

Town of Woodbury Zoning Commission

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

MINUTES – MARCH 12, 2024 REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Thomas Amatruda
Ted Tietz
Donald Trella

ALTERNATES PRESENT:

Jack Well

MEMBERS ABSENT:

ALTERNATES ABSENT:

David Primini
Casey Rushin

ALSO PRESENT: Town Planner Will Agresta, applicants & agents

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Tietz, Wilson and Trella
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PENDING APPLICATIONS

- a) 24-ZC-0005 – 346 Main Street South / Map 104, Lot 2A-2 / MSD District & HD#1
William and Susan Stinson (applicant/owner)
Special Permit / Site Plan Approval Amendment – Add multiple sections of picket fencing.

Chairman Wilson presented the draft approval for Special Permit application **24-ZC-0005 – 346 Main Street South / Map 104, Lot 2A-2 / MSD District & HD#1** for consideration. He called for discussion. Commissioner Clarke made some corrections.

MOTION:

To approve per the Special Permit Draft Approval Resolution dated March 12, 2024, on application **24-ZC-0005 – 346 Main Street South / Map 104, Lot 2A-2 / MSD District & HD#1** as amended.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Amatruda, Tietz, Trella, Clarke

Nays: None

Abstain: None

Full approval attached to the end of this document

3. NEW APPLICATIONS

a) 24-ZC-0006 – 641 Main Street South / Map 102, Lot 28 / MQ District

641 Main Street South, LLC (applicant/owner)

Modification of existing special permit to allow office use with ancillary storage for antique furniture business in lower level of existing building.

Ron Wolff, Engineer, agent for the applicant, addressed the Commission. Mr. Wolff was representing Gary Sergeant Antiques. The applicant is requesting modification of the Special Permit for the property to accommodate a business in the middle section of the lower level. This area was initially designated storage for businesses on the upper level. The space is a total of 1832 square feet. The space would be divided into office space (124 square feet), and storage space (1708 square feet). Mr. Wolff explained that the parking space requirement would be 85 for the existing businesses combined with this new use. There are currently 86 spaces not including the additional spaces available through the easement on 1 Sherman Hill.

Mr. Rellwin, agent for the applicant, addressed the Commission. Mr. Rellwin, submitted a letter from Mr. Sergeant to the Commission. He summarized the letter which explained the primary use for this location would be for goods to be photographed, inventoried, occasionally shown by appointment, and eventually prepared for delivery. Showing items to clients would be approximately a dozen times a year. This location is needed for the business since some items are too large to show at the main place of business located at 289 Main Street South.

Chairman Wilson made a motion which he later withdrew since Commissioner Clarke had some more questions for the applicant. Commissioner Amatruda felt that there is no need for a Public Hearing since this is an authorized use in the Middle Quarter district, and this would be an extremely low impact to the area. Commissioner Clarke clarified what the applicant can use this space for that they do not have the capacity for at 289 Main Street South.

MOTION:

To end discussion and debate on application **24-ZC-0006-641 Main Street South / Map 102, Lot 28 / MQ District.**

Made by Commissioner Amatruda, Seconded by Chairman Wilson

Vote: 4-1-0 – Approved- Motion Passed

Ayes: Wilson, Amatruda, Tietz, Trella

Nays: Clarke

Abstain: None

MOTION:

To waive the Public Hearing on application **24-ZC-0006-641 Main Street South / Map 102, Lot 28 / MQ District** and prepare the draft for approval.

Made by Chairman Wilson, Seconded by Commissioner Tietz

Vote: 4-0-1 – Approved- Motion Passed

Ayes: Wilson, Amatruda, Tietz, Trella

Nays: None

Abstain: Clarke

4. ADMINISTRATIVE

Chairman Wilson presented the minutes of the February 27, 2024, Zoning Commission meeting for consideration. He called for discussion. There was none.

MOTION:

To approve the minutes of the February 27, 2024, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Amatruda, Tietz, Trella, Clarke

Nays: None

Abstain: None

5. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

6. CORRESPONDENCE

- Letter from Richard Warren, O&G Industries, dated March 12, 2024.

Commissioner Tietz recused himself. Alternate Well was seated at 7:46 p.m.

