

# Town of Woodbury Zoning Commission

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

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**MINUTES – OCTOBER 24, 2023  
REGULAR MEETING  
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

Bob Wilson, Chairman  
Robert Clarke  
Ted Tietz  
Donald Trella

**ALTERNATES PRESENT:**

Jack Well

**MEMBERS ABSENT:**

Thomas Amatruda

**ALTERNATES ABSENT:**

Elmer Kiessling  
Casey Rushin

**ALSO PRESENT:** Town Planner Will Agresta

**1. OPENING OF MEETING**

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

**2. PENDING AND NEW APPLICATIONS**

*Commissioner Tietz recused himself at 7:01 p.m.*

- a) **23-ZC-0019 – 169 Quassuk Road (Parcel A & B) / Map 90, Lot 14 / OS-60 District Special Permit (renewal) – Earth Excavation Activities per Zoning §3.4.9 and §7.8 - 169 Quassuk Road (westerly side) (aka Parcels A & B) Theodore Tietz, Jr. (applicant/owner)**

Chairman Wilson noted that he was the only one in attendance for the site walk scheduled for October 17, 2023. He walked the property. Based on what he saw, he would like to move forward with the Special Permit approval. Commissioner Clarke objected to the State and local fees assessed on the application. Town Planner Agresta noted that State fees are mandated and have nothing to do with this application. Chairman Wilson stated that local fees will be looked at in the regulations review.

**MOTION:**

To approve the Special Permit renewal on application (23-ZC-0019 – 169 Quassuk Road (Parcel A & B) / Map 90, Lot 14 / OS-60 District Special Permit (renewal) subject to existing conditions.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Trella, Well

Nays: None

Abstain: None

*Full approval attached to the end of this document*

- b) **23-ZC-0020 – Quassuk Road (Parcel C) / Map 90, Lot 11 / OS-60 District Special Permit (renewal) – Earth Excavation Activities per Zoning §3.4.9 and §7.8 Quassuk Road (westerly side) (aka Parcel C, Pond Parcel) Theodore Tietz, Jr. (applicant/owner)**

Clerk Robyn Wright noted that there was a typo on the agenda for the application number. The correct application number is 23-ZC-0020.

**MOTION:**

To approve the Special Permit renewal on application (23-ZC-0020 – Quassuk Road (Parcel C) / Map 90, Lot 11 / OS-60 District Special Permit (renewal) subject to existing conditions.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Trella, Well

Nays: None

Abstain: None

*Full approval attached to the end of this document*

*Commissioner Tietz was reseated at 7:07 p.m.*

**3. DELIBERATIONS / DETERMINATIONS**

There were no items to consider.

**4. ADMINISTRATIVE**

Chairman Wilson presented for consideration the minutes of the October 10, 2023, Zoning Commission meeting. He called for discussion. There was none.

**MOTION:**

To approve the minutes of the October 10, 2023, Zoning Commission meeting as presented.

Made by Commissioner Clarke, Seconded by Chairman Wilson

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

Ayes: Wilson, Clarke, Trella, Well, Tietz

Nays: None

Abstain: None

## **5. PRIVILEGE OF THE FLOOR**

There were no comments from the floor.

## **6. CORRESPONDENCE**

- **Talarico – 119 Quanopaug Road - Annual Report**

Consideration of this report led to Commissioners Clarke and Wilson inquiring if this Special Permit ever has to come in for a renewal. Town Planner Agresta looked into the terms of the original approval in 2006. The conditions of the Special Permit do not spell out that the permit needs to be renewed periodically. Upon further investigation of the regulations cited in the approval (items 3.4.9 and 7.8), it is dictated that the Special Permit should come up for renewal every two years. This has somehow been overlooked. Further discussion led to the subject of other Earth Excavation properties in town such as the Carlson and Hardisty properties. The Commission believes that all Earth Excavation properties should be on the same page and must come in for renewal. The office staff is instructed to investigate other properties performing Earth Excavations. Mr. Talarico should be notified that he will need to submit an application for renewal every two years.

- **O & G Blast Summary Sheet**

As requested, O & G added a column to the blast summary sheet indicating the Woodbury vibration limit based on frequency for each of the reported blast maximums. The calculated percentage of the blast reading compared to the Woodbury limit has been provided. It was noted that one blast hit 100% of the Woodbury blast limit; however, this blast did not use the largest amount of explosives.

