

Town of Woodbury

Zoning Commission

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

MINUTES – MARCH 26, 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 (*arrived at 7:12 p.m.*)

ALTERNATES PRESENT:

Jack Well
Casey Rushin

MEMBERS ABSENT:

ALTERNATES ABSENT:

David Primini

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:06 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Tietz, Wilson and Alternate Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

- a) **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District**
MQ North, LLC (applicant), James M. Scott (owner), Woodbury Shops South LLC
Special Permit / Site Plan Approval – Proposed demolition and reconstruction of Building
#8, as well as proposed Change of Use to a Veterinary Office (Zoning §3.4.5 Special Permit)
and Retail. CH by 04/30/24

Ron Wolff, Engineer, addressed the Commission. Mr. Wolff explained the application. This property is in most northerly portion of the three lots that were approved by the Commission in 2022 for a consolidated site development plan. This application is for building #8 to be demolished and a new building constructed on the same footprint as the previous one. The building would be split into two portions: one for a veterinary office and the other for retail space. The vet office would be 3562 square feet on the eastern side of the building. There will be no major site work other than a new septic system, drainage controls and an infiltration trench. The

building would include handicap accessibility improvements and some landscaping. Mr. Wolff provided the parking tables. There is an existing concrete slab that will be covered with fine process mixed with at least 4 inches of topsoil and seeded for grass. This will be naturally graded to a zero degree pitch for mowing. The parking lot will be restriped. Town Planner Agresta had sent a memo on March 21, 2024, with items that needed to be implemented or clarified. Mr. Wolff addressed each item on the memo noting if the site plan had been updated accordingly.

Mike Devino, Industrial Development Group, addressed the Commission. Mr. Devino passed out photos of the current site and noted that they are trying to get as close as possible to the original building design but freshened up and modernized. The parking lot will not be redone at this time. The plan is to do the entire parking lot of the development at one time. Mr. Wolff read a statement about the stormwater management plan, including erosion control, the drywell, infiltration trench and minimal curbing. The area of disturbance is 1800 square feet.

Commissioner Clarke clarified that no animals would be staying overnight at the vet office. He asked about medical and surgical waste. Curt Ciarleglio, 320 Grassy Hill Road, is the vet opening the office. He answered Mr. Clarke’s questions. The medical waste will be stored on site and picked up by a hauler every week. All other wastewater will go into the septic system which has been approved by the Health Department. The animal relief area was also shown on the plan.

Commissioner Amatruda asked about any signage. Mr. Devino responded that there is no proposed signage yet. That will be part of another application. Commissioner Amatruda asked about the dumpster location and screening of it. Mr. Devino explained how he will try to share dumpsters between renters to minimize the amount needed. Discussion ensued about different types of screening for dumpsters. Mr. Devino showed the Belgium block that will be used in an area for curbing. He then explained the HVAC plan that will not include rooftops units, but condensers which will be outside at the back of the building. The lighting plan will be on a different application for the entire site.

Sidewalks were also discussed for the property. The plan is to have asphalt sidewalks with oil and stone over the top of it to give a quainter look. Mr. Agresta suggested pavers, but Mr. Devino is not happy with how pavers have held up on some applications and does not want to use them.

Commissioner Amatruda asked if the animal relief area is regulated. Mr. Ciarleglio stated that the area needs to be cleaned daily. Chairman Wilson clarified that there is no cremation disposal on sight. There is not. Commissioner Clarke asked for clarification on the recessed lights being used. Alternate Rushin asked if bollards will be used near the HVAC units. There will be some type of bollard put in place. He prefers a stamped stone sidewalk over asphalt but is satisfied with the oil and stone option. He also felt that fencing is a better option for dumpster screening since it can be fixer easier than vegetation if broken. Plowing needs and the handicap spaces were clarified.

MOTION:

To close the Public Hearing on application **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District** and prepare a draft approval.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Tietz, Amatruda, Clarke, Rushin

Nays: None

Abstain: None

Alternate Rushin was unseated and Commissioner Trella was seated at 8:35 p.m.

