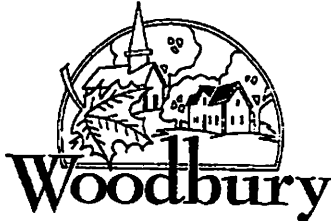


# TOWN OF WOODBURY

## 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 9, 2021 PUBLIC HEARING / REGULAR MEETING 7:00 P.M. – VIRTUAL MEETING

#### MEMBERS PRESENT:

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

#### ALTERNATES PRESENT:

Casey Rushin (*arrived 7:01 p.m.*)  
Elmer Kiessling  
Jack Well

#### MEMBERS ABSENT:

#### ALTERNATES ABSENT:

**ALSO PRESENT:** Town Planner Maryellen Edwards, Michael Walsh-Bates, Ken Devino, Pete Kelemencky, Applicants & Agents, Townspeople, 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 Trella
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

#### 2. PUBLIC HEARINGS

- 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 / CH: 3/16/21 (Continued from 2/9/21 & 2/23/21)**

A letter from the applicant's agent John Mack of Stuart Somers Company, dated February 26, 2021, was submitted to the Land Use Office. The letter requested a time extension of 35 days for the Public Hearing in order for the third party reviewer and the applicant to have more time in reviewing and addressing any concerns. Chairman Amatruda requested that the applicant address any issues brought up in Ms. Doyle's letters for the next meeting.

*This application was tabled until the March 23, 2021, Zoning Commission meeting.*

- b) **21-ZC-2102 / Bates-Walsh / 506 Main Street South / Special Permit for Outdoor Dining / Map 103 / Lot 005 / CH: 4/13/21**

1. Ms. Edwards stated that all abutter notifications had been submitted. This application had been sent to the Planning Commission. The Planning Commission finds that the application is consistent with the POCD.
2. Mr. Bates-Walsh addressed the Commission. He is requesting a Special Permit for a permanent outdoor dining area based on the new dining patterns that have been formed during the pandemic and will continue for the foreseeable future. He stated that the Planning Commission not only had a unanimous decision in favor of the application but felt that this was very positive for Main Street and the Town itself. Pictures of the area were presented. Chairman Amatruda called for any questions from the Commission. The tented area was from last year for outdoor dining. It is not there anymore and does not represent the area to be the patio.
3. Alternate Rushin questioned if the patio area will be visible from Main Street and if there is any landscaping planned for the area. Mr. Walsh responded that the area is below street grade and cannot be seen from the Main Street side walk. Shrubs and landscaping will be determined as the area is completed. Commissioner Clarke questioned what will be separating the parking area from the patio area. There is a fence noted in the plans as per Fire Marshall Janet Morgan. Commissioner Clarke asked for clarification on where the patio is abutting to the loading dock. Part of the loading dock is lost with the new patio.

Chairman Amatruda called for any comments or questions from the public. There were none.

#### **MOTION:**

Chairman Amatruda moved and Commissioner Trella seconded to close the Public Hearing on application (21-ZC-2102 / Bates-Walsh / 506 Main Street South / Special Permit for Outdoor Dining / Map 103 / Lot 005 / CH: 4/13/21)

Vote: 4-1-0 in favor. Commissioner Clarke being the nay vote feeling that this application should not close until application 21-ZC-2101 has closed. Motion approved.

#### **c) 21-ZC-2103/ Woodbury Shops South LLC / 740 Main Street South (Bldg. 4) / Special Permit for Outdoor Dining / Map 102 / Lot 020-B4 / CH: 4/13/21**

1. Ms. Edwards stated that all abutter notifications had been submitted. Michael Devino, representing Woodbury Shops LLC, addressed the Commission. There are several components to the application. They will be refreshing the building, replacing windows, adding a cupola, creating a small vestibule and creating a 495 square foot patio with a pergola to cover the outdoor dining area. Drawings and perspectives were shown.
2. Chairman Amatruda called for any questions from the Commission. Commissioner Clarke asked for definition and clarification of the pergola area. Alternate Rushin inquired regarding a guard rail or curb between the parking area and the dining area and any feedback from the Fire Marshall. Mr. Devino has spoken with Ms. Morgan, but there have been no additional requirements. Alternate Rushin felt that something should be put in place for separation. He also questioned the plans for the driveway. Mr. Devino stated that the driveway does not

impact the proposed plan. The pergola in 15 feet away from the driveway. The island blocks the pergola from the driveway. The plans were looked at and discussed.