## **7. DRAFT ZONING REGULATIONS WORK SESSION**

Chairman Wilson opened the work session by continuing discussion of **Section 15. Application Procedures and Action.**

### **15.2.5 Expiration of Approval**

- **15.2.5.A-C:** Minor grammatical changes. Item “C” will be moved to be item “A.”
- **15.2.5. D:** Begin the sentence with “If.” Minor sentence restructuring.

### **15.2.5 Extension of Approval Expiration**

- **15.2.6.A and opening statement:** Minor sentence restructuring.
- **15.2.6.B-D:** These were all good as recommended.

Town Planner Agresta will submit the changes made to this section for review and will present a new schedule for continuation of the draft zoning regulations work sessions.

**8. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 8:01 p.m.  
Made by Chairman Wilson

Respectfully Submitted,

*Robyn Wright*

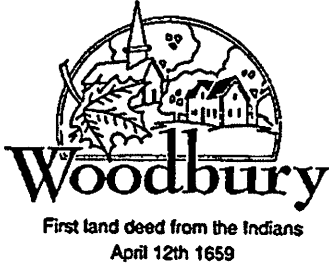
Robyn Wright  
Clerk for the Zoning Commission

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

RECEIVED & FILED  
IN WOODBURY, CT

This 30<sup>th</sup> day of Oct 2023  
at 11:17 o'clock A M

*Maria M. Mancini*  
Town Clerk



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**SPECIAL PERMIT (RENEWAL)**

**23-ZC-0019 – 169 Quassuk Road (Parcels A & B)**

**Earth Excavation Activities per Zoning Sections 3.4.9 and 7.8**

<b>Date of Renewal Approval</b>	<b>October 24, 2023</b>
<b>Permit Expiration Subject to Renewal*</b>	<b>December 31, 2025</b>

*\*If regulated activities and conditions of approval are not completed accordingly*

Applicant: **Theodore Tietz Jr.**  
Owner: **Theodore Tietz Jr.**  
Application: **23-ZC-0019 – Renewal of 21-ZC-2113**  
Project: **Special Permit Renewal of Earth Excavation Activities**  
Zone: **OS-60**  
Address: **169 Quassuk Road**  
Map/Lot: **090/014**

**WHEREAS** the Woodbury Zoning Commission (“Commission”) has received application 23-ZC-0019 as submitted by Theodore Tietz Jr. (Applicant/Owner) in accordance with the Zoning Regulations of the Town of Woodbury (“Regulations”) seeking “renewal” of a standing Special Permit and Site Development Plan approval (“Permit”), set to expire on December 31, 2023, for the continuation of earth excavation activities, including excavation and processing of earth materials from on and off-site sources, on property located at 169 Quassuk Road (Parcels A and B) consisting of approximately 41.43 acres within an OS-60 Zoning District, as shown on Assessor Map 90, Lot 14; and

**WHEREAS** the subject property has been used for earth excavation activities, including excavation, hauling, stockpiling of on-site and imported materials for processing (screening, mixing, crushing), and as a terminal for the resale of products such as loam, sand, stone, septic gravel, millings, since 1964, prior to adoption of Zoning Regulations in the Town of Woodbury; and

**WHEREAS** application materials received include the following:

- Application for Special Permit (renewal);

**NOW THEREFORE BE IT RESOLVED** upon careful considered of the information received, the Commission, in accordance with Section 7.8 of the Regulations, hereby finds the following:

- The applicant has demonstrated a continued need to excavate within 25 feet of a property or street line consistent with the pre-existing site operations;
- There has been no significant change in circumstances, site operations, or the underlying Site Plan for the ongoing earth excavation activities;
- All criteria for renewal, including compliance with the standards of Section 7.8 of the Regulations have been satisfied;
- As such, the request is considered minor in nature and a public hearing is not required; and

**BE IT FURTHER RESOLVED**, the Commission, in accordance with Sections 3.4.9 and 7.8 of the Regulations, following deliberations, hereby approves “renewal” Application 23-ZC-0019 as described above, subject to the following modifications and conditions:

