

Town of Woodbury Zoning Commission

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

MINUTES – APRIL 23, 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

ALTERNATES PRESENT:

MEMBERS ABSENT:

ALTERNATES ABSENT:

Casey Rushin
Jack Well

ALSO PRESENT: Town Planner Will Agresta, Agent Richard Warren

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:02 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. DISCUSSION

- **23-ZC-0022 – 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / EE District
O&G Letter re: Conditions of Renewal Approval**

Commissioner Tietz was unseated at 7:03 p.m.

1. Town Planner Agresta recapped the two amendments that O&G is requesting. The first one was for the delivery of millings to be approved during night operations under the issued variance. There is no processing of materials during the nighttime hours. The second request is for the applicant to be able to move millings from the Stiles plant to other O&G locations. Mr. Agresta had wanted time to review the Regulations to be sure there were no conflicts. His review showed that the code only allows for the processing of materials from the quarry. The code does not allow

to bring in and take out materials that are not from the quarry. Therefore, it does not seem that the code allows for the second request.

2. Richard Warren, agent for O&G, addressed the Commission. Mr. Warren asked because of the apparent conflict with the Regulations if he could find a way to make this work. He asked to permit under certain circumstances citing the Regulations Earth Excavation code 7.9.9 "...and imported materials as necessary for contractual obligations with any public entity or as demonstrated necessary for production purposes and specifically authorized in a permit." He stated that it does not specifically say "for production in Southbury or Woodbury." The processing is allowed for on-site use and he is asking to expand that.
3. Commissioner Amatruda felt that this is a reasonable request. The purpose of the Regulations is to avoid storage of materials. Mr. Agresta is concerned that this could set a precedent and open up similar operations for topsoil, gravel etc. Commissioner Amatruda questioned if it would be granting a flexibility or a whole new method of business. Mr. Warren stated that is why the amendment would be written that it is not for retail sales but only to go to other O&G locations. Commissioner Trella would like an estimate of additional truck traffic. Mr. Warren stated that it would not be any additional day truck traffic. The primary use is for the Southbury quarry. There would be traffic at night since that is when the DOT projects occur. Transporting would go to the Waterbury and New Milford facilities. Those facilities do not process materials. Mr. Agresta explained that it is the use / activity in question and not the destination. If the materials are not trucked out, they will eventually be used up in Southbury but there might be a stockpile.
4. Upon further discussion, the consensus was that the Commission is willing to approve the night millings deliveries, but the shipping of materials to other locations seems at odds with the code. It is a significant change which is a possible change of the business model that was not brought up initially during the permit renewal process. The change may need a text amendment to the code and an additional Special Permit, which O&G was encouraged to pursue. Mr. Warren and O&G were invited to look at the Earth Excavation regulations and give insight to the Commission for any updates that might be needed. The staff was instructed to prepare the amendment to the Special Permit for the night trucking for consideration.

Commissioner Tietz was reseated at 7:45 p.m.

3. PENDING APPLICATIONS

- **24-ZC-0008 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ-F District**
Good News Cafe, LLC (owner/applicant) OH or D by 06/13/24
Special Permit/Site Plan Amendment: *Pending Submission of Additional Information*

Town Planner Agresta explained that the restaurant has been sold and Good News Café is no longer the owner. There will need to be additional changes made on the application along with the change of ownership. The item is tabled for now.

4. DELIBERATIONS / DETERMINATIONS

- **24-ZC-0007 – 514 Main Street North / Map 25, Lot 009 / OS60 District**
Mario Mazzettini (owner/applicant)
Application for Flood Plain Permit – Install two (2) 120-gallon propane storage tanks under 2nd story in rear of house, tanks to be anchored to the ground.

Town Planner Agresta stated that he received sufficient specifications for the anchored propane storage tanks. Chairman Wilson presented the draft approval for consideration. He called for discussion. There was none.

