



Town of Woodbury Zoning Commission

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

**MINUTES –NOVEMBER 14, 2023
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Thomas Amatruda
Ted Tietz
Donald Trella (*arrived 7:15 p.m.*)

ALTERNATES PRESENT:

MEMBERS ABSENT:

ALTERNATES ABSENT:

Elmer Kiessling
Casey Rushin
Jack Well

ALSO PRESENT: Town Planner Will Agresta, Townspeople

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:05 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Tietz, and Wilson
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

MOTION:

To cover Privilege of the Floor prior to other agenda items.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Tietz, Amatruda

Nays: None

Abstain: None

2. PRIVILEGE OF THE FLOOR

1. Maryjane Travers, representative for the Woodbury Scholarship Fund, addressed the Commission. Ms. Travers noted the other board members of the Scholarship Fund that were present, many of whom are active participants in the town. She stated that there is an issue with a thermometer fundraising sign that is put out on the old Wells Fargo building property with the permission of the property owner. The property owner was contacted by the town to remove the sign. This was surprising since the sign has been placed in this spot for the last two years without ever having a problem or being notified before. The sign is usually up from early November through Christmas. The Board would like to resolve the issue. They would also like the Commission to consider changing some wording in the signage regulations that affect non-profit organizations. Ms. Travers noted that many people don't actually look at the regulations. Chairman Wilson recognized that while a lot of people don't look at the regulations, they have been in place since 1969.
2. Town Planner Agresta noted that no action has taken place. The sign was not removed and that the owner was only contacted. Mr. Agresta went through the different types of signage based on the regulations in section 7.5.16 to determine where a sign like this falls under. There are temporary signs for civic, community and institutional organizations. A non-holiday event sign could apply, but this type is restricted to either the place of the event or three specific town properties. These types of signs have a six square foot allowance and a two week time frame. The thermometer is approximately 24 square feet. Provisional signs have a time frame of 30 days to 2 years. There are also signs of a special nature where the Zoning Commission may approve in the category that most closely resembles its description. Since this is in the Middle Quarter district the size allowance could be up to 24 square feet.
3. Commissioner Amatruda asked if there needs to be an application or can they approve anything tonight. It was determined an application would be best. Chairman Wilson advised the Fund to put in an application as quickly as possible for the same time frame and location. The sign can remain where it is for the time being. The application can then be added to the agenda for the next meeting and a determination made. Town Planner Agresta stated that there are many non-permitted signs in town and the ZEO cannot get to everyone, but they are still trying to enforce where they can. Ms. Travers will inform the property owner of the process.
4. Paul Hinkley, 135 Cat Swamp Road, addressed the Commission. Mr. Hinkley is a board member for the Fund. He noted all the work that charitable, church, and civic organizations do and that they bring people into the town. He hopes that will be taken into account when the Commission is rewriting the regulations. Commissioner Clarke stated for the record that "We should maintain what is fair for one is fair all. I object to people thinking that because they are an organization that they have special permission." Chairman Wilson agreed that everyone is equal and the issue will be covered with a special permit next meeting. Commissioner Clarke resented that people felt it was ok to walk out as he was speaking to them. The Fund Board members later came back into the meeting to apologize to Mr. Clarke since they did not realize he was speaking to them. They were not trying to be rude.

3. PENDING AND NEW APPLICATIONS

There were no applications to consider at this time.