3. DETERMINATIONS / DELIBERATIONS

- a) **24-ZC-0006 – 641 Main Street South / Map 102, Lot 028 / MQ District
641 Main Street South LLC (owner/applicant)
Modification of existing special permit to allow office use with ancillary storage for antique furniture business in lower level of existing building.**

Chairman Wilson presented the draft approval on application **24-ZC-0006 – 641 Main Street South / Map 102, Lot 028 / MQ District** for consideration. He called for discussion. There was none.

MOTION:

To approve per Special Permit the Draft Approval Resolution dated March 26, 2024, on application **24-ZC-0006 – 641 Main Street South / Map 102, Lot 028 / MQ District** as presented.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Tietz, Amatruda, Trella

Nays: Clarke

Abstain: None

Full approval attached at the end of this document

MOTION:

To deliberate on application **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District**

Made by Commissioner Amatruda, Seconded by Chairman Wilson

Vote: 4-1-0

Ayes: Wilson, Tietz, Amatruda, Trella

Nays: Clarke

Abstain: None

Discussion commenced about the application. Commissioner Amatruda wanted to give guidance to staff for drafting the approval. He felt that given the location is not visible from the street, there was no need for screening of the dumpster. This could be addressed as the entire project progresses. He also agrees with the sidewalk proposal. Chairman Wilson agreed with both issues. He would also like to see bollards for the HVAC units added to the final plan. Commissioner Clarke felt that the dumpsters should be sitting on a concrete pad and screened. Commissioner Amatruda felt that considering the type of garbage that would be generated, it did not seem necessary. Consensus was that the majority of the Commission were satisfied with the dumpster and sidewalks proposed.

4. ENFORCEMENT

21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 District Tumer Eren (owner) – Classic Turf. Amendment of Approved Remediation Plan (22-ZC-0007)

Town Planner Agresta recapped the history of this item. An original plan had been made and approved. Work was not performed according to the plan. The staff met with the owner and the engineer and asked

for an amended plan for the work that had been done and what was needed to bring the issue to completion. The plan brought to staff was not what had been discussed. The recommendation was for the Commissioners to perform a site walk themselves.

Chairman Wilson and Alternate Rushin performed a site walk on March 23, 2024, at 10:00 a.m. It was raining while they were there. They noted that there is an active stockpile of fine processed stone that is being used for erosion control. There are major gaps throughout the erosion control system put in. There is an area around 10 yards with nothing done. The system that was put in does not go up to the top of the ridge so that there is a stream of dirt running down from the ridge. Alternate Rushin stated that what was done does not remotely meet the proposed slope. The processed stone was creating a waterfall effect. There is naked dirt on some areas. There is a vertical cut off with no slope at all near a small building. There is masonry block being used as a retaining wall. The work was never finished. This needs to be rectified since they are abutting and effecting Flanders Nature Center property. Since the owner is not cooperating, the town needs to escalate the matter.

Commissioner Tietz was unseated and Alternate Rushin was seated at 8:57 p.m.

MOTION:

To turn over enforcement item **21-ENF-0009 – 437 Sherman Hill Road** to the Town Attorney

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 5-0-0

Ayes: Wilson, Amatruda, Trella, Clarke, Rushin

Nays: None

Abstain: None

Alternate Rushin was unseated and Commissioner Tietz was reseated at 9:04 p.m.

5. ADMINISTRATIVE

Chairman Wilson presented the minutes of the March 12, 2024, Zoning Commission meeting for consideration. He called for discussion. There was none.

MOTION:

To approve the minutes of the March 12, 2024, Zoning Commission meeting as presented

Made by Chairman Wilson, Seconded by Commissioner Trella

Vote: 5-0-0

Ayes: Wilson, Amatruda, Trella, Clarke, Tietz

Nays: None

Abstain: None

- Rescheduling of the May 28, 2024, Regular Meeting

Town Planner Agresta stated that there were no spaces available to meet on the 28th. The options were to cancel the meeting or to move it to Wednesday the 29th.

