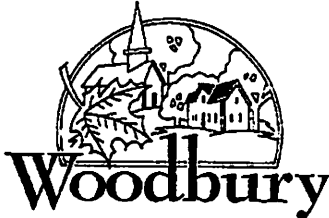


# TOWN OF WOODBURY

## 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 – MARCH 23, 2021 PUBLIC HEARING / REGULAR MEETING 7:00 P.M. – VIRTUAL MEETING

#### MEMBERS PRESENT:

Thomas Amatruda, Chairman  
Robert Clarke  
Ted Tietz  
Bob Wilson

#### ALTERNATES PRESENT:

Casey Rushin  
Jack Well

#### MEMBERS ABSENT:

Donald Trella

#### ALTERNATES ABSENT:

Elmer Kiessling

**ALSO PRESENT:** Town Planner Maryellen Edwards, John Elmer, and a member of the press.

#### 1. REGULAR MEETING

- a) CALL TO ORDER – Chairman Amatruda convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES/CONFLICT OF INTEREST  
(CGS Section 8-11 & Woodbury Town Charter Section 901)  
Seated were Commissioners Amatruda, Clarke, Tietz, Wilson and Alternate Well
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

#### 2. PUBLIC HEARINGS

**21-ZC-2101 / Desrochers (506 Main Street South LLC) / 506 Main Street South / Special Permit to Enlarge Parking Lot / Map 103 / Lots 005 & 004A-B / (Continued from 2/9/21 & 2/23/21, Extension Received to 3/23/21)**

The applicant submitted a request for an extension of the public hearing in order to work with the third party review. The extension was granted. The item was tabled and the Public Hearing will continue at the April 13, 2021, Zoning Commission meeting.

#### 3. NEW APPLICATIONS

**21-ZC-2106 / Peck / 694 Main Street South / Site Plan Approval for Installation of Pergola to Cover Existing Outdoor Dining Patio / Map 102 / Lot 022-D-1**

1. A memo from Maryellen Edwards dated 3/19/21 was noted. The memo stated that outdoor dining had been approved in 1996. The addition of a pergola could be considered a minor

modification to the Special Permit. Chairman Amatruda asked for the consensus of the Commission. Chairman Clarke was interested in more information. Some photo examples of a pergola were shown. He questioned if the sides were going to be open or if there would be some type of fencing. The applicant was not present to answer the questions.

Chairman Amatruda moved and Commissioner Wilson seconded the following motion regarding the application.

**MOTION:**

The Commission finds that the proposed modification of the site plan associated with Special Permit #745 is minor in nature and a public hearing is not required. Therefore, the Commission approves the minor modification for the placement of a 1,040 square foot adjustable pergola over the existing outdoor patio.

2. The Chairman called for discussion. Commissioner Clarke questioned how the pergola was adjustable. Upon further discussion the Commission felt that clarification was needed in order to understand what is actually being approved. Chairman Amatruda withdrew his motion and was about to table the application.
3. Carol Peck, the applicant arrived to the meeting. She addressed the Commission and was able to answer any questions. Ms. Peck stated how the structure could be either permanent or seasonal. The intention is to bolt the pergola to the ground. It will not be attached to the building. The louvers are adjustable in that they can open or close to be adjusted for the sun or rain. This will enable the restaurant to be able to have 100% capacity with the Covid19 protocol. Ms. Peck assured the Commission that it will be made attractive. The hope is to have outdoor dining possibly nine months out of the year. The sides will remain open.
4. Chairman Amatruda asked if a building permit was needed. Ms. Peck stated that the Building Official directed her to the Zoning Commission. Ms. Edwards stated that if the structure will be permanent, then a Zoning Permit will be needed which will then send it to the Building Official for review.

**MOTION:**

Chairman Amatruda moved and Commissioner Tietz seconded in regards to application (21-ZC-2106 / Peck / 694 Main Street South / Site Plan Approval for Installation of Pergola to Cover Existing Outdoor Dining Patio / Map 102 / Lot 022-D-1) that the Commission finds that the proposed modification of the site plan associated with Special Permit #745 is minor in nature and a public hearing is not required. Therefore, the Commission approves the minor modification for the placement of a 1,040 square foot adjustable pergola over the existing outdoor patio.

Vote: 5-0-0 in favor. Motion unanimously approved.