3. Commissioner Clarke questioned where the septic is located. It is to the northwest of the location. There is a water line near the proposed patio. Mr. Devino noted that they are not looking to update the design flow of the septic system. Ms. Edwards stated that a condition could be added to the motion stating that the Fire Marshall approve the application. Commissioner Clarke questioned if the Commission can condition another authority. Ms. Edwards stated she will verify this, however that Ms. Morgan has reviewed the application and it is being addressed.
4. Mr. Devino stated that they are not looking to cut corners. They are looking to elevate the style and tenants. Commissioner Clarke asked if there are any changes to lighting on this application. Mr. Devino stated there will be changes to lighting eventually, however it is not part of this application. Commissioner Clarke made note of a letter submitted from Ralph Hardisty regarding the application. Chairman Amatruda called for any questions or comments from the public. There were none.

#### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to close the Public Hearing on application *(21-ZC-2103/ Woodbury Shops South LLC / 740 Main Street South (Bldg. 4) / Special Permit for Outdoor Dining / Map 102 / Lot 020-B4 / CH: 4/13/21)*

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

#### **3. NEW APPLICATIONS**

##### **a) 21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4 / OH: 5/13/21**

1. Pete Kelemencky, applicant, addressed the Commission. The application is to install ground mount solar. Chris Lobdell and Louise Hastings, PurePoint Energy, agents for the applicant, addressed the Commission. Chairman Amatruda suggested a site walk would be good. The other Commissioners agreed. The application is to install a 28 panel, ground mounted array system that can be tilted to 30 degrees. It will supply electrical power to the building of PC Auto. It will be located 51 feet from the property line on the side of the building. Commissioner Trella asked how far it will be located from the main road. The array will be approximately 100 feet from the road.
2. Commissioner Clarke asked if this will be expandable. Mr. Lobdell stated that you could add on but most likely more panels would just be added. The energy is to be used directly by the building initially. Any energy not used in real time is then sent to the grid and credited to the applicant's bill.

**MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to schedule a site walk on application (21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4 / OH: 5/13/21) to be held March 13, 2021, at 10:00 a.m.

Vote: 5-0-0 in favor. Motion unanimously approved. Alternate Rushin recused himself on this application.

**MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to schedule a Public Hearing on application (21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4 / OH: 5/13/21) for the April 13, 2021, Zoning Commission meeting.

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

- b) 21-ZC-2105 / Slattery / Application to Amend the Zoning Regulations Section 7.12 Assisted Living Facilities / OH: 5/13/21**

This application was withdrawn.

**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 / CH: 3/16/21**

This application is tabled.

- b) 21-ZC-2102 / Bates-Walsh / 506 Main Street South / Special Permit for Outdoor Dining / Map 103 / Lot 005 / CH: 4/13/21**

There was discussion regarding if a condition needed to be added to the motion. It was determined that it was not needed.

**MOTION:**

Chairman Amatruda moved and Commissioner Tietz seconded the following motion regarding application (21-ZC-2102 / Bates-Walsh / 506 Main Street South / Special Permit for Outdoor Dining / Map 103 / Lot 005 / CH: 4/13/21)

**WHEREAS**, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 21-ZC-2102 submitted by Michael Bates Walsh., for the construction of a 2,000 square foot patio to be used for outdoor dining at 506 Main Street South (Map 103/Lot 005); and

**WHEREAS**, the Commission has received the following material:

- a. An application received January 28, 2021;
- b. Owner authorization letter dated February 4, 2021, and received February 5, 2021;
- c. Two sketches of the outdoor dining area and a photograph of the proposed guardrail received February 5, 2021;
- d. Revised application adding additional details regarding the patio dimensions, received February 5, 2021;
- e. Updated site plan prepared by Stuart Somers CO, LLC, dated February 25, 2021; and Certificates of mailing, received March 1, 2021; and

**WHEREAS**, under Section 5.1.9 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

**WHEREAS**, the Commission received the report of the Woodbury Planning Commission, which reviewed the application on March 3, 2021, and found that the proposed use of the site would be consistent with the Town Plan of Conservation and Development and the Plan of Development; and

**WHEREAS**, a duly noticed public hearing was convened on March 9, 2021, to consider the application and receive public comment; and

**WHEREAS**, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

**WHEREAS**, the Commission has carefully considered all the information submitted and received at the public hearing; and

**WHEREAS**, this motion does not eliminate the necessity for the applicant to obtain any required local, state or federal authorizations, including but not limited to, Building, Zoning and Driveway Permits, Fire Marshal, Health District approvals, or any other municipal approvals.

**NOW, THEREFORE, BE IT RESOLVED** that the Woodbury Zoning Commission approves application, 21-ZC-2102, submitted by Michael Bates Walsh, for the construction of a 2,000 square foot patio to be used for outdoor dining at 506 Main Street South (Map 103/Lot 005) as described on the submitted Zoning Commission application dated January 28, 2021, and the revised application received February 5, 2021.