MOTION:

To reschedule the May 28, 2024, Regular Meeting to be a Special Meeting held on May 29, 2024, at 7:00 p.m. at the Senior Center

Made by Chairman Wilson, Seconded by Commissioner Tietz

Vote: 4-1-0

Ayes: Wilson, Amatruda, Clarke, Tietz

Nays: Trella

Abstain: None

6. PRIVILEGE OF THE FLOOR

Rich Desrochers, 506 Main Street South, addressed the Commission. Mr. Desrochers is interested in purchasing the Green Acres retail establishment located at 524 Main Street. He would like to clean it up. As per the current regulations, 5% of the building size can be allocated to outside display area. For that property that would be 360 square feet. Currently the outside display area is much greater than that. He noted that most garden centers use much of their parking area. Town Planner Agresta stated that the regulation works well for most retail establishments for putting out sale items etc. However, for establishments that are selling outdoor retail items, it is hard to confine to that percentage. Mr. Desrochers would like to purchase the location and put in a nice outdoor display area but does not want to purchase the property and then be denied improvements. Mr. Agresta stated that this could be a way to address outdoor display areas by making a distinction of size based upon the type of use. This could be handled in the regulation workshop or an amendment can be added now. The consensus was for Mr. Agresta and Mr. Desrochers to work on some language for an amendment.

Alternate Rushin wanted it noted that he feels if an alternate has been sitting on an application for the majority of it, he feels the alternate should be seated for deliberation of the application even if a member is present. This led to a discussion of what the State statutes are and how situations should be handled. All members have the opportunity to listen to the recordings of meetings that would allow them to deliberate and vote on an application they were not physically present for.

7. CORRESPONDENCE

There was no correspondence to cover at this time.

8. DRAFT ZONING REGULATIONS WORK SESSION

MOTION:

To table the Draft Zoning Regulations Work Session

Made by Commissioner Trella, Seconded by Chairman Wilson

Vote: 4-1-0

Ayes: Wilson, Amatruda, Trella, Tietz

Nays: Clarke

Abstain: None

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:37 p.m.
Made by Chairman Wilson

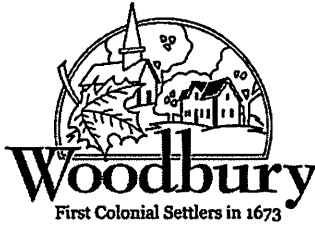
Respectfully Submitted,

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 1st day of Apr 2024
at 1:53 o'clock PM
Maria M Mancini
Town Clerk



Town of Woodbury Zoning Commission

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

SPECIAL PERMIT / SITE PLAN AMENDMENT APPROVAL

24-ZC-0006 – 641 Main Street South

**Change of Use: Office use with ancillary storage for Antique Furniture Business
641 Main Street South, LLC (applicant/owner)**

Date of Approval

March 26, 2024

Applicant/Owner	641 Main Street South, LLC
Application	24-ZC-0006
Project	Special Permit / Site Plan Amendment of original approval 05-ZC-5007, modifying Condition #15 to authorize a change in use from “accessory” tenant storage to a “principal” office use with ancillary storage space for an antiques business.
Address	641 Main Street South, Assessor Map 102, Lot 28
Site Acreage	3.568 acres
Zone	Middle Quarter (MQ) District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0006** as submitted by the applicant/owner listed above seeking (Amendment) Special Permit / Site Plan Approval pursuant to Zoning §5.2, §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 and modify a prior Commission approval of Special Permit / Site Plan granted for the subject property under 05-ZC-5007; and

WHEREAS application materials received include the following:

- Application for Minor Modification of Special Permit
- Existing Conditions Site Plan, Wolff Engineering, 03/04/24
- Main Level Floor Plan
- Lower Level Floor Plan; and

WHEREAS no exterior changes to the site or building, no additional lighting, and no additional signage is involved; and

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

WHEREAS the property is not located within a Historic District or Aquifer Protection District; and

WHEREAS a small portion of the property to the far northwestern corner is within a 100-year floodplain, but no impacts or site disturbances are proposed in this portion of the property; 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 or obviate 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 existing approved Special Permit use and as such does not warrant the need for a public hearing, 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 amend and supplement only the prior zoning approvals for the subject premises; 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 shall be in addition to prior zoning approvals for the subject premises as a modification thereto; and

