

# Town of Woodbury Zoning Commission

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

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**MINUTES – FEBRUARY 14, 2023**

**REGULAR MEETING**

**7:00 P.M. – SENIOR COMMUNITY CENTER, 265 MAIN STREET SOUTH**

**MEMBERS PRESENT:**

Robert Wilson, Chair  
Don Trella, Vice Chair  
Robert Clarke, Secretary  
Thomas Amatruda  
Ted Teitz

**ALTERNATES PRESENT:**

Casey Rushin  
Jack Well  
Chuck Kiessling

**MEMBERS ABSENT:**

None

**ALTERNATES ABSENT:**

None

**ALSO PRESENT:** Town Planner Will Agresta, applicants

**1. OPENING OF MEETING**

Chair Wilson called the meeting to order at 7:00 pm and seated Commissioners Amatruda, Clarke, Trella, Tietz in addition to himself. He reminded members of Conflict of Interest and their obligation in that regard.

**2. PUBLIC HEARINGS**

- None

**3. PENDING APPLICATIONS**

- **22-ZC-0019 – 506 Main Street South / Map 103, Lot 5 / MSD/MQ and HD#1 Districts**  
Amendment of Special Permit / Site Plan 21-ZC-2109 – Modification to rear parking lot layout and lighting.  
506 Main Street South LLC (applicant/owner)

Richard Desrochers, property owner and applicant presented the revised parking and lighting plan for the rear parking lot. The Commission noted the scale of the pass-through walkways should be made uniform and to scale; and the number of spaces listed should also be corrected to the right number.

*Copies of documents and meeting audio are available at the Land Use Office*

**MOTION:** To direct staff to prepare a draft approval resolution (22-ZC-0019 – 506 Main Street South / Map 103, Lot 5 / MSD/MQ and HD#1 Districts) for amendment of Special Permit for modification of rear parking lot layout and lighting.

Made by **WILSON**, Seconded by **CLARKE**

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

Aye: Wilson, Trella, Clarke, Amatruda, Tietz

Nay: None

Abstain: None

*Commissioner Trella left the room and Chair Wilson seated Alternate Well. Before the next item began, Commissioner Trella returned and was reseated, unseating Alternate Well.*

#### 4. **NEW APPLICATIONS**

- **23-ZC-0005 – 49 Hollow Road (rear lot) / Map 103, Lot 17A / R40 and HD#1 Districts**

Flood Plain Permit per Zoning §6.1 for installation of exterior propane fuel tank.  
Seabury Society for the Preservation of the Glebe House, Inc. (applicant/owner)

Lori Ann Witte, applicant representative presented by describing the location of the proposed two 120-gallon propane tanks, noting they would be anchored to a concrete base to address floodplain requirements. Commission Kiessling noted that the anchor detail drawing was certified by an architect where it should have been by a professional engineer.

**MOTION:** To not require a public hearing and direct staff to prepare a draft approval resolution (23-ZC-0005 – 49 Hollow Road (rear lot) / Map 103, Lot 17A / R40 and HD#1 Districts) for Flood Plain Permit for installation of propane tanks.

Made by **WILSON**, Seconded by **TIETZ**

Vote: 4-1-0 – **Approved** – Motion Passed

Aye: Wilson, Trella, Amatruda, Tietz

Nay: Clarke

Abstain: None

- **23-ZC-0006 – 262 Minortown Road / Map 32, Lot 23 / OS-60 District**

Flood Plain Permit per Zoning §6.1 for installation of a standby generator and propane tank.  
Anthony Jr. and Diana G. Mennone (applicant/owner)

Anthony Mennone, owner and applicant presented by describing the location of the proposed 22kw generator and single 120-gallon propane tank to the rear of the house, noting the wetlands/pond in the rear for which a separate Wetland Permit is pending. He also noted that both the generator and propane tanks will be anchored to concrete pads. He said they could also or instead raise them up on a constructed platform. Town Planner Agresta noted however, that since the base flood elevation is not known at this location it is unclear how high that would need to be. Planner Agresta also noted that the flow of the floodplain was towards the front of the house, thus causing a diversion of flooding waters, which eased the impact of the flood for improvements to the rear of the house. It was further noted that since the Wetland Permit was still pending that the Commission would need to table this matter until receipt of a wetland report from the Inland Wetlands and Watercourses Agency.