The letter was regarding a modification request for the Stiles Road quarry recent Special Permit (23-ZC-0002) renewal. Several new conditions were added to the Special Permit. Upon review of the final permit, Mr. Warren had several concerns as outlined in his letter. One condition added was to screen and stockpile millings solely for the use of the asphalt plant. The permit states this should be done between the hours of 8:00 a.m. to 6:00 p.m. There is at times a variance in place for night work on the quarry. The quarry might need the ability to transport the millings during that time, which is out of scope of the condition. The other condition stipulates the millings for the use at the asphalt plant at Stiles Road. Mr. Warren is requesting the ability to transport millings for use to other O&G asphalt plants as well. Town Planner Agresta was looking for direction on how to process the requests as either a modification, an amendment, or a new request. Chairman Wilson stated that he would like Mr. Warren to come back to discuss and clarify these conditions in person. Mr. Agresta will set that up.

Commissioner Clarke requested a return to Privilege of the Floor

MOTION:

To return to Privilege of the Floor

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Amatruda, Well, Trella, Clarke

Nays: None

Abstain: None

Regarding the previous conversation about application 24-ZC-0006, Commissioner Clarke stated that he felt storage was being allowed as a permitted use. Chairman Wilson strongly disagreed. Commissioner Amatruda stated that this discussion is deliberation and should not be handled at this time. All agreed to save their comments until deliberations when the draft is presented for consideration.

Chairman Wilson noted a meeting schedule item that needed attention. Initially, it was thought to be a meeting in April. It was later determined that the meeting in question is the May 28th meeting. Town Planner Agresta will look for an alternate location to have the meeting that night.

Town Planner Agresta mentioned that application 23-ZC-0024 was tabled due to a delay with their application to the Historic District Commission. The applicant has granted the Zoning Commission an extension for processing the application.

7. DRAFT ZONING REGULATIONS WORK SESSION

Town Planner Agresta asked the Commission to look over the revisions made to Section 16.1-16.3 that had previously been considered. Some additional changes, rewording and reworking of structure were made to section 16.2.3.A and 16.3.2.A.3.a

Alternate Well was unseated and Commissioner Tietz was reseated at 8:04 p.m.

Section 16.4 First Cut Divisions and Lot Line Revisions

- **16.4.1.A.1-5.d:** Minor grammatical changes. Correction of lettering / numbering.
- **16.4.1.A.5.e: Signature Blocks:** “This map is approved for recording” will be removed
- **16.4.2.A.1-4.e:** Minor grammatical changes.
- **16.4.2.A.4.f: Signature Blocks:** “This map is approved for recording” will be removed

Town Planner Agresta will prepare Section 17 for the next Draft Zoning Regulations Work Session. He would also like to work on the fee schedule. He recommends that the Commission begin to think about having the fee schedule come out of the regulations. Statutes state that the Town Planner should create the fee schedule and the Zoning Commission approves it. This would make it easier to make changes. The Board of Finance is looking for more revenue and is asking all commissions to look at their fees to help offset budgets if possible. Mr. Agresta will gather information from other towns to consider. He will also present the updated Regulations Works Session guideline schedule. Chairman Wilson reminded the Commissioners that in to order to stay on track with the agenda, he asks the members to stay on task with what is relevant.

8. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:40 p.m.

Made by Chairman Wilson

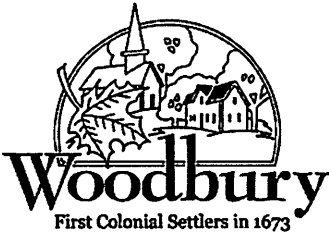
Respectfully Submitted,

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 5th day of Mar 2024
at 12:40 o'clock PM
Maria M. Marini
Town Clerk



Town of Woodbury Zoning Commission

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Woodbury, CT 06798
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SPECIAL PERMIT / SITE PLAN AMENDMENT APPROVAL

24-ZC-0005 – 346 Main Street South

Addition of Fencing

William and Susan Stinson (applicant)

Three Bark Holdings, LLC (owner)

Date of Approval	March 12, 2024
Permit Expiration	March 12, 2029
*If conditions and improvements are not completed accordingly	

Applicant	William and Susan Stinson
Owner	Three Bark Holdings LLC – Principals: William and Susan Stinson
Application	24-ZC-0005 – Special Permit/Site Plan (amending 21-ZC-2108, 22-ZC-0013, and 22-ZC-0017)
Project	Add multiple sections of picket fencing to match existing decorative fencing.
Address	364 Main Street South, Assessor Map 104, Lot 2A-2
Site Acreage	1.0644 acres
Zone	MSD District and Historic District #1

