

Town of Woodbury Zoning Commission

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

**MINUTES – NOVEMBER 22, 2022
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Bob Wilson
Donald Trella
Thomas Amatruda
Ted Tietz

MEMBERS ABSENT:

ALTERNATES PRESENT:

Elmer Kiessling

ALTERNATES ABSENT:

Jack Well
Casey Rushin

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

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

2. PUBLIC HEARINGS

- **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).
Reconvened from 11/08/22 with extension by applicant – CH by 11/22/22 - IWWA Approval
11/14/22**

George Johannsen, Allied Engineering, agent, addressed the Commission. The application has been approved from the IWA. The applicant has received a letter of conditional approval from the Health Department. Mr. Johannsen listed the conditions that the Health Department is requiring. The main conditions were increasing the size of the grease interceptor and providing detail for the septic system. Town Planner Agresta noted that a copy of the letter from the Health Department had been provided to the Commissioners. Commissioner Amatruda inquired if the property fell with the purview of the Aquifer Protection Agency. Mr. Agresta noted that part of

the property does fall within the APA regulated area; however there are no regulated activities that need to be monitored.

MOTION:

To close 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)

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

3. PENDING APPLICATIONS

There were no pending applications at this time.

4. NEW APPLICATIONS

- a) **22-ZC-0019 – 506 Main Street South / Map 103, Lot 5 / MSD / MQ and HD#1
Amendment of Special Permit / Site Plan 21-ZC-2109 – Modification to rear parking lot layout. 506 Main Street South LLC (applicant / owner)**

Richard Deroschers, agent, addressed the Commission. The application is requesting to relocate the parking spaces that are in front of the carriage house to the rear parking area to create a buffer. A 2.5 foot stone façade wall will be built as a safety barricade. Chairman Clarke asked for any questions or comments from the Commission. Commissioner Amatruda inquired as to the materials being used. Mr. Deroschers explained that the drainage system is large enough to eventually pave the lot and then install some islands with trees. The seven additional spaces will have no impact on the storm water system. The area is mostly graded already so that excavation will be minimal.

Chairman Clarke questioned if there is a plan for a walkway from the parking lot up to the carriage house for pedestrian safety. There is not. Town Planner Agresta suggested putting walkways through the berms where the lighting will be to make it easier for people to cross the parking lot. The Commission inquired as to the lighting plan. Mr. Deroscher is working with a lighting architect. It was determined that there was none submitted with the original application. The consensus of the Commission was to table the application until the plans are resubmitted with the necessary changes.

- b) **22-ZC-0020 – 785 Washington Road / Map 70 / Lot 26, 27 & 28 / OS-100
Petition of Zoning Map Boundary Change from OS-100 to MQ District encompassing the subject lots. Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner)
Listed on agenda incorrectly as 22-ZC-0017**

- c) **22-ZC-0018 – 785 Washington Road / Map 70 / Lot 26, 27 & 28 / OS-100**
Petition to amend the Zoning Regulations to create a new district “Woodbury Wellness District”; and corresponding Petition for Zoning Map Boundary Change from OS-100 to the proposed new “Woodbury Wellness District” encompassing the subject lots. Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner)

These two applications were discussed concurrently.

1. Town Planner Agresta gave an overview of these applications. Currently the property is zoned as a non-conforming use which would allow for another business of that type to be performed on the location. The use the current applicant is proposing is a change of use. There are three applications submitted simultaneously in order to see which one is the best route for the applicant. John Meter, Stedronsky & Meter, agent for the applicant helped explain the applications also.
2. Application 22-ZC-0020 would be using the “Middle Quarter” district as outlined in the current Zoning regulations as an option for establishing a retail store along with a separate restaurant. This zoning would encompass all of the uses that would be needed. The Commission discussed that having a “Middle Quarter” zone on Washington Road seemed confusing, since the Middle Quarter is an area of town. Renaming the zone could establish a retail zone without a connection to an area. However, Mr. Agresta noted that by changing to this district it would open the subject lots up for being used for any allowed uses within that district which could be problematic in a primarily residential zone.
3. Application 22-ZC-0018 would be creating a new zone entirely specifically for the uses intended with the application. Discussion commenced as to whether this would be considered “spot” zoning. Mr. Agresta stated that the combined acreage is 17.5 acres and should not be a problem for “spot” zoning. The third application is actually before the Zoning Board of Appeals for a less intensive non-conforming use on an already existing non-conforming use. Mr. Meter stated that going that route would be vague as to what is allowed. Whereas if the property was rezoned then the Commission would be able to set specific parameters with the zone change.
4. Discussion continued as to what is the best way to proceed. Some Commissioners wanted to see what the result was from the ZBA and if it can just be handled through that means. Commissioner Amatruda felt that this might be a good opportunity to change the regulations to allow smaller cluster commercial / retail areas throughout town.