**MOTION:** To not require a public hearing and table pending report from Inland Wetlands and Watercourses Agency (23-ZC-0006 – 262 Minortown Road / Map 32, Lot 23 / OS-60 District) for Flood Plain Permit for proposed installation of propane tank and generator.

Made by **WILSON**, Seconded by **CLARKE**

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

Aye Wilson, Trella, Clarke, Amatruda, Tietz  
Nay None  
Abstain None

• **23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District**

Special Permit / Site Plan per Zoning §4.1.3.4 for Major Home Occupation in portion of existing accessory barn occupying an area approximately 25' x 25' (625 sf) for Warrens Landing, LLC, sale of artisan works not manufactured on the premises. Jock Duncan and Lee Fuller Lawrason (applicant/owner)

Jock and Lee Lawrason, owners and applicant presented by describing their proposal for a new shop in a small portion (approximately 625 sf) of the existing barn to the rear of the house. The applicant noted existing areas for parking and the entrance to the proposed shop where they would sell a few days a week local artisan works. They described the new sign and its location behind the existing fence along the street frontage. There was some discussion if the prior business was a pre-existing, nonconforming business and if this would be making the use more conforming by being smaller. Planner Agresta noted that the prior antiques business was different and did not operate with a permit and did not pre-date zoning and thus is not considered pre-existing nonconforming. The Planner also noted that a home occupation business is specific to the owner and does not carry to a new owner, and that the current proposal is for a different type of home occupation because they seek to sell items not made on the premises which requires the major home occupation approval requested, plus the new business is not involving antiques. It was also noted that a Certificate of Appropriateness from the Historic District Commission was obtained for aspects of the proposal.

**MOTION:** To refer application (23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District) to Planning Commission and schedule for public hearing.

Made by **WILSON**, Seconded by **TRELLA**

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

Aye Wilson, Trella, Clarke, Amatruda, Tietz  
Nay None  
Abstain None

**5. ENFORCEMENT**

• **22-ENF-0013 – 641 Main Street South / Map 102, Lot 28 / MQ District**

Unauthorized Sign: Wall Banner Sign – Ayrca Gelinias (tenant) / 641 Main Street South, LLC (owner)

Planner Agresta noted that today he received an email from the tenant indicating it had received landlord approval for the proposed sign.

**MOTION:** To table enforcement item and remove from agenda should a sign permit be issued by staff prior to the next meeting.

Made by **WILSON**, Seconded by **CLARKE**

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

Ayes Wilson, Trella, Clarke, Amatruda, Tietz

Nays None

Abstain None

#### **OTHER BUSINESS**

- None

#### **DRAFT ZONING REGULATIONS WORK SESSION**

- Discussion of Draft Zoning Regulations – SIGNS

**MOTION:** To table discussion of Draft Zoning Regulations.

Made by **TRELLA** Seconded by **TIETZ**

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

Aye Wilson, Trella, Tietz

Nay Clarke, Amatruda

Abstain None

#### **DELIBERATIONS / DETERMINATIONS**

- **22-ZC-0022 – 387 Main Street South / Map 104, Lot 103 / MSD District**  
Special Permit / Site Plan

**MOTION:** To approve (22-ZC-0022 – 387 Main Street South / Map 104, Lot 103 / MSD District) Special Permit / Site Plan per Draft approval Resolution dated February 14, 2023, as presented.

