

TOWN OF WOODBURY

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

SPECIAL MEETING MINUTES
Wednesday, DECEMBER 4, 2018
7 P.M. Shove Building, 281 Main Street South

MEMBERS PRESENT:

Andrew Chapman
Mary Connolly, Vice Chairman
Ruth Melchiori
David Schultz
Katy Sherer, Chairman

ALTERNATES PRESENT:

MEMBERS ABSENT:

ALTERNATES ABSENT:

Andrew Heavens
Andrew Lampart
Joann King

1) REGULAR MEETING

A) Call to Order – Chairman Sherer convened the Regular Meeting of the Woodbury Planning Commission at 7:00 p.m. Seated for the meeting were Regular Members Chapman, Connolly, Melchiori, Schultz, and Sherer.

B) Conflict of Interest – Reference was made to Section 8-21, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

2) PUBLIC HEARINGS – None

3) PENDING APPLICATIONS - None

4) NEW APPLICATIONS – None

MOTION:

To amend the agenda to add discussion regarding 05-PC-5004 pertaining to the Grey Fox Trail Subdivision and 04-PC-4013 pertaining to the Church Hill/Orchard Avenue Subdivision requests to review the status under Other Business

Made by Member Schultz, Seconded by Member Melchiori

Vote: 5-0-0 in favor

5) REFERRAL

- a) **18-PC-1810 / Barry / 47 Main Street South / 5.1.9 Referral from Zoning: Special Permit to add truck share/rental to current use of property as well as continue to sell, store and process items previously done by CL Adams (to include selling & storage of bulk products as well as packaging wood for burning (firewood & kindling) as well as continuing to sell retail and bagged products and delivery of products sold also pick up of products sold) / Map 105 / Lot 139**

Kevin Barry, owner of Woodbury Saw and Mower, was present to explain the referral from the Zoning Commission. He has been at this location for three years. He's looking for an approval to add U-Haul
PC SM Minutes 12/04/18

truck share to his business. He explained to the Commission how the truck share process works. Trucks can be rented 24 hours a day, 7 days a week. One truck shall be parked between the Good Hill Building and the CL Adams Building, photos were shown of the location. The Historic District Commission had approved a Certificate of Appropriateness for one 10 ft. U-Haul truck as a sign, parked in this location. Mr. Barry feels that this business use would also help the local economy, people who rent the trucks could potentially purchase gas and food locally. The intent is to park the smallest truck in this location and the hope is that no trucks will be parked there at all, he has no control over where the trucks are parked when they are returned. Trucks that are returned might be left out front, however, Mr. Barry tries to move them to the back lot once he notices. There is no maintenance of these trucks on the premises. Mr. Barry has conceded to just one U-Haul vehicle to be parked out front. It was reminded that the Commission's charge is to determine if this use, in this location, is consistent with the POCD.

The Commission decided to discuss the other agenda items and go back to this item later in the meeting.

6) OTHER BUSINESS

a) Discussion regarding status of 05-PC-5004 Grey Fox Trail Subdivision

Brian Baker of Civil 1 and John Holland (a representative of the property owner) were present for the discussion. Mr. Baker explained that this subdivision was approved 14 years ago and is coming to its expiration in July of 2019, all extensions have run out. Plans were shown of the 28-lot subdivision noting the progress. Once the approval expires, they would need to come back to the Commission for re-subdivision to build in Phases II or III. The goal is to be able to continue to build in Phase I. The roadways in the other two phases have not been completed. This was an open space subdivision where they gave over 50% of the property to open space which Flanders now owns. They are asking that when they come back for the re-subdivision, that it be noted that they already satisfied the open space requirements (subject to any changes made of those requirements between now and that time, they understand that they'd have to meet those new requirements at that time). Mr. Holland had spoken with the Assessor's office and a suggestion was made to turn Phases II and III back into one lot. The concern expressed was for tax relief from the individual lots. There's not enough acreage to put into Forestry status. The Town is required to file something on the land records to note that the permit has expired. Phase I will be completed before the expiration, just a fire tank and some signs are needed. The Planner noted that a maintenance bond is also one of the last requirements of Phase I. Since there are just two houses, the Town cannot accept the road, it would remain a private road. Phase I they will remain able to get permits to build houses, Phases II and III would need to get reapproved. Maryellen Edwards noted that the Town Attorney is looking into the already deeded Open Space requirement and if that could be applied to the re-subdivision. The Commission would not commit to anything without an application and the attorney's opinion. Chairman Sherer noted that the update for the POCD is due in 2020 and things may change in that document which could potentially affect this subdivision. This item will be put on the agenda for the January meeting.

