



Town of Woodbury Zoning Commission

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

**MINUTES – OCTOBER 11, 2022
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Bob Wilson
Donald Trella
Ted Tietz

ALTERNATES PRESENT:

Jack Well
Casey Rushin
Elmer Kiessling

MEMBERS ABSENT:

Thomas Amatruda

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, Tietz, Wilson, Trella and Alternate Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

- a) **22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (Proposed GA District) Garden Apartments Special Permit/Site Plan for conversion of existing Office/Residential building into 2 Garden Apartments and development of new 4,650 sf building with 8 Garden Apartments, including associated detached garage structures, surface parking and related utilities/infrastructure. Phillip Simpson Kurtz and Pamela S. Kurtz Trustees of the Haworth of England by Pamela, LLC, Profit Sharing Plan (owner/applicant). Reconvened from 09/27/22 with applicant extension – CH by 10/20/22**

Brian Baker, Civil 1 Engineers, addressed the Commission. Mr. Baker stated that the hearing had been kept open for the issues raised on the second memo from Town Planner Agresta. Mr. Baker reviewed the revisions made on the plans. These revisions were minor in nature. Town Planner Agresta stated that he was satisfied with the application and revisions presented. Chairman Clarke called for questions or comments from the Commission. There were none. He called for questions or comments from the public. There were none.

MOTION:

To close the Public Hearing on application (22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (Proposed GA District) Garden Apartments Special Permit/Site Plan for conversion of existing Office/Residential building into 2 Garden Apartments and development of new 4,650 sf building with 8 Garden Apartments, including associated detached garage structures, surface parking and related utilities/infrastructure.)

Made by Chairman Clarke, seconded by Alternate Rushin

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

b) 22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District Special Permit per Zoning §4.3.4 for “nursery or landscape service” related to the field storage of trees and shrubs associated with landscaping design business. Red House Farms, Carlyn Harris & Evan Hard (applicant), Michael Lang (owner). Reconvened from 09/27/22 with applicant extension – CH by 10/11/22

1. Robert Kolesnik, Jr., Agent, addressed the Commission. Mr. Kolesnik stated that he had time to go over everything on the application with his client. He requested that if requirements are made on the Special Permit that it be noted for the record that the box on the map is not to scale and should not indicate a limitation on the property. In addition, he requested that if the application has any restrictions put upon it, that the allowance of up to 18 yards of mulch may be on the property at any given time be included. He reiterated that there will be no retail activity on the site.

2. Chairman Clarke called for any questions or comments from the Commission. Commissioner Trella inquired about how many plants all together would be on the property. Mr. Kolesnik replied that that number could vary considerable. There could be many small plants low to the ground. Evan Hard, owner Red House Farms, addressed the Commission. Currently she has approximately 15 ten to twelve foot arborvitae, some eight to ten foot evergreens, a small section of fruit trees & dogwoods, maybe about 30 roses and 15 boxwoods. Commissioner Trella asked if there is any intention of a greenhouse. Ms. Hard answered no there is not. He inquired as to the frequency of pick-ups and drop offs, where they are drawing water from, and if that impacts the neighboring properties. Ms. Hard responded that the traffic will be infrequent. The water for the plants is drawn from the river with a solar irrigation system for an hour a day. This is an extremely efficient system that will not impact the neighbors or the resource. There will be no vegetables planted. Chairman Clarke called for questions or comments from the public. There were none.

MOTION:

To close the Public Hearing on application (22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District / Special Permit per Zoning §4.3.4 for “nursery or landscape service” related to the field storage of trees and shrubs associated with landscaping design business. Red House Farms)

Made by Chairman Clarke, seconded by Alternate Rushin

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin
Nays: None
Abstain: None

c) **22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MDS District
Special Permit/Site Plan per Zoning §5.1.3 for proposed change of use to retail/culinary classes and associated office, including exterior building improvements (siding, roofing, windows, doors, lighting) and interior remodeling, as well as proposed required off-street parking via easement per Zoning §7.4.11.2. 121 Main LLC (applicant/owner). CH by 11/15/22**

