

Town of Woodbury Zoning Commission

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

MINUTES – OCTOBER 8, 2024 REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Thomas Amatruda
Ted Tietz

ALTERNATES PRESENT:

Jake Amorando
Casey Rushin

MEMBERS ABSENT:

Donald Trella

ALTERNATES ABSENT:

Jack Well

ALSO PRESENT: Town Planner Will Agresta, Applicants & Agents

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

2. PENDING APPLICATIONS / DELIBERATIONS

- a) **24-ZC-0012 – 517 Main Street North / Map 25, Lot 22A-A / OS-100 District**
Mattatuck Unitarian Universalist Society (owner/applicant), Civil 1 Engineering (agent)
Special Permit/Site Plan: per Zoning §3.4.8 to permit development of 1,200 sf building and 1,200 sf open- air pavilion to be used as a place of worship with associated site improvements.

Chairman Wilson presented the draft approval for application **24-ZC-0012 – 517 Main Street North / Map 25, Lot 22A-A / OS-100 District** for consideration. He called for discussion. Commissioner Clarke clarified a few details.

MOTION:

To approve the Special Permit per the Draft Approval Resolution dated October 8, 2024, on application **24-ZC-0012 – 517 Main Street North / Map 25, Lot 22A-A / OS-100 District** as presented.

Made by Chairman Wilson, Seconded by Alternate Rushin

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

Ayes: Wilson, Amatruda, Tietz, Clarke, Rushin

Nays: None

Abstain: None

Full motion attached to the end of this document

- b) **24-ZC-0013 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts Focus Spaces of Woodbury, LLC (owner/applicant), Gail McTaggart, Esq. and Civil 1 Engineering (agents) Zoning Petition: Zoning Map Change per Zoning §9.4.1B to rezone the rear portion of the subject lots currently zoned OS-60 District to MSD District.**

Chairman Wilson presented the draft approval for application **24-ZC-0013 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60** for consideration. He called for discussion. There was none.

MOTION:

To approve the Zoning Petition per the Draft Approval Resolution dated October 8, 2024, on application **24-ZC-0013 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60** as presented.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Amatruda, Tietz, Clarke, Rushin

Nays: None

Abstain: None

Full motion attached to the end of this document

- c) **24-ZC-0014 – Zoning Regulations Text Amendment Petition - §7.4.7 Off-Street Parking Standards Focus Spaces of Woodbury, LLC (owner/applicant), Gail McTaggart, Esq. and Civil 1 Engineering (agents) Zoning Petition: Zoning Regulations Text Amendment per Zoning §9.4.1C to:**

- **Amend §7.4.7 to change the minimum required off-street parking standard for retail, banks, business offices, medical, dental and veterinary clinics, and other similar commercial uses; and**
- **Amend §5.1.6D to provide an exception to the number of nonresidential uses allowed to exceed two in existing buildings that never included residential uses.**

Chairman Wilson presented the draft approval for application **24-ZC-0014 – Zoning Regulations Text Amendment Petition - §7.4.7 Off-Street Parking Standards** for consideration. He called for discussion. Town Planner Agresta reviewed the benefits of less parking for Commissioner Clarke. Alternate Rushin wondered if by not doing a traffic study it could be considered an oversight. Planner Agresta explained that a traffic study determines traffic and not parking. If in the future it is determined the applicant needs more parking, they would need to come before the Zoning Commission to make their case. Commissioner Clarke questioned the use of the word “clinic” in the amendment. Planner Agresta pointed out that the term can be addressed in the new regulations, but it has no bearing on consideration of the text amendment before them which is only changing parking standards and not the regulation itself.

MOTION:

To approve the Text Amendment Petition per the Draft Approval Resolution dated October 8, 2024, on application **24-ZC-0014 – Zoning Regulations Text Amendment Petition** as presented.