b) Discussion regarding status of 04-PC-4013 Church Hill/Orchard Avenue (aka Fawn Meadow/Harvest Hill Estates) Subdivision

Florindo Trofa and Brian Baker of Civil 1 were present for the discussion. Mr. Trofa submitted an As-Built of the road which the Commission viewed. His subdivision approval expires in January of 2019 with no extensions left. Phase I is complete, Phase II is almost complete except for a cistern and a maintenance bond. Phase III will need to be re-subdivided, Mr. Trofa questioned the Open Space requirement, since the Open Space had already been given, he doesn't feel he should be responsible for it again. He noted that everything in Phase III is out of the Wetlands. It was noted that the planting of Mountain Laurel was required on the original approval motion for Phase I. The Mountain Laurel was

never planted. It appears that the Mountain Laurel was required to ensure stabilization. Per Abby Conroy's memo, it appears that the area to be planted with the Mountain Laurel is well established, Mr. Trofa requested the Commission waive this requirement. Mr. Baker noted that it has been stabilized for about 15 years.

MOTION:

To remove the requirement for Mountain Laurel plantings (for file #04-PC-4013).

Made by Member Chapman, Seconded by Member Connolly

Vote: 4-1-0 (Member Melchiori voting against with no reasons given for a negative vote). Motion passed.

18-PC-1810 / Barry / 47 Main Street South / 5.1.9 Referral from Zoning: Special Permit to add truck share/rental to current use of property as well as continue to sell, store and process items previously done by CL Adams (to include selling & storage of bulk products as well as packaging wood for burning (firewood & kindling) as well as continuing to sell retail and bagged products and delivery of products sold also pick up of products sold) / Map 105 / Lot 139

The Commission discussed the referral. Member Chapman had no problems with the request. Member Connolly was in favor of it citing from the POCD that it conforms in MSD as encouraging small locally owned businesses. Member Schultz had no visual problems with it. Chairman Sherer felt that the use as a truck share business was more appropriate in the Middle Quarter District, expressed concerns about it being in the historic center of town and wasn't sure if it was an ancillary use. Member Chapman felt that what was being proposed was acceptable but could see where it could be taken to an extreme, or that another business could. He hopes that Zoning will look at it and condition it accordingly. Member Melchiori did not feel it was in conformance with the POCD, noting that parking in the front yard to control the visual impact on the streetscape. The Commission needs to consider if this use in this location is consistent with the POCD. In some ways it does promote small business in town, but the POCD also does not encourage franchise operations. A letter received from Andreanna Davis was read for the record. Mr. Barry addressed the Commission to state that there are different levels of U-Haul. There are corporate owned stores that are all U-Haul and there are other places that use it as a supplement to their business. His goal is to have just one truck there or none, the fact is there could be none, one or more. Zoning is looking at this as an expansion of business. This could be conditioned that it is an ancillary part of the business, not a U-Haul hub. Member Connolly read from the POCD that the Town is looking for an appealing mix of small retail stores, galleries, and commercial services, this is a commercial service.

MOTION:

That it (18-PC-1810 / Barry / 47 Main Street South / 5.1.9 Referral from Zoning: Special Permit to add truck share/rental to current use of property as well as continue to sell, store and process items previously done by CL Adams (to include selling & storage of bulk products as well as packaging wood for burning (firewood & kindling) as well as continuing to sell retail and bagged products and delivery of products sold also pick up of products sold) / Map 105 / Lot 139) does conform with the POCD.

