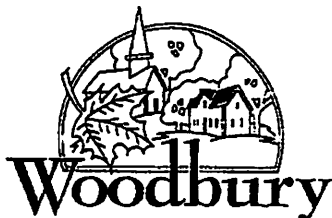


TOWN OF WOODBURY

Zoning Commission

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



First land deed from the Indians
April 12th 1659

MINUTES – NOVEMBER 9, 2021

REGULAR MEETING

7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Thomas Amatruda, Chairman
Robert Clarke
Ted Tietz
Bob Wilson
Donald Trella (*arrived 7:21 p.m.*)

MEMBERS ABSENT:

ALTERNATES PRESENT:

Elmer Kiesslering
Jack Well
Casey Rushin

ALTERNATES ABSENT:

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

1. OPENING OF 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, Wilson and Alternate Well
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PENDING APPLICATIONS

There were no pending applications at this time.

3. NEW APPLICATIONS

- a) **21-ZC-2115 / O & G Industries, Inc. / Park Road Quarry / Earth Materials Permit Renewal (2022-2023) / Map 088 / Lot 005 / OH: 1/13/22**

Commissioner Tietz recused himself. Alternate Kiesslering was seated at 7:01 p.m.

Richard Warren, agent for the applicant addressed the Commission. The applicant is seeking a two year renewal of the existing permit. There are no changes in use and no request made for changes to the permit conditions. He is requesting to be put on the agenda for a Public Hearing.

MOTION:

To schedule a Public Hearing for application, (*21-ZC-2115 / O & G Industries, Inc. / Park Road Quarry / Earth Materials Permit Renewal (2022-2023) / Map 088 / Lot 005 / OH: 1/13/22*) 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, Wilson, Well, Kiessling
Nays: None
Abstain: None

b) 21-ZC-2116 / O & G Industries, Inc. / Stiles Road Quarry/ Earth Materials Permit Renewal (2022-2023) / Map 032 / Lot 001 & 001A / OH: 1/13/22

Richard Warren, agent for the applicant, addressed the Commission. The applicant is seeking a two year renewal of the existing permit. There are no changes in use and no request made for changes to the permit conditions. He is requesting to be put on the agenda for a Public Hearing.

MOTION:

To schedule a Public Hearing for application (21-ZC-2116 / O & G Industries, Inc. / Stiles Road Quarry/ Earth Materials Permit Renewal (2022-2023) / Map 032 / Lot 001 & 001A / OH: 1/13/22) to be held at the December 14, 2021, Zoning Commission meeting.

Made by Chairman Amatruda, Seconded by Commissioner Wilson
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Amatruda, Clarke, Wilson, Well, Kiessling
Nays: None
Abstain: None

Mr. Warren inquired if there is anything else that the Commission is in need of for the Public Hearing. The Commission recommended presenting as much visually as possible.

Alternate Kiessling was unseated and Commissioner Tietz was reseated at 7:05 p.m.

c) 21-ZC-2117 / Sand Dune LLC / 297 & 299 Main Street South / Special Permit to Convert Office Building to Apartments (Sec. 5.1.8) and Special Permit for Alternate Parking (Sec. 7.4.11)

Gail McTaggart, of Secor, Cassidy & McPartland, Attorney for the applicant, addressed the Commission. Ms. McTaggart stated that Brian Baker of Civil 1 Engineering was also present. Greg Grew of Grew Design was not able to be present. The full size interior plans are not complete. Ms. McTaggart passed out smaller interior plans to the Commission. The property was originally owned by the phone company and is adjacent to the Town Hall. Sand Dune LLC owns five parcels in the deed. Ms. McTaggart showed the different parcels on display maps. One parcel has been merged. Two parcels are houses that are being renovated on Main Street. The phone company has kept ownership of the switch / cable building and there is a perpetual easement to that property.

Brian Baker addressed the Commission. The application is to convert the old Town office space into 10 apartments with five upstairs and five downstairs. Nine apartments would be one bedroom units and one apartment would be two a bedroom. A lot line revision would be needed. The septic system for 297 is not satisfactory for apartments. The lot line revision would allow for a new septic system on the same lot. The existing septic system for the switch building will

remain. More parking would be added for a total of 24 spaces with handicap parking out front. The driveway going up the hill would be improved and 15 of the parking spaces would be added to the top of the hill with a walkway.

The existing storm drainage system and catch basins are adequate. A new catch basin with infiltration on the upper parking area will be added which will flow into the existing system. There will be five new pole lights added to the walkway and additional parking area. The exterior of the building will not be changing. The interior and landscaping plans are still needed.