Commissioner Trella left temporarily at 7:53 p.m. Alternate Kiessler was seated at 8:17 p.m.

MOTION:

To hold a Public Hearing on application (22-ZC-0020 – 785 Washington Road / Map 70 / Lot 26, 27 & 28 / OS-100 / Petition of Zoning Map Boundary Change from OS-100 to MQ District encompassing the subject lots. Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner) at the January 10, 2023, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Kiessler

Nays: None

Abstain: None

MOTION:

To refer application (22-ZC-0020 – 785 Washington Road / Map 70 / Lot 26, 27 & 28 / OS-100 / Petition of Zoning Map Boundary Change from OS-100 to MQ District encompassing the subject lots. Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner) to the Planning Commission.

Made by Chairman Clarke, Seconded by Alternate Kiessling

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Kiessling

Nays: None

Abstain: None

MOTION:

To refer application (22-ZC-0018 – 785 Washington Road / Map 70 / Lot 26, 27 & 28 / OS-100/ Petition to amend the Zoning Regulations to create a new district “Woodbury Wellness District”; and corresponding Petition for Zoning Map Boundary Change from OS-1—to the proposed new “Woodbury Wellness District” encompassing the subject lots. Drax Wellness Group, LLC (applicant). Tapawingo Tubing, LLC (owner) to the Planning Commission and to hold a Public Hearing at the January 10, 2023, Zoning Commission meeting

Made by Chairman Clarke, Seconded by Commissioner Tietz

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Kiessling

Nays: None

Abstain: None

Alternate Kiessling was unseated and Commissioner Trella was reseated at 8:21p.m.

5. ENFORCEMENT

- a) **22-ENF-0014 – 481 Good Hill Road / Map 66, Lot 12 / OS-80 / Tara L. Degros**
Unauthorized installation of two (2) accessory structures without Zoning Permit. NPV sent 10/25/22

Town Planner Agresta reported that the shed had been removed and a Zoning Permit had been issued for the other structure. He recommended removal from Enforcement.

MOTION:

To remove Enforcement Item (22-ENF-0014 – 481 Good Hill Road / Map 66, Lot 12 / OS-80 / Tara L. Degros / Unauthorized installation of two (2) accessory structures without Zoning Permit.) from the Enforcement Report.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

- b) **22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / Zone MQ / Ayrice Gelinis / Unauthorized sign without Zoning Sign Permit.** NPV sent 10/18/22

Town Planner Agresta informed the Commission that Ms. Gelinis had contacted the office and stated that she would not be able to attend the meeting tonight and did not have an agent to send. She is working on the issue.

MOTION:

To table Enforcement Item *(22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / Zone MQ / Ayrice Gelinis / Unauthorized sign without Zoning Sign Permit.)* until the next Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

Chairman Clarke instructed staff to send a message to Ms. Gelinis to show up at the next meeting and to get the sign permitted.

- c) **22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 Unauthorized accessory apartment.** NPV sent 10/18/22

Town Planner Agresta informed the Commission that the Health Department approvals had come through. The Building and Zoning permits have been issued. They are awaiting the Building Inspection. This item can be removed.

MOTION:

To remove Enforcement item *(22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 Unauthorized accessory apartment.)* from the Enforcement Report.

