



First land deed from the Indians
April 12th 1659

TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 ~ www.woodburyct.org

MINUTES – NOVEMBER 23, 2021 REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Thomas Amatruda, Chairman
Robert Clarke
Ted Tietz
Donald Trella

ALTERNATES PRESENT:

Elmer Kiessling
Jack Well
Casey Rushin

MEMBERS ABSENT:

Bob Wilson

ALTERNATES ABSENT:

ALSO PRESENT: Town Planner Will Agresta, Towns people, applicants and agents

1. REGULAR MEETING

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

2. PENDING APPLICATIONS

All pending applications are scheduled for upcoming Public Hearings.

Chairman Amatruda unseated Alternate Rushin and seated Commissioner Trella at 7:01 p.m.

3. NEW APPLICATIONS

- a) **21-ZC-2118 / McClintock / 237 Washington Road / Flood Plain Permit for Demolition of Existing Derelict Barn/Garage & Reconstruction in Kind / Map 039 / Lot 004 / OH: 1/13/22 – Application Receipt and Possible Scheduling of Public Hearing**

Zach Marchetti, Marchetti Consulting Engineers, agent for the applicant, addressed the Commission. Mr. Marchetti explained to the Commission that the applicant, Mr. McClintock has an old barn on property that he would like to demolish and replace in kind. There will be no increase to the footprint or height from the existing structure. The applicant has gone to the Inlands Wetlands Agency since the structure is on a flood plain. The Agency has approved the application. After some questions and discussion the following motion was made:

MOTION:

To approve application (21-ZC-2118 / McClintock / 237 Washington Road / Flood Plain Permit for Demolition of Existing Derelict Barn/Garage & Reconstruction in Kind / Map 039 / Lot 004 / OH: 1/13/22)

Made by Chairman Amatruda, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

- b) 21-ZC-2119 / Flanders Nature Center & Land Trust / 5 Church Hill Road / Special Permit for Installation of Concrete Monolithic Pad (12' x 30') and Post & Beam Shed Roof Pavilion Above for Use as Outdoor Classroom / Map 096 / Lot 021 & 22 / OH: 1/27/22 – Application Receipt and Possible Scheduling of Public Hearing**

Vince LaFontan, Executive Director of Flanders Nature Center & Land Trust, addressed the Commission. The trail house has been used for active educational use for many years. Enrollment has been very good. The Center would like to add a concrete pad and shed roof onto the back of the trail house to use as an outdoor classroom. This application went to the Inland Wetland Agency. It is a Special Permit so a Public Hearing is necessary even though it is a simple application. Discussion continued directing Mr. LaFontan of the process for approval.

MOTION:

To schedule a Public Hearing on application (21-ZC-2119 / Flanders Nature Center & Land Trust / 5 Church Hill Road / Special Permit for Installation of Concrete Monolithic Pad (12' x 30') and Post & Beam Shed Roof Pavilion Above for Use as Outdoor Classroom / Map 096 / Lot 021 & 22 / OH: 1/27/22) to be held at the December 14, 2021, Zoning Commission meeting.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

- c) 21-ZC-2120 / CT Clinical Services, Inc. d/b/a Turnbridge / 15 Woodside Circle / Reasonable Accommodation Request (Licensed Residential Addiction and Mental Health Service Treatment Home for Minors) pursuant to Zoning Section 1.3.1.3 / Map 056 / Lot 016-3 / David Vieau, owner / OH: 1/13/22 – Application Receipt and Possible Scheduling of Public Hearing**
- d) 21-ZC-2121 / CT Clinical Services, Inc. d/b/a Turnbridge / 760 Washington Road / Reasonable Accommodation Request (Licensed Residential Addiction and Mental Health Service Treatment Home for Minors) pursuant to Zoning Section 1.3.1.3 / Map 056 / Lot 016D-2 / CT Clinical Services, Inc., owner / OH: 1/13/22 – Application Receipt and Possible Scheduling of Public Hearing**

These two items were discussed concurrently.

Pat Naples, Shipman & Goodwin LLP, agent for the applicant, addressed the Commission. Mr. Naples stated that CT Clinical Services has been operating residential services at both locations. Currently there are six people at each property. They would like to increase the occupancy at 15 Woodside Circle from six to eleven; and at 760 Washington Road from six to seven.

