



Town of Woodbury Zoning Commission

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

**MINUTES – APRIL 26, 2022
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

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

ALTERNATES PRESENT:

Elmer Kiesslering
Jack Well
Casey Rushin

MEMBERS ABSENT:

ALTERNATES ABSENT:

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Clarke convened the meeting at 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Tietz, Trella and Wilson
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

There were no public hearings.

3. NEW APPLICATIONS

- a) **22-ZC-0007 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren
Site Plan Application (Phase 1) associated with 21-ENF-0009 regarding remediation of
unauthorized site development activities, including excavation and drainage improvements.**

Commissioner Tietz recused himself and Alternate Kiesslering was seated at 7:03 p.m.

Brian Baker, Civil 1, Agent for the applicant, addressed the Commission. Mr. Baker shared visual aids with the Commission regarding the site plan for the excavation work which is Phase 1. Phase 2 will address the two unauthorized structures. The Commission conducted a site walk of the

property on April 23, 2022. The blasting had been done at the toe of the slope. The stockpiles of material will be screened and crushed to riprap and then used to line the infiltration swale back to a 1 ½ to 1 slope from the property line down to a 2x2 mafia block wall. This will allow the water to filter through the riprap and go into the trench below the parking area. The southern area will be a 2 to 1 grass slope. The processing work will take two to three days and all work will be complete within two to three weeks. They will be applying to the ZBA for the two unpermitted structures.

Chairman Clarke called for questions or comments from the Commission. Commissioner Wilson asked for clarification of where the water goes that comes off the ridge. The water will drain into the lot which has some small under drains that tie into the State catch basin system. Alternate Rushin inquired about existing piping and also if there needs to be more drainage installed to account for storms. Mr. Baker stated that this was not necessary since the parking lot is not being expanded and the slope will be brought back to where it was. Alternate Kiessling asked if an encroachment permit for the DOT was needed. Since none of the piping will be changed, there is no need to involve the DOT.

Chairman Clarke inquired as to the original reason this work was started. Mr. Baker stated that water would come off of the hillside making the parking lot ice up. The ice would go through to the entrance and over the curb and wrap around to the catch basins. This led to dangerous conditions for employees, trucks and deliveries. Chairman Clarke asked what the concrete pad was for. Mr. Eren, Classic Turf, replied that this was for washing and cleaning equipment, rather than on the gravel parking lot. Chairman Clarke noted that the property is in a residential zone, so he inquired regarding screening to neighbors. It was determined that there are no neighbors impacted, but that the applicant should also be cautious of exposed materials that are out on the property.

No Public Hearing is necessary on this application. There was discussion regarding if the property bordered any wetlands. Staff will look into that aspect of the application. Town Planner Agresta explained how any approval should have a stipulation for addressing the unpermitted structures within a specified time period, perhaps six months.

MOTION:

For staff to draft a motion for approval for the next meeting to be held on May 10, 2022.

Made by Chairman Clarke, Seconded by Alternate Kiessling

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

Ayes: Clarke, Amatruda, Trella, Wilson, Kiessling

Nays: None

Abstain: None

Alternate Kiessling was unseated and Commissioner Tietz was reseated at 7:43 p.m.

4. ENFORCEMENT

- a) **22-ENF-0008 –319 Main Street South / Map 104, Lot 091 / MSD / Lance & Christine / Conducting a retail business absent of a Zoning Permit and display of a free-standing sign absent of a required Zoning (Sign) Permit (NPV sent 4/12/22)**

Patricia Fonte, retail business owner, addressed the Commission. Ms. Fonte stated she rents the space and that she does have a permit for the business that was turned into the Pomperaug Health Department. She called the department recently for status on the permit. There had been a delay but she was told that she was legal with a license to do business. However, this approval has not showed up in the Town computer system yet. Town Planner Agresta stated that she does not have a sign permit for the free standing sign she has on the property. The intention is to put a sign into the existing sign framework that is attached to the building. Ms. Fonte relocated her business to this location in October and would like to put a nice custom sign in the framework, but it is too expensive. She is working on getting a nice intermediate sign for the framework until she can afford her permanent sign. Any sign design application needs to go to the Historic District.

MOTION:

To table enforcement issue (22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD / Lance & Christine / Conducting a retail business absent of a Zoning Permit and display of a free-standing sign absent of a required Zoning (Sign) Permit (NPV sent 4/12/22)

Made by Commissioner Trella, Seconded by Chairman Clarke

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

Ayes: Clarke, Trella, Amatruda, Tietz, Wilson

Nays: None

Abstain: None

- b) **21-ENF-0008 – Beyer / 46 Leavenworth Road / Map 70, Lot 48-12 / OS-100**
Unauthorized construction of pavilion structure over existing septic system. (NPV sent 10/27/21)

Mr. Agresta updated the Commission. The Health Department approved the septic work a month ago and believes the work has been done but has not gotten the discharge permit from the Health Department. Commissioner Trella suggested escalating enforcement. Alternate Rushin stated that the Health Department has had a lot happening and may be backed up. Discussion continued on how to handle.

