WOODSTOCK PLANNING & ZONING COMMISSION
REGULAR MONTHLY MEETING
THURSDAY, MARCH 15, 2012, 7:30 P.M.
WOODSTOCK TOWN HALL, MEETING ROOM 1

MINUTES

I. MONTHLY MEETING

a. Call to Order – Meeting was called to order by Vice Chair Fortin at 7:30 p.m.

b. Roll Call – Travis Sirrine, John Anastasi, Gail Dickinson, Dave Fortin, Delia Fey, Fred Rich, Joseph Adiletta, Dorothy Durst
Arriving late - Syd Blodgett, Jeff Gordon (7:40)
Absent - Dexter Young, Kenneth Goldsmith, Lynne White

II. CITIZEN'S COMMENTS - None

III. DESIGNATION OF ALTERNATES - Travis Sirrine is seated

IV. MINUTES

Meeting Minutes – February 16, 2012
MOTION TO APPROVE MINUTES OF 02/16/2012 BY FRED RICH, SECONDED BY JOSEPH ADILETTA. MOTION CARRIED. John Anastasi and Gail Dickinson abstaining.

V. NEW BUSINESS

a. **#605-03-12** Dave & Jen Brown, 232 West Quasset Road (Map 6393, Block 65, Lot 226-2) – 2 Lot Re-subdivision
Paul Archer and Dave Brown are present. Applicant is requesting fee in lieu of open space option. Three appraisers were provided for the Commission to choose from since a report will need to be submitted at the public hearing.
MOTION BY JOSEPH ADILETTA TO SCHEDULE A PUBLIC HEARING ON #605-03-12 FOR APRIL 19, 2012, SECONDED BY DOROTHY DURST. MOTION CARRIED UNANIMOUSLY.

MOTION BY GAIL DICKINSON TO ALLOW THE APPLICANT TO CHOOSE ONE OF THE THREE LISTED APPRAISERS FOR THE REPORT, SECONDED BY TRAVIS SIRRINE. MOTION CARRIED UNANIMOUSLY. (Platt Associates will be contacted.)

As stated for the record, Jeff Gordon entered the meeting at 7:40 and will now be seated as Chair for the remaining monthly meeting.

b. **Woodstock Academy proposal:** Zoning Text Amendment – Student Housing – schedule public hearing

Applicant is not present but has provided the proposed text amendment to PZC for their packets. Delia Fey has reviewed and believes the application is complete. A public hearing must be scheduled.
MOTION BY FRED RICH, SECONDED BY JOHN ANASTASI TO SCHEDULE A PUBLIC HEARING ON APRIL 19, 2012. MOTION CARRIED UNANIMOUSLY.

(Not 8:00 p.m. so public hearing cannot begin.)

MOTION BY DOROTHY DURST TO MOVE ITEM X, BYLAWS, UP TO ITEM VI. SECONDED BY DAVE FORTIN. MOTION CARRIED UNANIMOUSLY.

VI. BYLAW REVIEW
MOTION BY DAVE FORTIN TO APPROVE THE CHANGES TO BYLAWS, AS SUGGESTED BY JEFF GORDON IN DECEMBER, SECONDED BY DOROTHY DURST. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE FORTIN/DOROTHY DURST TO RESEQUENCE THE AGENDA AND MOVE ITEMS VIII a. and VIII b. UP TO ITEM VII. a & b. MOTION CARRIED UNANIMOUSLY.

VII. NEW BUSINESS
a. PZC Proposal: Zoning Text Amendment – propose deletion of appendix G: Off-site directional signs – schedule public hearing

b. PZC Proposal: Zoning Text Amendment – propose amendment to modify Article VII, Section 3. Fees – schedule public hearing
MOTION BY JOHN ANASTASI/FRED RICH TO SCHEDULE PUBLIC HEARING FOR TWO AMENDMENTS, APRIL 19, 2012. MOTION CARRIED UNANIMOUSLY

MOTION BY DOROTHY DURST/DAVE FORTIN TO MOVE ITEM XI. BUDGET REVIEW AND BILLS UP TO VIII. MODIFY TO ALSO INCLUDE THE DEEP MEMO. MOTION CARRIED UNANIMOUSLY.

VIII. BUDGET REVIEW AND BILLS
a. Bills
There are no bills to vote on. $90 Bill for Federation of Planning and Zoning Agencies. Breakdown of the legal bills is provided by Ms. Fey.
b. Budget review – no discussion
c. DEEP open space grant. Fey explains if there are any properties in mind, they should notify the Open Space Land Acquisition Preservation Committee.

