

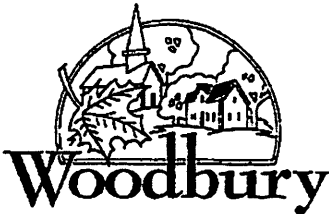
TOWN OF WOODBURY

Zoning Commission

281 Main Street South

Woodbury, CT 06798-0369

(203)263-3467 ~ www.woodburyct.org



First land deed from the Indians
April 12th 1659

MINUTES – April 13, 2021 REGULAR VIRTUAL MEETING – 7:00 P.M.

MEMBERS PRESENT:

Thomas Amatruda, Chairman
Robert Clarke (*arrived 7:13 p.m.*)
Donald Trella (*arrived 7:16 p.m.*)
Ted Tietz
Bob Wilson

ALTERNATES PRESENT:

Elmer Kiessling
Casey Rushin
Jack Well

ALSO PRESENT: Maryellen Edwards (Town Planner), Louise Hastings, Natalie Castro, Peter Kelemencky, Richard Desrochers, John Mack, Charlie Spath, Evan Hard and interested members of the public

REGULAR MEETING

Call to Order - Chairman Amatruda convened the meeting at 7:00 p.m.

Seating of Members/Alternates - Seated were Commissioners Amatruda, Tietz, Wilson and Alternates Kiessling and Rushin

Conflict of Interest Reminder (CGS Section 8-11 & Woodbury Town Charter Section 901) – Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

Continue Regular Meeting After Public Hearings

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**

The engineer for the project was having microphone issues, so the Chairman tabled this item.

- **21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4**

Alternate Rushing recused himself from the discussions and was unseated. Alternate Well was seated.

Louise Hastings and Natalie Castro of PurePoint Energy were present, along with Peter Kelemencky, owner of the property. It was explained that PC Auto is getting ground mount solar panels to feed their business. Diagrams of the solar array were reviewed, along with renderings of the panels. The proximity to the building, driveway and parking lot were noted. Dimensions were shown. Chairman Amatruda noted that where they saw the stakes at the site walk and where the aerial drawings were showing the panel locations was different from the mapping provided. There should be a map submitted that accurately reflects where it is going to be. Ms. Castro noted that another map should have been submitted to show the change. Ms. Hastings was able to bring up the appropriate site plan for members to view. It was noted that this map will be submitted, Maryellen Edwards noting it can be added to the approval motion.

Robert Clarke arrived at the meeting at 7:13 p.m. and Donald Trella arrived at 7:16 p.m.

It was confirmed that there will be no changes to the parking lot. Site Plan dated January 24, 2021 will be added to the draft motion.

MOTION:

To close the public hearing for 21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4.

Made by Chairman Amatruda, Seconded by Member Wilson

Vote: 5-0-0 in favor (*Amatruda, Tietz, Wilson, Kiessling & Well*)

- **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**

Richard Desrochers, John Mack and Charlie Spath were present for the hearing. Mr. Desrochers indicated that the plans were reviewed by the third-party engineer who made suggestions. The plans were revised to accommodate these suggestions. Mr. Mack noted the final letter from Nafis & Young dated March 31, 2021. Mr. Galligan wanted them to not count the credit for the infiltration for the stormwater for the underground galleries, they removed that. Mr. Galligan also wanted the design to be as if it would be paved. Mr. Mack designed it for future paving, so if in the future they decide to pave, they don't need to add more galleries to the system. It is overdesigned for what they are doing today but allows wiggle room for future paving. They've gone above and beyond to retain all the stormwater on the site. Even if they decide to pave, there is enough storage and drainage in the plans. This is good from the 2-year to the 100-year storms. Erosion control notes and details were added. Additional plantings were added, as well as grass islands. Five rows of galleries are included. An outlet was added that won't see any action. Water will infiltrate into the ground. It is a good underground design through all seasons. Mr. Desrochers noted that they took all of Mr. Galligan's suggestions and incorporated them into the plans, so the stormwater retention has been over designed. Stormwater will go into the ground, even if they pave the whole parking lot there would be plenty of retention. It was confirmed that the water would be running from the North to the South. A large portion of the plan is already existing (parking and basin), they are adding more spots which will remain gravel and they plan to landscape the hill. A grass swale was added as well as some trees for landscaping. Alternate Rushin questioned if all the retention goes to the tanks or to the culvert. Mr. Desrochers responded that there is an overflow there but with the calculation of the 100-year flood it still shouldn't need the overflow. Mr. Mack stated they are not overflowing into the existing catch basin. The existing catch basin is going to act like it's always been there. The existing parking lot drains to the existing catch basin that will not change. They are not tying into that catch basin so the new parking area ties into a new catch basin and into the underground galleries and be detained as if it were a paved parking area. Alternate Rushin's concern being that the catch basin isn't on their property, if things change on that property, that water would have no place to go. The neighbor has given written permission to hook up to that basin, however, Mr. Desrochers has never seen water flowing to that catch basin. No streaming, puddling or overflowing goes to that basin. Nothing would change if they didn't do this project. It was confirmed that there is a written right of way currently to that storm basin.

