



Town of Woodbury Zoning Commission

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

**MINUTES – NOVEMBER 8, 2022
REGULAR MEETING
7:00 P.M. – LIBRARY GALLERY, 269 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Bob Wilson
Donald Trella (*arrived 7:07 p.m.*)
Thomas Amatruda
Ted Tietz

MEMBERS ABSENT:

ALTERNATES PRESENT:

Jack Well
Casey Rushin (*arrived 7:02 p.m.*)

ALTERNATES ABSENT:

Elmer Kiessling

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 Alternate Well
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 10/11/22 – CH by 11/15/22 – Report from IWWA still pending**

George Johannsen, Allied Engineering, agent, addressed the Commission. Mr. Johannsen stated that the application is still awaiting approval from the IWA. The applicant responded to the IWA's initial comments and they are happy with what has been done. The IWA has requested a draft motion of approval for their next meeting.

The Zoning Commission had requested a change that there be a hydro-dynamic separator installed for the project. This will ensure that all water from the paved areas goes under ground into the rain gardens. There was some more septic testing to be done. Since the usage is over

2000 gallons per day, the application needs approval from the State Health Department. That has been submitted and will be reviewed this week. The applicant has granted an extension on the application in order to get all the paperwork done.

Commissioner Amatruda asked for clarification on where the wetland setbacks were and what the issues were. Mr. Johannsen showed on the site map all the regulated area. Originally the property had dry wells. The IWA has asked for rain gardens to be installed.

MOTION:

To hold the Public Hearing open 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.) until the next meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Well

Nays: None

Abstain: None

3. PENDING APPLICATIONS

There were no pending applications at this time.

4. NEW APPLICATIONS

- **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**

Alternate Well was unseated and Commissioner Trella was seated at 7:09 p.m.

Brian Baker, Civil Engineering, addressed the Commission. Mr. Baker reviewed the original application which was approved for the slope stabilization. This application (22-ZC-0017) was for the approval of two unpermitted structures. The applicant was granted variances in August from the ZBA. The application is now before the Zoning Commission for approval of the two hoop shed structures. Chairman Clarke called for any questions from the Commission. There were none. Chairman Clarke inquired as to the status of the slope stabilization. Mr. Baker informed the Commission there had been a delay resulting from not being able to get the proper equipment. The equipment should be arriving on site this week. The whole process should take approximately a month to finish. A Public Hearing had been held for the application under the ZBA. There will not be another Public Hearing on application 22-ZC-0017 since it is a site modification. Chairman Clarke instructed staff to make a draft motion of approval for consideration at the next meeting.

5. OTHER BUSINESS

- **O & G Industries**

Park Road Quarry – Quarterly Report Summary

1. Richard Warren, O & G Industries, addressed the Commission. Mr. Warren reviewed the third quarter report for the quarry. There were four complaints. One from Bacon Pond Road was for truck traffic and blasting. The site is monitored and nothing exceeded acceptable levels. All truckers are aware of desired traffic routes. All complaints were addressed and the residents were satisfied with the response from Mr. Warren. There were eight blasts for the quarter and approximately 4000 truck trips. The yield was approximately 42,000 cubic yards of material over a half acre.
2. **Stiles Road Quarry- Quarterly Report Summary**
Mr. Warren reviewed the third quarter report for the quarry. There was one complaint concerning if quarry work was effecting a resident's well. Mr. Warren consulted with Fuss and O'Neill engineers. The findings were that the quarry activity had no impact to his well. It was more likely due to the drought. There were six blasts for the quarter and approximately 7000 truck trips. These include the trips for concrete and asphalt plants. The yield was approximately 64,000 cubic yards of basalt over ¾ of an acre.
3. Chairman Clarke inquired over a complaint from a resident on Sherman Hill Road about the Park Road quarry. Mr. Warren explained that the resident makes the complaints to the Fire Marshal, who then notifies Mr. Warren. The Fire Marshall looks at the blast records and notes that everything was within the acceptable limits. Mr. Warren responded via email to the complaint and offered to meet. The resident declined and was offended by the email. Mr. Warren will forward his email correspondence to Town Planner Agresta so that the Commission can review it.
4. Mr. Warren presented a mid-permit review of the quarries. He handed out site maps and survey plans that were updated in September 2022. He reviewed the maps with the Commission and gave the coordinating statistics. He gave a slide presentation of each quarry. Alternate Rushin inquired about an area of the quarry that looked like a disposal area during the site walk. Mr. Warren responded that the area had been cleaned up. Chairman Clarke inquired if there were any beavers at the Stiles Road quarry pond. Mr. Warren stated that there were last year. DEEP had been contacted. The beavers are now gone; either relocated by DEEP or related to flooding. There was discussion that the floor depth may need to be adjusted on the permit for Stiles Road. The Commission will do another site walk in the spring.

6. 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

An update from the ZEO showed that the homeowner has taken down one building. She is working on getting permitted for the other but is hung up with the Health Department. She is cooperating.

MOTION:

To table 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.) until the next meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

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

The property owner was supposed to appear at the last meeting and did not. ZEO Firlings reached out to the property owner and reminded them of the meeting tonight. There has been no response.

MOTION:

To table enforcement item (22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / Zone MQ / Ayrica Gelinas / Unauthorized sign without Zoning Sign Permit.) until the next meeting. If the property owner fails to show they will be issued a NOV.

Made by Chairman Clarke, Seconded by Commissioner Tietz

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

- 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 stated that the new owner is working with their real estate agent to get the permitting done. They are being cooperative and moving forward with the permitting process.

MOTION:

To table enforcement item (22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 Unauthorized accessory apartment.) for future consideration.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

- d) 21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren / Unauthorized structures. NPV sent 12/07/21 – Pending resolve of Phase II – New Application this Agenda**

This item was resolved earlier in the meeting under application 22-ZC-0017.

MOTION:

To remove enforcement item (21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren / Unauthorized structures) from the Enforcement Report.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

MOTION:

To consider the meeting minutes portion of the agenda before the deliberations and determinations.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

7. MEETING MINUTES

Chairman Clarke presented for consideration the minutes of the October 25, 2022, Zoning Commission meeting. He called for discussion. There were corrections noted by Commissioner Amatruda.

MOTION:

To accept the minutes of the October 25, 2022, Zoning Commission meeting as amended:

- Section 5.d – Third sentence should read: “This item has been resolved and can be removed.”
- Section 5.d – Fourth sentence removed.
- Section 6.b- Third sentence should read: “...could not be rented out to others.”

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Tietz, Wilson, Amatruda, Trella

Nays: None

Abstain: None

8. DETERMINATIONS / DELIBERATIONS

The Commission discussed the POCD implementation. The Planning Commission has requested a report from all Commissions regarding the status of POCD items that were assigned. Town Planner Agresta compiled a table showing all action items and strategies that the Zoning Commission is involved with. Almost all items assigned to the Zoning Commission involve revising the current regulations. Since applications take precedence, the new regulations have not been worked on recently. The Commission agreed that the next two meetings will have time set aside for going over regulations since there is a lull in new applications. The Planning Commission has assigned members to act as liaisons with the various commissions. Town Planner Agresta asked the members to consider adoption of certain sections that are

resolved rather than wait for all of the regulations to be agreed on. There are certain areas of the current regulations that need to be addressed to conform to State law.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

10. CORRESPONDENCE

- Talarico & Son third quarter reports were received by staff. The members had not received copies yet. This will be reviewed at the next meeting.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:20 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 10 day of Nov 2022
at 1:30 o'clock P.M.
Maria Mercuri
Town Clerk