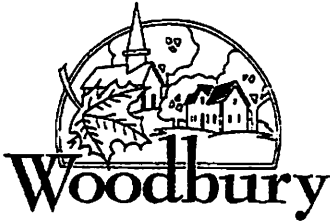


TOWN OF WOODBURY

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 – OCTOBER 12, 2021 REGULAR MEETING 7:00 P.M. SHOVE BUILDING, 281 MAIN ST. SOUTH

MEMBERS PRESENT:

Robert Clarke, Vice Chairman
Bob Wilson
Donald Trella

ALTERNATES PRESENT:

Elmer Kiessling
Jack Well
Casey Rushin

MEMBERS ABSENT:

Thomas Amatruda, Chairman
Ted Tietz

ALTERNATES ABSENT:

ALSO PRESENT: Towns Planner Will Agresta, Townspeople

1. OPENING OF MEETING

- a) CALL TO ORDER – Vice Chairman Clarke convened the meeting at 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Wilson, Trella and Alternates Rushin and Kiessling
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PENDING APPLICATIONS

- a) 21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/Site Plan for Conversion of First Floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104 / Lot 085/3 / Acknowledgement of Application Withdrawal

This application was withdrawn.

3. NEW APPLICATIONS

- a) 21-ZC-2113 / Tietz / 169 Quassuk Road (Parcels A & B) / Renewal of Special Permit for Earth Excavation Activities / Map 090 / Lot 014 / OH: 12/16/21
- b) 21-ZC-2114 / Tietz / Quassuk Road (Parcel C – Pond Parcel) / Renewal of Special Permit for Earth Excavation Activities / Map 090 / Lot 011 / OH: 12/16/21

These applications were discussed concurrently.

Deborah Tietz, 685 Middle Road Tpke, representative for the applicant addressed the Commission. Ms. Tietz explained that this is the bi-annual renewal of the Earth Excavations Permit for the properties. Since 1964 this has been a depot for storing, processing and hauling earth materials. There have been no changes to the operation. The third quarter reports have been submitted. The bond is on file with the Town. All taxes are paid and current. At the last renewal there was no motion recorded, activity was just carried forward. Ms. Tietz requested an actual motion to be filed to be put on the land deed. Town Planner Agresta had reviewed the file and noted that it was previously characterized as a Site Plan and not a Special Permit. He disagrees with that classification from the previous ZEO and will classify it as a Special Permit with a bi-annual renewal. Ms. Tietz also requested that “millings” be added to the list in paragraph two as earth materials since some contractors will not work with them unless it is specifically mentioned. Vice Chairman Clarke called or questions from the Commission. There were none.

MOTION:

To instruct staff to renew Special Permit application (21-ZC-2113 / Tietz / 169 Quassuk Road (Parcels A & B) / Renewal of Special Permit for Earth Excavation Activities / Map 090 / Lot 014 / OH: 12/16/21) for a two year period beginning January 1, 2022, through December 31, 2023, subject to all existing conditions and to include the word “millings” in the approved materials.

Made by Commissioner Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Rushin, Kiessling

Nays: None

Abstain: None

Discussion continued with Ms. Tietz regarding Parcel C on application 21-ZC-2114. Vice Chairman Clarke questioned how much of the allowed 140,000 yards of material have been excavated. Ms. Tietz stated somewhere around 26,000 yards. He also wondered how deep the pond is at this time. Ms. Tietz showed the staff the map indicating the allowed area to be excavated and the area that has been excavated to date. Only about 1/3 of the allowed area has been excavated. Upon inquiry to Mr. Ted Tietz it was determined that the pond depth is currently 25 feet. There will be no site walk this year.

MOTION:

To instruct staff to renew Special Permit application (21-ZC-2114 / Tietz / Quassuk Road (Parcel C – Pond Parcel) / Renewal of Special Permit for Earth Excavation Activities / Map 090 / Lot 011 / OH: 12/16/21) for a two year period beginning January 1, 2022, through December 31, 2023, subject to all existing conditions.

Made by Commissioner Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Rushin, Kiessling

Nays: None

Abstain: None

4. OTHER BUSINESS

- **Discussion with Richard Warren (O&G Industries, Inc.) Regarding Complaint Logs & 3rd Quarter Compliance Reports - Park Road Quarry (19-ZC-1928) & Stiles Road Quarry (19-ZC-1927)**

Richard Warren, Agent for O&G Industries, addressed the Commission. Mr. Warren stated that all third quarter reports have been submitted. He covered the Stiles Road Quarry first. There was one blasting complaint from the Wood Lake community. There is a monitor on site. Nothing exceeded limitations. The complaint came from a long time resident but who is currently home more now due to Covid. The truck and traffic report are comparable to last year's numbers. The traffic is greater at night due to the nighttime use approved by the ZBA. The surveyor will be out soon for the site map renewal.

The Park Road Quarry had two blast related complaints and three traffic related complaints. The traffic complaints came from Park Road, White Deer Rocks and Old Sherman Hill. The truck traffic is in line with 2019 numbers. There have been no changes in overburden, reclamation etc. Alternate Well inquired of non O&G truck traffic on Quassuk Road using it as a side route to avoid lights. Mr. Warren stated to note the truck company names and if it is consistent they will request the hired hauler to follow preferred routes. If the hired haulers do not cooperate, O&G can terminate their hauling rights.