BE IT FURTHER RESOLVED this approval is specific to that detailed herein, *subject to the following modifications and conditions:*

A. Prior to Endorsement of Final Site Plans

1. **Revision of Site Plans as “Final”** – The applicant shall submit a single (1) complete set of revised **Final Plans**, revised as follows to the satisfaction of the Town Planner:
 - a. **Each Sheet** (*inclusive of all application plans and details as listed above*) shall include a common revision date, post the date of this approval, and an original seal and signature of the professional responsible for preparing each individual plan or sheet.
 - b. Add a full copy of this approval.
 - c. Add the following notes conspicuously:
 - **24-ZC-0006 – Approval Date: March 26, 2024 – Amendment of Special Permit / Site Plan approval 05-ZC-5007, modifying Condition #15 to authorize a Change of Use affecting 1,832 sf of the lower level of the existing building to permit such space to be separately leased to tenants other than main level tenants for business office (124 sf) with accessory storage 1,708 sf) for an antiques business.**
 - **Primary use of the space includes office processing of products in preparation for sale in separate gallery located off-premises or for delivery to customers, including photographing, inventorying and occasionally showing larger pieces by appointment only.**

- *The lower level space shall not be used for on-premises retail sales, nor for restoration, rehabilitation, fabrication, or repair work.*
 - *The authorized use of the remaining floor area of the existing building lower level shall remain as “accessory passive storage space for tenants of the building only.”*
 - *No exterior changes, no additional lighting, nor any additional signage are authorized by the modification.*
 - *All prior conditions and requirements of prior approvals shall remain in full force and effect.*
2. **Final Site Plans for Endorsement** – Following acceptance of revised final Site Plans by the Town Planner, the applicant shall provide for endorsement by the Commission/Town Planner **two (2) printed sets** (additional copies should the applicant desire copies as endorsed). **EACH** plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
 3. **Recording of Land Records Information Form** – Upon completion of the above conditions and prior to issuance of a Zoning Permit, the applicant shall record on the Woodbury Land Records a **Land Records Information Form** as provided by the Land Use Office and containing this approval.
 4. **Other Required Permits** – Required **Historic, Health, Zoning, Sign and/or Building Permits** shall be separately obtained by the applicant prior to any site work or construction.

B. Continuing Conditions of Operation Use

1. **Tenant Occupancy**

- Main Level Tenant Space – No changes in use are involved.
 - Lower Level Tenant Space:
 - 1,832 sf (Unit H) of the lower level floor area may separately be leased to tenants other than main level tenants consisting of a business office (124 sf) with accessory storage 1,708 sf) for an antiques business. Primary use of the space includes office processing of products in preparation for sale in separate gallery located off-premises or for delivery to customers, including photographing, inventorying and occasionally showing larger pieces by appointment only. The space shall not be used for on-premises retail sales, nor for restoration, rehabilitation, fabrication, or repair work.
 - The remaining lower level floor area shall be remain as “accessory passive storage space for tenants of the building only.”
2. **Prior to Occupancy** – Prior to initial occupancy (and any subsequent change in occupant), a Zoning Permit shall be obtained for a new tenant business and any related interior space fit-up.
 3. **Site Maintenance** – The premises and improvements shall be maintained as follows:
 - 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. No unauthorized on-site parking or exterior storage shall be permitted.

- Site lighting shall be maintained in working order, changes require prior approval.
 - Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.
 - All pavement parking space paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation, including ADA accessible parking signage.
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 the 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 the approved final Site Plans 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 final Site Plans shall require prior review and separate approval and permit.
 7. **Changes in Use** – Consistent with Zoning §1.3.2, 5.2 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.
 8. **Expiration** – This approval shall expire and be null and void without further written notice if this approval is not recorded as required herein in the Woodbury Land Records (as to form and content) within one (1) year of the date of this approval. 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: 4-1-0 – **APPROVED** – Motion **PASSED**

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