The facilities are residential treatment centers for adolescents. Commissioner Clarke asked if the neighbors are aware of the presence of the facilities already. Mr. Naples has not spoken directly to the neighbors but they can be addressed in a supplemental presentation. Chairman Amatruda asked if there has been any interaction or dialogue with the neighbors before. He questioned if Turnbridge is involved with State agencies. Mr. Naples replied that both locations are approved by DCF. Chairman Amatruda stated that over six beds means that the Commission has a say based upon a reasonable accommodation. Mr. Naples stated that Town Attorney Kaelin is aware of the application.

Commissioner Clarke questioned as to why the aerial views are marked “Confidential.” The applicant will clarify that prior to the Public Hearing. Chairman Amatruda asked why the need for the increase. Mr. Naples explained that the size of groups is actually a crucial part that benefits treatment. Chairman Amatruda inquired of the renovations needed to accommodate the increase.

Matt Ranelli, Shipman & Goodwin LLP, agent for the applicant was on the tie line and addressed the Commission. Mr. Ranelli stated that there are no improvements needed to the exterior or interior of the residences. The existing plans have been submitted. The facilities are licensed through the State, but the license is not issued until local approvals are in place. The neighbors are generally aware based upon the initial purpose but there has been no formal outreach yet. There will be the Public Hearing with notices. There will be no visible indication of the change if it is approved. The initial approval did not need to go through the Zoning Commission because it was deemed a single family use by State Statute. Attorney Kaelin will advise the Commission as to if the applicant meets the standards of “reasonable accommodation” which are different than zoning standards. The standards dictate that the applications not be inconsistent with the zone or negatively impact the Town. Mr. Ranelli believes that the answer will be that it is a “reasonable accommodation.” He made the analogy of a family with over six members dwelling in a residence does not need additional approval. This is not a group home. Federal law allows the total number to go above six.

Commissioner Clarke questioned how the increase in residence will impact the staff size needed. The Commission would like to know how many will be permanent on site staff and how many will be transient. Mr. Ranelli stated that information will be provided. The kitchen and maintenance staff does not remain on site. Alternate Rushin inquired as to getting information regarding if there have been any incidences involving the residents of the facilities in town. The Commission will look into getting that information in case the public asks at the Public Hearing.

MOTION:

To schedule a Public Hearing for applications (21-ZC-2120 / CT Clinical Services, Inc. d/b/a Turnbridge / 15 Woodside Circle / Reasonable Accommodation Request (Licensed Residential Addiction and Mental Health Service Treatment Home for Minors) pursuant to Zoning Section 1.3.1.3 / Map 056 / Lot 016-3 / David Vieau, owner / OH: 1/13/22) and (21-ZC-2121 / CT Clinical Services, Inc. d/b/a Turnbridge / 760

Washington Road / Reasonable Accommodation Request (Licensed Residential Addiction and Mental Health Service Treatment Home for Minors) pursuant to Zoning Section 1.3.1.3 / Map 056 / Lot 016D-2 / CT Clinical Services, Inc., owner / OH: 1/13/22) to be held at the January 11, 2022, Zoning Commission meeting.

Made by Chairman Amatruda, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

4. ENFORCEMENT

- a) 21-ENF-0008 / Beyer / 46 Leavenworth Rd. / Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12 (NVRVC Sent 10/27/21)**

Chairman Amatruda recused himself and turned the meeting over to Vice Chairman Clarke at 7:52 p.m. Vice Chairman Clarke seated Alternate Rushin.

Will Agresta gave the Commission an update regarding the violation. Mr. Gabriel Cardona, resident at 46 Leavenworth Rd. was on the tie line and addressed the Commission. He stated that he had been trying to work with Talarico for the septic system but was encountering trouble communicating with him. He then decided to work with H.L. Bennet of Southbury instead. They are scheduled to begin soil tests and start digging at 10:30 on November 29th to rectify the issues with the septic system. An update is expected at the next Zoning Commission meeting on December 14, 2021.

MOTION:

To table enforcement item (21-ENF-0008 / Beyer / 46 Leavenworth Rd. / Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12) until the December 14, 2021, Zoning Commission meeting.

Made by Vice Chairman Clarke, Seconded by Commissioner Tietz

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

Ayes: Clarke, Tietz, Trella, Well, Rushin

Nays: None

Abstain: None

Alternate Rushin was unseated and Chairman Amatruda was reseated at 7:57 p.m.

5. DELIBERATIONS / DETERMINATIONS

Chairman Amatruda presented for consideration the minutes of the November 9, 2021, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the November 9, 2021, Zoning Commission meeting as presented.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

Chairman Amatruda presented for consideration the minutes of the November 13, 2021, Special Meeting / Site Walk. He called for discussion. There was none.

