

# 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 – APRIL 9, 2024 REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

### MEMBERS PRESENT:

Bob Wilson, Chairman  
Robert Clarke  
Ted Tietz  
Donald Trella (*arrived at 7:07 p.m.*)

### ALTERNATES PRESENT:

### MEMBERS ABSENT:

Thomas Amatruda

### ALTERNATES ABSENT:

David Primini  
Casey Rushin  
Jack Well

**ALSO PRESENT:** Town Planner Will Agresta, Applicants and Agents

### 1. OPENING OF MEETING

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

Since Commissioner Tietz would have to recuse himself from the first item on the agenda, a quorum would not be met. Chairman Wilson decided to change the agenda to allow time for other members to show up.

### **MOTION:**

To table Discussion item 23-ZC-0022 until completion of “New Applications” and “Deliberations / Determinations” in the meeting.

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Wilson, Clarke, Tietz

Nays: None

Abstain: None

**2. NEW APPLICATIONS**

- a) **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.**

Mario Mazzettini, 514 Main Street, addressed the Commission. Mr. Mazzettini explained that he is looking to install two 120 gallon propane tanks on his property. Town Planner Agresta showed the lot on the map and explained how the property is in a flood plain. He showed where the tanks would be located. The tanks would need to be installed on a concrete pad and strapped down. The applicant had provided a picture from Petro Fuel demonstrating how the tanks would be strapped down. Town Planner Agresta would like a more formal, technical detail of the strapped down tank installation prior to approval. Chairman Wilson gave instructions to the applicant.

**MOTION:**

To close item **24-ZC-0007 – 514 Main Street North / Map 25, Lot 009 / OS60 District**, waive the Public Hearing, and prepare the application for consideration once the technical detail of installation has been received.

Made by Chairman Wilson, Seconded by Commissioner Tietz

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Wilson, Clarke, Tietz

Nays: None

Abstain: None

*Commissioner Trella was seated at 7:19 p.m.*

- b) **24-ZC-0008 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ-F District**  
**Good News Cafe, LLC (owner/applicant)**  
**Special Permit/Site Plan Amendment:**
  - **To modify 21-ZC-2106 outdoor dining pergola with lighting, heating, and fans (already installed).**
  - **To modify #745 outdoor seating limited to seven (7) umbrellas and no change in the total 48 seats (indoor seats were to be removed to compensate for outdoor seats) to permit an increase in seating to permit both indoor and outdoor seating simultaneously supported by new septic installation.**

Carol Peck, 629 Upper Grassy Hill Road, addressed the Commission. Town Planner Agresta gave the history of the Special Permit, the work that has occurred and what the application is for. The pergola was approved during the Pandemic to accommodate outdoor seating. At the time, indoor seating was regulated and by adding the outdoor seating they were eliminating indoor seating on the property. Now that restrictions have been lifted, the Special Permit needs to be amended for the additional seating and for heating, lighting and fans that were added to the pergola that were not part of the original approval. The septic system is being improved. Civil 1 Engineering is submitting an updated septic plan to the Health Department for approval. Once it is determined how much septic capacity there is the seating allowed for the

combination of indoor and outdoor locations needs to be adjusted. Mr. Agresta noted that the current outdoor seating approval is only for the patio under the pergola. If they want to extend the seating onto the lawn, that would also need to be amended. The restaurant is currently under contract for sale which is contingent on all these permitted activities being addressed.

**MOTION:**

To table application **24-ZC-0008 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ-F District** pending the Health Department report on the septic system.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Tietz, Trella

Nays: None

Abstain: None

**3. DELIBERATIONS / DETERMINATIONS**

- a) **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District**  
**MQ North, LLC (applicant), James M. Scott (owner), Woodbury Shops South LLC**  
**Special Permit / Site Plan Approval – Proposed demolition and reconstruction of Building**  
**#8, as well as proposed Change of Use to a Veterinary Office (Zoning §3.4.5 Special Permit)**  
**and Retail.**

Chairman Wilson presented the draft approval for application **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District** for consideration. He called for discussion. There was none.

