPORT THE ALLEGATIONS AS CONTAINED.**

**SECONDED BY DAVE FORTIN. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

f) The proposed activity creates a substantial likelihood that those dangerous chemicals, pesticides and toxins will become airborne in the form of dust generated by the activity, thereby contaminating the subject property, abutting properties and creating a risk of health hazards for the participants, the spectators and the residents adjacent to the subject property.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application.

**MOTION BY LYNNE WHITE THAT PZC WOULD NOT FIND IN THE AFFIRMATIVE SINCE NOT ENOUGH EVIDENCE WAS PRESENTED RELATIVE TO THIS SITE. SECONDED BY FRED RICH. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

g) If permitted, the proposed activity will take place in the upland area of the one or more tributaries of Muddy Brook and involves a substantial possibility of erosion, runoff or contamination.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application.

**MOTION BY DAVE FORTIN TO DENY AS THE INTERVENORS DID NOT PROVIDE THE PERTINENT PROOF NECESSARY FOR PZC TO UPHOLD THIS ALLEGATION. SECONDED BY LYNNE WHITE. MOTION CARRIED. NO ONE OPPOSED OR ABSTAINED.**

h) The proposed activity involves a substantial probability of disruptive noise which may impair or inhibit animal and bird species in addition to humans, who may reside or be located at or near the subject property.

- Delia Fey stated the intervenors did not provide site specific information in regards to this alleged impact as part of this application. Gail Dickinson corrected this statement by reminding the Commission that they did indeed hear a presentation during the public hearing from Jonah Sachs, Senior Consultant in Acoustics from Acentech, Inc. from Cambridge, MA who had been retained by Attorney Roberts to complete a noise analysis as it would pertain to the subject property. Also, the following items were submitted by the intervenors prior to their official filing.

- Inter-noise 2008 From Silence to Harmony, 37<sup>th</sup> International Congress and Exposition on Noise Control Engineering 26-29 October 2008. Shanghai, China: Motorcross Racing Track Noise Evaluation. New Linear Source Model Application. By Strani Giancarlo, Lucia Cristiano.

- Dept. of Environmental Protection, Sec. 22a-69, Control of Noise.

●Rio 2005 Inter-noise Environmental Noise Control, The 2005 Congress and Exposition on Noise Control Engineering 07-10 August 2005 – Rio de Janeiro, Brazil: Sound Power Levels of Motorcross Courses. By Jan Granneman, Frans Schermer, Hans Huizer, Nico Jochemsen.

Dorothy Durst cited that she had questions as to the validity of the acoustic consultant. Fred Rich stated that he could not see how animals would be affected by the noise based on his own experience. Lynne White stated that she could not honestly make a decision without further knowledge. Dave Fortin did not feel that they have received accurate information and that the intervenors have not provided the burden of proof. John Anastasi did not recall seeing any information from a wildlife biologist providing data on how the wildlife would be impacted.

**MOTION BY JOHN ANASTASI TO DENY AS THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT THIS ALLEGATION. SECONDED BY FRED RICH. JOSEPH ADILETTA DISPUTES AS HE BELIEVES THERE WAS SUFFICIENT EVIDENCE.**

**MOTION BY JOSEPH ADILETTA TO APPROVE APPLICATION #SP618-12-13 FOR THE TWO EVENTS, AS PRESENTED. SECONDED BY DAVE FORTIN. EACH SPECIFIC CRITERIA IN THE REGULATIONS WAS REVIEWED AND NOTED, UNDER ART. V, SECTION B.6.a.**

**SPECIAL PERMIT DECISIONS b.6.**

- i) It is in compliance with the Zoning Regulations of the Town of Woodstock.  
**Commission agreed that the applicant was in compliance.**
- ii) It is consistent with the Plan of Conservation & Development and the Plan of Open Space and Conservation.  
**Commission agreed that the applicant was in compliance.**
- iii) It will generate minimal off-site adverse impacts on the surrounding area, including but not limited to adverse impacts on:
  - a) the environment;
  - b) the character of the area, including any natural, historical and cultural features;
  - c) the property values;
  - d) the reasonable use, enjoyment and development of properties;

**MOTION BY JOHN ANASTASI THAT THE COMMISSION VOTE THAT THE APPLICATION DOES NOT MEET THE CRITERIA SET FORTH IN ART. V., SECTION B.6., SUBSECTION A., SUBSECTION iii., SUBSECTIONS a THROUGH d. SECONDED BY GAIL DICKINSON. SIX IN FAVOR OF MOTION: JOHN, GAIL, SYD, LYNNE, JOE, JEFF. THREE OPPOSED: DAVE, FRED, DOTTIE.**

- iv) It will neither adversely affect ground or surface waters nor endanger drinking water supplies.