The Chairman opened the public hearing up to the public.

Wes Clow, Chairman of the Inland Wetlands and Watercourses Agency – Mr. Clow felt that their agency should have seen this application because there is a potential impact to the wetlands. Mr. Desrochers responded that Jim Galligan was the same third-party reviewer that the Wetlands Agency had used and in his final review noted the revised plans will protect the wetlands. The activity is taking place outside the 100' setback. They designed a system where the water will stay in the ground. Mr. Clow felt that there was still the potential of water going into basins and that they should have a review of the project before any approvals are given.

Alternate Rushin questioned the widening of the driveway area and whether they needed to look at the increase in number of cars due to the parking lot size increase, as well as any state required review. The entrance is not being widened or changed; it has recently been paved. Mr. Mack responded that once the application is reviewed through zoning, it would need to be reviewed by the state. He noted that the stone wall is being moved for safety, they will be losing a couple parking spots. This will be better for two-way traffic. They are not enlarging the driveway at all at Route 6. Alternate Rushin questioned the removal of the wall and repaving and that it could

increase the amount of water moving to the backside of the property. He felt that the design would add water to the existing catch basin. Charlie Spath stated that they will be reducing the coverage by removing the parking spaces, they are making it safe for in and out traffic. There will not be more water flow because there are parking spaces being removed. He also noted a gutter line along Route 6, water will flow down the gutter line, not into the site. They have expanded the underground gullies from one row to five rows. The driveway is going to be gravel. There will be no increase or decrease in runoff. Alternate Rushin questioned why they aren't installing a catch basin at the bottom of the hill. They only have to retain what is being increased from what's there now. There are five rows of gullies for a gravel parking area, there will be no water coming out of there. Chairman Amatruda stated that the third-party engineer would have seen this information as it is on the plans. The last letter from Jim Galligan states "as a side note Nafis & Youngs professional opinion is these revisions will also provide sound protection for receiving inland wetlands and watercourses." Chairman Amatruda reminded that they hire engineers to review, they should not argue with engineers, because they are the professionals. Mr. Desrochers explained that they are trying to make the business thrive and to make it nice, they have been willing to do what they can to contain the water on the site. They've made all the recommended changes.

MOTION:

To close the public hearing (*for 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*).

Made by Chairman Amatruda, Seconded by Alternate Kiessling
Vote: 5-0-0 in favor (*Amatruda, Tietz, Wilson, Kiessling & Well*)

Alternates Kiessling and Well were unseated, and Members Clarke & Trella were seated.

REGULAR MEETING (continued)

NEW APPLICATIONS

- **21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025**

Evan Hard was present for the discussion. She is applying for a landscape design business at her home. She will be doing landscape design, installs and keeping some of the plants on site. She'd like to operate her business out of her home. It will be by appointment only. Parking will not be an issue as the regulation allows for 35 vehicles a week making it 5 per day. She would like to keep some stock at the house to show the plants and options. Most will be planted in the ground; some would be in containers. She plans on farming the property.

Maryellen Edwards noted that Member Clarke was no longer on the call but was seated.

Member Clarke was unseated as he had left the meeting (at 8:04 p.m.) and Alternate Kiessling was seated.

MOTION:

To schedule a public hearing for 21-ZC-2107 (Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025) for our first meeting in May, which would be May 11, 2021.

Made by Chairman Amatruda, Seconded by Member Tietz
Vote: 5-0-0 in favor (*Amatruda, Tietz, Trella, Wilson and Kiessling*)

It was suggested that members drive by the site to familiarize themselves prior to the public hearing.