1. Annie Musso, Agent for the applicant, addressed the Commission. Ms. Musso explained the intent for the application is to take the building that used to be a restaurant and change this into an area for retail and culinary / lifestyle classes. The retail section of the New Morning store would move to this location. The application was referred to the Planning Commission and received a positive referral consistent with the POCD. The application also went to the Historic District Commission and received approval for any changes needed. There will be interior remodeling and exterior maintenance work done.
2. Lucinda Pittari, Applicant, addressed the Commission. Ms. Pittari stated that this location would be an extension of the New Morning store. The hours of operation would not go beyond those of the existing store which are seven days a week 8 a.m. to 8 p.m. The ground floor of the building will be for the retail / culinary space. The second floor will be for office space. Ms. Musso reviewed the plans and open class space with the Commission.
3. The parking plans were reviewed. There are 11 parking spots on the plan including two handicap spaces. There is a proposed cross easement with New Morning in order to share some parking. Chairman Clarke instructed the applicants to have good legal signage on the lot. The updated lighting plan for the exterior of the building was shown. Commercial ventilation is already in place and in compliance with the fire code. The driveway to route 6 will be blocked with large planters. Access will only be through the New Morning driveway. Alternate Kiessling recommended putting a curb or barrier where the rear entrance and the building are. Alternate Rushin inquired as to the surface of the parking lot. Ms. Pittari stated that the entrance is paved and the rest will be gravel. Since they are not changing the site of the parking lot; only the configuration, there is no storm water run-off updating needed.
4. Alternate Rushin stated for the record that he does not think the application should restrict the amount of classes or times, but to give as much leeway as possible. Town Planner Agresta asked if the commercial kitchen would be used solely for the classes or for possible catering from New Morning. Ms. Pittari responded that the New Morning market kitchen is already in place for catering so this one will not be used for that purpose. Chairman Clarke called for any questions or comments from the public. There were none.

MOTION:

To close the Public Hearing on application *(22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MSD District / Special Permit/Site Plan per Zoning §5.1.3 for proposed change of use to retail/culinary classes and associated office, including exterior building improvements (siding, roofing, windows, doors,*

lighting) and interior remodeling, as well as proposed required off-street parking via easement per Zoning §7.4.11.2. 121 Main LLC (applicant/owner)

Made by Chairman Clarke, seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

- d) **22-ZC-0016 - 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements. Rocky River, LLC (applicant/owner). CH by 11/15/22**

The applicant was currently at the Inland Wetlands meeting and will arrive when he is done there.

MOTION:

To table application (22-ZC-0016 - 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District) until such time as the applicant may appear.

Made by Chairman Clarke, seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

3. PENDING APPLICATIONS

There were no pending applications at this time.

4. NEW APPLICATIONS

There were no new applications at this time.

5. ENFORCEMENT

- **22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 / Loretta Riddle Unauthorized accessory apartment . NVP sent 06/09/22**

Town Planner Agresta stated that as of today there was nothing in the clerks records for the sale of the property, but all indications were that it was moving forward.

MOTION:

To table enforcement item (22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 / Loretta Riddle)

Made by Commissioner Trella, seconded by Commissioner Tietz

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

- **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Unauthorized structures. NPV sent 12/07/21 – Pending resolve of Phase II ZBA Variances Granted 08/15/22 – Reminder email 09/14/22 and 09/30/22**

Town Planner Agresta stated that he connected with Mr. Eren. Mr. Eren followed up that he will try to attend the meeting on October 25, 2022, to obtain the approval needed for the structures.

MOTION:

To table enforcement item (21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Unauthorized structures)

Made by Chairman Clarke, seconded by Alternate Rushin

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

- **22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD / Lance & Christine Conducting a retail business absent a Zoning Permit and display of a free-standing sign absent a required Zoning (Sign) Permit. NV-C&D sent 07/07/22 – HDC Approval Granted 09/12/22**

Town Planner Agresta had email correspondence from business owner Patricia Fanti regarding this item which he forwarded to the Commission. The email has the schedule for her coming in to compliance with her signage. The formal sign should be complete and installed within the next week or so. The illegal temporary sign has been removed from the lawn.

MOTION:

To table enforcement item (22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD)

Made by Chairman Clarke, seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Trella, Rushin

Nays: None

Abstain: None

6. DELIBERATIONS / DETERMINATIONS

Commissioner’s Tietz and Wilson recused themselves. Alternates Well and Kiessling were seated at 8:01 p.m.

- a) **22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA) Zone Boundary Change Petition OS-60 District to Garden Apartment (GA) District. Phillip Simpson Kurtz and Pamela S. Kurtz Trustees of the Haworth of England by Pamela, LLC, Profit Sharing Plan (owner/applicant). Draft Resolution Consideration**

Chairman Clarke presented the draft resolution for approval for consideration. He called for discussion. There was none.