**MOTION:**

To approve the Special Permit per the Draft Approval Resolution dated April 9, 2024, on application **24-ZC-0004 – 726 Main Street South / Map 102, Lot 20-1A / MQ District** as presented.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Tietz, Trella

Nays: None

Abstain: None

*Full approval is attached at the end of this document*

*Commissioner Tietz was unseated at 7:40 p.m.*

**4. DISCUSSION**

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

Richard Warren, O&G Industries, addressed the Commission. Mr. Warren explained the modification request for the Special Permit that was approved. Upon reviewing the final approval, management requested some different language as noted on Mr. Warren’s letter dated March 12, 2024. While processing of the materials will only occur during business hours, they did not want to be limited in the delivery of materials with the night asphalt plant operations. The request is not changing any hours of processing activity. The primary use of millings brought to Southbury are to be used at Southbury; However, the owners would like the option to ship millings to other quarries. This activity of shipping materials to other quarries is already approved and occurring with other products. The Southbury quarry is a central dispatch office and therefore the company did not want to be limited on being able to bring materials in at night and to allow if necessary to transport to another O&G plant. Town Planner Agresta was looking into whether the regulations have a limitation that would not allow for bringing on materials for that purpose. He will look into that prior to granting the modification request.

**MOTION:**

To table discussion on item **23-ZC-0022 – 11 Stiles Road / Stiles Road Quarry / Map 32, Lot 1 / EE District / O&G Letter re: Conditions of Renewal Approval** pending staff review of the regulations for verification that the activity is not forbidden.

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Wilson, Clarke, Trella

Nays: None

Abstain: None

**MOTION:**

To modify the agenda to include the O&G correspondence

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Wilson, Clarke, Trella

Nays: None

Abstain: None

**5. CORRESPONDENCE**

• **O&G Industries, LLC. First Quarter Reports**

The Commission reviewed the reports. It was noted that there were no complaints for either quarry. The scale was not open at the Park Road quarry and only site work was performed.

**MOTION:**

To add the Quarterly reports from Tietz Jr. Trucking to the agenda

Made by Chairman Wilson, Seconded by Commissioner Clarke

Vote: 3-0-0 – Approved – Motion Passed

Ayes: Wilson, Clarke, Trella

Nays: None

Abstain: None

- **Tietz Jr. Trucking Company First Quarter Reports**  
The Commission reviewed the reports.

*Commissioner Tietz was reseated at 8:00 p.m.*

**6. ENFORCEMENT**

There were no enforcement issues to consider

**7. ADMINISTRATIVE**

Chairman Wilson presented the minutes of the March 26, 2024, Zoning Commission meeting for consideration. He called for discussion. Commissioner Clarke had a correction.

**MOTION:**

To approve the minutes of the March 26, 2024, Zoning Commission meeting as amended:

- Section 2.a- last paragraph, line 3: “sight” should be replaced with “site”

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Trella, Tietz

Nays: None

Abstain: None

**8. PRIVILEGE OF THE FLOOR**

There were no comments from the floor.

**9. DRAFT ZONING REGULATIONS WORK SESSION**

Chairman Wilson began the workshop with consideration of the Section 16.4 revisions. A few minor grammatical and sentence structure corrections were noted. The Commission began working on section 17.

**Section 17 Administration and Enforcement**

**17.1 Organization**

No changes to the opening statement.

### 17.2 Fees

There was discussion about removing the fee schedule from the regulations in order to allow the Town Planner to regulate the fees in accordance with the Town Ordinance. This way the fees may be changed more easily. There were minor grammatical changes made.

### 17.3 Enforcement

- 17.3.1.A-C : Minor grammatical corrections and restructuring
- 17.3.2.A: The word “cause” in the second line should be changed to “inspect” and grammatical changes to clarify.
- 17.3.2.B: The word “improvements” in the first line should be changed to “modifications” per recommendation of the Planning Commission.
- 17.3.3: No changes made
- 17.3.4: Minor grammatical change
- 17.3.5.A: This paragraph will be reworded
- 17.3.5.B: “as the case may be” in the final sentence to be replaced with “as required to ensure compliance”
- 17.3.5.C: Third line should read “...instead of a Notice of Potential Violation and Notice of Violation...”
- 17.3.6: Minor grammatical corrections
- 17.3.7: No changes made
- 17.3.8: No changes made
- 17.3.9-opening statement: This will be reworked and simplified
- 17.3.9.A: First sentence should read “...commence civil action or recommend criminal prosecution in state...”
- 17.3.9.B-D: Minor grammatical changes
- 17.3.10: No changes made