Made by Commissioner Amatruda, Seconded by Alternate Rushin

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

Ayes: Wilson, Amatruda, Tietz, Rushin

Nays: Clarke

Abstain: None

Full motion attached to the end of this document

3. PUBLIC HEARINGS

a) **24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts Focus Spaces of Woodbury, LLC (owner/applicant), Gail McTaggart, Esq. and Civil 1 Engineering (agents) Special Permit/Site Plan: per Zoning §5.1 to permit a change of use to allow twenty (20) office suites dependent on separate Zoning Petitions 24-ZC-0013 and 24-ZC-0014; Special Permit per Zoning §7.4.12 to permit “alternate” off-street parking and loading involving location on an abutting lot via easement; and Special Permit per Zoning §7.4.11 to permit fewer loading spaces than otherwise required.**

1. Emily Jones, Civil 1, addressed the Commission. Ms. Jones clarified the items Planner Agresta called for on his email of October 7, 2024. Her response was submitted in writing. There will be additional signs indicating parking for the Frontier building and loading space for 297 Main Street South. With the addition of the loading area, there is no blocking of the rear parking area. A vehicle turning space has also been added. Currently, there is no gutter or downspout system. There is no proposal to change that. They have added notes that the dry well will be drained, filled, and abandoned in accordance with CT Health Code. Commissioners Tietz and Clarke would like to see the well filled with stone or gravel. A detailed construction and staging plan has been submitted.
2. Meghan Miller had put together a light impact traffic report summary. The CT Dot has recent traffic information regarding the light at the Route 317 and Main Street intersection. The light cycles are being worked on to make more efficient. The majority of uses under this application will not be affecting the typical 9:00 to 5:00 schedule. The estimate is for 56 trips per day with an additional 20 to include customers. That is less than 1% of the traffic on Main Street and will have no measurable impact on traffic.
3. Mr. Laliberte stated that he spoke with the neighbors since the last meeting and everyone seemed to be more comfortable with the plan. Alternate Rushin asked if the new loading zone negates the original one on the plans and if emergency vehicles can get in and turn around. The old loading zone is negated and an ambulance and small fire truck would be able to fit the space. Planner Agresta asked for some minor additional details to be noted or changed. It was clarified that each building level has ADA access, but access is not connected and there is no elevator. Commissioner Amatruda clarified that the sidewalk has a guiderail. Alternate Rushin clarified the dumpster screening and driveway grade. Chairman Wilson called for any comments from the public. There were none.

MOTION:

To close the Public Hearing on application **24-ZC-0015 – 297 & 299 Main Street South / Map 104, Lot 85-2 and Lot 85 / MSD and OS-60 Districts**

Made by Chairman Wilson, Seconded by Commissioner Clarke
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Wilson, Amatruda, Tietz, Rushin, Clarke
Nays: None
Abstain: None

Staff was directed to prepare a draft approval for the next meeting.

4. ENFORCEMENT

- **24-ENF-ZC04 – 75 Hoop Pole Hill Road / Map 54, Lot 30-2 / OS-100 District Michael Landry Unauthorized spa business “MY Spa CT” use within a single-family dwelling absent required Health and Zoning permits and unreconciled business operations indicated in Statement of Use and website.**

Planner Agresta stated that the owners are working towards moving their business to 73 Main Street. The process of going through the Health Department has taken a while. The approval has finally come through but there are a few more details to work through. The ZEO needs a statement of use from the owner. Michael Landry, owner, explained the Grew Design is working on the plans and then the formal paperwork will be submitted.

MOTION:

To table Enforcement Item 24-ENF-ZC04 – 75 Hoop Pole Hill Road / Map 54, Lot 30-2 / OS-100 District for 90 days.

Discussion continued as to why to give the owners 90 days. The consensus was that for the most part they are compliant and trying to work through the issues. This will give them enough time to get everything in order.

Made by Chairman Wilson, Seconded by Commissioner Tietz
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Wilson, Amatruda, Tietz, Rushin, Clarke
Nays: None
Abstain: None

5. ADMINISTRATIVE

Chairman Wilson presented the minutes of the September 24, 2024, Zoning Commission meeting for consideration. He called for any comments. There were none.

MOTION:

To approve the minutes of the September 24, 2024, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Alternate Rushin
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Wilson, Amatruda, Tietz, Rushin, Clarke
Nays: None
Abstain: None

6. PRIVILEGE OF THE FLOOR

Penelope Eastham, Sanford Road, addressed the Commission. Ms. Eastham had submitted a letter dated October 4, 2024, to the Land Use office regarding Booca Paving at 49 Main Street. She stated that there has been the addition of three pole lights and at least one more light on the front of the building. The lights are very bright and high on the hill so that the light penetrates her yard. She understands that they need lighting but does not feel that they are implementing it properly. Planner Agresta stated that the business change of use never obtained a permit and they have made several changes. The office has talked to them more than once. The ZEO sent out a Notice of Potential Violation today trying to get compliance. They have two weeks to respond.