Made by Chairman Clarke, Seconded by Commissioner Tietz

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

6. DELIBERATIONS / DETERMINATIONS

- a) **22-ZC-0017 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Site Plan for two (2) accessory storage structures: 924 sf (30.4' x 30.7') and 2,075 sf (42.7' x 48.7').** ZBA Variances Granted 22-ZBA-2203, 08/15/22 – D by 12/29/22

Chairman Clarke presented for consideration the draft motion of approval. He called for discussion. Mr. Agresta reviewed the details of the application.

MOTION:

To approve application (22-ZC-0017 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren / Site Plan for two (2) accessory storage structures: 924 sf (30.4' x 30.7') and 2,075 sf (42.7' x 48.7') per Draft approval Resolution dated November 22, 2022.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

Full motion attached to the end of this document.

Select Items from this Agenda

The Commission discussed application 22-ZC-0016. The consensus was to instruct staff to draft a motion of approval with conditions that must be met.

7. ADMINISTRATIVE

Chairman Clarke presented for consideration the minutes of the November 8, 2022, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To accept the minutes of the November 8, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Tietz, Amatruda, Wilson, Trella

Nays: None

Abstain: None

- **2023 Annual Meeting Schedule**
The consensus of the Commission was to accept the 2023 meeting schedule as presented
- **Officers Nominating Committee**
Commissioner Tietz was appointed head of the nominating committee. All nominations should go through him and will be considered January to February of 2023.

8. OTHER BUSINESS

The Draft Zoning Regulation discussion was tabled.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

10. CORRESPONDENCE

The Talarico 3rd Quarter reports will be considered at the next meeting.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:48 p.m.

Made by Chairman Clarke

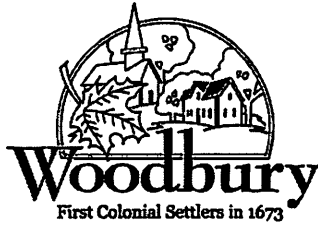
Respectfully Submitted,

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 WOODBURY, CT
This 29th day of NOV 20 22
at 2:30 o'clock P M
Maria M. Maran
Town Clerk



Town of Woodbury Zoning Commission

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

SITE PLAN APPROVAL

437 Sherman Hill Road

Tumer Eren (Applicant/Owner)

22-ZC-0017 Accessory Storage Structures – 21-ENF-0009

Date of Approval	November 22, 2022
Permit Expiration	November 22, 2027*

***If conditions and improvements are not completed according to this approval**

Applicant: **Tumer Eren**
Owner: **Tumer Eren**
Application: **22-ZC-0017 – Site Plan – Remediation in Part of Zoning Violation 21-ENF-0009**
Project: **Site Plan remediation of unauthorized accessory site structures**
Address: **437 Sherman Hill Road**
Map/Lot: **4/8A**
Zone: **OS-100 District – Existing Commercial Non-Conforming Use**

WHEREAS, the Zoning Commission (“Commission”) has received application 22-ZC-0017 as submitted by Tumer Eren (applicant/owner) seeking Site Plan approval for the placement and use of two accessory storage structures, one measuring 924 sf (30.4’ x 30.7’) and the second measuring 2,075 sf (42.7’ x 48.7’), in part addressing Zoning Violation 21-ENF-0009 pursuant to §7.3 and §9.3 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), for property located at 437 Sherman Hill Road, as shown on Assessor Map 4, Lot 8A; and

WHEREAS, the subject property consists of approximately 3.26 acres and includes an existing nonconforming commercial use; and

WHEREAS, on December 7, 2021, a Zoning Violation (21-ENF-0009) was issued for the following unauthorized activities:

- Unauthorized site excavation and drainage improvements;
- The installation and use of two (2) detached accessory structures, which structures exceed permissible building coverage, permissible site coverage, are located partly with required minimum yard setbacks and result in an intensification (expansion) of the existing nonconforming use and land coverage of the premises; and

WHEREAS, remediation approval addressing the first bullet item above was granted by the Zoning Commission on May 10, 2022, while this Resolution addresses the second bullet item above; and

WHEREAS, on August 15, 2022, the applicant received Zoning Board of Appeals approval of the following zoning variances related to the two accessory storage structures:

- Variance of Zoning §4.2.3.1 and §7.2.2 to permit a side yard of 10 feet and a rear yard of 15 feet both in lieu of 20 feet;
- Variance of Zoning §4.2.1 to permit a building coverage of 12.5% in lieu of 10%;
- Variance of Zoning §1.4.4.1 to permit the further expansion of a nonconforming use in excess of 125% of the nonconforming floor area with an additional floor area of 3,004 sf; and

WHEREAS, on November 9, 2022, the applicant recorded, as required, the zoning variance approval on the Woodbury Land Records at Volume 458, Page 1160; and

WHEREAS, the property does not include any regulated inland wetlands, watercourses, or 100-foot upland review areas, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS, the property is not located within a 100-year floodplain or Aquifer Protection District; and

WHEREAS, application materials received include the following:

- Application for Site Plan;
- Zoning Location Survey As-Built Survey, All Seasons Land Surveying, 01/27/22, revised 10/18/22;
- C-1.1 – Site Pan with Grading & Drainage Remediation Plan, Civil 1, 04/15/22, revised 08/26/22; and

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

WHEREAS, this action does not eliminate the necessity for the applicant to obtain any other required local, state or federal permits and approvals;

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the Commission, in accordance with Sections 7.3 and 9.3 of the Zoning Regulations, hereby approves the application for Site Plan, subject to the conditions and modifications set forth below; 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 and the final Site Plans as endorsed as “approved” by the Zoning Commission / Town Planner, subject to the following modifications and conditions:

A. Prior to Issuance of a Zoning Permit or Commencement of any Further Site Work or Disturbance

The following shall be completed by the applicant prior to the authorized issuance of a Zoning Permit or commencement of any further site work or disturbance.

1. **Two (2) printed copies** (additional copies should the applicant want same) of approved final Site Plans (consisting of the Survey As-Built and Sheet C-1.1 as listed above), with a common revision date post the date of this approval, original certified signature and seal by the professional preparer, shall be presented to the Land Use Office for endorsement by the Commission / Town Planner, revised as follows:

The bullet notes on Sheet C-1.1 shall be revised as follows:

- a. Keep first bullet
 - b. Delete 2nd, 3rd, 4th and 5th bullets
 - c. Replace the 6th bullet with the following:
 - **22-ZBA-2203 – Zoning Board of Appeals Variance Approval Date: August 15, 2022 – As recorded on the Woodbury Land Records in Volume 458, Page 1160.**
 - d. Add the following new bullet:
 - **22-ZC-0017 – Zoning Commission Approval Date: November 22, 2022 for placement and use of the two accessory storage (“Hoop Shed”) structures.**
2. Required administrative Health, Zoning, Sign and/or Building Permits shall be separately obtained by the applicant, including final Zoning Certificate of Compliance and Building Certificate of Occupancy for each of the two accessory storage structures (Hoop Sheds).
 3. **Enforcement Order Released** – Upon successful completion of Conditions 1 and 2 above, by virtue of issuance of a Zoning Certificate of Compliance and Building Certificate of Occupancy for each of the two accessory storage structures, the portion of the standing enforcement order set forth in 21-ENF-0009 regarding these structures shall simultaneously be released and closed. Noncompliance with this Remediation Approval shall be considered a violation of the Zoning Regulations and this approval, subject to potential approval revocation or additional enforcement action.
 4. **Continuing Conditions of Operation Following Authorized Occupancy and Use**
 - 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.
 - Consistent with the final Site Plans, site landscaping shall be maintained in healthy growing condition. Dead, damaged or diseased landscaping shall be replaced in kind promptly.
 - All pavement parking space paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation at all times, including ADA accessible parking signage.
 5. **Applicant/Owner Acceptance** – Acceptance of this approval shall be evidenced by the filing of the final Site Plans as required above, indicating the applicant/owner’s agreement that this approval is contingent upon the strict compliance with the Town Regulations and 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. **Expiration** – This Site Plan remediation approval shall expire and be null and void without further written notice per the date set forth above unless all improvements as approved, including site stabilization and landscaping, are completed consistent with the approved final Site Plans. The Commission may grant one (1) or more extensions of time to complete same. 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

Moved by **CLARKE**, Seconded by **TRELLA**

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

Ayes: Clarke, Trella, Amatruda, Tietz, Wilson

Nays: None

Abstain: None