MOTION BY FRED RICH TO MOVE XIII. CORRESPONDENCE UP TO IX., SECONDED BY DAVE FORTIN. MOTION CARRIED UNANIMOUSLY.

IX. CORRESPONDENCE

Newsletter from Center for Land Use Education – Winter 2012

X. PUBLIC HEARING AT 8:00 P.M. (Previously VI.)

#SP604-12-12 Paul & Stephanie Charette, 1072 Route 171, Tractors 2 Trimmers – Business expansion

Legal notices were published in The Woodstock Villager on March 2nd and March 9th as required by CT State Statutes. Delia Fey states that due to the rescheduling of the public hearing, she notified the abutters by certified mail and she has the proof of mailing for the file. Durst would like the reason for the delay of the public hearing placed on the record. There was a glitch with the Norwich Bulletin and publishing the first hearing notice within the proper time frame as defined by CT General Statutes and as requested. The applicant was notified and a decision was then made by Chair Gordon to re-schedule for March.

John Guszkowski, Director of Planning at CME, is present along with Paul and Stephanie Charette, property owners. The location of this business is also the location of their home. The business is a power equipment sales and service company. They are operating out of an existing farm accessory structure on site. It is a legally permitted home based business that has been operating for a number of years. Their business has grown and they are now requesting to operate under the special permitted use criteria of the zoning regulations to allow them to expand inside the existing structure that currently limits the use to a very small percentage for business. A minor structural change is also being proposed, a small shed roof going off the back end of the building to cover a wood storage area and they will be requesting additional signage currently allowed in the regulations.

A detailed description was submitted on how the application meets the 11 criteria for approval of special permit. A note from the Conservation Commission recommended use of gravel or other pervious pavements. There is no plan to add or increase any impervious surface or pavement. A letter dated December 27, 2011 from CME Associates also details the lack of offsite impact.

It is noted for the record by Ms. Durst that she and Stephanie Charette have known each other in a business capacity and Ms. Charette had called Ms. Durst's home and left a message and when they finally spoke at some point later, Ms. Charette had told her that she had spoken with Ms. Fey in the interim and her questions were answered on the special permitting process and there was no further contact with Ms. Charette after that.

The following are a listing of the questions and answers to the Commission and the public by the Charette's and their representative:

- Is the expansion of the building more for service or display?
  Per Paul Charette, no changes other than using more space in the building. Same repairs and display as what has been done in the last few years.
- How far is the closest abutter? Will the noise increase?
  They are bordered by a corn field on one side and the other side has a pond and wetlands in between. Across the street the house is on the hill. The site plan shows at least 350 feet to abutter's structures from the barn. Noise will be the same.
- Could this business be sold to someone else down the road?
  Zoning regulations state the special permit runs with the lot and could be sold.
- How did the business use begin on the property?
  Fey explains the sequence of events with the new garage, home occupation, limitations and Ms. Charette further added that their initial intention was to keep things on a small scale and utilize most of the building for race cars, a personal hobby, and for the children's use. The business expanded significantly in part due to the storms in the last year and the need for their services and their desire to not turn people away.
- Minimum side setbacks are 40 feet for non-residential. The right side appears to have only 30 feet.
  Mr. Guszkowski responds that the left and right setbacks were reversed on the application. On the site plan, there is an area designated for commercial purposes. Ms. Fey clarifies that the larger, newest building that is used for the business exceeds all the minimum non-residential setbacks. The older garage used for storage is an existing building. Under Art VI, Section 2.A.o, the Zoning Regulations state the following: "No building lawfully existing prior to the effective date of these regulations which constitutes a valid, non-conforming use for residential purposes shall be denied approval for a nonresidential special permit use based upon its failure to meet subsections a) and b) of this Article, provided the property has existed continuously as a valid, nonconforming residential use. Provided further that the applicant shall present suitable information to the Commission that the proposed conversion is for a dwelling unit which is located at least 200 feet from the nearest other residential dwelling unit and that the proposed use shall not create any sort of nuisance or adverse impact on any adjoining residential areas, nor shall it be a use

which will generate undue traffic or adversely affect adjoining properties by litter or otherwise. Provided further that no such conversion from residential to a nonresidential use shall increase any existing nonconformity as to setback or side yard requirements of these regulations."