Chuck Cosgriff Jr., 53 Steeple View Lane, addressed the Commission. Mr. Cosgriff is co-chair for the Lions Club Haunted Hayride. He knows that the regulations allow for four temporary event signs for 14 days prior to an event. He asked if that is 14 days before the first day of the event? Planner Agresta stated that it is. Any signs are to be removed by three days after the final event day. Mr. Cosgriff noted that additional signs may be allowed upon approval of the Zoning Commission. He is requesting 10 signs total for this event.

MOTION:

To adjust the agenda to address the Lions Club request for additional signage.

Made by Commissioner Amatruda, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Tietz, Rushin, Clarke

Nays: None

Abstain: Wilson

*Chairman Wilson recused himself and turned the meeting over to Commissioner Amatruda
Commissioner Amatruda seated Alternate Amorando at 8:20 p.m.*

Discussion continued as to where the signs are currently located and what type of signs they are. They currently have four sandwich board signs on the town greens. Smaller signs would be used for yards. The regulations for temporary signs have a standard for civic or community organizations for holidays that states additional signs may be allowed by the Zoning Commission depending on the size of the event. The signage size is regulated to six square feet. The size cannot be changed but the amount may be. A Zoning Permit would need to be obtained every year and the ZEO would approve the locations of any additional signs.

MOTION:

To allow the Lions Club additional signs for the Haunted Hayride

Made by Commissioner Amatruda, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Tietz, Rushin, Clarke, Amorando

Nays: None

Abstain: None

Alternate Amorando was unseated and Chairman Wilson was reseated at 8:41 p.m.

Commissioner Amatruda inquired why the Landry’s were called in for Enforcement when they seemed cooperative. Planner Agresta stated that while they seemed cooperative, they were not always. Since the item was on the agenda, he thought it best to leave it to keep the process moving forward.

7. CORRESPONDENCE

There was no correspondence to consider at this time.

8. DRAFT ZONING REGULATIONS WORK SESSION

MOTION:

To table the Draft Zoning Regulation Work Session

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Tietz, Rushin, Clarke, Wilson

Nays: None

Abstain: None

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:44 p.m.

Made by Chairman Wilson

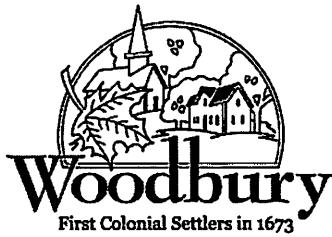
Respectfully Submitted,

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 10th day of Oct 2024
at LAU 10:00 AM
Maria M. Mancini
Town Clerk



Town of Woodbury Zoning Commission

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

SPECIAL PERMIT / SITE PLAN APPROVAL

24-ZC-0012 – 517 Main Street North

Place of Worship per Zoning §3.4.8

Mattatuck Unitarian Universalist Society (applicant/owner)

Date of Approval	October 8, 2024
Permit Expiration	*December 12, 2024 **October 8, 2029

** If final plans are not endorsed and approval is not recorded as required herein.*

*** If approved improvements are not completed as conditioned per this approval.*

Applicant/Owner	Mattatuck Unitarian Universalist Society (MUUS Church)
Application	24-ZC-0012
Project	Special Permit / Site Plan application to establish a Place of Worship use per Zoning §3.4.8 with a principal building measuring 1,200 sf (30 ft x 40 ft x 15 ft high) and an attached accessory open-air pavilion measuring 1,200 sf (40 ft x 30 ft x 15 ft high), including north driveway sightline improvements (also subject to CTDOT) and removal of south driveway. Project includes associated site improvements: off-street parking, utilities, lighting, landscaping, and stormwater drainage (collection, retention and underground infiltration of first flush of runoff based on 25-year storm event from the parking lot, building, pavilion and portions of the driveway and surrounding landscape area). The plan includes erosion controls in the form of silt fencing and anti-tracking apron at the access point.
Address	517 Main Street North, Assessor Map 25, Lot 22A-A
Site Acreage	2.31 acres
Zone	OS-100 District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0012** as submitted by the applicant/owner listed above pursuant to Zoning §3.4.8, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” as described herein; and

WHEREAS the subject property is presently vacant as the prior site buildings have previously been removed. The site includes the remains of a former driveway with stone retaining wall on the southern end of the site and a gravel driveway on the northern end of the site, as well as an existing water supply well; and

WHEREAS application materials received include the following:

- Application for Special Permit / Site Plan
- Engineering Report, Civil 1, 07/25/24
- Cover, Civil 1, 05/16/24, revised 08/16/24
- Property Survey, Riordan, 11/23/21
- C 2.1 – Site Plan, Civil 1, 05/16/24, revised 09/19/24
- C 2.2 – Grading Plan, Drainage Plan, Erosion Control Plan, Civil 1, 05/16/24, revised 09/19/24
- C 2.3 – Septic System Design & Details, Civil 1, 05/16/24, revised 09/19/24
- Planting Plan, William Kenny Assoc, 08/16/24, revised 09/19/24
- L 1.1 – Lighting Plan, Civil 1, 05/16/24, revised 08/16/24
- C 6.1 – Site Notes and Details, Civil 1, 05/16/24, revised 08/16/24
- C 6.2 – Site Notes and Details, Civil 1, 05/16/24, revised 08/16/24
- A 1.0 – Architectural Details, 05/16/24, revised 08/26/24; and

WHEREAS the project includes:

- Construction of a principal building measuring 1,200 sf (30 ft x 40 ft x 15 ft high).
- Construction of an attached accessory open-air pavilion measuring 1,200 sf (40 ft x 30 ft x 15 ft high).
- A total maximum capacity of sixty (60) seats at any one time (inside, outside or cumulatively).
- Construction of off-street parking totaling 25 spaces, including 2 accessible parking spaces (a minimum of 20 spaces is required; 1 space / 3 seats).
- Removal and vegetated restoration of the existing southern driveway and curb cut.
- Installation of a new access driveway over an existing abutting 50-foot-wide right-of-way (recorded in V65, P265 and Map V21, P198) shared with an adjacent lot to the north (also subject to CTDOT approval).
- Regrading of the street frontage to establish safe driveway sight lines (also subject to CTDOT approval).
- Installation of subsurface infiltration chambers to address roof and parking area stormwater runoff, noting a portion of the new driveway will discharge runoff into the state highway street gutter and drains (also subject to CTDOT).
- Installation of a new service utility pole and underground utility service lines from the new pole to the proposed new building.
- Connection to an existing onsite private water supply well (HVHD Plan Approval 08/26/24 conditional).
- Installation of an onsite private subsurface septic disposal system (HVHD Plan Approval 08/26/24 conditional and pending permit to construct).
- Installation of freestanding and building wall mounted signs.
- Installation of exterior lighting within the parking areas, as well as building door required lights.
- Installation of a dumpster fence enclosure measuring 60 sf (6 ft x 10 ft) with surrounding landscape screening.
- Site, parking and building foundation landscaping improvements.
- Installation and maintenance of erosion and temporary drainage controls during construction; and

WHEREAS the subject property is not located within 500 feet of another municipality, is not within an Aquifer Protection Area, is not within a Historic District, nor within a 100-Year floodplain. Further, the property does not include wetlands/watercourses or regulated upland review area, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS a duly noticed public hearing as published in Voices on September 11 and 18, 2024, was opened and closed on September 24, 2024, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS the Commission has carefully considered all the information submitted and received, including all verbal and written public comments;

NOW THEREFORE BE IT RESOLVED upon careful consideration of the information received, the Commission, in accordance with Zoning §8.3D and E hereby finds the following:

- The proposed use of the property as a Place of Worship is a permitted use subject to Special Permit and Site Plan approval.
- The size and intensity of the new use and its associated site features, as designed, are compatible with the subject property as well as the surrounding residential neighborhood.
- The existing street network has sufficient capacity to handle the added traffic volume associated with the new use.
- The existing southern driveway and curb cut will be eliminated, and the area vegetatively restored.
- The existing northern gravel driveway will be improved (widened for two-way travel and paved) and safe sightlines will be established north and south along Main Street North.
- New electric/communication services will be installed underground from a new service pole that will be located at the property edge within the street right-of-way of Main Street North.
- An existing private water supply well will be utilized, and a new private subsurface septic disposal system will be constructed according to state and local Health District requirements.
- The project does not present any anticipated adverse impacts related to its use or access for police, fire and other emergency services.
- The new building and attached pavilion are modest in size (mass and height single story) and both include traditional A-frame peaked roofs.
- The new building and attached pavilion are setback considerably from the street and will retain and supplement site vegetation with new landscaping; and

BE IT FURTHER RESOLVED the Zoning Commission hereby **APPROVES** application **24-ZC-0012**, subject to the conditions and modifications set forth below; and