MOTION:

To approve the draft motion for application *(22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA) Zone Boundary Change Petition OS-60 District to Garden Apartment (GA) District.)* as presented.

Made by Chairman Clarke, seconded by Alternate Rushin

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

Ayes: Clarke, Trella, Rushin, Well, Kiessling

Nays: None

Abstain: None

Alternate Well was unseated and Commissioner Wilson was reseated at 8:04 p.m.

- b) **22-ZC-0015 – 726, 740 & 766 Main Street South / Map 102, Lot 19 / OS-100 District Special Permit per Zoning §5.2.6 for approval of proposed “Consolidated Development Plan.” Woodbury Shops South, LLC (applicant), James M. Scott and J.M. Scott Associates, Inc., 738-744 Main Street South, LLC and 766 Main Street South (owners). Draft Resolution Consideration**

Chairman Clarke presented the draft resolution for approval for consideration. Commissioner Trella would like to look more closely at the draft motion. He recommended that this should be reviewed by the Town Attorney. He did not state what his concerns are. Since there is still time left on the application, the following motion was made.

MOTION:

To table deliberation on application *(22-ZC-0015 – 726, 740 & 766 Main Street South / Map 102, Lot 19 / OS-100 District / Special Permit per Zoning §5.2.6 for approval of proposed “Consolidated Development Plan.)* in order for the Town Attorney to review the draft resolution of approval and then meet with the Commission to discuss.

Made by Commissioner Trella, seconded by Commissioner Wilson

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

Ayes: Clarke, Trella, Wilson, Rushin, Kiessling

Nays: None

Abstain: None

Alternate Kiessling was unseated and Commissioner Tietz was reseated at 8:15 p.m.

The agent for application 22-ZC-0016 appeared at the meeting. Chairman Clarke made the following motion to reopen the Public Hearing portion of the agenda.

MOTION:

To reopen the Public Hearing on application (22-ZC-0016 - 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District / Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements. Rocky River, LLC (applicant/owner). CH by 11/15/22)

Made by Chairman Clarke, seconded by Commissioner Tietz

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

Ayes: Clarke, Trella, Wilson, Tietz, Rushin,

Nays: None

Abstain: None

**c) 22-ZC-0016 - 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District
Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements. Rocky River, LLC (applicant/owner). CH by 11/15/22**

1. George Johannesen, Allied Engineering Assoc., addressed the Commission. Mr. Johannesen apologized for his lateness due to being at the IWA meeting. He submitted the certificates of mailing. In 2010 the owner had received approval to bump out the rooms five feet towards the road, duplicate the covered walkway and add three rooms, which were never built. The existing building coverage is 5.4%. The existing lot coverage is 16.4%. There are currently ten rooms with and a two bedroom apartment. The purpose of the project is to covert the two bedroom apartment in the center section into a restaurant. A 20 foot addition to the back and a 20 foot addition to the north end are being proposed.
2. Mr. Johannesen reviewed the new septic system plan for the front yard. There will be a new paved parking lot. There will be new landscaping and lighting. The new electrical service will be put underground from the road. The applicant originally proposed some new trees in the back along with grass swales and yard drains that will drain into an underground infiltration system. The IWA requested rain gardens rather than underground infiltration. The IWA also would like a plunge bowl with some rip rap and buffer plants. They will be using plants that absorb phosphorous in the basins. Mr. Johannesen will revise the plans accordingly.
3. Mr. Johannesen reviewed the lot lines and setbacks that all fall within regulations. They are required to have 34 parking spaces but they are proposing 29 spaces since there will be shared spaces for the rooms and the restaurant. There will be a loading dock and access to a full basement for deliveries to the restaurant.
4. There will be a gravel walkway added that will go out to Main Street. There will be three overhead lights and there are also lights under the covered walkway. Chairman Clarke requests all lighting be noted on the plan. The demolition plan was reviewed. Alternate Kiessling asked about the amount of restaurant seating. There will be 42 seats with an additional 19 at the bar. There will be doors at the back of the bar area that can be opened up. Alternate Rushin inquired if they are considering putting in a patio in back. Mr. Johannesen responded that is not planned for right now. Town Planner Agresta requested a storm ceptor be added. That will be added at the

man hole cover. The Commission now needs to wait for approval from the IWA. Chairman Clarke called for questions from the public. There were none.

