



# 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 – MARCH 28, 2023  
REGULAR MEETING  
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**ALTERNATES PRESENT:**

Jack Well  
Casey Rushin  
Elmer Kiessling

**ALTERNATES ABSENT:**

**ALSO PRESENT:** Town Planner Will Agresta, applicants and 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. PUBLIC HEARINGS**

- a) **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)- Open Public Hearing – CH by 04/18/23**

Jock Duncan, applicant, addressed the Commission. Town Planner Agresta inquired if the applicant had the certificates of mailing for abutter notices. The applicant had left them at home. It was determined that the Public Hearing could continue, but could not be closed until they were received. Ms. Lawrason, applicant, left the meeting to get them.

Mr. Duncan proceeded with explaining the purpose of the application. They are requesting a major home occupation for a portion of the existing barn on the property. The business would sell things such as local goods, honey, pottery, clothing and accessories. Commissioner Amatruda inquired as to the hours of operation. Mr. Duncan replied the hours would be Thursday through

Sunday 11:00 a.m. to 5:00 p.m. Commissioner Amatruda recommended possibly putting longer hours on the application in case they would like to open more. Otherwise, they would need to appear before the Commission again if they ever wanted to change the hours. Mr. Duncan said he will change them to Tuesday through Sunday at the same times. Commissioner Tietz asked if there will be any employees. There will not be. Commissioner Amatruda asked if the Historic District Commission had approved the new sign design and location. Mr. Duncan said they have. Commissioner Clarke clarified the entrance and parking. Chairman Wilson called for any comments for questions from the public. There were none.

**MOTION:**

To table the Public Hearing on application (23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District) until receipt of the certificates of mailing.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Tietz, Trella, Amatruda

Nays: None

Abstain: None

- b) **23-ZC-0007 – 4 Main Street South / Map 104, lot 44 / MSD and HD#1**  
**Special Permit / Site Plan: Change of Use per Zoning §5.1.3 for conversion of a portion of the first floor into a new two-bedroom apartment; retain remaining first floor area (approximately 900 sf) as a commercial business; and renovate the unfinished second floor into a new two-bedroom apartment. Also, proposed parking and minor exterior window improvements. Thomas M. and Lisa M. Amatruda (applicant/owner).**  
 Reconvene Public Hearing from 02/14/23 – Pending HDC Certificate – CH by 04/04/23

*Commissioner Amatruda was unseated and Alternate Well was seated at 7:10 p.m.*

Mr. Amatruda, applicant, reviewed the plans which have currently changed. The original application was proposing that the lower level be split between commercial and residential. The new plan is to have the upstairs be a two bedroom apartment; and the lower level will remain all commercial. The Historic District has approved the front reconstruction of the building by cleaning it up and painting. They have not approved the second floor window change. Mr. Amatruda has granted an extension on the Public Hearing for reconfiguring the plan. Mr. Agresta requested the extension grant in writing. Chairman Wilson called for any questions or comments from the floor. There were none.

**MOTION:**

To table the Public Hearing on application (23-ZC-0007 – 4 Main Street South / Map 104, lot 44 / MSD and HD#1) and reconvene at the next Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Tietz, Trella, Well

Nays: None

Abstain: None

*Commissioners Trella and Tietz recused themselves. Alternates Rushin and Kiessling were seated at 7:16 p.m.*

- c) **23-ZC-0001 – 75 Bacon Pond Road / Map 21, Lot 34A / PI District**  
**Special Permit / Site Plan: New construction of two buildings including associated site improvements. 69 Bacon Pond, LLC (applicant/owner).**  
 Reconvene Public Hearing from 02/14/23 – CH by 04/04/23
1. Ron Wolff, Engineer, agent for the applicant, addressed the Commission. Mr. Wolff passed out packets to the Commission to address issues brought up previously. Mr. Wolff went over changes made to the plans. Statements of use for each building were revised. There was a new outside storage area noted on the plans that is approximately  $\frac{3}{4}$  of an acre for firewood, logs, and soil. The area would be lined on three sides with a woodchip berm. Mr. Wolff went over the storm water control for this area. The applicants have requested a maximum height of 35 feet and proposed waivers for the outside storage area permitted. They provided a list of their equipment inventory. To note is that the equipment is transient and some may often be on job sites. They are requesting that the height of the stockpiles be limited to 35 feet. Mr. Wolff proceeded to address Mr. Agresta's email that detailed information still needed.
  2. Any shop chemicals and lubricants on site will not exceed 1300 gallons. There will be 28 additional Green Giant Arborvitae's added to the landscaping. There will be signage for "No Jake Brakes" and "No Trucks on Sanford Road." Trucks will also be verbally instructed on traffic routes. The site area is 6.9 acres which is 23  $\frac{1}{2}$ % of the property. They have added 5500 square feet of paved area that is regraded and directed to a hydro-dynamic separator to address contaminates in the run off. The lighting designer felt that the fixture specified in the application meets regulation 7.3.2.7.
  3. Commissioner Clarke inquired about the generators listed on the equipment inventory. Jason Carroll, applicant, stated that those are portable units used on job sites. Commissioner Clarke felt the request for a 35 foot height maximum on the storage area was high since it is higher than the buildings. Mr. Carroll stated that the material will ebb and flow. Commissioner Clarke did note that the site area actually sits in a hollow, so he would like to see that the storage area stays in the hollow area and not go up the banks on the property. Alternate Rushin inquired if blasting was going to be necessary to clear the land. The applicant could not say until the job was in progress. Any logging done will only be for clearing the site. There will be a skidder on site to haul out the trees being removed from the property. The bins behind building #2 will be lower than 8 feet. There will be no stockpiling of millings.
  4. Alternate Rushin asked about the floor drains being used in building #1. Mr. Wolff stated that there are DEEP permits and protocols that are in place for floor drains. Once the basin is full, a certified hauler needs to come and pump it before use can begin again. The storm water will be collected in storm basins underground and then will dissipate. The water is collected in a way to not run into the brook at the back of the property near Sanford Road. The site area would be graded down and pitched towards the center of the property. There will not be water collected down near the Bacon Pond Road area. Alternate Rushin expressed concern for where snow would be plowed to, since it will have salt mixed into it. The snow will be pushed towards the banks on the property and not towards the brook. There is no activity happening even remotely close to wetlands areas.