MOTION:

To approve the Flood Plain Permit per the Draft Approval Resolution dated April 23, 2024, on application **24-ZC-0007 – 514 Main Street North / Map 25, Lot 009 / OS60 District** as presented

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Tietz, Amatruda, Clarke, Trella

Nays: None

Abstain: None

Full approval at the end of this document

5. ADMINISTRATIVE

Chairman Wilson presented the minutes of the April 9, 2024, Zoning Commission meeting for consideration. He called for discussion. Commissioner Tietz made a correction

MOTION:

To approve the minutes of the April 9, 2024, Zoning Commission meeting as amended:

- Page 6, Motion to table the regulation work session should read: Ayes: Wilson, Clarke, Trella, Tietz

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Tietz, Amatruda, Clarke, Trella

Nays: None

Abstain: None

6. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

7. CORRESPONDENCE

Town Planner Agresta wanted to speak about some work at the High School. The school was last in for a permit for the sap barn and the arena. He noted that the elevation and design that was added is not what was approved. Multiple doors were added to the sap barn that were not part of the original approval. The

doors open onto an unpaved area. The school wanted to pave the entire area between the barn and the arena but Mr. Agresta said that would be excessive. He wanted the Commission to be aware of the change. The consensus was that staff can process a small, paved area at the doors as a minor change in office.

Mr. Agresta also noted some issues with the self-storage business on North Main Street. He showed photos of the site. The work is complete on the application and they are looking for their Certificate of Occupancy. He and the ZEO inspected the property. There are some minor issues to deal with along with erosion control that needs to be addressed. However, the addition of the transformer and bollards right at the entrance is a more significant item that was not approved. The location of the transformer was not on the original plan. Where it is located has affected the original landscaping plan. Commissioner Trella wanted to know if it is visible from the road. He would like to see photos from that angle. He is not happy when applicants get approval and then make changes after. The consensus was that some type of screening solution was necessary. The staff will try to handle this in office first.

8. DRAFT ZONING REGULATIONS WORK SESSION

Chairman Wilson began the work session continuing with section 17.4.

- 17.4.1.E.1: This will be reworked into two sentences. The word “by” replaced with “under”
- 17.4.1.E.2: No changes made
- 17.4.1.E.3: Minor rewording of last sentence and removal of word “character”
- 17.4.1.E.4-6: Minor changes
- 17.4.1.E.7: Remove “underlying”
- 17.4.1.E.8: No changes made
- 17.4.1.E.9: This will be changes to 17.4.1.F with subsequent format changes
- 17.4.1.F: Remove “...at its sole discretion.”
- 17.4.1.G: Remove “as”

17.4.2 Procedures for District Changes and Amendments to Regulations

- 17.4.2.A: This will be reworded
- 17.4.2.B: Changed to “...established, changed or made effective...”
- 17.4.2.B.1-2: Minor changes

17.4.2.C Referral of All Petitions

- 17.4.2.C.1-3: No changes made

17.4.2.D Determination of Commission

- 17.4.2.D.1: Minor grammatical changes
- 17.4.2.D.2: changed to : “...Commission shall determine the following:”
- 17.4.2.D.1-d: Minor grammatical changes

17.4.2.E Effective Date

- 17.4.2.E.1-2: Minor spelling and grammar changes

17.4.2.F Notice of Decision: No changes made

17.4.2.G: add "...by Commission or by court decision..."

17.4.2.H: No changes made

9. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:57 p.m.

Made by Chairman Wilson

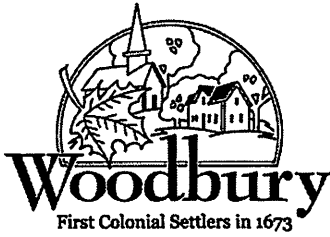
Respectfully Submitted,

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 25th day of Apr 2024
at 4:00 o'clock PM
Maria M Mancari
Town Clerk



Town of Woodbury Zoning Commission

281 Main Street South
Woodbury, CT 06798
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FLOOD PLAIN PERMIT APPROVAL

24-ZC-0007 – 514 Main Street North

Accessory Residential Propane Storage Tanks

Mario Mazzettini (owner/applicant)

Date of Approval	April 23, 2024
Expiration Date	April 23, 2026
<i>*If conditions of approval and improvements are not completed.</i>	

Applicant Mario Mazzettini
Owner Mario Mazzettini
Application 24-ZC-0007 – Flood Plain Permit per Zoning §6.1
Project Installation of two (2) 120 gallon above ground accessory propane fuel storage tanks to the rear of the house within a 100-year floodplain.
Address 514 Main Street North, Assessor Map 25, Lot 9
Zone OS-60 and Flood Plain Districts

WHEREAS the Woodbury Zoning Commission (“Commission”) has received application 24-ZC-0007 as submitted by the applicant/owner listed above seeking approval of a Flood Plain Permit in accordance with §6.1 of the Zoning Regulations of the Town of Woodbury (“Zoning”) seeking approval for the installation of two (2) above ground 120-gallon propane fuel storage tanks (to be anchored to a concrete pad) to the rear of the house within a 100-year floodplain, on property located at 514 Main Street North, Assessor Map 25, Lot 9, within an OS-60 District and Flood Plain Overlay District; and

