

Town of Woodbury Zoning Commission

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

MINUTES – NOVEMBER 26, 2024 REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Bob Wilson, Chairman
Thomas Amatruda
Ted Tietz
Donald Trella (*arrived 8:14 p.m.*)

ALTERNATES PRESENT:

Jake Amorando

MEMBERS ABSENT:

Robert Clarke

ALTERNATES ABSENT:

Casey Rushin
Jack Well

ALSO PRESENT: Town Planner Will Agresta, Agents and applicants

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:02 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Amatruda, Tietz, Wilson and Alternate Amorando
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PENDING APPLICATIONS / DELIBERATIONS

- a) **24-ZC-0018 – 129 Main Street North / Map 90, Lot 8 / MSD District Little Portions Property(applicant/owner), Civil 1(agent) Installation of a diesel generator.**

Chairman Wilson presented the draft approval for application **24-ZC-0018 – 129 Main Street North / Map 90, Lot 8 / MSD District** for consideration. He called for discussion. There was none.

MOTION:

To approve the Special Permit per the Draft Approval Resolution dated November 26, 2024, on application **24-ZC-0018 – 129 Main Street North / Map 90, Lot 8 / MSD District** as presented.

Made by: Chairman Wilson, Seconded by Commissioner Amatruda

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

Ayes: Wilson, Tietz, Amatruda, Amorando
Nays: None
Abstain: None
Full approval is attached to the end of this document

3. NEW APPLICATIONS

- a) **24-ZC-0020 – 644 Flanders Road (5 Church Hill Road) / Map 96, Lots 21 and 22 / OS-100 District Flanders Nature Center and Land Trust, Inc. (applicant/owner), Vincent LaFontan (agent) Special Permit/Site Plan – Improvement of existing and new northern site access driveways via Flanders Road, addition of off-street parking at barns and near studio, upgrade improvement of grass farm trail to a stone dust ADA “accessible trail” and related site grading. Receipt of Application and Scheduling of Public Hearing – OH by 01/30/25.**

Vince Lafontan, agent, Executive Director of Flanders, addressed the Commission. Mr. Lafontan explained the application to be two parts. The first part is to correct the safety concerns of the driveway entry to the North Barn. There are many times that buses are bringing children to the barn and the bus is not able to pull in and turn around so it stops on Flanders Road to let the kids off, which backs up traffic. There is another driveway that is primarily an access road slightly farther north. The proposal is to widen both driveways and connect them to make a one way loop for traffic and drop offs.

The second part of the application is involving the popular existing Farm Loop Trail around the pond. Most people park near the Van Vleck house at the intersection of Church Hill Road and Flanders Road. The trail is already an easy level trail. The plan is to improve the trail accessibility as well by clearing the trail of any dirt and debris and create a stone dust trail. They would also put in ADA zero grade parking at the North Barn for access to the trail. Civil one has done the plans. The plans were presented to the Inlands Wetlands Agency and were approved. Any changes recommended have already been incorporated.

Town Planner Agresta stated that he had given some comments to the applicant. He needs some time to review the plans. Alternate Amorando inquired if the area will be available to emergency access. Mr. LaFontan responded that the improvements certainly improve access.

MOTION:

To schedule a Public Hearing on application **24-ZC-0020 – 644 Flanders Road (5 Church Hill Road) / Map 96, Lots 21 and 22 / OS-100** to be held on January 14, 2025.

Made by: Chairman Wilson, Seconded by Commissioner Tietz
Vote: 4-0-0 – Approved – Motion Passed
Ayes: Wilson, Tietz, Amatruda, Amorando
Nays: None
Abstain: None

4. ENFORCEMENT

- a) **24-ENF-ZC05 – 49 Bacon Pond Road / Map 21, Lot 46 / PI District Gertrude and Christopher Hardisty (owners). Gjergji & Xhin Llenga, Booca Paving (tenant) Absent required Special Permit approval unauthorized changes in site use and added site improvements (storage structure, exterior lights, replacement gate).**

Planner Agresta updated the Commission on the violation. He stated that the tenant has submitted an application that will be on the next meeting agenda. He mentioned there was also another complaint regarding the lighting from someone at Rocky Ridge.

MOTION:

To table Enforcement item **24-ENF-ZC05 – 49 Bacon Pond Road / Map 21, Lot 46 / PI District** pending review of the application and paperwork until the next meeting.

Made by: Chairman Wilson, Seconded by Commissioner Amatruda

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

Ayes: Wilson, Tietz, Amatruda, Amorando

Nays: None

Abstain: None

5. ADMINISTRATIVE

Chairman Wilson presented the minutes of the November 12, 2024, Zoning Commission meeting for consideration. He called for discussion. There was none.

MOTION:

To approve the minutes of the November 12, 2026, Zoning Commission meeting as presented.

Made by: Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Tietz, Amatruda, Amorando

Nays: None

Abstain: None

6. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

7. CORRESPONDENCE

There was no correspondence to cover.

8. DRAFT ZONING REGULATIONS WORK SESSION

There was discussion about sections 12.3.7 and 12.3.8 which were covered at the last meeting that Commissioner Trella thought should be revisited with the other members present. After consideration, Chairman Wilson agrees with leaving the sections as is for now.