MOTION:

To approve the minutes of the November 13, 2021, Special Meeting / Site Walk as presented.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

Vote: 3-0-2 – Approved – Motion Passed

Ayes: Amatruda, Trella, Well

Nays: None

Abstain: Clarke, Tietz

The 2022 Zoning Commission meeting schedule was discussed. It was noted that the Aquifer Protection Agency meetings were not posted on the schedule. There was discussion that these could be handled as a Special Meeting. There will be a Special Meeting set up for December 14, 2021, to approve an annual meeting schedule for the APA for 2022. It was also noted that the January Zoning meetings should be held at the Senior Center.

MOTION:

To accept the draft 2022 Annual Meeting Schedule as amended:

- The January 2022 meetings are to be held at the Senior Community Center

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

6. OTHER BUSINESS

- Discussion of Nominating Committee
Election of Officers will be at the first meeting in January.

MOTION:

To appoint Commissioner Tietz to conduct the Nominating Committee for the officers of the Zoning Commission for 2022.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

7. REGULATION WORKSHOP

- **Cannabis**

The Commission discussed how the Board of Selectmen passed an ordinance prohibiting all use of Cannabis for business within the Town. The Commission realizes that there is nothing more for them to deliberate regarding this use unless the ordinance gets repealed. After discussion the Commission decided to list this use under “Prohibited Uses” in the Zoning Regulations with reference to the CT General Statute. If the ordinance does get repealed, this will give the Commission time to figure out the regulations needed and how to amend them for the use. The Commission will not discuss this any further during the workshops.

- **Accessory Apartments**

This use is not Airbnb or Vrbo rental types. Will Agresta suggests making an emphatic statement that this use is specifically not a short term rental apartment. He also recommends being compatible with the State Regulations on size, percentage of the structure and setbacks. Accessory Apartments will be taken off the workshop items to be discussed.

- **Short Term Rental**

The current regulations stating that a single family dwelling can have no more than four guests with no more than one room is not realistic. Discussion ensued that the Commission is not in favor of having transient renters in neighborhoods such as what is common with Airbnb type rentals. There would have to be a way to differentiate this type of rental and provide a way to regulate this use. Chairman Amatruda did not want to dictate a legal transaction between two people. Commissioner Clarke brought up the paying of taxes for running a business out of their house. Chairman Amatruda pointed out that it is not for the Zoning Commission to monitor businesses and their paying of taxes.

- **Signs**

Chairman Amatruda who wants to allow larger signs was in favor of setting the standard of six square feet but allowing for more under a Special Permit that would need to come before the Commission. Will Agresta noted that allowing Special Permits could be problematic and considered discretionary. There would need to be conditions for approval. Alternate Rushin suggested taking this to a Public Hearing to see what the public has to say. Commissioners Trella, Kiessling and Rushin were agreeable to a modest increase. Commissioner Clarke would like to keep the standard at six square feet. Mr. Agresta suggested that for the next meeting everyone look around town at what is the normal size of a sign and figure out a number that they agree with.

8. PRIVILEGE OF THE FLOOR

Robyn Wright, Clerk, addressed the Commission. Ms. Wright noted that Airbnb is now requiring as of 2022 that all property owners need to pay taxes. All income is reported to the IRS. In addition, all owners need to be in compliance with State and local taxes. She also noted that there are benefits of allowing short term rentals such as Airbnb since they bring tourism into town and people who will go out to eat and shop.

Kathy Doyle, 35 Washington Road, addressed the Commission. Ms. Doyle inquired if the cannabis prohibition excludes medical use. The Commission stated that they are only addressing the State statute regarding recreational use.

Ms. Doyle also inquired regarding a Low Impact Dwelling manual that was created as part of the Northwest Conservation District a few years ago. The Town was supposed to receive a copy. This manual was to set standards and guidelines for low impact dwelling and she thought it should be used by all Land Use Boards. She is wondering if it exists and if so, could these standards be incorporated for a best practice reference.

Lastly, Ms. Doyle wanted to mention that when she is listening at home to the meeting it is difficult to hear because of too many side conversations being had or participants not speaking loudly enough. Mr. Agresta stated that the hybrid meeting may need to be discontinued if the town does not follow all of the regulations. The Commission would like to know what those standards are that need to be met. Ms. Doyle wants the ability to tie in to the meetings to remain. She will raise this concern to the Board of Selectmen.

9. CORRESPONDENCE

- A quarterly report for Talarico & Son was presented. The Commission rejected the report. They are asking Mr. Talarico to submit a more professional report.

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:08 p.m.

Made by Chairman Amatruda

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 day of Nov 2021
at 11:37 o'clock A M
Luide A. Cook
Town Clerk