Made by **WILSON**, Seconded by **TRELLA**

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

Aye Wilson, Trella, Clarke, Amatruda, Tietz

Nay None

Abstain None

#### **ADMINISTRATIVE**

- Meeting Minutes 01/24/23

**MOTION:** To approve the minutes of the January 24, 2023, Zoning Commission meeting, as amended (in last paragraph of page 1 change "Fire Commissioner" to instead read "Fire Marshal.")

Made by **WILSON**, Seconded by **TIETZ**

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

Aye Wilson, Trella, Clarke, Amatruda, Tietz

Nay None

Abstain None

**PRIVILEGE OF THE FLOOR**

- None

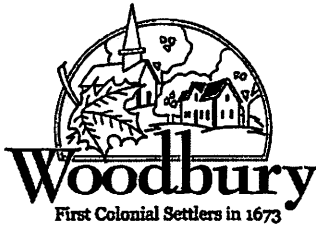
**CORRESPONDENCE**

- None

**ADJOURNMENT**

Hearing no objections, Chair Wilson adjourned the meeting at 7:59 pm.

RECEIVED & FILED  
IN WOODBURY, CT  
This 21<sup>st</sup> day of Feb 2023  
at 4:35 o'clock PM  
Maria M Mancini  
Town Clerk



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## **SPECIAL PERMIT / SITE PLAN APPROVAL**

### **22-ZC-0022 – 387 Main Street South**

**Change of Use / Conversion to all Residential Apartments  
Hung Sup Chun and Hae-Young Chun (applicant/owner)**

<b>Date of Approval</b>	<b>February 14, 2023</b>
<b>Permit Expiration*</b>	<b>February 14, 2028</b>
<b>*If conditions and improvements are not completed according to this approval</b>	

Applicant      **Hung Sup Chun and Hae-Young Chun**  
 Owner         **Hung Sup Chun and Hae-Young Chun**  
 Application    **22-ZC-0022 – Special Permit / Site Plan**  
 Project        **Change of Use / Conversion to All Residential Apartments**  
 Address       **387 Main Street South – Map 104, Lot 103**  
 Zone            **MSD and HD#1 Districts**

**WHEREAS**, the Woodbury Zoning Commission (“Commission”) has received application 22-ZC-0022 as submitted by the applicant/owner (listed above) seeking approval of a Special Permit / Site Plan in accordance with §5.1.3 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”) for property consisting of approximately 0.25 acres located at 387 Main Street South as shown on Assessor Map 104, Lot 103, zoned Main Street Design (MSD) District; and

**WHEREAS**, the application seeks a change in use with the proposed conversion of the first floor from a dentist office into two (2) one-bedroom apartments (with removal of all prior commercial use) and retention of the existing second floor two-bedroom apartment, for a total of three (3) apartments, subject also to fire and building code compliance; and

**WHEREAS**, prior to the application, a new septic disposal system as approved by the Health District was installed under the existing driveway and parking lot, supporting the proposal; and

**WHEREAS**, the proposed change of use will result in the entire existing building being used 100% for permitted residential use (the MSD District requires a minimum of 50% of total floor area be residential use); and

**WHEREAS**, the site is also located within Historic District #1, but no exterior changes are proposed; and

**WHEREAS**, the subject property is not located within a regulated 100-Year Floodplain, regulated wetland/watercourse or associated upland review area, or a protected aquifer protection area; and

**WHEREAS**, application materials received include the following:

- Application for Special Permit / Site Plan;
- Application Letter requesting change of use, Hung Sup Chun, 12/05/22;
- Permit to Discharge for Private Subsurface Sewage Disposal System, Health District, 12/06/22;
- Site Plan, 12/06/22;
- First Floor Existing Plan;
- First Floor Proposed Plan; and

**WHEREAS**, on January 4, 2023, the Planning Commission, following a referral thereto pursuant to Zoning §5.1.9A, responded favorably (22-PC-2215) indicating the proposed application was consistent with the POCD, particularly given that *“The project will retain and adapt the existing historic dwelling structure for additional housing opportunities within the center of town,”* and

