



Town of Woodbury Zoning Commission

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

**MINUTES – JANUARY 10, 2023
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALTERNATES PRESENT:

Jack Well
Casey Rushin
Elmer Kiessler

ALTERNATES ABSENT:

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

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

2. ELECTION OF OFFICERS

Chairman Clarke turned the meeting over to Commissioner Tietz, head of the nominating committee. Commissioner Tietz stated there were only three nominations: Bob Wilson for Chairman, Donald Trella for Vice Chairman and Robert Clarke for Secretary. Commissioner Trella made a statement that Mr. Clarke has served the Commission honorably and that it is good that Mr. Wilson will be taking over while two previous chairmen are still present to benefit from. This is good for the Zoning Commission to work competently and efficiently.

MOTION:

The Nominating Committee cast the ballot for:

Robert Wilson, Chairman
Donald Trella, Vice Chairman
Robert Clarke, Secretary

Made by Commissioner Clarke, Seconded by Commissioner Tietz

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Tietz, Trella

Nays: None

Abstain: None

The meeting was turned over to Chairman Wilson. Chairman Wilson addressed the Commission and stated that this is his fourth year serving on the Commission and he appreciates the confidence put in him. He is grateful for the example from both of the previous chairs and looks for guidance and support in his role.

3. PUBLIC HEARINGS

- a) **22-ZC-0021 – 265 Main Street South / Map 104, Lot 73A / OS-60 District (Also: 281 Main Street South, Map 104, Lot 82, MSD District & 41 Park Road, Map 103, Lot 28, OS-60) Special Permit / Site Plan: Outdoor Recreation per Zoning §3.4.6 and §5.1.3 for eighteen (18) disc golf stations. Town of Woodbury (P&R) (applicant/owner). CH by 02/14/23**

Alternate Rushin recused himself from all discussion on this application.

1. Town Planner Agresta noted that the certificates of mailings have been submitted. Ray Robillard, agent for the applicant, addressed the Commission. Mr. Robillard explained that the purpose of this application is to retroactively get approval on the nine hole disc golf course currently installed at Orenaug Park; and to get approval for an additional nine holes to be made. Jaimie Gore, Parks & Recreation Director, handed out presentations to the Commission. A slide presentation and drone video was also shared. The sport requires minimum apparatus. There will be no clear cutting for the additional holes. Some tree limbs may be removed, but the course remains a wooded area.
2. Mr. Robillard state that there is currently a disc golf league that meets every Tuesday, April through October. There are currently 30 courses in the State. Popularity has doubled since Covid. Orenaug has become known as a good course for new players and has very good reviews. The walking trails can also be used even if not being played. Chairman Wilson asked for questions from the Commission.
3. Commissioner Amatruda inquired as to how long the course takes to go through. The estimate given was that for four people it usually takes about 1.5 hours. He also asked if there are any parking issues. Town Planner Agresta stated that since the Senior Center closes at 4:00 p.m. parking has not been an issue. Mr. Robillard stated that they work with the Town to ensure that any golfing events do not interfere with Senior Center activities. On voting nights they instruct players to park down near the Police Station.
4. Ms. Gore stated that there is consistently a good crowd on Tuesday nights. The department receives many phone calls from out of town regarding the course. Since they have been promoting the course, there has been a great response. The tournaments always sell out. There is an excellent volunteer group that maintains the course and have offered to help set up more holes. Town Planner Agresta stated that the application was presented to the Planning Commission on January 4, 2023. The PC approval response was that the application is consistent with the POCD in that it expands recreational resources.

OH = Open Hearing PH = Public Hearing CH = Close Hearing D = Decision

5. Chairman Wilson called for any questions or comments from the public. Charmaine Samoska, 180 Minortown Road, addressed the Commission. Ms. Samoska frequently hikes in Orenaug Park and is in fully in favor of expanding the disc golf area.

MOTION:

To close the Public Hearing on application (22-ZC-0021 – 265 Main Street South / Map 104, Lot 73A / OS-60 District) and to direct staff to prepare a draft approval.

