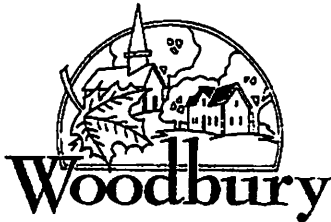


TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 ~ www.woodburyct.org



First land deed from the Indians
April 12th 1659

MINUTES – MAY 25, 2021 PUBLIC HEARING / REGULAR MEETING 7:00 P.M. – FIRE HOUSE- 25 QUASSUK ROAD

MEMBERS PRESENT:

Thomas Amatruda, Chairman
Robert Clarke
Ted Tietz
Bob Wilson
Donald Trella

MEMBERS ABSENT:

ALTERNATES PRESENT:

Elmer Kiessling
Jack Well
Casey Rushin

ALTERNATES ABSENT:

ALSO PRESENT: Towns people, applicants and Town Planner Maryellen Edwards on the phone line

1. REGULAR MEETING

- a) CALL TO ORDER – Chairman Amatruda convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Amatruda, Clarke, Tietz, Trella and Wilson
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

2. PUBLIC HEARINGS

- a) **21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21**
 1. Chairman Amatruda read the notice of the Public Hearing posted in the newspaper. Evan Hard, applicant, addressed the Commission. Ms. Hard is applying to operate a landscape design business from her home. The services would be by appointment only and would be no more than 35 appointments per week. The hours of business would be 9 a.m. to 5 p.m.
 2. There had been a previous delay of the public hearing due to the applicant not getting all abutter notices out in time. Ms. Hard explained the reason for this is that one of the abutters is the Cornerstone office complex. She was told she had to send out notices to all business owners in the complex. Ms. Hard felt she should be allowed to send out notice to the property manager who could forward the information to all the businesses located in the complex. Having to send out certificates of mailing to possibly 50 businesses would be a significant expense. Much discussion arose over this issue. The businesses located in the complex are owners of space rather than leasers and it is not clear if there is a property manager overseeing the complex. Chairman Amatruda asked for more research into this issue to figure out the notification process without creating undue expense for the applicant.

3. Ms. Hard continued her presentation for her business. She is a horticulture major and a certified landscape designer who has loyal customers. She has lived at the address for four to five years. She has made the property beautiful and wants to continue that. Even though the location is in a residential zone, it is a fabulous location and is surrounded by existing businesses. She does not feel there will be a negative impact to have a small business at the location. She noted that the neighbors do not want a retail business there. She stated that she has always been a kind, considerate neighbor and would continue to do so. She feels her plantings will not only showcase her skills but have a positive impact on property values.
4. Commissioner Wilson clarified if it is essentially a consulting business. Ms. Hard explained they will also do installations at client's homes. Commissioner Tietz questioned if there is adequate parking. Ms. Hard stated that she has enough parking on property to keep cars off the street. Chairman Amatruda questioned if there will be plants for sale at the location. Ms. Hard said that all plantings will be in the ground and not for sale. There will be no outside evidence or products for the business. There will be no machinery on site permanently. The property will basically be her marketing showcasing her skills. Any deliveries would be for installation on the property. Alternate Kiessling inquired of the wood chips at the back of the property. Ms. Hard explained she wants to make an access road to go to around the barn to the side yard and the back of her property so as not to use the neighbor's access road that was previously used. Chairman Amatruda asked for the applicant to have a simple plan made to have as part of the file.
5. Commissioner Clarke read the letter submitted from Steven and Kathleen Correll, 65 Old Sherman Hill Rd., dated May 18, 2021. The neighbors are not opposed to Ms. Hard's business provided it does not impact traffic and parking. Upon continued discussion and clarification the Commission felt that this application no longer qualifies as a major home business. The application should be handled as either a minor home occupation or as a home office. Maryellen Edwards agreed that now that the intent is clarified this could be handled administratively as a Zoning Permit.

Chairman Amatruda opened the discussion up to the public.

6. Ryan Melody, 59 Sherman Hill Road, addressed the Commission. Mr. Melody was originally concerned that it was a landscaping business with piles of dirt and mulch and rows of plants; however he now agrees that the business sounds more like a minor home occupation. He stated that Ms. Hard is a good neighbor. He is a little concerned if people will be walking around at the back of the applicant's property since this gets very close to his home. He was also originally concerned about the business creating more traffic and possibly more accidents.
7. Deanna Berman, 59 Old Sherman Hill Road, addressed the Commission. Ms. Berman stated she was also representing other neighbors. The main concern was regarding parking. If Ms. Hard guarantees there will be no trucks or trailers, then the neighbors do not have an issue with the business.