Discussion about electric vehicle charging stations continued. Commissioner Amatruda would like for any EV parking spots to count towards the total amount of parking necessary on an application, thereby reducing paved surfaces. He felt that a sentence or some language saying as much is all that is needed. Planner Agresta felt that we don't know enough about the issue yet. He also asserts that the code will need to deal with the aesthetic aspects of stations as well since that can vary widely. Currently, there are

no State regulations that mandate or prohibit anything regarding stations. Planner Agresta will work on putting some wording together.

The Commission began considering Section 7.

Section 7: Base Zoning Districts

The table of zoning districts was considered along with what the MQ-H district is and how to define it. Each district was considered. The consensus was that the full page layout for each district was good, but it was redundant to provide references to sections 10-14 on each page.

R-40, OS-60, OS-80 & OS-100 Districts

There was discussion about reducing the front setback from the current 50 feet to 40 feet. None of the members remember that reduction but were not opposed. Commissioner Tietz felt that adding in Accessory Structure codes on the same page might be helpful. Planner Agresta noted that the office has a handout chart with that information for all the districts that they will continue to use.

Commissioner Trella was seated at 8:19 p.m.

RC District

7.5.1 Purpose of District

Reword the purpose statement by replacing “moderate” density with “limited higher.” Remove “senior housing, rest homes” and use only “multifamily dwellings.” End the statement at “rural landscape.”

7.5.2 Establishment of District

- 7.5.2.A: No changes made
- 7.5.2.B.1: No changes made
- 7.5.2.B.2: To read: have a minimum of 200 feet of frontage on the following roads: Routes 6, 47, 61, 64, and 67.
- 7.5.2.B.3: No changes made
- 7.5.2.C: No changes made
- 7.5.2.D: No changes made
- 7.5.2.E: No changes made except minor grammatical

7.5.3 Permitted Uses in the District

No changes made

7.5.4 Lot Area, Coverage, and Setback Standards

There was much discussion covering this section as to what is desired and what is acceptable. Commissioner Trella felt there should be a minimum of 10 acres for a project such as this. Other members referenced the project at 219 Main Street North and felt that since all projects would be on main roads, 3.5 acres could be sufficient. There was significant discussion regarding the setbacks and driveways. The Commission’s desired result could not be achieved with the current setbacks. The consensus was to have separate setback requirements for the two different lot standards. A lot standard of 3.5 acres would have front, side, and rear setback requirements of 100 feet. A lot standard of 10 acres would have a front setback requirement of 100 feet and side and rear setback requirements of 150 feet.

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:59 p.m.

Made by Chairman Wilson

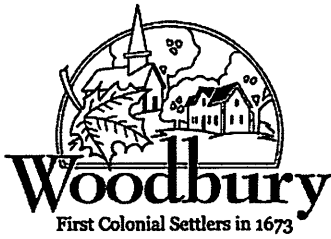
Respectfully Submitted,

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 3rd day of Dec 24
at 10:30 o'clock A.M
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 AMENDMENT APPROVAL

24-ZC-0018

Diesel Generator per Zoning §5.1

**129 Main Street North – Assessor Map 90, Lot 8
LITTLE PORTIONS PROPERTIES, LLC (applicant/owner)**

| | |
|-------------------|--|
| Date of Approval | November 26, 2024 |
| Permit Expiration | *January 30, 2024 **November 26, 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 | Little Portion Properties, LLC |
| Application | 24-ZC-0018 |
| Project | Special Permit/Site Plan: per Zoning §5.1 to permit the installation of a diesel generator measuring approximately 7.2 ft in width, 18.5 ft in length and 9 ft in height mounted upon a concrete base setback from the property line by 31 ft, including protective bollards and landscaping. |
| Address | 129 Main Street North, Assessor Map 90, Lot 8 – Lot Area: 1.76 acres |
| Lot Frontage | Subject lot is landlocked (existing non-conforming) with access via an easement over 127 Main Street North. |
| Zone | MSD District |

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application 24-ZC-0018 as submitted by the applicant/owner listed above seeking (Amendment) Special Permit / Site Plan Approval pursuant to Zoning §5.1, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” as described herein, noting no changes are proposed to the existing retail grocery market use; and

WHEREAS the subject property is pre-existing nonconforming lot as it lacks public street frontage; and

WHEREAS portions of the property are subject to regulated wetland/watercourse 100-foot upland review area associated with regulated resources off-site to the northwest. The project is more than 190 feet away and on the far side of the existing building and no regulated activities are proposed, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS portions of the property are subject to a regulated 100-year floodplain, but no activity is proposed within said areas; and

WHEREAS the subject property is not within an Aquifer Protection District but the lot to the north is, as well as a portion of the lot access easement serving the subject property, but no work is proposed in these areas; and

WHEREAS the subject property is not within a Historic District or within 500 feet of a municipal boundary; and

WHEREAS application materials received include the following:

- Application for Special Permit / Site Plan (Modification)
- Cover Sheet, Civil 1, 10/28/24
- S 1.1 – Property & Topographic Survey, Riordan Land Surveying, 10/28/22
- C 1.1 – Site, Grading and Drainage Plan, Civil 1, 10/28/24
- C 1.2 – Erosion Control and Landscape Plan, Civil 1, 10/28/24
- C 2.1 – Details, Civil 1, 10/28/24; and

WHEREAS main features of the project include:

- Standby diesel generator measuring approximately 7.2 feet in width, 18.5 feet in length and 9 feet in height mounted upon a concrete base, located against the southwest building side wall with a setback from the closest property line of 31 feet.
- Infiltration trench at base of generator.
- Protective bollards.
- Landscaping to help screen and buffer.
- Elimination of three (3) reserved parking spaces; and

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

WHEREAS approval of the application does not eliminate or obviate the necessity for the applicant to obtain other required local (Zoning, Sign, Health District, Fire/Building, Public Works, Board of Selectmen), state and federal permits and approvals;

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:

- No new buildings or additions are proposed.
- The new structure will be installed against the southwesterly sidewall of the existing building, which will help absorb its bulk and appearance, and will include landscaping to further screen and buffer its appearance.
- The structure complies with applicable minimum zoning yard setbacks, as well as with other applicable zoning bulk standards. Site coverage will minimally increase by 0.2%.
- The project will not generate increased traffic and does not impact pedestrian access.
- The project will not generate increased off-street parking or loading activities or requirements.
- The project does not present any anticipated adverse impacts related to its use or access for police, fire and other emergency services.
- No changes to the appearance or configuration of the existing building are proposed.
- No changes to the existing subsurface septic disposal system, water supply, electric service or communication utilities are needed or proposed.
- The existing site access via a shared access easement will remain unchanged.
- No additional exterior lighting is needed or proposed; and

BE IT FURTHER RESOLVED upon careful consideration of the information received, the Commission, in accordance with §8.2.8 of the Zoning Regulations, hereby determines the proposal to be minor in nature that does not change the existing approved Special Permit use and as such does not warrant the need for a public hearing, and further hereby **APPROVES** application **24-ZC-0018** for Amendment of the standing Special Permit / Site Plan, subject to the conditions and modifications set forth below; and

BE IT FURTHER RESOLVED this approval shall be in addition (supplemental) to prior standing zoning approvals associated with 129 Main Street North; 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 two (2) complete sets (additional copies should the applicant desire copies as endorsed), signed and sealed by the Connecticut licensed professional responsible for their preparation, of revised **Final Plans** addressing the following to the satisfaction of the Town Planner:
 - a. Add the following notes conspicuously to the Cover Sheet and Sheet C 1.1:
 - **24-ZC-0018 – Approval Date: November 26, 2024 – Expiration Date: January 30, 2025 (if final plans are not endorsed and the Special Permit / Site Plan Modification Approval is not recorded upon the Woodbury Land Records); Expiration Date Post Approval Recording: November 26, 2029 (if the project is not completed per the approval conditions).**
 - **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.**
 - **Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.**
 - b. Coordinate with the Town Planner for needed revisions to the Zoning Table on Sheet C 1.1 to more accurately reflect the land locked lot and the addition of the diesel generator as an accessory structure.
 - c. Plant List revisions:
 - Change the plant list quantity for “SB” to **4** to match the plan.
 - Change the plant list quantity for “IM” to **3** to match the plan.
 - d. Add a full copy of this approval.
2. **Financial Guarantee (Bonds)** – The applicant shall provide 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.
3. **Final Site Plans for Endorsement** – Following completion of **Conditions 1 and 2**, the plans shall be authorized to be endorsed by the Commission/Town Planner

4. **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.
5. **Other Required Permits** – Required **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. 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 properly installed erosion and sedimentation control devices. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
2. 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.
3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction (a status report shall be submitted at minimum monthly).
4. 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, the applicant shall submit an **As-Built Plan** (live signature and seal A-2 Survey) detailing and certifying the completed improvements 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 **As-Built Overlay Plan** showing the approved final Site 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 As-Built Overlay Plan.
 - All improvements have been completed consistent with the approved final Site Plans.
 - Provision of a Professional Engineer certification (live signature and seal) that the site improvements and drainage controls have been installed in accordance with the final Site 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 the 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.
 - Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.
 - Substantive changes in site and/or building use, and changes to the site and/or building improvements shall require separate prior zoning review and approval.
 - No site or building use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit.

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. **Prior Conditions of Approval** – All prior standing approvals, conditions, requirements, time periods and bonds of prior related approvals for 129 Main Street North shall remain in full force and effect, supplemented and modified by this approval.

7. **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.

8. **Changes in Use** – Consistent with Zoning §1.3, §5.1 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.

9. **Expiration** – This Special Permit / Site Plan approval shall expire and be null and void without further written notice per the dates set forth above on Page 1 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

Made by **WILSON**, Seconded by **AMATRUDA**

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

| | |
|---------|-----------------------------------|
| Aye | Wilson, Tietz, Amatruda, Amorando |
| Nay | None |
| Abstain | None |