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Tietz, Trella

Nays: None

Abstain: None

- b) **22-ZC-0020 – 785 Washington Road / Map 70, Lot 26, 27 & 28**
Petition for Zoning Map Boundary Change: OS-100 to MQ District
Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner).
- c) **22-ZC-0018 – 785 Washington Road / Map 70, Lot 26, 27 & 28**
Petition for Zoning Text Amendment: Establish new Woodbury Wellness District &
Standards Petition for Zoning Map Boundary Change: OS-100 to new Woodbury Wellness
District /Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner).

Town Planner Agresta stated that the applicant for these two applications has sent in an extension and requests that the Public Hearing not be opened until the February 14, 2023, Zoning Commission meeting. Chairman Wilson acknowledged receipt of the extension request.

Commissioner Trella was unseated and Alternate Well was seated at 7:30 p.m.

4. PENDING APPLICATIONS

- a) **22-ZC-0019 – 506 Main Street South / Map 103, Lot 5 / MSD/MQ and HD#1 Districts**
Amendment of Special Permit / Site Plan 21-ZC-2109 – Modification to rear parking lot
layout and lighting. 506 Main Street South LLC (applicant/owner)

Town Planner Agresta informed the Commission that the applicant was not present. He was unable to contact the applicant. Mr. Agresta believes that they are still working on items that were requested by the office. This item was tabled.

5. NEW APPLICATIONS

- a) **23-ZC-0002 – Judson Avenue Bridge #05061 over Pomperaug River / R40 and Flood Plain**
Districts Flood Plain Permit per Zoning §6.1 for preservation and rehabilitation of existing
bridge. / Town of Woodbury (applicant/owner), SLR International Corporation (agent)
Receipt of Application – holding of a Public Hearing is discretionary

Shelley Plude, PE, SLR Consulting, agent for the applicant, addressed the Commission. Ms. Plude stated that this is a fully funded repair work application. The work entailed will cover some deck repair, drainage work and replacement of the guide rail. Ms. Plude showed on the map how the project is almost entirely in the flood zone. A precast concrete block ring wall will be used to

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replace the existing ring wall. There will be a total excavation of 27 cubic yards of earth. Currently, funding is not available to fully replace the bridge. The ratings for the bridge are too high to qualify for more than repair work. The goal of the repairs is for a 25 year duration. There will be road closure alternating with Jack’s Bridge for a short duration.

MOTION:

To not require a Public Hearing on application (23-ZC-0002 – Judson Avenue Bridge #05061 over Pomperaug River / R40 and Flood Plain Districts)

Made by Commissioner Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Tietz, Well

Nays: None

Abstain: None

- b) **23-ZC-0003 – So. Pomperaug Ave Bridge #168012 over unnamed stream /OS-80 and Flood Plain Districts Flood Plain Permit per Zoning §6.1 for bridge replacement. / Town of Woodbury (applicant/owner), SLR International Corporation (agent)**
Receipt of Application – holding of a Public Hearing is discretionary

Shelley Plude, PE, SLR Consulting, agent for the applicant, addressed the Commission. Ms. Plude explained that this application is more extensive and is for the bridge replacement. This bridge was damaged when a previous storm came through. The existing pipe collapsed and will be replaced with a 16’ span bridge. The application is to replace this with a precast concrete block abutment and a precast deck bridge. There will be all new guide rails. Ms. Plude showed the area and the flood plain on the map and explained how the bridge will be at an elevation to withstand the 100 year storm. Commissioner Clarke inquired as to the 500 year storm mark considering climate change and the storms that are being experienced as a result. Ms. Plude explained that there is no requirement for that at this time. The Army Corp requires one foot over the 100 year mark. There will be a net cut on the project removing approximately 120 cubic yards into the flood plain. The life span of this bridge would be 75 years.

MOTION:

To not require a Public Hearing on application (23-ZC-0003 – So. Pomperaug Ave Bridge #168012 over unnamed stream /OS-80 and Flood Plain Districts)

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Tietz, Well

Nays: None

Abstain: None

Alternate Well was unseated and Commissioner Trella was reseated at 7:48 p.m.

- c) **23-ZC-0004 –**
 - **Jack’s Bridge Road Bridge #05062 over Weekeepemee River / OS-100 and Flood Plain Districts**
 - **Minortown Rd. Ext. Bridge #05066 over Nonnewaug River / OS-60 and Flood Plain Districts**

▪ **Pomperaug Road Bridge #05067 over Pomperaug River / OS-80 and Flood Plain Districts**

**Flood Plain Permit per Zoning §6.1 for preservation and rehabilitation of existing bridges. Town of Woodbury (applicant/owner), SLR International Corporation (agent)
Receipt of Application – holding of a Public Hearing is discretionary**

Jack’s Bridge—This bridge work will entail minor repair, patch work and maintenance. The guiderail will be replaced. The repair work will give a 15-25 year life span to the bridge.