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

- c) **21-ZC-2103/ Woodbury Shops South LLC / 740 Main Street South (Bldg. 4) / Special Permit for Outdoor Dining / Map 102 / Lot 020-B4 / CH: 4/13/21**

**MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded the following motion regarding application (21-ZC-2103/ Woodbury Shops South LLC / 740 Main Street South (Bldg. 4) / Special Permit for Outdoor Dining / Map 102 / Lot 020-B4 / CH: 4/13/21)

**WHEREAS**, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 21-ZC-2103 submitted by Woodbury Shops South, LLC., for the construction of a 535

square foot pergola, a 58 square foot vestibule and a 750 square foot patio to be used for outdoor dining at 740 Main Street South, Woodbury (Map 102/Lot 020-B4); and

**WHEREAS**, the Commission has received the following material:

- f. An application dated January 29, 2021, and received February 3, 2021;
- g. Revised application adding additional details, received February 5, 2021;
- h. A set of two plan sheets titled Plans and Sections, dated January 26, 2021, and a plan set titled Elevations dated, December 15, 2020, prepared by Industrial Development Group, received February 3, 2021;
- i. Zoning Location Survey, prepared by Riordan Land Surveying, dated January 19, 2019, revised January 27, 2021, and received February 3, 2021;
- j. Certificates of mailing, received March 1, 2021;
- k. A set of three plan sheets titled Plans, Elevations and Sections, prepared by Industrial Development Group, dated January 26, 2021, and received February 3, 2021;
- l. A Plan sheet titled Perspectives, dated March 8, 2021, and received March 8, 2021;
- m. Owner authority letter dated and received March 8, 2021;
- n. A letter from Raymond Hardisty dated and received March 9, 2021; and

**WHEREAS**, a duly noticed public hearing was convened on March 9, 2021, to consider the application and receive public comment; and

**WHEREAS**, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

**WHEREAS**, the Commission has carefully considered all the information submitted and received at the public hearing; and

**WHEREAS**, this motion does not eliminate the necessity for the applicant to obtain any required local, state or federal authorizations, including but not limited to, Building, Zoning and Driveway Permits, Fire Marshal, Health District approvals, or any other municipal approvals.

**NOW, THEREFORE, BE IT RESOLVED** that the Woodbury Zoning Commission approves application, 21-ZC-2103, submitted by Woodbury Shops South, LLC, for the construction of a 535 square foot pergola, a 58 square foot vestibule and a 750 square foot patio to be used for outdoor dining at 740 Main Street South (Map 102/Lot 020-B4) as described on the submitted Zoning Commission application dated January 29, 2021, and the revised application received February 5, 2021.

*(Commissioner Clarke noted that Chairman Amatruda stated the wrong address initially in regards to this application. Chairman Amatruda corrected himself prior to the vote)*

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

## **5. OTHER BUSINESS**

There was no other business at this time.

## **6. PRIVILEGE OF THE FLOOR**

There were no comments from the floor at this time.

## **7. CORRESPONDENCE**

- O& G Industries, Park Road Quarry, February complaint log. There was one complaint from 110 Old Sherman Hill Road.  
Chairman Amatruda noted he heard a blast on Main Street on Monday at 11:45 a.m. that he was aware of because of the blast notification. Alternate Rushin questioned if there are more complaints and if it is due to ground or overhead interference. Chairman Amatruda stated that he feels there are more complaints due to more people being home.

## **8. CONSIDERATION OF MINUTES**

Chairman Amatruda presented for consideration the minutes of the February 20, 2021, Zoning Commission Special Meeting. He called for discussion. There was none.

### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to approve the minutes of the Special Meeting site walk performed on February 20, 2021, as presented.

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

Chairman Amatruda presented for consideration the minutes of the February 23, 2021, Zoning Commission meeting. He called for discussion. Commissioner Clarke noted a correction.

### **MOTION:**

Chairman Amatruda moved and Commissioner Clarke seconded to accept the minutes of the February 23, 2021, Zoning Commission meeting as amended:

- Section 5-Regulation Workshop—Correct spelling of Principle Use Table to Principal Use Table

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

Chairman Amatruda addressed the Commission. At the April 27, 2021, Zoning Commission meeting, the consultant Francisco Gomes will be attending. He is asking that everyone be prepared to discuss Residential Community and Signage regulations. He wants to make the most of the time with the consultant. If in person meetings are close to being resumed, this meeting may be delayed in order to be in person. All should be prepared to complete the Principal Use Table at the next meeting.

**9. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 8:23 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 16<sup>th</sup> day of March 2021  
at 11:33 o'clock A M  
*Judith A. Cook*  
Town Clerk