**4. PENDING APPLICATIONS**

- a) **21-ZC-2101 / Desrochers (506 Main Street South LLC) / 506 Main Street South / Special Permit to Enlarge Parking Lot / Map 103 / Lots 005 & 004A-B (Extension Received to 3/23/21)**

This item is tabled until the April 13, 2021, Zoning Commission meeting.

- b) **21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4 (Public Hearing Scheduled for April 13, 2021)**

This item is tabled until the Public Hearing scheduled for the April 13, 2021, Zoning Commission meeting is held.

## **5. ENFORCEMENT**

### **21-ENF-0003 / Eimer / 346 Quassapaug Road / NPV Home Based Business without Permits / Map 077 / Lot 094B-3**

Mr. Eimer, 346 Quassapaug Road, addressed the Commission. Mr. Eimer purchased the property last year. The previous owner's son was running a tree service business from the property and had asked if he could continue to do so after the sale of the property. Mr. Eimer was under the impression that the business was legally regulated and had granted him permission. Mr. Eimer was issued a NPV for the activity by ZEO Dylan Willette. Mr. Eimer has since issued a letter dated March 22, 2021, to the business owner stating that all equipment and materials need to be removed from the property within 30 days.

Ms. Edwards stated that Mr. Eimer has been very responsive and cooperative. Mr. Eimer was instructed to keep the ZEO informed of the status. The Commission will review this in 30 days.

## **6. REGULATION WORKSHOP**

Chairman Amatruda addressed the Commission. He would like to go over the final draft of the Principal Use Table. The consultant Mr. Gomes will be attending the April 27, 2021, Zoning Commission meeting. He would like all members to be prepared to discuss the Residential Community District and possibly signage.

The following Principal Uses were readdressed:

- **Auction Facility**—This use should be allowed in the PI district
- **Aircraft Landing Facility**—Commissioner Clarke wanted to discuss heliports. Chairman Amatruda felt this was already addressed and it had been decided to remove it.
- **Day Care Center**—Discussion of this use ensued. Commissioner Clarke questioned regarding this use in residential areas. This use will be allowed in the MSD and MQ districts with a ZP.
- **Food Service establishment**—This use will be allowed in the MSD and MQ districts with a ZP. This use will be discussed at a later time regarding the PI district.

- **Garden Center**—This use is allowed in all residential zones with a SP and the MSD, MQ and PI districts with a ZP.
- **Grocery Store, large and small format**—This use, both large and small format should be removed from the PI district.
- **Hotel or Motel**—This use should be removed from the PI district.
- **Industrial Use**—Commissioner Clarke noted that there is already light industrial in the MQ and would like to know why this use is noted only in the PI district. Discussion arose regarding pollution in the MQ creating brown fields. Commissioner Clarke noted that the Aquifer Protection Agency will regulate uses and guard against pollution. Chairman Amatruda does not want to open up Industrial Use in the MQ. He wants to keep this district more commercial. Commissioner Clarke felt that this regulation is too restrictive. There should be a clearer definition for light industrial versus heavy industrial use. The Chairman took a consensus of the Commission. The consensus was to not allow this use in the MQ district.
- **Residential Open Space Subdivision**—Chairman Amatruda questioned doing a SP for an open space subdivision. He was under the impression that such an application would go to the Planning Commission. Ms. Edwards will look into this and research what the regulations are. This use will be revisited.
- **Residential Two-Family**—Chairman Amatruda inquired if duplexes are allowed in all residential zones with a ZP. Commissioner Clarke confirmed that yes they are.
- **Retail Establishment, Small Format**—This use is allowed in the MSD and MQ districts with a ZP. This use will not be allowed in the PI district.
- **Theater**—Commissioner Clarke would like to see this use in the PI district. Commissioner Wilson noted that the discussion had been that this use might increase traffic especially at night and that is why it was not allowed in the PI district.
- **Veterinary Clinic**—This use will be allowed in the residential zones except for the R-40 with a SP, in the MQ with a SP and in the PI with a ZP. This use will not be allowed in the MSD district.

Chairman Amatruda noted that this completes the final draft of the Principal Use Table. He will go over this with Ms. Edwards to make sure that all changes are made.

Alternate Rushin brought up that the table does not address the use of storage facilities. In the old regulations, storage facilities are allowed in the PI district. The definitions showed that storage facilities fall under the Industrial Use. Discussion arose regarding existing storage facilities in residential areas and the MQ district. The question arose regarding splitting out storage facilities from the industrial use definition. Chairman Amatruda felt that storage units should not be in the MQ and should stay in the PI district.