Minortown Road Ext.— This bridge work will entail repair work to the bridge deck, minor repair work to cracks, and the guiderail will be replaced. The repair work will give a 15-25 year life span to the bridge. There will be a short duration closure to do the work.

Pomperaug Road—This bridge work will entail deck and minor repairs, stabilization and maintenance. The existing guiderail system on this bridge will be reset. The repair work will give a 15-25 year life span to the bridge.

These bridges had previously been identified as needing work and qualifying for funding.

MOTION:

To not require a Public Hearing on application (23-ZC-0004 –*Jack’s Bridge Road Bridge #05062 over Weekepeemee River / OS-100 and Flood Plain Districts* ▪ *Minortown Rd. Ext. Bridge #05066 over Nonnewaug River / OS-60 and Flood Plain Districts*▪ *Pomperaug Road Bridge #05067 over Pomperaug River / OS-80 and Flood Plain Districts*)

Made by Commissioner Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Tietz, Trella

Nays: None

Abstain: None

- d) **23-ZC-0001 – 75 Bacon Pond Road / Map 21, Lot 34A / PI District
Special Permit / Site Plan: New construction of two buildings including associated site improvements. 69 Bacon Pond, LLC (applicant/owner).
Receipt of application and setting of public hearing. OH by 03/16/23**

Commissioner Tietz was unseated and Alternate Rushin was seated at 8:01 p.m.

Ron Wolff, Wolff Engineering, addressed the Commission. Mr. Wolf reviewed the property and the zone change which had previously taken place. The zone change increased the Planned Industrial area from residential. The application is for the constructing of two buildings on the property. The first building would be used for an equipment repair shop. The second building would be an excavator shop and the business offices. The driveway is off of Bacon Pond Road. There are proposed drainage systems. The applicants were at the IWA meeting on January 9, 2023. The IWA determined that an application and permit were not necessary since there was no regulated activity proposed for the site.

Commissioner Clarke inquired as to the height of the proposed buildings and if they can be lowered and still be functional. Mr. Wolff explained that the first building height is 27.5’, and the second building height is 22.8’. He noted that the allowed height is 40’. However, he will discuss this with the applicants.

MOTION:

To schedule a Public Hearing on application (23-ZC-0001 – 75 Bacon Pond Road / Map 21, Lot 34A / PI District) for the February 28, 2023, Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 4-0-1 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Trella

Nays: None

Abstain: Rushin

Alternate Rushin was unseated and Commissioner Tietz were seated at 8:14 p.m.

6. ENFORCEMENT

a) 22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / MQ District

Unauthorized Sign: Wall Banner Sign – Ayrca Gelinias (tenant) / 641 Main Street South, LLC (owner) NOV sent 12/20/22

Town Planner Agresta stated that Ms. Gelinias was not present. He had received a call from the landlord who is trying to get the tenant to comply. An incomplete application for a sign permit was submitted online.

MOTION:

To table enforcement item (22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / MQ District)

Made by Commissioner Clarke, Seconded by Commissioner Amatruda

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Trella, Tietz

Nays: None

Abstain: None

b) 22-ENF-0018 – 361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District Unauthorized Use: Short-Term Transient Visitor Lodging – Daniel & Francesca Lisk NPV sent 11/22/22

1. Frank Pilicy, Land Use Attorney, addressed the Commission. Mr. Pilicy provided a written response to the Commission. There is no provision or prohibition in the zoning regulations for short term rental use to a single family. Mr. Pilicy stated that the violation is similar to the case *Frances Wihbey vs. Pine Orchard Association* that was decided on by the Superior Court in October 2022. The decision upheld that even after zoning regulations were adopted to prohibit such a use, the Wihbey’s had a protected non-conforming use. This was the result since the Wihbey’s had been renting the space out to only single families for 14 years prior to the new regulations. The case has since gone to the appellate court awaiting a decision. Mr. Pilicy asserts that the Lisk’s are in the same situation. He recommends for the Commission to read through the case and wait to see what the appellate court decides.
2. Town Planner Agresta asserted that this is a transient lodging use and the property is being used for something that is not permitted. The owners of the property reside primarily in New York. Commissioner Trella engaged in discussion with Attorney Pilicy regarding the Wihbey case and whether in fact it is binding for the Lisk property. Town Planner Agresta stated that the cases may