**WHEREAS**, a duly noticed public hearing was open and closed on January 24, 2023; and

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

**WHEREAS**, this action does not eliminate the necessity for the applicant to obtain any other required local, state or federal permits and approvals;

**NOW THEREFORE BE IT RESOLVED**, upon careful consideration of the information received, the Commission, in accordance with Zoning §5.1.3, §7.3 and §8, hereby approves the application for Special Permit / Site Plan, subject to the ***conditions and modifications set forth below***; and

**BE IT FURTHER RESOLVED**, the Commission hereby authorizes the publishing of a Notice of Decision; and

**BE IT FURTHER RESOLVED**, this approval shall replace and supersede all prior zoning approvals for the subject premises; and

**BE IT FURTHER RESOLVED**, this approval is specific to that detailed herein and the final plans as endorsed as “approved” by the Zoning Commission / Town Planner, ***subject to the following modifications and conditions***:

**A. Prior to Issuance of a Zoning Permit**

***The applicant shall complete the following prior to the authorized issuance of a required Zoning Permit:***

1. **Final Site Plans** – The Town Planner shall endorse the Site Plan as the final “approved” Site Plan.
2. **Recording of Land Records Information Form** – The applicant shall obtain from the Land Use Office an endorsed original Land Records Information Form containing this approval and shall record same on the Woodbury Land Records with confirmation by the applicant to the Town Planner. Such shall be completed to effectuate this approval.
3. **Required Health, Zoning, Fire and/or Building Permits** shall be separately obtained by the applicant. Prior to issuance of an authorized Zoning Permit, the applicant shall provide the Land Use Office final Floor Plans for the first and second floor interior renovations for endorsement as “approved.”

**B. Conditions During Construction**

1. Prior to commencement of any associated interior renovations, the Land Use Office shall be provided a minimum of 48-hours of notice.
2. No changes to the exterior of the existing building are authorized by this approval.
3. The Land Use Office shall be duly apprised of the status and progress of the interior building renovation work throughout the period of construction, and promptly notified as to any issues or potential deviations in completing the renovation work as approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for new or modified permit approval can be identified.

**C. Post Construction and Zoning Permit Compliance Closure**

1. **Final Inspection** – Prior to the authorized issuance of a Certificate of Zoning Compliance, the applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:
  - All improvements have been completed consistent with the endorsed final Site Plans and final Floor Plans.
  - The site has been cleared of construction related equipment, materials and debris, and disturbed areas have been stabilized.
  - The driveway shall have been restored with asphalt pavement.
  - The former dentist office signposts in the front yard shall have been removed and appropriately disposed of.
2. **Continuing Conditions of Operation Following Authorized Occupancy and Use**
  - 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.
  - Appropriate and timely snow removal shall occur so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment. No snow shall be plowed into or upon any abutting street right-of-way.
  - Permitted parking and loading shall be limited to designated locations only and shall be for the tenants and their invited guests. No unauthorized on-site parking or storage shall be permitted.
3. **Changes in Use** – Consistent with Zoning §1.3.2, §5.1.3 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.
4. **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 this approval, Town Regulations and the modifications and conditions set forth herein.
5. **Approval Compliance / Changes** – Failure to maintain compliance with this Special Permit and the approved final Site Plans and Floor Plans shall constitute a violation of the terms of this Special Permit / Site Plan approval and the Zoning Regulations. Any variation from or alteration of the approved Special Permit or final Site Plans and Floor Plans shall require prior review and separate approval and permit.



6. **Expiration** – This Special Permit / Site Plan approval shall expire and be null and void without further written notice per the date set forth above 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 five (5) years total. 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**

Moved by **WILSON**, Seconded by **TRELLA**

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

Aye Wilson, Trella, Clarke, Amatruda, Tietz

Nay None

Abstain None