- Where will the equipment be stored during the day?
  Where the sign is located in the front portion of the house they line up five or six pieces of equipment that are taken inside each evening.
- Where do people enter the business?
  They enter on the staircase going to the second floor. Service is in lower section of building.
- How do customers maneuver along in the driveway?
  Per Stephanie, they are encouraged to drive straight in the driveway and then completely around the building. There is ample room to turn around. People do not generally back into Route 171 and they are reminded by the Charette's to go around the building.
- Are there numerous events planned every year?
  There is one open house a year that is called "Community Awareness" and other local businesses are invited to attend. This event promotes new business. The Breton's have given permission for parking across the street on their property for this annual event as well as the Charette's entire back yard. The State of CT has also been notified for assistance and they will provide a constable or crossing guard, if necessary.
- Any additional lighting or trash collection structures proposed?
  A light will be installed at the side door for safety. It would match the light on the front door and residential grade. There will be a small trash Dumpster that would be utilized and it will be screened and tucked over by a tree.
- Signs?
  The signs for the business will comply with the regulations.

For the record, a complaint was received relative to this home occupation/home business dated October 26, 2011. It was submitted to Delia Fey by Suzanne Woodward. The complaint was that the signs and business appeared to exceed the limitations of the home occupation. The complaint was addressed by Ms. Fey, as shown on the form. As stated by Mr. Guszkowski, this is the complaint that was brought to the owner's attention that they had exceeded the bounds of the home occupation, and the reason they came forward with the special permit application. The wetlands agent has signed off on the wetlands application back on December 26, 2011 and it was not necessary to submit to the Agency for approval.

The public has the following comments:

- Suzanne Woodward, resident of Woodstock. She would like the record to reflect that she is not against the business, thinks it is a good business that is needed in the area, but she felt the business clearly exceeded the home occupation standards and having been on the PZC in the past and currently on ZBA, she felt it was her duty to come forward. Her concerns are with respect to preserving the rural and residential nature of our town. She has no objection to the business, but would like it to look as unobtrusive as possible. Her additional concerns are with regard to parking, people backing out onto Route 171, and the width of the driveway being adequate for two vehicles at the same time.
- Chandler Paquette, resident of Woodstock. He supports the business completely and would recommend the approval of this family run business and further adds that their business supports agriculture in Woodstock.
- Mitch Eaffy, resident of Woodstock. He supports this family run business for the Town of Woodstock. When he sat on the PZC and worked on designing the original regulations and special permitting process, this was the kind of business they were hoping for. The town is fortunate to have them because they are operating a needed service for the residents.
- Stephanie Charette addresses some of the concerns: All the trucks and trailers that are in the yard are all registered and insured. They do intend on putting up a one-way sign to help direct the traffic flow.

MOTION BY DAVE FORTIN TO CLOSE THE PUBLIC HEARING ON SP604-12-12, SECONDED BY ANASTASI. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE FORTIN TO MOVE ITEM XI. B, AHEAD OF ITEM XI. A UNDER UNFINISHED BUSINESS, SECONDED BY TRAVIS SIRRINE. MOTION CARRIED UNANIMOUSLY.

XI. UNFINISHED BUSINESS

a. #SP604-12-12 Paul & Stephanie Charette, 1072 Route 171, Tractors 2 Trimmers – Business expansion

MOTION BY DAVE FORTIN TO APPROVE #SP604-12-12, SECONDED JOSEPH ADILETTA.

Discussion: Request for waiver. Waiver request was received in writing as required. Article IV. Section 4, B. 9) – Architectural elevations

MOTION TO APPROVE WAIVER REQUEST BY JOHN ANASTASI, SECONDED BY FRED RICH. MOTION CARRIED UNANIMOUSLY.

There is discussion on whether the permit can condition the impervious surfaces by not allowing any increases to address the conservation commission's concern of storm water management. The special permit could note that the impervious surface, as shown on the plan, is approved and any increase would require a modification to the special permit. There is discussion on limiting the signs to help in maintaining the rural character however it was decided that the same standards need to be applied for all, based on the regulations.
Conditions:

1. MOTION BY GAIL DICKINSON THAT THERE BE ADEQUATE BUFFERING AND SCREENING TO PREVENT ANY TRASH STORAGE AND DUMPSTERS FROM BEING VISIBLE FROM THE NEIGHBORS AND THE ROAD. SECONDED BY JOHN ANASTASI. Delia will determine what is "adequate". MOTION CARRIED UNANIMOUSLY.

2. MOTION BY GAIL DICKINSON TO ADD THE STIPULATION THAT IN KEEPING WITH REGULATIONS, ANY INCREASE IN IMPERVIOUS SURFACES WOULD BE A MODIFICATION TO THE SPECIAL PERMIT AND WOULD NEED TO BE SUBMITTED TO PZC. SECONDED BY JOSEPH ADILETTA. MOTION CARRIED UNANIMOUSLY.