BE IT FURTHER RESOLVED this approval shall supersede any prior zoning approval associated with the subject premises, which, if any, shall hereby be null and void; and

BE IT FURTHER RESOLVED this approval does not obviate the need to obtain all other applicable federal, state and local permits and approvals as may be required to implement, construct or otherwise operate the project; and

BE IT FURTHER RESOLVED the Commission hereby authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED this approval is specific to that detailed herein, **subject to the following modifications and conditions:**

A. Prior to Endorsement of Final Site Plans

1. **Revision of Site Plans as "Final"** – The applicant shall submit a single (1) complete set of revised **Final Plans**, revised as follows to the satisfaction of the Town Planner:

- a. Each Sheet (*inclusive of all application plans and details as listed above*) shall include a common revision date (post the date of this approval) and an original seal and signature of the professional responsible for preparing each individual plan or sheet.
 - b. Add the following notes conspicuously on Sheet C 2.1:
 - **24-ZC-0012 – Approval Date: October 8, 2024 – Expiration Date: December 12, 2024 (if final plans are not endorsed and the Special Permit / Site Plan Approval is not recorded upon the Woodbury Land Records); Expiration Date Post Approval Recording: October 8, 2029 (if the project is not completed per the approval conditions)**
 - **Site and building use shall be limited to total maximum capacity of sixty (60) seats at any one time (inside, outside or cumulatively).**
 - **No site or building use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit. Substantive changes in site and/or building use, and changes to the site and/or building improvements shall require prior zoning review and approval.**
 - **No outside storage or display is authorized.**
 - **All new and replacement utility service connections and facilities (electric, gas, communications, water, septic) shall be installed underground.**
 - **Replacement exterior lighting shall not exceed a Kelvin Temperature of 3,000, shall be fixed and full cutoff, subject to zoning review and approval.**
 - **All exterior signs shall be subject to zoning review and approval.**
 - c. Add a full copy of this approval.
 - d. The sign details on Sheet A-1 shall be revised as follows:
 - To provide for a maximum sign area “aggregate” of eight (8) square feet as permitted per Zoning §7.5.10H.
 - To detail lighting associated with each sign. All lighting shall be shown to be fixed, full-cutoff and downward oriented.
 - e. Note the location and type and include installation details for any building exterior lights or as otherwise required by fire/building codes, which light fixtures shall be detailed to be fixed, full-cutoff and have a Kelvin temperature of 3,000K or less.
2. **Final Site Plans for Endorsement** – Following completion of the above conditions and acceptance of revised final Site Plans by the Town Planner, the applicant shall provide for endorsement by the Commission/Town Planner **two (2) printed sets** (additional copies should the applicant desire copies as endorsed). **EACH** plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
 3. **Final Stormwater Management Report** – The applicant shall provide two (2) copies of the final Stormwater Management Report, certified by a Connecticut licensed Professional Engineer.
 4. **CTDOT Plan Approval** – The applicant shall provide confirmation of State of Connecticut Department of Transportation “plan approval” of the project plans for:
 - Southern driveway and curb cut removal, restoration.
 - Northern driveway and curb cut improvement, including establishment of safe sight lines north and south, and stormwater runoff discharge into the state highway.

5. **Financial Guarantee (Bonds) – A Site Stabilization and Erosion and Sedimentation Control Bond**, in an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” including 10% contingency and 10% inflation of the total costs, shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The Bond shall remain in full force and effect until such time as the Bond is released by the Town.
6. **Recording of Land Records Information Form** – Upon completion of the above conditions and prior to issuance of a Zoning Permit, the applicant shall record on the Woodbury Land Records a **Land Records Information Form** as provided by the Land Use Office and containing this approval.
7. **Other Required Permits** – Required **CTDOT, Health District, Zoning, Sign and/or Building/Fire Permits** shall be separately obtained by the applicant prior to any site work or construction.

B. Prior to Issuance of Zoning Permit and Conditions During Construction

1. **Prior to issuance of a Zoning Permit**, the applicant shall provide verification of the following, consistent with that shown on the final plans:
 - Approval of CTDOT Highway Encroachment Permit
 - Approval of utility service pole
 - Approvals of Health District issuing “Permit to Construct” subsurface septic disposal system and to connect to existing water supply well.
2. No site work or construction shall commence prior to obtaining a Zoning Permit, clearly marking the limits of disturbance in the field, and installation, inspection, and approval by the Land Use Office of property installed erosion and sedimentation control devices. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
3. The applicant shall maintain and supplement the erosion and sedimentation controls as may be needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
4. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and the applicant shall promptly notify the Land Use Office as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized or the need for new or modified permit approval can be identified.