Chairman Amatruda began discussion of the Accessory Use Table. The Residential Community District is not being considered at this time since the vision for this district is not clear at this moment. The following uses were discussed for Accessory Use:

- **Accessory Apartment**—This use has a lot of discussion in proposed legislation in Hartford to allow this by right without a lot of regulation. Discussion will continue on this.
- **Accessory Motor Vehicle Sales**—This is an accessory use to motor vehicle service and repair. The business is allowed up to 20 vehicles for sale on the premises at a given time. Discussion ensued regarding regulations on this topic. This use is allowed with a ZP in the PI district.

- **Accessory Office**—This definition needs clarification. This use is not a home office. It needs to be redefined to be unambiguous.
- **Accessory Structures**—The definition includes separate structures such as garages, gazebos, sheds and it also included ground mount solar panels. A discussion ensued regarding ground mount solar panels. Alternate Rushin felt that while he is in favor of solar panels, ground mount panels definitely change the look and character of a property and this should be looked at seriously before saying only Zoning Permits are required in all zones and districts. Ms. Edwards pointed out that there are restrictions in place with set-backs for accessory structures with a ZP. The Commission is concerned with allowing all accessory structures, specifically ground mount solar with only a ZP required.

## **7. OTHER BUSINESS**

### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to add the discussion of State Senate bill 1024 to the agenda.

Vote: 5-0-0 in favor. Motion unanimously approved.

1. Chairman Amatruda opened the discussion regarding the bill which is happening in Hartford which could restrict local zoning in certain areas, in particular to affordable housing near transport stations. While this is starting small, there is concern that this could be a trend, thereby taking authority away from local zoning boards and destroying the colonial character of small towns. Chairman Amatruda has sent a letter to Hartford and is looking to see if the Zoning Commission would like to take a stand as a whole, such as a resolution.
2. Commissioner Clarke stated that he needed to get more information before making a decision. Hartford initially gave the towns authority and he would like to know if Hartford is taking the authority back, and if so why? Alternate Well recognizes that one size does not fit all towns. It may not matter since Woodbury is away from transport stations. Commissioner Wilson felt that he needed to get a better understanding of the legislation. He agreed in principal that the State should not take over who the townspeople have elected to oversee the regulations. Commissioner Tietz was in agreement and felt that issues such as water and sewers of small towns should also be incorporated into any statement from the Commission. Alternate Rushin doesn't disagree with what Chairman Amatruda is stating however he feels that as a town we need to be more open to housing options and change.
3. Chairman Amatruda noted that his letter reflected that the Town is trying to incorporate this type of housing into the POCD since the needs of homeownership are changing. But towns still need to maintain control to preserve the colonial heritage. Commissioner Clarke would like to hear from a Senator. Alternate Rushin asked for any feedback from the First Selectman. Chairman Amatruda has sent a letter but has not heard anything official back. The Chairman asked for the Commission to be ready to discuss this at the next meeting.
4. Chairman Amatruda opened a discussion about resuming in person meetings starting in April. In person meetings, masked and socially distanced present challenges for being heard especially for those calling in remotely. The consensus was that the April 13<sup>th</sup> meeting will be held virtually

and the April 27<sup>th</sup> meeting will be held in person. The Commission will see how these meetings go to make future decisions.

#### **8. PRIVILEGE OF THE FLOOR**

There were no comments from the floor at this time.

#### **9. CORRESPONDENCE**

There was no correspondence at this time.

#### **10. CONSIDERATION OF MINUTES**

Chairman Amatruda presented for consideration the minutes of the March 9, 2021, Zoning Commission meeting. He called for discussion. There was none.

#### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to approve the minutes of the March 9, 2021, Zoning Commission meeting as presented.

Vote: 5-0-0 in favor. Motion unanimously approved.

Chairman Amatruda presented for consideration the minutes of the March 13, 2021, Site Walk. He called for discussion. There was none.

#### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to approve the minutes of the March 13, 2021, Site Walk as presented.

Vote: 5-0-0 in favor. Motion unanimously approved.

#### **11. ADJOURNMENT**

#### **MOTION:**

To adjourn the meeting at 9:01 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 25 day of March 2021  
at 2:45 o'clock P M  
Shirley A. Cook  
Town Clerk