### 17.4 Amendments to Zoning Regulations and Zoning Map

- 17.4.1.A: minor grammatical changes
- 17.4.1.B: minor document structure change, reworded and items bulleted to simplify
- 17.4.1.C: “underling” should be “underlining”
- 17.4.1.D: first sentence should read: “...establishment or change of a zoning district...” Items will be bulleted to simplify

### MOTION:

To table the Draft Zoning Regulations Work Session

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Trella

Nays: None

Abstain: None

10. ADJOURNMENT

**MOTION:**

To adjourn the meeting at 8:55 p.m.

Made by Chairman Wilson

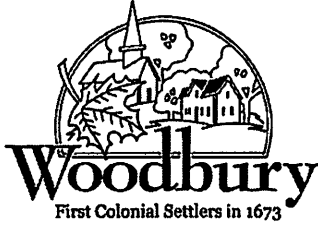
Respectfully Submitted,

*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 11<sup>th</sup> day of Apr 2024  
at 3:02 o'clock P M  
Maria M. Mancini  
Town Clerk



# Town of Woodbury Zoning Commission

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## SPECIAL PERMIT / SITE PLAN APPROVAL

### **24-ZC-0004 – 726 Main Street South**

**Demo and Rebuilding of Building #8 and Veterinary Office Special Permit  
MQ North, LLC (applicant), Woodbury Shops South, LLC  
James M. Scott (owner)**

Date of Approval	April 9, 2024
Permit Expiration*	April 9, 2029
*If conditions and improvements are not completed accordingly	

Applicant	MQ North, LLC, Woodbury Shops South, LLC
Owner	James M. Scott
Application	24-ZC-0004 – Special Permit / Site Plan
Project	Demolition and new construction of Building #8 over existing concrete foundation/slab. <ul style="list-style-type: none"> <li>• Veterinary Clinic (3,562 sf) per Zoning §3.4.5.</li> <li>• Office/Retail (1,433 sf) with interior accessory storage (159 sf).</li> </ul>
Address	726 Main Street South, Assessor Map 102, Lot 20-1A Part of a Consolidated Site Development Plan per Zoning §5.2.6 along with abutting properties 740 and 766 Main Street South.
Site Acreage	4.62 acres (9.251 consolidated acres)
Zone	MQ District

**WHEREAS** the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0004** as submitted by the applicant/owner listed above seeking Special Permit / Site Plan Approval pursuant to Zoning §3.4.5, §5.2, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning”), to implement the “project” as described herein; and

**WHEREAS** no impacts or disturbances to regulated inland wetlands, watercourses, or 100-foot upland review areas are proposed, thus there is no corresponding report or approval required from the Woodbury Inland Wetlands and Watercourses Agency; and

**WHEREAS** the property is not located within 500 feet of a municipal boundary nor within a Historic District; and

**WHEREAS** the property is located within an Aquifer Protection District but does not propose a regulated use; and



**WHEREAS** a portion of the Consolidated Site Development Plan property (located at the southern end associated with 766 Main Street South) falls within a regulated 100-year floodplain but no impacts or disturbances to the floodplain are proposed or needed to implement the proposed project; and

**WHEREAS** application materials received include the following:

- Application for Special Permit / Site Plan
- Site Photos
- Determining Regulatory Status In Aquifer Protection Areas Form, 03/25/24
- Housatonic Valley Health District Subsurface Sewage Disposal System Plan Approval, 03/15/24
- Site Plan (1/3), Wolff Engineering, 01/10/24, revised 03/25/24
- Subsurface Sewage Disposal Plan (2/3), Wolff Engineering, 01/10/24, revised 03/25/24
- Details (3/3), Wolff Engineering, 01/10/24, revised 03/25/24
- SK-1 – Plan & Isometric, Industrial Development Group, 03/22/24
- SK-2 – Elevations, Industrial Development Group, 03/22/24
- Site Plan – Planting and Exterior Lighting, Industrial Development Group, 02/05/24
- Photometric Plan, Industrial Development Group, 03/25/24
- MaxLite WallMax Full Cutoff Wall Pack Light Specifications
- MaxLite Universal Downlight Fixture (recessed soffit) Light Specifications
- MaxLite WallMax Thin Cut Off Wall Light Specifications; and