MOTION:

To hold the Public Hearing on application (22-ZC-0016 - 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District) open until the October 25, 2022, Zoning Commission meeting.

Made by Chairman Clarke, seconded by Alternate Rushin

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

Ayes: Clarke, Trella, Wilson, Tietz, Rushin,

Nays: None

Abstain: None

The Deliberations & Determinations section of the agenda continued.

- d) **22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MDS District**
Special Permit/Site Plan per Zoning §5.1.3 for proposed change of use to retail/culinary classes and associated office, including exterior building improvements (siding, roofing, windows, doors, lighting) and interior remodeling, as well as proposed required off-street parking via easement per Zoning §7.4.11.2. 121 Main LLC (applicant/owner).

Chairman Clarke called for further discussion. There was none.

MOTION:

To instruct staff to prepare a draft resolution of approval on application (22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MDS District)

Made by Commissioner Trella, seconded by Commissioner Tietz

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

Ayes: Clarke, Trella, Wilson, Tietz, Rushin,

Nays: None

Abstain: None

- e) **22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (Proposed GA District)**
Garden Apartments Special Permit/Site Plan for conversion of existing Office/Residential building into 2 Garden Apartments and development of new 4,650 sf building with 8 Garden Apartments, including associated detached garage structures, surface parking and related utilities/infrastructure.

Chairman Clarke called for discussion. There was none.

- f) **22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District**
Special Permit per Zoning §4.3.4 for “nursery or landscape service” related to the field storage of trees and shrubs associated with landscaping design business. Red House Farms, Carlyn Harris & Evan Hard (applicant), Michael Lang (owner).

Chairman Clarke called for discussion. Commissioner Trella wondered if they could be setting a precedent in approving this application. Discussion continued. Alternate Rushin said maybe a

setback could be put on the neighbor side. He also felt that the number of plants allowed should not be limited. Commissioner Tietz disagreed that a setback is needed when they are planting trees.

MOTION:

To instruct staff to prepare draft resolutions of approval for applications (22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (Proposed GA District) and (22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District)

Made by Chairman Clarke, seconded by Commissioner Tietz

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

Ayes: Clarke, Wilson, Tietz, Rushin,

Nays: None

Abstain: Trella

7. MEETING MINUTES

Chairman Clarke presented for consideration the minutes of the September 27, 2022, Zoning Commission meeting. He called for discussion. Town Planner Agresta and Chairman Clarke noted some changes that needed to be made.

MOTION:

To approve the minutes of the September 27, 2022, Zoning Commission meeting as amended:

- Section 2.d.2-3rd sentence—Should read “...amongst Commission members.”
- Section 2.d.3-4th sentence—Capitalize State DOT
- Section 6—second bullet point—Application 22-ZC-0015 is in the MQ district, not the OS-100

Made by Chairman Clarke, seconded by Commissioner Trella

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

Ayes: Clarke, Wilson, Tietz, Rushin, Trella

Nays: None

Abstain: None

8. OTHER BUSINESS

Chairman Clarke noted a regulation amendment proposal from the Conservation Commission. The proposal is recommending a zoning regulation for the use of native plants on Town properties, municipal properties and new developments. Town Planner Agresta will set up for a member of the Conservation Commission to come and give a presentation regarding this.

9. PRIVILEGE OF THE FLOOR

- Bram Yoffie, Burr Hall Farm, Middlebury, addressed the Commission. Mr. Bram introduced himself and spoke of a project that he has in the pipeline. Burr Hall Farm is pursuing purchasing

part of the old Woodbury Ski area. Their intention is to open a café and bakery specializing in rustic handmade bread and wood fired pizza. There would also be a farm store with organic produce and local artisan goods. They may partner with a wellness center in NYC that would like to extend services. A farm to table restaurant is also part of the vision. They would like this to be a year round community space. He provided handouts regarding the project to the Commission. This idea was met with a favorable response from the Commission.

10. CORRESPONDENCE

- O & G Industries, LLC, 3rd Quarter reports
- Tietz Trucking, 3rd Quarter reports

Chairman Clarke stated that these reports will be considered at the next meeting.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:16 p.m.

Made by Chairman Clarke

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 WOODSBURY, CT
This 18th day of Oct 2022
at 1:10 o'clock P.M.
Maura M Mancini
Town Clerk