WHEREAS application materials received include the following:

- Application for Flood Plain Permit
- FEMA FIRM Map excerpt
- GIS FEMA Floodplain Map excerpt
- Copy of annotated Site Plan showing location of proposed propane tanks
- Anchor detail; and

WHEREAS based on the FEMA FIRM map for the subject property, the base flood elevation through the property is approximately 311 to 312 feet; and

WHEREAS the proposed above ground propane storage tanks are proposed to be installed on a concrete slab strap anchored to eye bolts to be embedded into the underlying base concrete slab; and

WHEREAS when a utility fuel storage tank is located above ground within a mapped 100-year floodplain (i.e., below the base flood elevation), it must be secured (anchored) against floatation and lateral movement to prevent movement of the tank from its location, which can otherwise result in the tank breaking open, causing fuel leakage with risk of fire, explosion, water supply contamination, and possible health and environmental hazards; and

WHEREAS protection from a tank floating away can be achieved by anchoring the tank to a concrete slab with (non-corrosive) hold-down straps, which straps must be engineered to bear the tensile stress applied by the buoyancy forces; and

WHEREAS the site is not within 500 feet of the municipal boundary or within an Aquifer Protection Area; and

WHEREAS the subject property includes regulated wetland/watercourse resources and corresponding regulated 100-foot upland review area, but the location is outside these areas; and

WHEREAS the Commission has carefully considered all the information submitted and received, including all verbal and written public comments; and

WHEREAS in accordance with Zoning §6.1.4, the Commission determined that a public hearing would not be necessary; and

WHEREAS this action does not eliminate the necessity for the applicant/owner to obtain any other local, state or federal permits or approvals as may be required;

NOW THEREFORE BE IT RESOLVED consistent with Zoning §6.1, the Commission hereby finds the following:

- The proposed activity involves minor direct disturbance anticipated to have minimal environmental impact on the floodplain;
- The propane storage tanks will be anchored to a base concrete pad on the ground to prevent floatation;
- Disturbance will be controlled and mitigated by the conditions listed below; and

BE IT FURTHER RESOLVED in consideration of the above findings and consistent with Zoning §6.1, the Commission hereby **APPROVES** the application for **FLOOD PLAIN PERMIT** and authorizes the publishing and filing of a Notice of Decision as required; and

BE IT FURTHER RESOLVED this approval is specific to that detailed herein and the final Site Plans endorsed as “approved” by the Commission/Town Planner, subject to the following modifications and conditions:

A. Prior to Commencement of any Site Work or Disturbance

1. **Final Site Plans** – The submitted Site Plans shall be endorsed as “approved” by the Town Planner.
2. A **Zoning Permit** (and other permits as may be required) shall be separately obtained by the applicant to implement this Flood Plain Permit.

B. Conditions During Construction

1. Prior to commencement of any associated site work or construction the Land Use Office shall be provided a minimum of 48-hours of notice. The applicant shall install and maintain erosion and sedimentation controls as may be needed or as otherwise required by the Land Use Office.

2. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for new or modified permit approval can be identified.

C. Post Construction and Zoning Permit Compliance Closure

1. **As-Built Plan** – An As-Built Plan acceptable to the Land Use Office shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final Site Plans.
2. **Final Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:
 - All improvements have been completed consistent with the endorsed final Site Plans.
 - The site has been cleared of construction related equipment, materials and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
 - All erosion controls have been appropriately removed and disposed of.
3. **Applicant/Owner Acceptance** – Acceptance of this approval shall be evidenced by the passage of the appeal period, indicating the applicant/owner’s agreement that this approval is contingent upon the strict compliance of this approval, the modifications and conditions set forth herein, and with town, state and federal regulations and requirements.
4. **Approval Compliance / Changes** – Failure to maintain compliance with this Flood Plain Permit and the approved final Site Plans shall constitute a violation of the terms of this approval and the Zoning Regulations. Any variation from or alteration shall require prior review and separate approval and permit.
5. **Expiration** – The approval of this Flood Plain Permit shall expire and be null and void without further written notice per the date set forth above unless all improvements as approved, including site stabilization, are completed consistent with the approved final Site Plans. 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.

MOTION

Made by **WILSON**, Seconded by **TIETZ**

Vote: 5-0-0 APPROVED – Motion PASSED

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