

Woodstock Planning & Zoning Commission

REGULAR MEETING

Thursday, April 4, 2024

7:30 PM

WOODSTOCK TOWN HALL, MEETING ROOM 1 & VIRTUAL via Zoom

The state statute currently allows for in person meetings unless quorum or more requests virtual meetings. Because of virtual attendance, this meeting is being recorded. This procedure has been reviewed and approved by Town Attorney Richard Roberts.

Video recording of this meeting can be viewed at: <https://youtu.be/v8gNNbzLluk>

1. **Call to Order-** Chairman Jeffrey Marcotte called meeting to order at 7:30 pm
 - a. Roll Call- Noted for record: Quorum
Members Present- Jeffrey Marcotte (Chair), Joseph Adiletta, Aaron Farbo, Mark Blackmer, Dean Gould, John Day, David Morse (joined at 7:32)
Members Present via Zoom - None
Members Absent- Dwight Ryniewicz, Syd Blodgett, Joe Polulech, Timothy Young, Doug Porter
Others Present- Delia Fey (Town Planner), Cameron James (Assistant Planner), First Selectman Jay Swan, ZEO Dan Malo, Highway Foreman Jason Scranton, Sheri Putnam, Laura & Ray Curley, Janet Blanchette, Carol Mackin, John Cook, Zack Dexter, Recording Secretary Amy Monahan and several others. Public Present via Zoom: Kevin Downer.
 - b. Designation of Alternates: John Day was seated
 - c. Pledge of Allegiance: Jeffrey Marcotte led the Pledge of Allegiance
2. **Chair's Report**
 - a. Nothing to Report
3. **Citizen's Comments**
 - a. None
4. **Meeting Minutes**
 - a. March 21, 2024
 - i. Joe Adiletta made a ***Motion** to approve the March 21, 2024 Meeting Minutes as presented. ***Seconded** by Mark Blackmer. ***The motion passed unanimously.**
5. **Non-Residential Zoning Permits**
 - a. Orange Art- Carol Mackin & John Cook, 1011 Rt 169 - Request for discussion of lot history as it pertains to business turnover
 - i. Delia Fey noted that documents have been distributed to the commissioners for review. There is a property variance on record for this property that restricted the use of the property to a warehouse with 2 offices. Previous owners noted that the previous business had a higher level of traffic on site than the current proposed business expects.
 1. Dan Malo concurs with the interpretation of Delia Fey. He noted that many people have previously been turned away from the property due to the special permit process

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required for this property. The proposed use is best treated with a non-residential zoning permit as previously stated by Delia Fey.

- b. 1011 Rt 169 – new business – Dexter’s Best Liberty Safe & Vault
 - i. Mark Blackmer recused himself from this discussion/agenda item.
 - ii. Zack Dexter noted that this location would replace Dexter’s Best Liberty Safe & Vault currently located in Putnam which is a warehouse with some items on display. The operation is not like a typical showroom with set display models. His operation is service driven and only has a very small amount of public foot traffic that is not related to the services provided.
 - 1. John Cook noted that there was an actual showroom in the Orange Art business location in the past.
 - iii. Joe Adiletta would like approval of the current application to be worded in a way so that a future owner would not be able to operate a retail store.
 - 1. Dan Malo noted that the history of Orange Art is one of a longstanding non-conforming use. The current applicant does best match the previous business model and is not a typical retail operation.
 - 2. David Morse and John Day agree that Joe Adiletta brings up a valid concern that should be properly noted.
 - iv. Carol Mackin noted that over the 40 years that Orange Art was in operation, the business did grow significantly. The town was unaware of the business operations and growth over those years because the business was considerate of the neighbors. The Orange Art business moved into the 169 property before the Town of Woodstock had instituted zoning.
 - v. There have been 18 interested parties for this property that the owners have rejected due to the type of business as the stewards of the building. They are pleased to meet a young entrepreneur that will be a good fit for the community of Woodstock, CT.
 - vi. Delia Fey suggested using limits of display area in the building based on percentage of building footprint to limit the walk-in traffic. If a 20% limit was set for display, the business would be allowed to grow if desired and still limit retail space to a size significantly smaller than typical retail operations.
 - 1. Zach Dexter noted that the distribution of display area and warehouse operations/ back stock for his business to be 5% display and 95% warehouse operations. He does not want to inhibit growth of the display part of his business. The business currently needs more square footage but not for the display means. Display stores are located in other towns, but the role of this facility is for distribution.
 - 2. Dan Malo suggested self-describing retail size on application. This would establish the default position being discussed here by the commission.
 - vii. Joe Adiletta noted that when the original decision was made for Orange Art with limitation via variance due to the concern from members of the community. He noted that the concern then is still valid today and needs to be adequately documented in any approval.
 - viii. Carol Mackin noted that Orange Art did previously operate retail activities on this site via online purchase for several years.
 - 1. Jeff Marcotte made a ***Motion** to approve permit for 1011 Rt 169 – new business – Dexter’s Best Liberty Safe & Vault with conditions that no more than 25% percent of square footage be used for retail space and the remaining 75% or more to be used as warehouse space. *** Seconded** by Dean Gould. ***The motion passed unanimously** (with Mark Blackmer abstaining by recusal).
 - a. Dan will obtain actual square footage calculations of percentages presented on application.

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- b. It was noted for the record with approval that any future uses other than those described in the permit approval will void the permit and require a special permit.

