



PILICY & RYAN, P.C.

ATTORNEYS AT LAW

www.PRWPC.com

FRANKLIN G. PILICY
FPilicy@prwpc.com
Also Admitted in MA

CHARLES A. RYAN
CRyan@prwpc.com
Also Admitted in MA

BENJAMIN A. SAAVEDRA
BSaavedra@prwpc.com
Also Admitted in MA

235 Main Street
Watertown, Connecticut 06795
Phone (860) 274-0018
Fax (860) 274-0061

JILLIAN A. JUDD
JJudd@prwpc.com

DONALD J. RINALDI, AS OF COUNSEL

January 3, 2025

Woodbury Zoning Commission
281 Main Street South
Woodbury, CT 06798

Re: Petition for Amendment To Zoning Regulations
Jacob M. Amorando
Property: 11 Hard Hill Road, Woodbury, CT 06798
Consistency with Plan of Conservation and Impact

Woodbury Zoning Commission,

This office represents Jacob M. Amorando (“Owners”), owners of the property known as 11 Hard Hill Road, Woodbury, CT 06798 (“Property”). This firm’s representation of the Owners is in connection with an Application to amend the Zoning Regulations of the Town of Woodbury (“Application”).

As part of the Application, the Applicant submits the following:

Pursuant to Connecticut General Statutes (“CGS”) Section 8-3(b), if a commission is to approve a change to the Zoning Regulations, the commission “shall take into consideration the plan of conservation and development” of the Town.

- 1) Woodbury’s Plan of Conservation and Development as established in March 2010 (“Plan”) provides for the following under “Goals of the Plan of Conservation and Development”:
 - a. Economic Development: “3. Retain the preeminence of locally owned small businesses in Woodbury. Deter development of large shopping centers and big box retail outlets. Preserve Woodbury’s individuality with its appealing mix of small retail stores, galleries, and commercial services. 4. Continue to promote tourism in Woodbury with antique shops, restaurants, galleries, boutiques, and locally produced crafts as the mainstay of the economy.”
 - b. Land Use: “1. Achieve a sustainable level of development that allows Woodbury to preserve the aesthetic qualities of the Town, achieve wise use of land and natural resources, preserve farmland for food production, live within the limits of its water supplies, conserve nonrenewable energy sources, promote public health, and encourage walking and bicycling as viable alternatives to

- automobile use. 6. Promote residential growth that meets local housing needs while preserving high value open space, maintaining the rural character of the Town, and protecting the ecological functions of local and regional resources.”
- 2) Pursuant to the Plan, under Economic Development; Conclusions:
- a. “Residents indicate approval for home occupations and small-scale craft and artisan activities. While such operations will not generate significant tax revenue, home produced goods can contribute to the tourist economy by offering a greater mix of merchandise that will appeal to a wider audience.
 - b. Support of local agriculture is a low-cost way to help preserve farming. Interested residents can develop “buy local” campaigns to purchase produce from area farmers, and expansion of farmers’ markets days will contribute to farming viability. . .”
 - c. Recommendations, Paragraph 10: “One approach for small-scale economic growth is to expand the permissions for residents to conduct gainful activities in their home. Woodbury currently employs adequate safeguards that allow home occupations in residential areas without causing unwanted impacts on the neighborhood. The Zoning Commission may consider provisions for cottage industries that allow limited light manufacturing activity in conjunction with a residential use, provided they do not create a nuisance or adversely affect surrounding properties. Such a use could occur by special permit in appropriate residential districts either in the primary residence or in an accessory building on the lot.”

The proposed Amendment in the Application is in accordance with the Plan. Throughout the Plan, including the portions quoted above, there is a emphasis on the importance of preserving Woodbury's rural character and supporting local agriculture, which may include encouraging small-scale farming and farming-related structures, such as livestock dwellings. In areas where agricultural uses are permitted, reducing the setback requirement could be viewed as a means to make farming more practical and sustainable without necessarily increasing the intensity of farming activities. The reduction in setback can be seen as a way to allow for more efficient use of space while maintaining Woodbury’s agricultural tradition. If the reduced setback requirement is applied only in rural or agricultural zones, it would allow agricultural operations to coexist with residential uses without sacrificing open space or negatively impacting the rural aesthetics of the area. Since the reduction of the setback is likely to apply to agricultural or rural residential areas where livestock is already permitted, and given the large lot sizes in these areas (such as those in R-40), the impact on neighboring properties would be minimal. The Plan generally supports changes that allow for the maintenance of agricultural activity in these areas without negatively impacting residential neighborhoods.

Allowing for this reduction in the setback requirements will also promote more locally owned small businesses, such as farms, as more use of the land would be allowed. The setback reduction could be seen as a way to reduce barriers for small-scale agricultural operations and allow farmers to maintain their operations in a cost-effective manner, supporting both local food production and the rural economy. If the reduced setback is implemented in areas where agricultural and livestock uses are already common or permitted, the goals of the Plan would be in alignment with this change as it does not dramatically alter the character of the neighborhood or community. The Plan emphasizes that development should respect the historical and established patterns of land use. The

reduced setback would help maintain existing agricultural uses without introducing major conflicts or disruptions. This also allows “residents to conduct gainful activities in their home”, as many agricultural uses are also for economic purposes.