Ms. McTaggart stated that there are three applications happening simultaneously. One is a Special Permit in the Main Street Design district to create 10 apartments. One is a Special Permit for 299 Main St. for parking on the adjacent property and one is a Zoning Permit for the lot line revision. Ms. McTaggart explained that this use accomplishes what the POCD and affordable housing plan are looking for. The engineer report, the drainage plan, maps and abutters have been submitted. All activity is beyond the Historic District boundaries. Chairman Amatruda would like to have a site walk to understand the property better and to see it from different angles.

MOTION:

To refer application *(21-ZC-2117 / Sand Dune LLC / 297 & 299 Main Street South / Special Permit to Convert Office Building to Apartments (Sec. 5.1.8) and Special Permit for Alternate Parking (Sec. 7.4.11)* to the Planning Commission.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Well

Nays: None

Abstain: None

MOTION:

To schedule a Public Hearing for application *(21-ZC-2117 / Sand Dune LLC / 297 & 299 Main Street South / Special Permit to Convert Office Building to Apartments (Sec. 5.1.8) and Special Permit for Alternate Parking (Sec. 7.4.11)* 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, Wilson, Well

Nays: None

Abstain: None

MOTION:

To schedule a site walk for application *(21-ZC-2117 / Sand Dune LLC / 297 & 299 Main Street South / Special Permit to Convert Office Building to Apartments (Sec. 5.1.8) and Special Permit for Alternate Parking (Sec. 7.4.11)* to be held on November 13, 2021, at 10:00 a.m.

Made by Chairman Amatruda, Seconded by Commissioner Clark

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Well

Nays: None
Abstain: None

Alternate Well was unseated and Commissioner Trella was seated at 7:21 p.m.

4. OTHER BUSINESS

- **Pre-Application Review / 69 Sanford Road & Bacon Pond Road / Request for Interpretation on Zoning Regulations 5.3.2 on Whether a Contractor's Yard is a Permitted Use in the PI Zoning District / Map 021 / Lot 034**

Ron Wolff, Wolff Engineering, agent for the proposed applicants, addressed the Commission. Clarification is needed if a contractor's yard is a permitted use in that zone. Mr. Wolff showed on the zoning maps where the proposed location is. The property has approximately 15.3 acres in the PI district. There would be two businesses on the sight. Jason Carrol of Rocky Ridge Services, 60 Peter Road and Joe Heron of Arrowhead Iron, 96 Arrowhead Lane, Bethlehem, are looking to move their businesses to the PI district. Rocky Ridge Services is an earth excavations business that processes fire wood and land clearing. Ms. McTaggart also represented the applicants. She stated that in looking at the regulations some permitted uses in the district were storage facilities and manufacturing. The definition of manufacturing states "any process where the nature, size or article is shaped, assembled or stored." The definition is broad but Ms. McTaggart believes the regulations can be interpreted to allow for this use.

Jason Carol of Rocky Ridge Services addressed the Commission. The business has been in town for 30 years. Unfortunately, the property they are currently operating from is being sold and they will need to relocate possibly by September 2022. He would like to keep the business in town.

Chairman Amatruda recused himself and turned the meeting over to Vice Chairman Clarke. Alternate Rushin was seated at 7:30 p.m.

Storage of earth materials, logs, firewood, and topsoil will be brought in. There will be screening and storage of material but no crushing or processing.

Commissioner Tietz recused himself. Alternate Kiessling was seated at 7:35 p.m.

The second part of an application would be the repair and service of heavy equipment and trucks. Arrowhead Iron is currently a mobile equipment repair unit. They are looking to have a permanent indoor location for servicing excavators, loaders, dozers, tri-axels, etc. Discussion ensued regarding a zone change of adding 15.3 acres to the existing PI zone. There is a vegetation buffer and wetlands that would keep the buildings away from the OS-60 zone. The applicants are looking to erect two buildings for the activities. The Commission inquired as to the sizes of the building they were thinking of erecting. Rocky Ridge is thinking approximately 50' x 80'; and Arrowhead Iron is thinking approximately 100' x 100' with a ceiling height of approximately 25 feet. Commissioner Clarke is concerned of the sight lines for that height building.

The Commission recommended being very specific as to what materials will be stored. Alternate Rushin encouraged having the driveway and truck / vehicle route designed to be considerate to the neighbors. The overall consensus was that the preliminary review did not show significant issues to prevent moving forward with an application.

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

MOTION:

To adjust the agenda and take up Privilege of the Floor at 7:58 p.m.

Made by Chairman Amatruda, Seconded by Commissioner Tietz

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

8. PRIVILEGE OF THE FLOOR

Christine Fahy, 1727 Main Street North, addressed the Commission. Ms. Fahy stated that she had spoken to the Land Use Office and was interested in making an in-law accessory apartment attached to the garage on the property. The garage is detached from the principal dwelling. The office informed her that the current regulations require the in-law apartment to be attached to the principal dwelling. However, the wording of the new regulations draft would allow for such a use on the detached garage. Ms. Fahy is trying to accomplish this within the next two years. The new regulations will be approved before that. She was encouraged to go back into the office and go over this.