6. New Business

- a. Woodstock Highway Garage, Paine Rd Sediment Basin – proposed for open space in previously approved Subdivision (#489-04-06 Norma Butts, John Healey, Paine Rd)
 - i. Janet Blanchette, Principal Engineer of JD Civil Engineers, LLC is representing this proposal. She reviewed the subdivision and open space in the subdivision is owner controlled with a conservation easement that makes the Planning & Zoning Commission the caretaker of the property. This is atypical of most town approvals. The need for this proposal is the contour and drainage of Paine Road which is a gravel road. Runoff from this road is an ongoing environmental concern that impacts the pond owned by Ron Petro and Peckham Brook. The proposed basin will filter the runoff to protect surrounding environment. The property owner has given the town written permission to move forward with proposed construction of sediment basin. The Inland Wetlands & Watercourse Commission is aware of this project and have been active in design of the basin.
 - ii. David Morse asked if work will be done on the road as well as in the conservation area. Janet noted that a culvert will be replaced to redirect water flow.
 - iii. Joe Adiletta asked who owns the conservation easement. It was noted that the homeowner association created by the neighbors holds the easement on record.
 - iv. Joe Adiletta asked about clean out and maintenance for the project. It was noted that there are details for clean out process and maintenance noted on the plan presented.
 - v. Joe Adiletta made a ***Motion** to approve and accept application Woodstock Highway Garage, Paine Rd Sediment Basin – proposed for open space in previously approved Subdivision (#489-04-06 Norma Butts, John Healey, Paine Rd). ***Seconded** by David Morse. ***The motion passed unanimously.**

7. Old Business

- a. Proposed Text Amendment: Subdivision Regulations, Ch. V – Application Review, Decision and Post Approval Process, Section 2.D (application notice requirements)
 - i. Need to set Effective Date
 - 1. Suggested date of April 29 for this matter.
 - 2. David Morse made a ***Motion** to set effective date of April 29, 2024 for Proposed Text Amendment: Subdivision Regulations, Ch. V – Application Review, Decision and Post Approval Process, Section 2.D (application notice requirements). ***Seconded** by Dean Gould. ***The motion passed unanimously.**
 - ii. Need to state findings and determine consistency with POCD
 - 1. Delia noted this is standard procedure for text amendments.
 - 2. Joe Adiletta made a ***Motion** to acknowledge that the findings are consistent with the POCD. ***Seconded** by David Morse. ***The motion passed unanimously.**
- b. Short-Term Rental discussion
 - i. Town Planner Delia Fey and Cameron James attended an information meeting on short term rentals last week. Cameron James noted that issues often arose from the definitions surrounding regulations of STR. It was noted that if the town allows rentals of properties, the duration of the rental cannot be regulated.
 - ii. John Day noted that ordinances are used to handle STR in several towns that he researched.

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1. Dan Malo noted that ordinances can be better in forms of enforcement. Regulations do not best address STR operations prior to the start of regulation.
- iii. John Day noted the need to determine if STR is an issue in the Town of Woodstock
 1. Delia noted that some of the concerns brought up in the STR survey are outside of the purview of the Planning & Zoning Commission.
- iv. Joe Adiletta wants to see some consistency like the other operations taking place in town. Currently the STR is handled under the Bed & Breakfast permit and do not truly match that type of operation.
- v. Phyllis Lawton noted that STR information can be found on rental sites by area of town.
- vi. Laura Curley noted that deed restriction/covenants are not being handled in the STR discussions.
 1. Delia Fey noted that the Deeds & Covenants of the Lake Districts can be enforced and changed by the district. The Planning & Zoning Commission does not have any control over the Association regulations.
- vii. Aaron Farbo asked is something similar to Bed & Breakfast (currently a permitted use as a home occupation) could be created for STR. Delia Fey reviewed the available options for STR applications.
- viii. The commission reviewed the idea of incorporating Bed & Breakfasts into STR application as a hosted stay and to create an STR application similar to the student housing applications/permits.
 1. Jeff Marcotte agrees that this plan would work to satisfy the concerns and allow the STR use.
 2. John Day noted that this would allow for tracking operations in town and can incorporate the need of fire and safety inspections.
 3. Dan Malo agrees that this would create a process to follow in the Town of Woodstock.
 4. Delia noted this process would be to draft a text amendment
- ix. Discussion about contact information for rental included how that contact would be used (enforcement) and where it should be posted (for those renting properties). Commissioners agree that contact information is helpful but may not necessarily be in the purview of the PZ Commission.

8. Review of Home Occupation Permit Applications

- a. Daniel Lapierre, 49 Lebanon Hill Rd – home office for small electrical company
 - i. Commisioners agree this application is appropriate for Home Occupation

9. Preliminary Discussion

- a. Sandra Anderson – small scale “Residential Care Home” as independent living
 - i. Not Present
- b. Ken Pelc, Larger scale business “Assisted Living Facility”
 - i. Not Present
- c. Delia Fey spoke with Ken Plec and Sandra Anderson about these operations that are regulated by the State of Connecticut. She noted that there may be a greater need for these operations in the future and that Woodstock does not have any regulations on this type of use. Delia Fey noted that there are many considerations to address about this type of use in the future.
 - i. Mark Blackmer noted that the state regulations require licensing for this type of operation.
 - ii. Joan Rivers noted that there people getting paid to care for people living in their homes in many areas. Phyllis Lawton noted that the state often looks at private care locations similarly to daycare centers.

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- iii. The next step would be to draft a text amendment to include this use in Woodstock Regulations. Delia noted that site plan review would work well for this home based residential care.

10. Other

- a. None

11. Adjournment

- a. Mark Blacker made a ***Motion** to adjourn. ***Seconded** by Joe Adiletta. ***The motion passed unanimously**. The meeting adjourned at 9:15 pm.

*Respectfully submitted by Amy Monahan, Recording Secretary. DISCLAIMER: These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's meeting for approval/amendments.