Commissioner Amatruda recused himself. Alternate Well was seated at 7:58 p.m.

MOTION:

To table enforcement item (21-ENF-0008 – Beyer / 46 Leavenworth Road / Map 70, Lot 48-12 / OS-100 *Unauthorized construction of pavilion structure over existing septic system.*) and instruct staff to notify the violator that unless there is action taken, the matter will be escalated at the next Zoning Commission meeting to a Notice of Violation.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Trella, Tietz, Wilson, Well

Nays: None

Abstain: None

- c) **21-ENF-0009 – Eren / 437 Sherman Hill Road / Map 4, Lot 8A / OS-100**
Unauthorized site development activities, including excavation; and unauthorized structures.

The consensus was to table this item based upon the current open application.

Alternate Well was unseated and Commissioner Amatruda was reseated at 8:00 p.m.

- d) **22-ENF-0001 – Chris Teixeira / 466 Flanders Road / Map 94, Lot 16-A / OS-100 Unauthorized land filling; and unauthorized parking and storage of commercial vehicle. (NPV sent 12/28/21)**

Mr. Agresta informed the Commission that the Inlands Wetlands Agency did not meet last night so no further action has been taken. The parking and storage of a commercial vehicle has been resolved. Mr. Agresta pulled up pictures of the property. Mr. Teixeira has hired a soil scientist and will need to hire an engineer. He has been cooperative.

MOTION:

To leave enforcement item (22-ENF-0001 – Chris Teixeira / 466 Flanders Road / Map 94, Lot 16-A / OS-100 Unauthorized land filling; and unauthorized parking and storage of commercial vehicle.) on the agenda and have staff urge Mr. Teixeira to come in with a plan otherwise the Commission will issue a Notice of Violation.

Made by Chairman Clarke, Seconded by Commissioner Trella
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Clarke, Trella, Tietz, Wilson, Amatruda
Nays: None
Abstain: None

5. DELIBERATIONS / DETERMINATIONS

There were no determinations to be made.

6. MEETING MINUTES

Chairman Clarke presented for consideration the minutes of the April 12, 2022, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the April 12, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commissioner Wilson
Vote: 5-0-0 – Approved – Motion Passed
Ayes: Clarke, Trella, Tietz, Wilson, Amatruda
Nays: None
Abstain: None

Commissioner Trella was unseated and Alternate Rushin was seated at 8:13 p.m.

MOTION:

To add to the agenda consideration of the April 23, 2022, Site Walk minutes.

Made by Chairman Clarke, Seconded by Alternate Rushin
Vote: 5-0-0 – Approved – Motion Passed

Ayes: Clarke, Tietz, Wilson, Amatruda, Rushin
Nays: None
Abstain: None

Chairman Clarke presented for consideration the minutes of the April 23, 2022, Site Walk of 437 Sherman Hill Road. He called for discussion. There was none.

MOTION:

To approve the minutes of the April 23, 2022, Site Walk of 437 Sherman Hill Road as presented.

Made by Chairman Clarke, Seconded by Alternate Rushin

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

Ayes: Clarke, Wilson, Amatruda, Rushin

Nays: None

Abstain: Tietz

7. ZONING REGULATIONS DISCUSSION

Alternate Rushin was unseated and Commissioner Trella was reseated at 8:20 p.m.

Town Planner Agresta had reviewed the proposed regulations for signage. He went through sections 13.1 through 13.8 with questions, comments and suggestions. Discussion ensued amongst the Commission regarding the definitions and regulations. Commissioners Trella and Amatruda would like to discuss political signage with the Town Attorney to be sure of the consultant's recommendations. They will hope to have him at the next meeting.

There was a consensus to get rid of the distinction in section 13.2. There was also consensus to allow flag signs. Prior to going through the tables for the signage section, Mr. Agresta will present mock-up examples of what signs would be approved and what it would look like. The Commission liked this idea in order to visualize the regulations.

8. OTHER BUSINESS

Town Planner Agresta stated that the Town had received a grant for a Route 61 corridor study through the CTDOT. COG will be managing the study. There will be a working group consisting of members from the Shade & Sidewalk Committee, the Planning Commission and Inlands Wetlands. He wanted to see if anyone from Zoning would be interested in participating. Commissioners Amatruda, Clarke, Trella and Alternate Rushin were interested in participating.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

10. CORRESPONDENCE

There was no correspondence.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:13 p.m.

Made by Chairman Clarke

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBRIDGE, CT
This 28th of April 2022
at 3:35 of the day
Maria M. Mancini

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