Made by Member Chapman, Seconded by Member Connolly

Chairman Sherer questioned if they could condition the approval, it is not consistent if it is the sole use but is consistent if it is an ancillary use. Members seemed in agreement that it would not be consistent if the entire building was taken over by U-Haul as the only business.

PC SM Minutes 12/04/18

The motion was revised to approve it as an ancillary use of the existing business. Changing it would make it so that someone else couldn't take the building over and turn it into a U-Haul hub.

MOTION:

To confirm that as an ancillary use it (*18-PC-1810 / Barry / 47 Main Street South / 5.1.9 Referral from Zoning: Special Permit to add truck share/rental to current use of property as well as continue to sell, store and process items previously done by CL Adams (to include selling & storage of bulk products as well as packaging wood for burning (firewood & kindling) as well as continuing to sell retail and bagged products and delivery of products sold also pick up of products sold) / Map 105 / Lot 139*) is consistent with the Plan of Conservation and Development.

Made by Member Chapman, Seconded by Member Connolly

Vote: 3-2-0 (Member Melchiori and Chairman Sherer voting in the negative. Member Melchiori stated she had to stand up for people she knows are against it and had qualms of her own. She feels it's setting a precedent for the whole Main Street District and the streetscape and expressed concerns with it working the way it was stated was going to work. She does like where it will be parked, as originally it was shocking to see them parked at the edge of the street. Chairman Sherer stated that she felt it was not consistent even as an ancillary use with the Town Plan.) Motion passed.

c) Rosenberg Award Discussion – Member Schultz updated the Commission that the press release was finalized and sent to the papers with a nominations submittal deadline of 1/2/19.

d) POCD Discussion

It was noted that they received three bids from consultants with expertise in doing other town's plans. The recommendation is going before the Board of Selectmen on December 13th. The sidewalk survey has been put on hold until they have a consultant look at it. Chairman Sherer drafted a sample of what the Commission had discussed they had in mind for what they wanted it to look like. It was noted that Mr. Monti also submitted a sample POCD document.

Bill Monti, 65 Woodbury Hill – Mr. Monti explained the document that had been submitted, which contains the current overview, goals and conformance statement. It is not a finished document, it can be expanded on. He stated that speaking as a resident, he is opposed to spending \$50,000 on this document, this money could be better spent. He feels the POCD is an unfunded state mandate. He asked the Commission to determine if the current plan is fundamentally flawed or fundamentally sound. There are other ways the Commission can go about accomplishing the update.

The Commission discussed that they have a lack of experience with the Plan of Conservation and Development. The consultant being recommended may be the same as the one for the amendments to the Zoning Regulations, which would be beneficial in that the two documents could be better coordinated. The Commission felt that the current plan needs an overhaul, not fine tuning and that a consultant would be required for assistance in this endeavor.

7) PRIVILEGE OF THE FLOOR

David Taylor of the Conservation Commission was present to discuss the Open Space map differences. The mapping is being updated regularly, so the one in the POCD and the recently updated one are both outdated. He discussed that they should look at the different types of open space (i.e. those for the

conservation of woodlands and animal protection and those for things like soccer fields). It was questioned if the Conservation Commission had an opinion on the “pockets” of committed open space that came about from development requirements. Mr. Taylor felt this could potentially be handled by accepting a fee in lieu of open space, but they would need to determine values. He wasn’t sure that releasing the easements would be beneficial.

8) CONSIDERATION OF MINUTES – 11/7/18

MOTION:

To approve the minutes of the November 7, 2018 meeting as presented.

Made by Member Schultz, Seconded by Member Chapman

Vote: 4-0-1 in favor (Member Connolly abstained as she was not present at that meeting)

9) CORRESPONDENCE – None

10) ADJOURNMENT

MOTION:

To adjourn the meeting at 9:01 p.m.

Made by Member Schultz

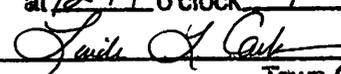
FILED SUBJECT TO APPROVAL

Respectfully submitted,



Anne Firlings, Planning Commission Clerk

RECEIVED & FILED
IN WOODBURY, CT

This 6th day of Dec 20 18
at 12:44 o'clock P M

Town Clerk