**Modifications and Conditions of Special Permit Renewal**

1. The applicant shall maintain a bond in the amount of \$10,000.00 in favor of the Town of Woodbury in a form and content acceptable to the Town Land Use Office and Town Attorney.
2. Silt fencing shall be maintained down gradient of all work areas.
3. No topsoil shall be removed from the site until a sufficient amount of topsoil is stockpiled and maintained protected on-site to provide final cover of topsoil on all areas stripped of topsoil by the permitted ongoing earth excavation activities.
4. A permanent vegetation cover shall be established immediately following completion of all final grading composed of a mixture of bluegrass, red fescue, and ryegrass or other vegetative cover as approved by the Town Land Use Office.
5. Any exposed soil on completed grades shall be seeded before May 1 of each year this Permit remains valid.
6. All access and hauling roads and work areas shall be maintained to insure against erosion or sedimentation and vegetation shall be planted and established as appropriate within 60 days of the completion of temporary or final work items approved under this Permit.
7. Any earth materials hauling and processing activities authorized by this Permit shall not take place before 7:00 A.M. or after 6:00 P.M., Monday through Friday, or earlier than 8:00 A.M. or later than 5:00 P.M. on Saturdays.

8. The applicant shall submit quarterly reports to the Town Land Use Office with the following information for the preceding calendar quarter:
  - A summary of complaints received.
  - Number of trucks leaving the site.
  - Calculation of the amount of material removed.
  - Amount of area restored.
9. The applicant shall submit a restoration plan for all completed excavation areas with any renewal application.
10. All overburden stockpile areas shall be seeded for stabilization no later than May 1<sup>st</sup> of each year this Permit remains valid.
11. There shall be no burying of any tree materials including, but not limited to, stumps, branches, logs, brush, woodchips, or similar items.
12. The applicant shall provide the Town Land Use Office with a written statement as to the total amount and type of material removed in each calendar year no later than January 15<sup>th</sup> following each year this Permit remains valid.
13. All loads leaving the site must be covered.
14. This Permit renewal expires December 31, 2025.
15. The applicant shall file a "Land Record Form" as provided by the Land Use Office containing the text of this Permit renewal approval in the Town Clerk's Office within sixty-five (65) days of the approval date of this Permit renewal as set forth above, subject to verification of filing of an approved bond in favor of the Town of Woodbury as required above.

**BE IT FURTHER RESOLVED**, the Commission hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §8.3c(b) of the Connecticut General Statutes; and

**BE IT FURTHER RESOLVED**, Failure to maintain compliance with this Permit and associated Site Development Plan shall constitute a violation of the terms of this Permit renewal and the Woodbury Zoning Regulations. Any substantive additions or changes to the approved earth excavation activities shall require prior review and separate approval and permit; and

**MOTION**

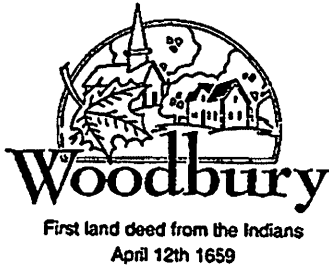
Moved by **WILSON**, seconded by **CLARKE**

Vote 4-0-0 - **Approved** – Motion Passed

Ayes Wilson, Trella, Clarke, Well

Nays None

Abstain None



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**SPECIAL PERMIT (RENEWAL)**

**23-ZC-0020 – Quassuk Road (Pond Parcel)**

**Earth Excavation Activities per Zoning Sections 3.4.9 and 7.8**

<b>Date of Approval</b>	<b>October 24, 2023</b>
<b>Permit Expiration Subject to Renewal*</b>	<b>December 31, 2025</b>

*\*If regulated activities and conditions of approval are not completed accordingly*

Applicant: **Theodore Tietz Jr.**  
Owner: **Theodore Tietz Jr.**  
Application: **23-ZC-0020 – Renewal of 21-ZC-2114**  
Project: **Special Permit Renewal of Earth Excavation Activities**  
Zone: **OS-60**  
Address: **Quassuk Road**  
Map/Lot: **090/011**

**WHEREAS**, the Woodbury Zoning Commission (“Commission”) has received application 23-ZC-0020 as submitted by Theodore Tietz Jr. (Applicant/Owner) in accordance with the Zoning Regulations of the Town of Woodbury (“Regulations”) seeking “renewal” of a standing Special Permit and Site Development Plan approval (“Permit”), set to expire on December 31, 2023, for the continuation of earth excavation activities, including excavation and processing of earth materials from on and off-site sources, on property located at Quassuk Road (Pond Parcel C) consisting of approximately 17.41 acres within an OS-60 Zoning District, as shown on Assessor Map 90, Lot 11; and