Mr. Warren stated that he is not trying to minimize the traffic issues that have been brought up. He commented on Mr. Faulds' complaints and provided historical documentation that was brought before the Commission in a third quarter 2018 report. Mr. Faroni, the agent at that time noted in that report that the preferred truck route was to reduce traffic on Park Road. Mr. Warren stated that if that is not appropriate any longer the route can be revised. The truck route preferences are trying to accommodate the entire area and to not have a burden on any one road. He referenced a report from 1988 showing that trucks were trying to avoid Main Street and therefore were routed to Park Road and Bacon Pond Road. Mr. Warren will continue to tell the hired haulers that they need to be courteous while in route. The Zoning Commission dictated the preferred routes in 2018; however they are not permit conditions. Alternate Rushin suggested the Traffic Authority put a sign up stating "No Jake Brake" in the neighborhood town roads. The noise reduction would most likely reduce the complaints.

5. ENFORCEMENT

- **21-ENF-0006 / Taff / 148 Sycamore Avenue / NV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035**

ZEO Agresta updated the Commission on this violation. He has spoken with the owner / trustee of the property. This is a family matter and there has not been any progress on the issue. The property will be foreclosed on. The visible trailer does not seem to be occupied. He is not aware if the trailer in the back of the property is registered. Vice Chairman Clarke recommended sending this violation to the Town Attorney and put a lien on the property. Discussion ensued on this matter. Alternate Rushin was not in favor of a lien on the property resulting in a fine to the property owner. Commissioner Trella pointed out that the Attorney has discretion regarding the

processing of the lien in a foreclosure. The lien would not result in fines to the owner, just that the trailer needs to be moved and the condition needs to be met.

MOTION:

To forward enforcement item (21-ENF-0006 / Taff / 148 Sycamore Avenue / NV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035) to Town Attorney Kaelin through the Board of Selectmen for action.

Made by Commissioner Clarke, Seconded by Commissioner Wilson

Vote: 4-0-1 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Kiessling

Nays: None

Abstain: Rushin

- **21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12**

ZEO Agresta gave an update to the Commission. Mr. Agresta has reached out in writing and on phone to the violator, and there has been no response. He also spoke to the Pomperaug District Department of Health in regards to the leaching fields and the unpermitted pavilion. The Health Department stated that they spoke to Mr. Cardona once and never heard from him again. A Special Permit has not been pursued for the business aspect or the unpermitted pavilion.

MOTION:

To instruct ZEO Agresta to issue a NOV on enforcement item (21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12) for the construction of an unpermitted pavilion.

Made by Commissioner Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Kiessling, Rushin

Nays: None

Abstain: None

MOTION:

To amend the order of the agenda to cover “Privilege of the Floor” prior to the “Deliberations / Determinations” and the “Regulation Workshop.”

Made by Commissioner Clarke, Seconded by Commissioner Trella

Vote: 5-0-0 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Kiessling, Rushin

Nays: None

Abstain: None

6. PRIVILEGE OF THE FLOOR

Scott Faulds, 112 White Deer Rock Road, addressed the Commission. Mr. Faulds listened to what Mr. Warren of O&G Industries had to say earlier. He would like to have a copy of the minutes from the 2018 report that allowed the proposed routes. He also stated that hired haulers need to follow the same rules as employees. Vice Chairman Clarke stated that the Zoning Commission and O&G are aware of that. O&G has been in town for 88 years and want to be a good neighbor. Discussion ensued between Mr. Faulds and the Commission. Mr. Faulds stated that trucks start coming down the road at 6:45 a.m. They are not allowed to start loading until 7:30 a.m. but they are arriving early to line up. There was a suggestion of having the Traffic Authority make a sign for “No Thru Trucks,” which started a discussion as to what thru traffic is. Vice Chairman Clarke stated that the problem will be addressed and clarified as a condition for the Special Permit renewal coming up. It was recommended to Mr. Faulds to get photos of early morning traffic and submit those to the office.

7. DELIBERATIONS / DETERMINATIONS

Vice Chairman Clarke presented for consideration the minutes of the September 14, 2021, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the September 14, 2021, Zoning Commission meeting as presented.

Made by Commissioner Clarke, Seconded by Commissioner Trella

Vote: 5-0-0 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Kiessling, Rushin

Nays: None

Abstain: None

Vice Chairman Clarke presented for consideration the minutes of the September 28, 2021, Zoning Commission meeting. He called for discussion. Vice Chairman Clarke noted a grammatical error.

MOTION:

To approve the minutes of the September 28, 2021, Zoning Commission meeting as amended:

- Section 3.a, 4th sentence—Change the comma after “owner” to a semi-colon.

Made by Commissioner Clarke, Seconded by Commissioner Wilson

Vote: 4-0-1 – Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Kiessling

Nays: None

Abstain: Rushin

8. REGULATION WORKSHOP

MOTION:

To table the Regulation Workshop until the next meeting when the Chairman is present.

Made by Commissioner Trella, Seconded by Commissioner Wilson

Vote: 4-1-0 – Approved –Motion Passed

Ayes: Wilson, Trella, Kiessling, Rushin

Nays: Clarke

Abstain: None

Town Planner Agresta noted that he has some information regarding Cannabis, Outdoor Dining and Accessory Apartments that he will forward to the Commissioners for consideration.

9. CORRESPONDENCE

- Tietz Trucking 3rd Quarter Reports

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:49 p.m.

Made by Vice Chairman Clarke

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBURY, CT

This 19th day of Oct 2021
at 10:34 o'clock A M
Shirley O. Clark
TOWN CLERK

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