5. Gail McTaggart, agent for the applicant, addressed the Commission regarding the driveway grade in excess of 10%. There is a difference in opinion between her and Mr. Agresta on how regulation 7.3.2.1.E is interpreted for the driveway grade. Ms. McTaggart went through her explanation of the language of the regulations, the history of other applicants in town and how it applies to this application. She stated that the Town Ordinance allowing for up to 15% also needs to be considered in conjunction with the regulations. She believes there is no conflict. The first 30 feet of the driveway would be a 5% grade; the next 40 feet would be a 10% grade and then the remainder of the driveway would be 12.95%. By keeping the driveway to a 10% grade, it would mean a huge cut to the landscape. The Woodbury Senior Center, 13 Bacon Pond Road and 297-299 Main Street South were used as examples of driveways with a grade of more than 10%. The Fire Marshal has reviewed the proposed plan. A letter dated February 15, 2023, was submitted from Richard Lamothe of the Public Works Department which stated that "after review of the plans, the applicant clearly complies with the Zoning Regulation." Ms. McTaggart also reached out to former Town Planner Vince McDermott, who agrees with her interpretation of the regulation. Mr. Agresta stated that he is trying to understand the purpose of the 10% grade. He believes that commercial grades are different than residential. He certainly does not want the environmental impact to be greater just to achieve a lesser grade incline.

Chairman Wilson called for any questions or comments from the public.

6. Pam Gengenbach, 33 Sanford Road, addressed the Commission. Ms. Gengenbach stated that she feels it makes no sense that the applicant obtained the zone change to the PI zone on the property and now they are requesting a waiver for a special exception in that zone. She feels that is counterproductive. The applicant has now added 35,500 square feet of storage. The regulations state that outside storage should be kept at 10% of the proposed building. She was upset that the applicant doesn't want to stagger a second row of trees. She also does not agree when the applicant says it is not feasible to list all that will be stored on the premises. She hopes that the Commission will control this more.
7. Peter Bartoli, 64 Sanford Road, addressed the Commission. Mr. Bartoli stated that the 10% grade is put in place for safety and that precedent should be considered. He also stated that a variance can be granted to those unreasonably restricted. He felt that the hardship was self-imposed by the applicant by converting to a PI zone. Mr. Bartoli reiterated the same points and concerns mentioned by Ms. Gengenbach. He stated that regulation 7.3.2.6 states that outside storage should be 10% and be enclosed or screened. Commissioner Clarke responded that the regulations allow for the sole discretion of the Commission to approve if something is necessary or customary. Mr. Bartoli believes that the neighbors can coexist with the applicants provided that the Zoning Commission puts protections in place.
8. Penelope Eastham, 78 Sanford Road, addressed the Commission. Ms. Eastham showed how she could see the top of the hill through leaves from Sanford Road. She inquired how loggers would be coming in to the site. Would they be working their way up the proposed driveway or coming in a different way? She wondered if the storm water is tested. She also wanted to go on the record that last meeting a comment was made that people hiking the property were trespassing. She stated that the previous owner gave permission for the neighbors to be on the hill. There are now "No Trespassing" signs and she questioned why. In addition, the applicant has stated that they help the Fire Department and are a benefit to the town. In her research she has only found one occasion where Rocky Ridge was contacted to help the Fire Department.

Chairman Wilson addressed the questions brought up by the public.

- The access road to the site during construction will start at the bottom and head to the top.
- There will not be salt stored on site. There will be a minimal amount (approximately 40 yards) of salt & sand mixture that will be covered with plastic on site.
- The applicants agreed to add another row of Green Giant Arborvitaes. This variety was chosen because they are fast growing and fill in quickly.
- The storm-water is not required to be tested on any site. Mr. Wolff explained in detail the storm-water management system.