PENDING APPLICATIONS

- **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**

Members discussed the need for a review by the Inland Wetlands & Watercourses Agency. Consensus of the members was that it did not need to go before that Agency. Activity was outside of the 100' setback. The applicant presented that water will be caught by the new system.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 21-ZC-2101 submitted by Richard Desrochers to enlarge the parking lot at 506 Main Street South Woodbury Connecticut (Map 102, Lot 022-D-1); and

WHEREAS, the Commission has received the following material:

- a. An application dated December 15, 2020 and received December 29, 2020;
- b. A set of six map sheets prepared by Stuart Somers Company, LLC dated December 14, 2020 and received December 29, 2020;
- c. A letter from John Mack, PE, Stuart Somers Company LLC regarding lot coverage, dated January 18, 2021 and received January 25, 2021;
- d. A letter from resident Deborah Schultz dated January 27, 2021 and received February 2, 2021;
- e. Certificates of Mailing dated January 22, 2021;
- f. Minutes from the February 3, 2021 Planning Commission meeting regarding the referral;
- g. A letter from Carol Haskins, Pomperaug River Watershed Coalition dated and received February 8, 2021;
- h. A set of six revised map sheets prepared by Stuart Somers Company, LLC dated December 14, 2020, revised February 2, 2021 and received February 9, 2021;
- i. A letter from resident Kathy Doyle dated and received February 9, 2021;
- j. Terrain rendering and site photographs submitted by the applicant, received February 22, 2021;
- k. A letter from Carol Haskins, Pomperaug River Watershed Coalition dated and received February 23, 2021;
- l. A letter from John Mack, PE Stuart Somers Company, LLC dated and received February 23, 2021;
- m. A time extension granted by the applicant dated and received February 25, 2021;
- n. A set of seven revised map sheets prepared by Stuart Somers Company, LLC dated December 14, 2020, revised March 1, 2021 and received March 2, 2021;
- o. A third-party review from Nafis & Young Engineers, Inc dated March 2, 2021 and received March 4, 2021;
- p. A letter and parking calculations from Stuart Somers Company, LLC to Nafis & Young Engineers, Inc. regarding the third-party review, dated March 8, 2021;

- q. A set of six revised map sheets prepared by Stuart Somers Company, LLC dated December 14, 2020, revised March 8, 2021 and received March 9, 2021;
- r. A letter from resident Kathy Doyle dated and received March 9, 2021;
- s. A third-party review from Nafis & Young Engineers, Inc dated and received March 11, 2021;
- t. A time extension granted by the applicant dated and received March 23, 2021;
- u. A set of six revised map sheets prepared by Stuart Somers Company, LLC dated December 14, 2020, revised March 24, 2021 and received March 26, 2021;
- v. A Detention Study and calculations prepared by Stuart Somers and Company, LLC revised March 24, 2021 and received March 26, 2021;
- w. A third-party review from Nafis & Young Engineers, Inc dated March 31, 2021 and received April 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 February 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, the Commission conducted a site walk on February 20, 2021; and

WHEREAS, a duly noticed public hearing was scheduled for February 9, 2021 and extended to April 13, 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, Fire Marshal and Health District approvals, Planning Commission, Historic District Commission or Inland Wetland Agency approvals;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves application, 21-ZC-2101, submitted by Richard Desrochers, to expand the parking lot at 506 Main Street South (Map 103/Lot 005 & 004A-B) as described on the submitted Zoning Commission application dated December 15, 2020. Subject to the following conditions:

1. To ensure that lot coverage is not exceeded the applicant has indicated that lots 103-004A-B and 103-005 will be merged. Therefore, prior to construction, lots 103-004A-B and 103-005 shall be merged by deed and filed on the Woodbury Land Records. A copy of the deed shall also be provided to the land use office.
2. The applicant shall provide the Land Use Office with 48-hour notice prior to construction and shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected by the zoning enforcement officer.
3. A soil and erosion bond of \$4,300 shall be submitted to the Land Use office prior to commencement of any work. This bond will be refunded once the zoning enforcement officer has reviewed the site for compliance with the approved plans and conditions of approval.
4. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
5. Any variation from or alteration of the approved Special Permit or Site Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
6. An A-2 as-built survey map showing all site improvements in compliance with this approval shall be submitted to the Town Land Use Office within 60 days of completion of construction.
7. The applicant shall notify the land use office upon completion of the plantings shown on Sheet S/1 and shall monitor the plantings for a period of three years from the date of installation. An annual progress report shall be submitted to the land use office for review. Should it be determined that the plantings are not successful, the applicant may be required to install additional plantings at the Commission's request.
8. Public roads used for construction site access shall be swept or washed daily as necessary to remove any materials tracked or spilled off of the site by construction equipment.
9. Dust suppression shall be applied to the access road and construction areas as necessary during construction.

10. The applicant is hereby notified of a potential obligation to obtain authorization under DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities (Construction General Permit) if the development or redevelopment project disturbs one or more acres of land, either individually or collectively, as part of a larger common plan, and results in a point source discharge to the surface waters of the state either directly or through the Town's drainage system. The applicant shall provide a copy of the of the Stormwater Pollution Control Plan required by the Construction General Permit to the Town upon request.
11. The permittee, developers, construction site operators and contractors shall maintain consistency with the 2002 Guidelines for Soil Erosion and Sedimentation Control, as amended, the Connecticut Stormwater Quality Manual, and all stormwater discharge permits issued by the DEEP.