C. Post Construction Compliance and Permit Closure

1. **As-Built Plan**
 - a. Upon completion of the approved improvements, an As-Built Plan (signed and sealed A-2 Survey) detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final Site Plans.
 - b. A separate Overlay Plan showing the approved final plan in black and the As-Built conditions in red shall also be provided to assist in compliance review.

2. **Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:
 - Provision of acceptable certified A-2 Survey As-Built and Overlay Plan.
 - Provision of verification of CTDOT final sign-off acceptance of the completion of all project improvements in the state highway right-of-way.
 - Provision of verification of Health District final sign-off acceptance of the completion of all septic and water supply improvements.
 - All improvements have been completed consistent with the approved final Site Plans.
 - Provision of a Professional Engineer certification that the improvements and drainage controls have been installed in accordance with the final plans and are functioning as designed.
 - All disturbed areas have been stabilized and landscaping is exhibiting healthy growth cover.
 - The site has been cleaned of construction related equipment, materials, and debris.
 - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

3. **Bond Release** – Upon written request by the applicant, following completion of all work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bonds may be released by the Land Use Office or as may be referred to the Commission for release. A request for full or partial release of bond shall include submission of a corresponding certified A-2 Survey As-Built Plan detailing and certifying the completed improvements.

4. **Continuing Conditions of Use** – The premises and improvements shall be maintained as follows:
 - The premises and improvements shall be maintained in good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter.
 - Appropriate and timely snow removal shall occur so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment. No snow shall be plowed into or upon any abutting street right-of-way.
 - Permitted parking and loading shall be limited to designated locations only. No unauthorized on-site parking or exterior storage shall be permitted, including no exterior storage containers.
 - Pavement paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation at all times.
 - Exterior site and building lighting shall be maintained in sound working order and any changes shall require prior zoning review and approval.
 - Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.

5. **Applicant/Owner Acceptance** – Acceptance of this approval shall be evidenced by the passage of the appeal period and the recording of the Land Records Information Form, indicating the applicant/owner's agreement that this approval is contingent upon the strict compliance with the Town Regulations and the modifications and requirements set forth herein.

6. **Approval Compliance/Changes** – Failure to maintain compliance with the approved final Site Plans shall constitute a violation of the terms of this approval and the Zoning Regulations, subject to revocation. Any variation from or alteration of the approved final Site Plans shall require prior review and separate approval and permit.

7. **Changes in Use** – Consistent with Zoning §1.3, §3.4 and §9.2, as may be amended from time to time, no use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit. Substantive changes in use shall require Zoning Commission approval prior to issuance of a Zoning Permit.

8. **Expiration** – This Special Permit / Site Plan approval shall expire and be null and void without further written notice per the dates set forth above unless all improvements as approved, including site stabilization and landscaping, are completed consistent with the approved final plans. The Commission may grant one (1) or more extensions of time to complete same, not to exceed an additional total of five (5) years. Any request for extension shall be in writing to the Commission in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Commission may require a public hearing and shall review the continued adequacy of any held bond.

MOTION

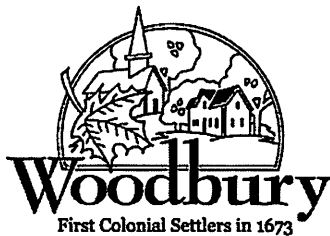
Motion by **WILSON**, Seconded by **RUSHIN**

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Aye Wilson, Clarke, Tietz, Amatruda, Rushin

Nay None

Abstain None



Town of Woodbury Zoning Commission

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

APPROVAL

24-ZC-0013 – ZONING MAP BOUNDARY AMENDMENT

297 Main Street South – Assessor Map 104, Lot 85-2

299 Main Street South – Assessor Map 104, Lot 85

Portions Zoned OS-60 to MSD District

	Date of Approval	October 8, 2024
	Effective Date	Upon Recording*
<i>*Upon recording in the Woodbury Land Records as required herein, or the date of Notice of Decision publication, whichever is later</i>		