not be the same. The Town regulations need to be looked at in totality to determine what is prohibited. This matter was brought before enforcement by a neighbor and the Tax Assessor. Commissioner Amatruda stated that while the neighbor may be unhappy, the Commission is to regulate use and not behavior. Both Commissioners Amatruda and Trella would like to hear the perspectives of the neighbors on this matter.

MOTION:

To table enforcement item (22-ENF-0018 – 361 Rail Tree Hill Road / Map 54, Lot 3C-5 / OS-100 District) pending review of submitted materials and referral to Town Attorney for review and opinion.

Made by Commissioner Clarke, Seconded by Commissioner Tietz

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Trella, Tietz

Nays: None

Abstain: None

- c) **22-ENF-0020 – 922 Main Street North / Map 25, Lot 28 / OS-60 District**
Unauthorized Floodplain Alteration: Activity in floodplain without permit – Amanda Soucy
 NPV sent 11/22/22 – Table pending Inland Wetlands
 The Commission is awaiting the decision of the IWA.

MOTION:

To table enforcement item (22-ENF-0020 – 922 Main Street North / Map 25, Lot 28 / OS-60 District) pending the IWA.

Made by Chairman Wilson, Seconded by Commissioner Trella

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Trella, Tietz

Nays: None

Abstain: None

7. DELIBERATIONS / DETERMINATIONS

Town Planner Agresta was instructed to write up draft resolutions for the bridge applications 23-ZC-0002, 23-ZC-0003 and 23-ZC-0004.

8. ADMINISTRATIVE

Chairman Wilson presented for consideration the minutes of the December 13, 2022, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the December 13, 2022, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Trella

Vote: 5-0-0 – Approved – Motion Passed

Ayes: Amatruda, Clarke, Wilson, Trella, Tietz

Nays: None

Abstain: None

9. OTHER BUSINESS

There was no other business to cover at this time.

10. PRIVILEGE OF THE FLOOR

Stanley Cher, 371 Rail Tree Hill Road, addressed the Commission. Mr. Cher stated that he is concerned about the short term rental. One issue is that well water was very low this summer and he wonders if the water and septic can handle the load since sometimes there are eight to ten cars in the drive. There are two Vrbo rentals on their street alone. It is only a two day minimum rental, so strangers are always coming and going. The owner put up new lighting that is shining directly into their bedroom. Commissioner Trella inquired if there are gaps in people staying. Mr. Cher stated that there are. Commissioner Trella wondered if the water usage would average out then. Mr. Cher is concerned that people from the city might not be familiar with how well water runs out. Commissioner Amatruda asked if there have been problems or incidences of having to call the police. There have not.

Barbara Cher, 371 Rail Tree Hill Road, addressed the Commission. Ms. Cher stated that there are spotlights on the neighbor's house 24/7 which shine directly at her home. The owners also put in three gigantic windows facing their house. Ms. Cher has now planted barrier trees. She claims that the Lisk's are using their house as a business in a residential area, which is prohibited. Commissioner Amatruda pointed out that you could have a full time neighbor who put in spotlights and large windows facing your home and be within their rights.

David Gross, 194 Washington Road, addressed the Commission. Mr. Gross owns a house in Cape Cod that is used for short term rentals. He has stopped using platforms such as Airbnb and Vrbo since they do not vet who is staying at a property and are only interested in the money. He now only uses a realtor. Technology has created this new way of generating income, but we all need to still have respect for each other.

11. CORRESPONDENCE

- Tietz Trucking 4th Quarter reports
- O & G Industries complaints

Commissioner Clarke inquired as to the Talarico reports again. Staff is instructed to include it on the next agenda and to send out correspondence to the members.

12. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:08 p.m.

Made by Chairman Wilson

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

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

RECEIVED & FILED
IN WOODBURY, CT
This 17th day of Jan 2023
at 3:48 o'clock M
Maria M. Mancini
Town Clerk