As it stands, under the current zoning regulations for the residential areas in Woodbury, the current building setback for “non-livestock dwelling structures” is no more than fifty (50’) feet, and in some cases even as little as thirty (30’) feet. Sheds can be as close as five (5’) feet to a property line. If a house is able to be built with the setback parameters being fifty (50’) feet, it stands to reason that a barn or chicken coop, which is a much smaller structure than a residential house, should not be required to have a larger setback. These livestock/animal structures have a lower environmental impact, and as for noise, fifty (50’) is not going to make a difference, especially when without the structure the livestock/animals can go right up to the property line. The Zoning Regulations as written allow for a shed to be placed no less than five (5’) feet from a property line. Also, animals on the property can graze and walk up directly to the property line, but as currently written, the regulations disallow if said animal is *inside* the structure. This does not make sense, even if you use the thirty (30’) foot or fifty (50’) foot guidelines for non-livestock dwelling structures. With the Amendment, this error in logic will be remedied.

Decreasing the livestock dwelling setback from one hundred (100’) feet to fifty (50’) feet will not have a significant impact on Woodbury for several reasons:

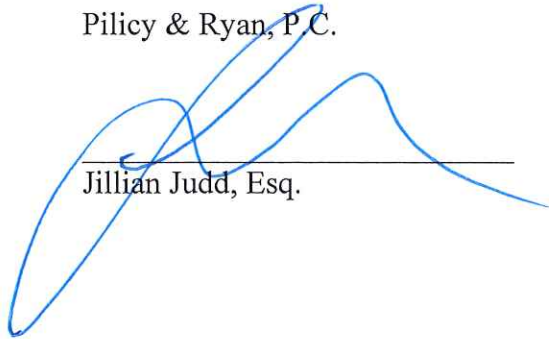
- 1) **Livestock Use is Rare:** In many districts (such as R-40), livestock structures are uncommon, and the reduced setback would apply to only a small number of properties. It would not lead to an increase in livestock operations in areas where they are not common or appropriate.
- 2) **Ample Lot Size:** Larger lot sizes (especially in agricultural and rural residential zones) provide sufficient space to maintain privacy and avoid negative impacts from reduced setbacks.
- 3) **Alignment with the Plan:** The reduction in setbacks supports agricultural activities in rural areas while maintaining open space and environmental protection, in line with the town’s long-term goals.
- 4) **Zoning Compatibility:** The change would only affect zones where agricultural uses are allowed or could be granted with special permits, meaning the zoning framework remains intact and not fundamentally altered.

This proposed amendment will have no impact on traffic flow or generation as there is no change of use of a property, this is simply a setback reduction. There will also be no impact on storm water runoff or an environmental impact as this is a setback reduction.

Furthermore, as stated above, there will be no impact based on the different zones. Specifically, as to the following zones: OS-60, OS-80, OS-100: Livestock dwellings are more likely to be located in these districts, which are specifically intended to accommodate agricultural activities. In these areas, reducing the setback from one hundred (100’) feet to fifty (50’) feet would have minimal impact because the existing zoning already permits such uses on larger properties, where a smaller setback would still ensure sufficient space between structures and neighboring properties. As to Large-Lot Residential Zones (R-40), R-40 zones require a minimum of 40,000 square feet per lot. Any livestock use is typically limited or accessory to residential use (e.g., hobby farming). Since livestock structures are not a common feature in these districts, the reduced setback would not increase the prevalence of

livestock dwellings in any manner that would be prevalent. The reduction would only apply to a small number of properties and would not have a significant effect on the overall land use pattern in these zones.

Pilicy & Ryan, P.C.

A handwritten signature in blue ink, appearing to read "Jillian Judd", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left side.

Jillian Judd, Esq.

**AMENDED ZONING PETITION 25-ZC-0001 to the Town of Woodbury Zoning Regulations
(as amended by the Petitioner before the Zoning Commission at its meeting of January 14, 2025):**

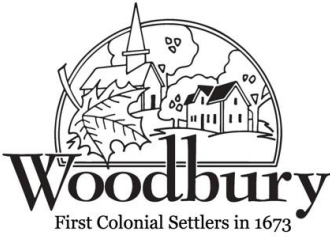
- §3.1.1.2 Buildings used for the housing of livestock or poultry shall be located at least ~~100~~ 50 feet from any property or street line.
- §4.1.2.3 Keeping of ducks, geese, chickens, turkeys, pigeons, or similar small fowl for non-commercial purposes on a lot of less than 5 acres, provided that a total of no more than twenty (20) such fowl shall be kept and that any building to house such fowl is located at least ~~100~~ 50 feet from any property line and further provided that such fowl are to be secured within a compound or coop and that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.
- §4.1.2.4 Keeping of five (5) or fewer head of livestock, excluding pigs or mink, being raised as part of a documented educational project, provided that any building to house such livestock is located at least ~~100~~ 50 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.
- §4.1.2.5 On a lot of less than 5 acres, one horse or pony, or other similar head of livestock, for each 60,000 square feet owned and/or leased for each such horse or pony, provided that any building to house such livestock is located at least ~~100~~ 50 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

Pilicy & Ryan, P.C.



Jillian Judd, Esq., Agent for Petitioner

1/21/2025
Date



Town of Woodbury

Zoning Commission

281 Main Street South
Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

NOTICE OF PUBLIC HEARINGS

The Woodbury Zoning Commission will hold a Public Hearing on Tuesday, February 25, 2025, at 7:00 pm or soon thereafter in the Senior Community Center, 265 Main Street South, Woodbury, CT 06798 to consider the following:

- **25-ZC-0001 – Zoning Regulations Text Amendment**
Petition to Amend the Zoning Regulations, amending §3.1.1.2, §4.1.2.3, §4.1.2.4, and §4.1.2.5 to change the minimum setback for structures housing animals from all property lines from 100 feet to 50 feet.
Jacob M. Amorando

Up to the close of the public hearing, interested persons may provide verbal and/or written commentary. Complete application information is available for public viewing in the Woodbury Land Use Office.