**MOTION BY DAVE FORTIN THAT PROPOSAL WILL NEITHER ADVERSELY AFFECT GROUND OR SURFACE WATERS NOR ENDANGER DRINKING WATER SUPPLY. SECONDED BY JOHN ANASTASI. MOTION CARRIED. SIX IN FAVOR OF MOTION: DAVE, JOHN, JEFF, FRED, LYNNE, DOTTIE. THREE OPPOSED: JOE, SYD, GAIL.**

v) It shall have the approval of appropriate agencies such as the NDDH, WPCA, DPH, DEEP for sewage disposal and water service. – **Not applicable.**

vi) It does not adversely impact existing traffic conditions, including a finding that streets serving the proposed use or activity are adequate to carry any additional traffic generated by the use or activity, and that no traffic safety problem (e.g., poor sight line) will be caused or significantly aggravated by the use or activity. **Commission agreed that the applicant was in compliance.**

vii) It will provide unhindered emergency vehicle access.

**MOTION BY GAIL DICKINSON THAT PROPOSAL WILL NOT PROVIDE UNHINDERED EMERGENCY VEHICLE ACCESS. SECONDED BY LYNNE WHITE. MOTION CARRIED. SIX IN FAVOR OF THE MOTION: SYD, JOHN, LYNNE, DOTTIE, GAIL, JEFF. THREE OPPOSED: DAVE, JOSEPH, RICH.**

viii) It will not adversely affect public health, safety or welfare.

**MOTION BY DAVE FORTIN THAT THIS APPLICATION WILL NOT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY OR WELFARE. SECONDED BY JOHN ANASTASI. FOUR IN FAVOR OF THE MOTION: DAVE, FRED, DOTTIE, LYNNE. FIVE OPPOSED: JOSEPH, SYD, JEFF, GAIL, JOHN. (Motion did not carry).**

- ix) It will meet the following standards, as possible.
- a) Adequate landscaping and buffering treatments;
  - b) Stormwater management;
  - c) Erosion and sediment control;
  - d) Lighting;
  - e) Signage;
  - f) Floodplain;
  - g) Dimensional;

**Commission agreed that the applicant was in compliance.**

**VOTING ON MAIN MOTION TO APPROVE APPLICATION:  
IN FAVOR TO APPROVE APPLICATION: DAVE FORTIN, FRED RICH  
OPPOSED TO APPROVE APPLICATION: JOHN ANASTASI, JEFF GORDON, GAIL DICKINSON, SYD BLODGETT, JOSEPH ADILETTA, LYNNE WHITE  
ABSTENTIONS: DOROTHY DURST. MS DURST STATES SHE IS ABSTAINING DUE TO COMMENTS ABOUT SPECULATION AND WOULD PREFER NOT TO VOTE.**

**GAIL DICKINSON STATES, FOR THE RECORD, THAT SHE VOTED NO BECAUSE SHE FELT IT DID NOT MEET THE CRITERIA OF SECTION B.6. a. iii a,c,d, iv., vii and viii. APPLICATION IS DENIED.**

**V. MINUTES (FORMERLY AGENDA ITEM III)**

- a. Meeting Minutes – February 20, 2014

**MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 20, 2014, MEETING AS PRESENTED BY GAIL DICKINSON, SECONDED BY JOHN ANASTASI. DOROTHY DURST ABSTAINED.**

**VI. ADJOURNMENT (FORMERLY AGENDA ITEM V)**

**MOTION MADE BY JOSEPH ADILETTA, SECONDED BY JOHN ANASTASI TO ADJOURN THE MEETING AT 10:46 P.M. MOTION PASSED UNANIMOUSLY.**

Respectively submitted by:

Patricia A. Lacasse – Recording Clerk, Planning & Zoning Commission