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0005** as submitted by the applicant/owner listed above seeking (Amendment) Special Permit / Site Plan Approval pursuant to Zoning §5.1, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” as described herein; and

WHEREAS the project seeks to amend the original Zoning Commission Special Permit / Site Plan approval granted for the subject property that established three (3) residential apartments (21-ZC-2108, as amended 22-ZC-0013 and 22-ZC-0017) seeking to add fencing that matches existing site fencing (no change in approved use); and

WHEREAS no impacts or disturbances to regulated inland wetlands, watercourses, or 100-foot upland review areas are proposed. As such, there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS the property is not located within 500 feet of a municipal boundary, an Aquifer Protection District, or a regulated 100-year floodplain; and

WHEREAS the subject property is within Historic District #1, for which a Certificate of Appropriateness was granted on February 5, 2024 (24-HD-0001) relating to the proposed fencing; and

WHEREAS application materials received include the following:

- Application for Special Permit/Site Plan (Amendment);
- Annotated Zoning Location Survey showing location of proposed fencing;
- Picture of Existing Fencing to be matched;
- Picture of historic fencing at the property since removed; 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 §8.2.8 of the Zoning Regulations, hereby determines the proposal to be minor in nature that does not change the approved use and as such does not warrant the need for a public hearing or referral to the Planning Commission, and further hereby **APPROVES** the application for Amendment of Special Permit / Site Plan, subject to the conditions and modifications set forth below; and

BE IT FURTHER RESOLVED this approval shall supplement the prior original zoning approval for the subject premises and its use as three (3) residential apartments (shall be in addition to 21-ZC-2108, 22-ZC-0013 as well as 22-ZC-0017); and

BE IT FURTHER RESOLVED the Commission hereby authorizes the publishing and filing of a Notice of Decision as required; and

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

A. Prior to Endorsement of the Final Plans

The applicant shall complete the following prior to the authorized endorsement of the final Site Plans as "approved" and prior to issuance of a Zoning Permit or commencement of site disturbance or construction:

1. **Final Plans** – The plans presented shall be endorsed as "approved" by the Agency / Town Planner and shall bear the following notes:
 - **24-ZC-0005 – Approval Date: March 12, 2024; Expiration Date: March 12, 2029* (*If regulated activities and conditions of approval are not completed accordingly in such timeframe.)**
 - **Original Approval – Special Permit 21-ZC-2108, as amended 22-ZC-0013, 22-ZC-0017.**
2. **Recording of Land Records Information Form** – Following satisfactory completion of Condition #1 above, 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 administrative Historic, Health, Zoning, Sign and/or Building Permits** shall be separately obtained by the applicant prior to any site work or construction.

B. Conditions During Construction

1. No site work or construction shall commence until the limits of disturbance have been clearly marked in the field, erosion and sedimentation control devices have been properly installed, and inspected by the Land Use Office. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
2. The applicant shall maintain and supplement the erosion and sedimentation controls as needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to any issues or potential deviations in completing the site work as designed and 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 Compliance and Permit Closure

1. **Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:
 - Provision of an acceptable As-Built as may be deemed warranted.
 - All improvements have been completed consistent with the approved final Site Plans.
 - All disturbed areas have been stabilized and landscaping is exhibiting healthy growth cover.
 - The site has been cleaned of construction related equipment, materials, and debris.
 - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
2. **Continuing Conditions of Operation Following Authorized Occupancy and Use** – No change in use is authorized with this amendment approval – only fencing installation to match the existing fencing.
3. **Changes in Use** – Consistent with Zoning §1.3.2, 5.3 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 the town regulations and modifications and requirements set forth herein.
5. **Prior Conditions of Approval** – All prior conditions, requirements, time periods and bonds of the original related approvals shall remain in full force and effect. The conditions, modifications and requirements as set forth herein shall be in addition to those of the original approvals.
6. **Approval Compliance/Changes** – Failure to maintain compliance with this approval and the associated approved final Site Plans as endorsed shall constitute a violation of the terms of this approval and the Zoning Regulations, subject to revocation. Any variation from or alteration of the approved Special Permit or final Site Plans shall require prior review and separate approval and permit.

7. **Expiration** – This 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 Site Plans. The Commission may grant one (1) or more extensions of time to complete same. 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

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

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Aye Wilson, Trella, Clarke, Amatruda, Tietz

Nay None

Abstain None