Chairman Amatruda asked for any other comments from the Commission or the public. There were none.

MOTION:

Chairman Amatruda moved and Commissioner Trella seconded to close the Public Hearing on application *(21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21)*.

Vote: 5-0-0 in favor. Motion unanimously approved.

REGULAR MEETING CONTINUED

3. PENDING APPLICATIONS

- a) **21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21**

MOTION:

Chairman Amatruda moved and Commissioner Trella seconded that the Commission believes that the application *(21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21)* is a home office use and not a major home occupation and therefore authorizes the staff to issue proper Zoning Permits if all of the conditions are met.

The Chairman called for discussion. Commissioner Clarke felt that there should be a condition stipulating no parking on the street. Chairman Amatruda questioned if a Zoning Permit needs diagrams. Ms. Edwards stated that she does not believe so. The online process will trigger any information needed.

Chairman Amatruda amended the motion to add the condition that there should be no parking on the street. Commissioner Tietz seconded that.

Vote: 5-0-0 in favor. Motion unanimously approved.

4. REGULATION WORKSHOP

Chairman Amatruda began the regulation workshop with a discussion about recreational marijuana. Although it is not legalized in the State yet, it may be in the future and wanted to discuss how to handle it. Chairman Amatruda is in favor of treating this use the same as adult entertainment uses and make it a prohibited use. A discussion of this ensued regarding farming, processing and dispensing of the product. Commissioner Trella was not in favor of how adult entertainment was handled. He was in favor of what the consultant had recommended by severely restricting the use. Commissioner Wilson would like to see actual data regarding the impacts this use could have on the community other than traffic. He feels there are aspects of this business that could increase revenue. Commissioner Clarke felt that if this is not allowed by the State right now, then there is no reason to deal with it right now. The Commission will discuss this use again if and when the product is legalized.

The Temporary Use Table was now discussed.

Farm Stand

This use is allowed with a ZP in all zones.

Farmers Market

There are State regulations for participating in a farmers market. It is allowed in the MSD, MQ and PI district with a ZP.

Mobile Food Unit

The definition was reviewed. This use is allowed for up to 72 hours but approval can be obtained for one year. The Commission does not want a food truck going into the PI district every day for lunch all year long. The current regulations only allow this use in the MQ. The Commission agreed to maintain this use in the MQ district only with a ZP.

Occupied Recreational Vehicle

This use is allowed in all residential zones and the MSD district with a ZP for a four week limit.

Pop-up Store

This use is to take advantage of a retail trend or seasonal demand. This use is limited for up to 60 days, and is allowed in the MSD, MQ and PI districts with a ZP.

Special Event

This use is allowed in all zones with a ZP. There was discussion regarding if events should go through Zoning. However, this use has to go through fire, health and building codes, so Zoning is not necessary.

Tag Sale

This use is allowed in all zones except the EE district. Each location may have four per year for up to four consecutive days; one per 90 day period. The first one is by right and does not require a permit. The next three will require a ZP. A footnote should make this clear in the regulations.

Temporary and/or Non-Conforming Structure

There was extensive discussion regarding this use. There are many of these types of structures around town and it is quite difficult to enforce. The definition was reviewed. The word temporary refers to a structure without footings or foundation and not the amount of time it is up. The current regulations allow for one week without a permit. The Commission agreed to change this in section 6.5.a of the new regulations to a 30 day limit before a ZP is needed. This use is allowed in all zones with a ZP. The consensus was to think about this more and maybe revisit the definition in the future.

Tent / Sidewalk Sale

This use is allowed in the MSD, MQ and PI districts with a ZP.

5. OTHER BUSINESS

There was no other business at this time

6. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

7. CORRESPONDENCE

There was no correspondence at this time.

8. CONSIDERATION OF MINUTES

Chairman Amatruda presented for consideration the minutes of the May 11, 2021, Zoning Commission meeting. He called for discussion. Chairman Amatruda noted an item for correction under correspondence to better convey his meaning.

MOTION:

Chairman Amatruda moved and Commissioner Clarke seconded to approve the minutes of the May 11, 2021, Zoning Commission meeting as amended:

- Page 6, 1st paragraph, 4th sentence to read: “He feels there should be some mechanism in place that empowers the IWA to intervene.”

Vote: 5-0-0 in favor. Motion unanimously approved.

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:09 p.m.
Made by Chairman Amatruda

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

RECEIVED FOR RECORD

May 21 2021 12:34 PM
ATTEST *Maria Morcini*
TOWN CLERK, WOODBURY CT ASST

Copies of documents and meeting audio are available at the Land Use Office