The 11 conditions of the special permit in the regulations are read into the record and discussed. (See Page 36 of the Regulations under Special Permit Evaluation Criteria).

MOTION TO APPROVE IS CARRIED UNANIMOUSLY.

b. #06-11-12 Chamberlin Family Land Trust, Dewing School House Road – Request to extend existing common driveway.
It is stated for the record that the prior meeting minutes were not clear that the applicant did not object to the members of the public talking without a public hearing scheduled. Attorney Tim Hollister, representative for the Chamberlin Family, summarizes. Application is to construct 12 foot wide common driveway to serve an existing 19 acre lot for one single family home. It is a common driveway being extended off the end of an existing town road. He believes that this proposal complies with the regulations in terms of width and grading. Chamberlin's will agree to post a performance bond for construction. The Chamberlin's have stated repeatedly that they are giving up their claim that Dewing School House Road is a public road of the town. If this application is denied, he states that his client's 19 acre parcel will be deemed landlocked. Attorney Hollister is requesting a copy of Attorney

DeCrescenzo's most current letter of March 14, 2012. There is no objection since it is not confidential. Attorney Zakrzewski also speaks on behalf of his clients. He points out problems with the application and the requirements of the common driveway not being met. His argument is that the applicant has not established what their rights are related to the common driveway and if the commission approves, they would be putting the cart before the horse. These issues need to be settled first.

Chair Gordon comments on the letter from Attorney DeCrescenzo and his comment that the legal status of the road as a public road is unclear. It also states that there are issues about whether this road was discontinued or abandoned prior to 1959 or after 1959 and there being no evidence supporting the claim that the road is legally discontinued. These issues must be determined by a Court of law and once this is done, then the Commission can zero in on whether or not the application meets the regulations. There is discussion on how this application should be addressed, perhaps whether this can be addressed as a driveway application that is reviewed by the ZEO. Attorney Hollister disagrees with PZC's summary and states that the status of the road does not matter for this application.

MOTION BY DAVE FORTIN TO DENY THE APPLICATION BASED ON THE LACK OF CLARITY OF TITLE TO THE LAND THE DRIVEWAY WOULD BE PLACED ON. SECONDED BY DICKINSON.
After careful review and discussion, the Commission agrees that they cannot approve an application where the ownership of the property is not clear and the legal status of the road is unknown. It is not PZC's job to determine applicant's right to the property. It is the applicant's duty to prove their right to the driveway and this has not been shown. If the applicant can come back showing easements or legal ownership, that would make it clear for the Commission. Durst points out that the initial paperwork in her packet showing a discrepancy in name of the applicant. The reasons noted for denial are ambiguity as to ownership, discrepancy as to name on the application, and a common driveway application absent a subdivision application.
MOTION CARRIED. John Anastasi and Fred Rich abstain.

MOTION TO CONTINUE BUSINESS PAST 10:00 P.M. BY ADILETTA, SECONDED BY FORTIN. MOTION CARRIED UNANIMOUSLY.

XII. ZEO REPORT (February and March)

- 52 Loyola Road – Deck removed after served with lawsuit paperwork. Issue now resolved and a photograph is shown confirming removal.

- 36 Walker Lane – Cottage was built without permits, no septic, only holding tank. Initial permit was for a shed, different size – Pending action
- Child Rd – trash and removal of stone wall – unsubstantiated
- Klansek – Bill for engineering services still unpaid
- Woodstock Academy Special Permit – Complaint on trees used for buffer to neighboring property have died. Fey is following up on with WA.
- Woodstock Academy Special Permit – Changes have been made to plan. Chuck Eaton, engineer, has asked for feedback and PZC agrees that this would be considered a modification and they will need to come back before them.

XIII. CITIZEN'S COMMENTS - None

X1V. MINUTES OF OTHER BOARDS AND COMMISSIONS

A recent BOS meeting was held where the Woodstock Merchant's Association appeared requesting permission to put up local business signs. Chair Gordon would like them to be notified of the new sign regulations to make sure they will comply with them.

XV. OTHER

XVI. ADJOURNMENT

MOTION TO ADJOURN BY RICH, SECONDED BY DICKINSON AT 10:40 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 meeting minutes for approvals and/or amendments to these minutes. The audio recording is available by contacting the Town Planner/ZEO's office at 860-963-2128 (x332).