Made by Chairman Amatruda, Seconded Alternate Kiessling

Vote: 5-0-0 in favor (Amatruda, Tietz, Trella, Wilson and Kiessling)

- **21-ZC-2104 / PurePoint Energy LLC / 486 Main Street North / Special Permit to Install Ground Mount Solar Array / Map 023 / Lot 031C-4**

There was no further discussion from the Commission.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 21-ZC-2104 submitted by PurePoint Energy, LLC on behalf of PC Auto Service LLC (owner), for the installation of ground mounted solar array at 486 Main Street North, Woodbury Connecticut (023-031C-4); and

WHEREAS, the Commission has received the following material:

- a. An application dated February 11, 2021 and received February 18, 2021;
- b. A map sheet titled "Site Utility, Grading, Drainage and Sedimentation Erosion Control Plan" showing the location of the solar array. The map was prepared by Wolff Engineering and received February 18, 2021;
- c. Design drawings prepared by Solar Foundations USA dated February 8, 2021 and received February 18, 2021;
- d. Aerial renderings of the proposed solar array received March 10, 2021;
- e. Certificates of mailing received March 30, 2021;
- f. Site Plan dated January 24, 2021 and received April 13, 2021; and

WHEREAS, the Commission conducted a site walk on March 13, 2021;

WHEREAS, a duly noticed public hearing was convened on April 13, 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;

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 and Health District approvals, Planning Commission, Historic District Commission or Inland Wetland Agency approvals.

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves application, 21-ZC-2104, submitted by PurePoint Energy, LLC on behalf of PC Auto Service LLC (owner), for the installation of ground mounted solar array at 486 Main Street North, Woodbury Connecticut (023-031C-4) as described on the submitted Zoning Commission application dated February 11, 2021 and received February 18, 2021. Subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48-hour notice prior to construction and shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected.
2. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
3. Any variation from or alteration of the approved Special Permit or Site Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
4. The permittee, developers, construction site operators and contractors shall maintain consistency with the 2002 Guidelines for Soil Erosion and Sedimentation Control, as amended, the Connecticut Stormwater Quality Manual, and all stormwater discharge permits issued by the DEEP.

Made by Chairman Amatruda, Seconded by Member Tietz

Vote: 5-0-0 in favor (Amatruda, Tietz, Trella, Wilson and Kiessling)

ENFORCEMENT

21-ENF-0003 / Eimer / 346 Quassapaug Road / NPV Home Based Business without Permits / Map 077 / Lot 094B-3 – This item was not discussed.

OTHER BUSINESS

- Discussion regarding Senate Bill 1024

Chairman Amatruda noted information that had been passed on by Member Clarke. He questioned what the Commission should do if anything, should they come up with a resolution, should they prepare something or do nothing. Members discussed their thoughts on the proposed bill. Consensus of the Commission was that they are not in favor of the bill as written. Chairman Amatruda will find a draft resolution and email to the Commission for their review and comment. He will coordinate with the other Land Use boards regarding this issue. He felt that they should come up with one resolution with the support of all the Land Use boards and the Board of Selectmen.

REGULATION WORKSHOP – This item was tabled until the next meeting. Chairman Amatruda noted that the consultant will be present at the April 27th meeting and that members should come prepared for discussion.

PRIVILEGE OF THE FLOOR – This item was not discussed.

CORRESPONDENCE - None

CONSIDERATION OF MINUTES – 3/23/21

MOTION:

To accept the 3/23/21 minutes as presented.

Made by Chairman Amatruda, Seconded by Member Wilson

Vote: 5-0-0 in favor (Amatruda, Tietz, Trella, Wilson and Kiessling)

ADJOURNMENT

Chairman Amatruda called for adjournment (at 8:43 p.m.), however, was reminded that he had skipped Privilege of the Floor. He cancelled the adjournment opening up Privilege of the Floor.

PRIVILEGE OF THE FLOOR – No one spoke.

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:44 p.m.

Made by Chairman Amatruda

Filed Subject to Approval

Respectfully Submitted,

Anne Firlings

Anne Firlings

Administrative Assistant, Land Use Office

**RECEIVED & FILED
IN WOODBURY, CT**

This 15th day of April 2021
at 3:10 o'clock P M
Jessie A. Cole
Town Clerk

Copies of documents and meeting audio are available at the Land Use Office