Scott Faulds, 112 White Deer Rocks Road, addressed the Commission. Mr. Faulds was revisiting his inquiries regarding O & G truck routes since the traffic of trucks has increased substantially. He expressed his frustration in contacting Mr. Warren of O & G and First Selectman Perkinson with no action being taken. He was advised by Ms. Perkinson to go to the Zoning Commission. O & G is currently up for renewal for their Special Permits. In the permits, preferred truck routes are specified but alternate routes are used to try to disperse the traffic and not be a burden on any particular road.

Mr. Faulds stated that the trucks are not O & G trucks, but are well above the speed limit and sometimes borderline reckless not stopping completely at stop signs. The Commission suggested for Mr. Faulds to obtain video or photos and support of other neighbors. They also recommended that he go to the Police for traffic violations and the Board of Selectmen for reinforcement through the Police. The Zoning Commission does not have the authority to enforce anything. Commissioner Wilson felt that the Commission should be willing to help improve the situation in some manner.

MOTION:

To send a letter to the Board of Selectmen urging them to increase the police presence on White Deer Rocks Road and Tuttle Road.

Made by Commissioner Wilson, Seconded by Commissioner Trella.

Discussion ensued amongst the Commission as to who would draft the letter. There was the question as to whether an enforcement mechanism can be put into place in the Special Permits up for renewal and

then enforced through that. The consensus was that the Selectmen should read the minutes of the meeting, therefore including the recommendation in the minutes should be sufficient. The motion was withdrawn.

MOTION:

For the Zoning Commission to include in this week's minutes a recommendation to the Board of Selectmen to immediately increase police monitoring of White Deer Rock and Tuttle Roads due to a report made to this Commission of unsafe truck activity related to the quarry in that area.

Made by Commissioner Wilson, Seconded by Commissioner Trella

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

The meeting resumed Other Business

- **To Designate New Land Use Enforcement Officer**

MOTION:

To designate Anne Firlings as the town Zoning Enforcement Officer.

Made by Chairman Amatruda, Seconded by Commissioner Clarke

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

5. ENFORCEMENT REPORT

- **21-ENF-0006 / Taff / 148 Sycamore Avenue / Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035 (NVRVC Sent 10/27/2021)**
Town Planner Agresta stated that the unpermitted trailer has been moved. The violation can be removed from Enforcement.

MOTION:

To remove item (21-ENF-0006 / Taff / 148 Sycamore Avenue / Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035) from the Enforcement Report.

Made by Commissioner Clarke, Seconded by Commissioner Trella

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

Chairman Amatruda recused himself. The meeting was turned over to Vice Chairman Clarke.

- **21-ENF-0008 / Beyer / 46 Leavenworth Rd. / Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12 (NVRVC Sent 10/27/2021)**
Town Planner Agresta provided an update. The home-based business portion is ok. The resident is working with the Health Department regarding the septic system impacted by the pavilion construction. The plan is to build a new septic system by extending the leaching fields and abandon the existing portion. Mr. Agresta is not sure why the Health Department is not pursuing this violation more. The resident / owner must provide a plan of action from the Health Department by the next meeting or a Cease and Desist order will be issued.

Chairman Amatruda was reseated and Vice Chairman Clarke turned the meeting back over to him at 8:57 p.m.

6. DELIBERATIONS / DETERMINATIONS

Chairman Amatruda presented for consideration the minutes of the October 26, 2021, Zoning Commission meeting. He called for discussion. Chairman Amatruda noted in the minutes that the clerk recorded the “consensus” of the Commission regarding a pre-application. He questioned if using that word is the correct terminology or if it may show partiality. Attorney Kaelin has advised having pre-applications and Mr. Agresta agreed that it is a mechanism used for interpreting the regulations. Mr. Agresta suggested that moving forward the members should provide feedback on pre-applications, but not take a formal consensus. The interpretations would then be left to the individuals. That being said, the minutes being considered did not need to be amended.

MOTION:

To accept the minutes of the October 26, 2021, Zoning Commission meeting as presented.

Made by Chairman Amatruda, Seconded by Commissioner Trella

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

7. REGULATION WORKSHOP

MOTION:

To table the Regulation Workshop until the next Zoning Commission meeting.

Made by Chairman Amatruda, Seconded by Commissioner Wilson

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

Ayes: Amatruda, Clarke, Tietz, Wilson, Trella

Nays: None

Abstain: None

9. CORRESPONDENCE

There was no correspondence to consider at this time.

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:06 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 15th day of NOV 2021
at 1:30 o'clock P M
Maria M. Mancini
ASST. Town Clerk