9. Commissioner Clarke inquired as to the advantage of not having downspouts. The storm water management plan is trying to minimize run off. Alternate Rushin asked to see the sign detail. He also asked for the additional storage area to be mapped out so that there is a marked boundary as part of the record. The Commission is asking for the applicant to grant an extension in order to finalize any additional details.

**MOTION:**

To keep the Public Hearing on application (23-ZC-0001 – 75 Bacon Pond Road / Map 21, Lot 34A / PI District) open.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Rushin, Kiessling

Nays: Well

Abstain: None

*Alternate Well was unseated and Commissioner Tietz was reseated at 9:39 p.m.*

*A five minute break was taken. The meeting reconvened at 9:44 p.m.*

**MOTION:**

To reopen the Public Hearing on application (23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District)

Made by Commissioner Clarke, Seconded by Chairman Wilson

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

The applicants submitted the certificates of mailing for the abutter notices.

**MOTION:**

To close the Public Hearing on application (23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District)

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**MOTION:**

To instruct staff to draft an approval for consideration on application (23-ZC-0008 – 920 Main Street South / Map 34, Lot 1D-A / OS-60 District)

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**3. PENDING APPLICATIONS**

- a) **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) - Pending Inland Wetlands Permit / Recommendation**

The applicant was before the Inlands Wetlands Association last night and received approval in regards to the application in the wetlands area. Mr. Mennone, applicant, addressed the Commission. Mr. Mennone explained the application is to put a standby generator and propane tank on a slab which is located in a 100 year floodplain. The generator will be elevated five feet above the slab to meet FEMA regulations.

**MOTION:**

To instruct staff to draft an approval for consideration on application (23-ZC-0006 – 262 Minortown Road / Map 32, Lot 23 / OS-60 District)

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**4. NEW APPLICATIONS**

- a) **23-ZC-0009 – 192 Quanopaug Trail / Map 27, Lot 8A / OS-100 District  
Special Permit / Site Plan Amendment Outdoor Recreation (Archery Range and Club) per Zoning §3.4.6, amending Special Permits #110 (05/25/70) and 08-ZC-8020 (08/12/1) to add 18kw generator on a precast concrete pad. Gregg Lundy (applicant/agent), Algonquin Archers, Inc. (owner)**

The applicant was not present and also did not attend the IWA meeting last night.

**MOTION:**

To table application (23-ZC-0009 – 192 *Quanopaug Trail / Map 27, Lot 8A / OS-100 District*)

Made by Commissioner Clarke, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**5. ENFORCEMENT**

- **23-ENF-0001 – 399 Weekeepemee Road**  
**Non-permitted storage trailer – William and Mary Tyrell – NPV sent 01/30/23**

Ms. Tyrell, addressed the Commission. Ms. Tyrell explained the deeds on the property. She attempted to obtain a Zoning Permit, but was not able. She submitted a written request and is now asking for a continuance until 6/15/23 when it will not be so muddy and she will be able to move the trailer.

**MOTION:**

To table enforcement item (23-ENF-0001 – 399 *Weekeepemee Road*) until the second Zoning Commission meeting in June.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**6. DELIBERATIONS / DETERMINATIONS**

There were no deliberations or determinations at this time.

**7. ADMINISTRATIVE**

Chairman Wilson presented for consideration the minutes of the February 28, 2023, Zoning Commission meeting. He called for any comments. There were none.

**MOTION:**

To approve the minutes of the February 28, 2023, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Alternate Kiessling

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

Chairman Wilson presented for consideration the minutes of the March 11, 2023, site walk at 75 Bacon Pond Road. He called for any comments. There were none.

**MOTION:**

To approve the minutes of the March 11, 2023, site walk as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Rushin, Kiessling, Tietz

Nays: None

Abstain: None

**8. OTHER BUSINESS**

There was no other business to consider at this time.

**9. PRIVILEGE OF THE FLOOR**

Mary Tyrell, 399 Weekepeemee Road, addressed the Commission. Ms. Tyrell was inquiring in behalf of Lori Ann Witte regarding the status on an application for the Glebe house. Town Planner Agresta stated that the approval had been processed.

Alternate Rushin addressed the Commission regarding the site walk performed on March 11, 2023. Mr. Rushin felt that the Commission did not do their due diligence on walking down Sanford Road as had been recommended. He felt that the site walk was also not handled professionally. Several other Commissioners had walked down Sanford Road either before the meeting or at another time that Alternate Rushin was not aware of. Chairman Wilson expressed that it was a very difficult site walk. Weather conditions made it very challenging. In addition there were a lot of members of the public present who did not respect that there were to be no questions asked at that time. Chairman Wilson stated repeatedly that any questions needed to come before the Commission at the Public Hearing.

**10. CORRESPONDENCE**

There was no correspondence to consider at this time.

**11. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 10:11 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 3rd day of Apr 2023

at LiU block P M

*Maria M. Mancini*  
Town Clerk