**WHEREAS**, an associated Wetland Permit from the Woodbury Inland Wetlands and Watercourses Agency was issued on August 25, 2014 (14-IW-1410), as renewed August 12, 2019 (19-IW-1910), for the excavation of the site pond, with an expiration of August 25, 2024; and

**WHEREAS**, application materials received include the following:

- Application for Special Permit (renewal);



**NOW THEREFORE BE IT RESOLVED**, upon careful considered of the information received, the Commission, in accordance with Section 7.8 of the Regulations, hereby finds the following:

- There has been no significant change in circumstances, site operations, or the underlying Site Development Plan for the ongoing earth excavation activities;
- All criteria for renewal, including compliance with the standards of Section 7.8 of the Regulations have been satisfied;
- As such, the request is considered minor in nature and a public hearing is not required; and

**BE IT FURTHER RESOLVED**, the Commission, in accordance with Sections 3.4.9 and 7.8 of the Regulations, following deliberations, hereby approves “renewal” Application 23-ZC-0020 as described above, subject to the following modifications and conditions:

**Modifications and Conditions of Special Permit Renewal**

1. The applicant shall maintain a bond in the amount of \$2,000.00 per acre in favor of the Town of Woodbury in a form and content acceptable to the Town Land Use Office and Town Attorney.
2. Any processing shall be limited to screening of soils excavated on site. No material other than topsoil or clean fill needed to comply with the approved Site Development Plan shall be imported to the site.
3. Silt fencing shall be maintained down gradient of all work areas.
4. No topsoil shall be removed from the site until a sufficient amount of topsoil is stockpiled and maintained protected on-site to provide final cover of topsoil on all areas stripped of topsoil by the permitted ongoing earth excavation activities.
5. The total amount of materials removed from the site, as shown on the Site Development Plan, shall not exceed 140,000 cubic yards.
6. A permanent vegetation cover shall be established immediately following completion of all final grading composed of a mixture of bluegrass, red fescue, and ryegrass or other vegetative cover as approved by the Town Land Use Office.
7. Any exposed soil on completed grades shall be seeded before May 1 of each year this Permit remains valid.
8. All access and hauling roads and work areas shall be maintained to insure against erosion or sedimentation and vegetation shall be planted and established as appropriate within 60 days of the completion of temporary or final work items approved under this Permit.
9. Any earth materials hauling and processing activities authorized by this Permit shall not take place before 7:00 A.M. or after 6:00 P.M., Monday through Friday, or earlier than 8:00 A.M. or later than 5:00 P.M. on Saturdays.

10. The applicant shall submit quarterly reports to the Town Land Use Office with the following information for the preceding calendar quarter:
  - A summary of complaints received
  - Number of trucks leaving the site.
  - Calculation of the amount of material removed.
  - Amount of area restored.
11. The applicant shall submit a restoration plan for all completed excavation areas with any renewal application.
12. All overburden stockpile areas shall be seeded for stabilization no later than May 1<sup>st</sup> of each year this Permit remains valid.
13. There shall be no burying of any tree materials including, but not limited to, stumps, branches, logs, brush, woodchips or similar items.
14. All loads leaving the site must be covered.
15. This Permit renewal expires December 31, 2023.
16. Removal of earth materials and any work within areas regulated by the Woodbury Inland Wetlands and Watercourses Agency shall cease upon expiration of any active permit from that Agency.
17. The applicant shall file a “Land Record Form” as provided by the Land Use Office containing the text of this Permit renewal approval in the Town Clerk’s Office within sixty-five (65) days of the date of this Permit as set forth above, subject to verification of filing of an approved bond in favor of the Town of Woodbury as required above.

**BE IT FURTHER RESOLVED**, the Commission hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §8.3c(b) of the Connecticut General Statutes; and

**BE IT FURTHER RESOLVED**, Failure to maintain compliance with the Special Permit and associated Site Development Plans shall constitute a violation of the terms of this Permit renewal and the Woodbury Zoning Regulations. Any substantive additions or changes to the approved earth excavation activities shall require prior review and separate approval and permit; and

**MOTION**

Moved by **WILSON**, seconded by **CLARKE**

Vote 4-0-0 - **Approved** – Motion Passed

Ayes Wilson, Trella, Clarke, Well

Nays None

Abstain None