Applicant: **Petition by Focus Spaces of Woodbury, LLC**
 Owner: **Focus Spaces of Woodbury, LLC**
 Application: **Petition 24-ZC-0013, Zoning Map Boundary Amendment**
OS-60 portion of 297 Main Street South (Assessor Map 104, Lot 85-2) to MSD District
OS-60 portion of 299 Main Street South (Assessor Map 104, Lot 85) to MSD District

WHEREAS the Woodbury Zoning Commission (“Commission”) has received petition 24-ZC-0013 submitted by Focus Spaces of Woodbury, LLC (“petitioner” and property owner) for a Zoning Map Boundary Amendment pursuant to Zoning §9.4.1B seeking to change the zoning district classification for the rear portions of the lots located at 297 and 299 Main Street South, presently zoned Open Space Residential (“OS-60”) District to Main Street Design (“MSD”) District to match the existing MSD District classification with that of the front portions of the lots, resulting in the entirety of the lots being zoned MSD District, as shown on the following maps:

- General Location Map, Civil 1, 10/18/21, revised 08/28/24
- Zone Boundary Change Map, All Seasons, 07/29/24, revised 08/28/24; and

WHEREAS neither lot has street frontage (street access is over a shared common driveway via an easement over an unrelated abutting property located at 295 Main Street South, Assessor Map 104, Lot 84). Also, neither lot is located within 500 feet of another municipality, within an Aquifer Protection Area, nor within a 100-Year floodplain. Further, neither lot includes wetlands/watercourses or regulated upland review area; and

WHEREAS a copy of the proposed petition was duly filed with the Woodbury Town Clerk prior to the public hearing; and

WHEREAS in response to the Zoning Commission’s referral pursuant to CGS §8-3a(b), the Planning Commission responded favorably with a Report dated September 4, 2024, that the proposed Zoning Map Boundary Amendment is consistent with the Plan of Conservation Development (“POCD”) as follows:

- The rezoning will eliminate the existing bi-furcated zoning of the subject lots, one mixed use and one residential, thus improving the opportunities for better use and orderly development of the parcels.
- The rezoning will expand the MSD District and provide increased opportunities for small business offices as recommended in the POCD; and

WHEREAS a public hearing, duly noticed in Voices on September 11 and 18, 2024, was opened and closed on September 24, 2024, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS pursuant to CGS §8-7d and Zoning §9.4, the Commission has carefully considered all the information submitted and received, including all verbal and written public comments;

NOW THEREFORE BE IT RESOLVED consistent with CGS §8-3 and Zoning §9.4, the Commission hereby **APPROVES** Zoning Map Boundary Amendment 24-ZC-0013, as amended and last presented as set forth in the maps referenced above, finding such to be consistent with the POCD as reported by the Planning Commission; and

BE IT FURTHER RESOLVED the Commission hereby authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED within ninety (90) days of this approval, the following shall be completed by the petitioner, or this approval shall become null and void without further notice, unless an extension is duly granted by the Commission:

1. A single Zoning Map Boundary Amendment “map” shall be provided showing the existing and amended zone boundaries of the OS-60 and MSD Districts as approved herein, which map shall also include the following note prominently: *Reference is hereby made to 24-ZC-0013 (Zoning Map Boundary Amendment) as approved by the Woodbury Zoning Commission on October 8, 2024.*
2. Upon acceptance by the Town Planner of the revised map per Condition 1 above, the following shall be completed by the petitioner in the following order:
 - a. One (1) fixed line mylar original and one (1) paper copy of the Zoning Map Boundary Amendment map shall be provided for endorsement as “approved.”
 - b. The endorsed mylar original will be released to the petitioner along with an original endorsed copy of this Approval Resolution for recording in the Woodbury Land Records. It shall be the petitioner’s responsibility and cost to record the map and approval.

BE IT FURTHER RESOLVED the adopted Zoning Map Boundary Amendment shall become effective upon its recording by the petitioner in the Woodbury Land Records along with a copy of this Approval Resolution, both as endorsed as “approved” by the Town Planner; and

BE IT FURTHER RESOLVED the Land Use Office is hereby authorized to revise the official Zoning Map of the Town of Woodbury to include the amended zone boundary of the OS-60 and MSD Districts, as approved herein, upon the completion of the recording as required above.