4. ENFORCEMENT

- **23-ENF-ZC04 – 280 Quassapaug Road / Map 77, Lot 132-10 / OS-60 District Michael and Annette M. Criscione (owner) Cease and Desist Order Violation of Zoning Permit #23-286 and Operation of Contractor Business without permit.**
1. The owner was not present for the meeting. Mr. Agresta updated the Commission on the history of this item. He referred to the documents that the Commission had been give. The owner was attempting to obtain a permit for an accessory building on the property. Upon review of the application, it was determined that a second driveway had been installed that had been built improperly on a conservation restriction area. Plans were made that while the garage was being constructed the second driveway could be used. After that there was a restoration plan for the driveway property. They were given until November 1, 2023, to get that done. The neighbor complained of drainage issues. It was then determined that the approved drainage plans were not followed and catch basins were installed without approval. The Land Use office attempted contact with Mr. Criscione that a revised drainage plan and remediation of the driveway needed to happen under the Zoning Permit. There has been no response since.
 2. There is another violation of two LLC's businesses on file with the State, being run from the property without permits. The Town Attorney has looked at the case. The Commission can direct the attorney to send a letter. A Cease and Desist order was issued on November 7, 2023.
 3. Jeffrey Taranovich, 274 Quassapaug Road, addressed the Commission. Mr. Taranovich is the abutting neighbor on an interior lot. His property is set back behind 280 Quassapaug Road. Mr. Criscione has destroyed the conservation area, removed an old fieldstone wall, and cut down mature trees. The previous owner wanted the land preserved, that is why the Conservation Restriction was put on the property. The site plan was not followed. The drainage and property have been in disarray for a year and a half. Lights shine into his house. There is noise from employees coming and going and machines running all night. There are excavators, dump trucks and trailers on the property. He showed photos of the water damage to his property and the road with the non-approved installed pipes and dry wells. He has had to spend about \$1500 to deal with the drainage issues and install a silt fence on his own property. Both owners have lived there for about 30 years. He does not want to have problems with his neighbor but he has now hired an attorney.
 4. Mr. Agresta stated that the office had tried to handle the matter before bringing it to the Commission, but now the inaction to follow the plan he agreed to is egregious. Commissioner Trella felt Mr. Criscione is thumbing his nose at all the rules and what he agreed to. Commissioner Clarke moved to send the matter to the Town Attorney. Commissioner Trella seconded it. The motion was later withdrawn. Commissioner Amatruda would like to have the owner come before the Commission regarding the businesses. Chairman Wilson felt that legal action should be taken on the land excavation. The Selectmen have the authority to separately pursue the Conservation Restriction violation. Mr. Agresta needs for the Commission to affirm that the office appropriately issued the Cease and Desist order and approve to send the matter to the attorney for further action.

Commissioner Trella was seated at 7:59 p.m.

MOTION:

To affirm the Cease and Desist Order and refer the matter to Town Attorney Kaelin for appropriate action.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Clarke, Tietz, Amatruda, Trella

Nays: None

Abstain: None

- **23-ENF-ZC03 – 170 Brushy Hill Road / Map 42, Lot 12C-A2 / OS-100 District**
Luis and Xiomara Rodriguez (owner)
Failure to apply/obtain within time allotment required Health/Zoning/Building Permits or remediation of unauthorized site activities absent permits. NV 09/07/23

Mr. Agresta noted that the owners had until November 1, 2023, to obtain or apply for a permit for the property. They were also instructed to remove any structures on the property. Mr. Agresta said that they have not made an application. Chairman Wilson would like an inspection confirming nothing has been done.

MOTION:

To table Enforcement Item **23-ENF-ZC03 – 170 Brushy Hill Road / Map 42, Lot 12C-A2 / OS-100 District** pending ZEO inspection before further action is taken.

Made by Chairman Wilson, Seconded by Commissioner Amatruda

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

Ayes: Wilson, Tietz, Amatruda, Trella

Nays: Clarke

Abstain: None

- **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District**
Eren Tumer (owner) – Classic Turf
Failure to Complete Remediation Plan (22-ZC-0007) per approval and time allotment

Mr. Tumer was not present. This application has had several extensions. The work was supposed to be completed by September. They have not responded to efforts to communicate. Commissioner Amatruda asked for clarification on the administrative process with a Cease and Desist Order.

Commissioner Tietz recused himself at 8:14 p.m.

MOTION:

To send a Cease and Desist Order on Enforcement Item **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District**

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Amatruda, Trella

Nays: None
Abstain: None

Commissioner Tietz was reseated at 8:15 p.m.

5. ADMINISTRATIVE

Chairman Wilson presented the 2024 Zoning Commission Annual Meeting Schedule for consideration.

MOTION:

To approve the 2024 Zoning Commission Annual Meeting Schedule as drafted.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Amatruda, Trella, Tietz

Nays: None

Abstain: None

Chairman Wilson presented the minutes of the October 24, 2023, Zoning Commission meeting for consideration. He called for discussion. There was none.

MOTION:

To approve the minutes of the October 24, 2023, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Clarke, Amatruda, Trella, Tietz

Nays: None

Abstain: None

Chairman Wilson reminded the members to check their emails for opportunities to fulfill their training requirements. December 9, 2023, there is an opportunity presented by UCONN CLEAR from 9:00 a.m. to 3:00 p.m. in Haddam, CT. Town Planner Agresta will look to see what other online training opportunities are available and forward that information to the commissioners.

Commissioner Clarke was unseated at 8:25 p.m.

6. CORRESPONDENCE

Town Planner Agresta noted the article included in their paperwork from the Republican American regarding the Middlebury Airbnb. The Woodbury Zoning Commission was also mentioned in the article.

7. DRAFT ZONING REGULATIONS WORK SESSION

MOTION:

To delay the Draft Zoning Regulations Work Session until the next meeting.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Amatruda, Trella, Tietz

Nays: None

Abstain: None

8. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:26 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 16th day of Nov 2023

at 2:10 o'clock P M

Maria M. Mancini
Town Clerk