MOTION

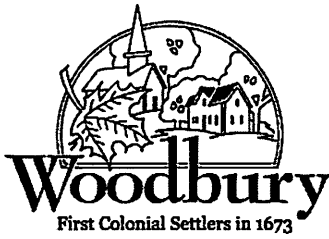
Motion by **WILSON**, Seconded by **CLARKE**

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Aye Wilson, Clarke, Tietz, Amatruda, Rushin

Nay None

Abstain None



Town of Woodbury Zoning Commission

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ZONING REGULATIONS TEXT AMENDMENTS

Zoning Petition – 24-ZC-0014 Amending §7.4.7 and §5.1.6D

Date of Adoption	October 8, 2024
Effective Date	October 17, 2024*
<i>*Or date of Notice of Decision publication, whichever is later</i>	

Applicant: **Petition by Focus Spaces of Woodbury, LLC**
Application: **Petition 24-ZC-0014 – Zoning Regulations Text Amendments – §7.4.7 and §5.1.6D**

WHEREAS the Woodbury Zoning Commission (“Commission”) has received Zoning Petition 24-ZC-0014 as submitted by Focus Spaces of Woodbury, LLC (“Petitioner”) seeking certain Zoning Regulations Text Amendments as follows:

- Amendment of §7.4.7 to change the minimum required off-street parking standard for retail, banks, business offices, medical, dental and veterinary clinics, and other similar commercial uses.
- Amendment of §5.1.6D to provide an exception to the number of nonresidential uses allowed to exceed two (2) in existing buildings not previously residentially used; and

WHEREAS a copy of the proposed Zoning Regulations Text Amendments petition was duly filed with the Woodbury Town Clerk; and

WHEREAS in response to the Zoning Commission’s referral pursuant to CGS §8-3a(b), the Planning Commission responded favorably with a Report dated September 4, 2024, that the proposed Zoning Regulations Text Amendments are consistent with the Plan of Conservation Development (“POCD”) as follows:

- The existing off-street parking standards are excessive, requiring more parking than needed, which in turn generates unnecessary impervious surfaces, stormwater runoff and other adverse impacts. Reducing parking requirements also offers opportunities for more economical and expanded land use development.
- The exception to the limit of nonresidential uses permitted on properties never used for residential purposes provides increased opportunities for adaptive reuse of such properties, while preserving the limitation on residence buildings in the MSD District (the intended target of the limitation); and

WHEREAS a public hearing, duly noticed in Voices on September 11 and 18, 2024, was open and closed on September 24, 2024, at which time interested persons were afforded an opportunity to be heard; and

WHEREAS pursuant to CGS §8-7d and Zoning §9.4, the Commission has carefully considered all the information submitted and received, including all verbal and written public comments;

NOW THEREFORE BE IT RESOLVED consistent with CGS §8-3 and Zoning §9.4, the Commission hereby **APPROVES** the Zoning Regulations Text Amendments 24-ZC-0013, finding such to be consistent with the POCD as reported by the Planning Commission, modified (*the Commission deleted the word "historically" from the petitioner's proposed version*) as follows:

KEY: Blue Double-Underlined Text = Text to be Inserted ~~Grey Strikeout Text~~ = Text to be Deleted

Amendment of Zoning §7.4.7:

Use	Standard
<u>Retail Stores</u>	1 space for each <u>250</u> 150 square feet of floor area exclusive of storage area and 1 space for each 400 square feet of storage area.
Retail Stores , Banks, Business Offices, Medical, Dental & Veterinary Clinics, and other similar commercial uses	1 space for each <u>350</u> 150 square feet of floor area exclusive of storage area and 1 space for each 400 square feet of storage area.

Amendment of Zoning §5.1.6D:

- D. Not more than two nonresidential uses shall be permitted on a premises except where the existing building(s) historically have not been used for residential purposes.

BE IT FURTHER RESOLVED the Commission hereby authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED the Commission hereby authorizes the filing of the Zoning Regulations Text Amendments as adopted with the Woodbury Town Clerk; and

BE IT FURTHER RESOLVED the adopted Zoning Regulations Text Amendments shall become effective on October 17, 2024, or the date of publication of Notice of Decision, whichever is later; and

BE IT FURTHER RESOLVED the Land Use Office is hereby authorized to revise the official Zoning Regulations of the Town of Woodbury to include the approved Zoning Regulations Text Amendments, as modified herein, upon completion of filing and publication of noticing as set forth herein above.

MOTION

Motion by AMATRUDA, Seconded by RUSHIN

Vote: 4-1-0 – APPROVED – Motion PASSED

Aye Wilson, Tietz, Amatruda, Rushin

Nay Clarke

Abstain None