**WHEREAS** a duly noticed public hearing was opened and closed on March 26, 2024, at which time all were afforded an opportunity to be heard; and

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

**WHEREAS** this action does not eliminate the necessity for the applicant to obtain any other required local, state or federal permits and approvals;

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Commission, in accordance with Zoning §3.4.5, §5.2.6, §7.3 and §8.3, hereby finds the following:

- The proposal modifies a standing Consolidated Site Development Plan approved under 22-ZC-0015. The proposed plan is consistent with the standards for such as required per Zoning §5.2.6.
- The Housatonic Valley Health District has issued “Plan Approval” (March 15, 2024) for the design of the proposed subsurface septic disposal system improvements associated with the proposed project.
- The new veterinary clinic is a permitted use pursuant to Zoning §3.4.5 subject to a Special Permit, which proposed use is consistent with the standards of Appropriateness of Use as required per Zoning §8.3D.
- The proposed veterinary clinic will not “keep” animals on the premises or overnight, thus the additional building setbacks of Zoning §3.4.5 do not apply. Animals needing such additional care will be referred to a separate appropriate veterinary facility.
- The proposed veterinary clinic will include a grass area outside for use of visiting animals, which area shall be cleaned daily to maintain a safe area free of animal waste, odors, and unsightly appearance.
- All uses (veterinary, retail/office) of proposed new Building #8 shall be contained wholly within the interior of the building, no outside display or sale of merchandise shall be permitted.
- No exterior signs have been proposed, nor approved with this application. Separate permit application for all signs shall be required; and

**BE IT FURTHER RESOLVED** upon careful consideration of the information received, the Commission, in accordance with §8.2.8 of the Zoning Regulations, hereby **APPROVES** application 24-ZC-0004, subject to the conditions and modifications set forth below, for the following:

- Modification of standing Special Permit / Site Plan for demolition of existing Building #8 removed to the slab, followed by construction of a new Building #8 on the existing footprint and concrete slab.
- Special Permit for Veterinary Clinic use (3,562 sf floor area within new Building #8) per Zoning §3.4.5.
- Office/Retail use (1,433 sf floor area with interior accessory storage 159 sf within new Building #8); and

**BE IT FURTHER RESOLVED** this approval shall supplement prior zoning approvals for the subject premises; and

**BE IT FURTHER RESOLVED** the Commission hereby authorizes the publishing and filing of a Notice of Decision; and

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

**A. Prior to Endorsement of the Final Plans**

*The applicant shall complete the following prior to the authorized endorsement of the final Site Plans as “approved” and prior to issuance of a Zoning Permit or commencement of site disturbance or construction:*

1. **Revision of Site Plans as “Final”** – The applicant shall submit to the satisfaction of the Town Planner a single complete set of final Site Plans (Site Plan and Architectural sheets), revised as follows:
  - a. All sheets shall be coordinated in a single, bound set, with a common sheet size and revision date.
  - b. The following notes shall be prominently included on the Site Plan:
    - **24-ZC-0004 – Approval Date: April 9, 2024 – Expiration Date: April 9, 2029\* (\*if conditions and improvements are not completed according to the approval).**
    - **All new and replacement utilities shall be underground.**
  - c. Details/Specifications of the three (3) building light fixture types, with their fixture specific components annotated, shall be included directly on the plans.
  - d. Show, label and detail safety bollards intended to protect the HVAC units at the rear of the building.
  - e. Add a full copy of this approval to the plans.
2. **Final Site Plans for Endorsement** – Following acceptance of revised final Site Plans by the Town Planner, the applicant shall provide for endorsement as final **two (2) printed sets** (additional copies should the applicant desire copies as endorsed). **EACH** plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
3. **Site Stabilization and Erosion and Sedimentation Control Financial Guarantee (Bond)** – A Bond in an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” provided in accordance with §7.6.7 of the Zoning Regulations shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The Bond shall remain in full force and effect until such time as the Bond is released by the Town.

4. **Recording of Land Records Information Form** – Following satisfactory completion of Conditions #1 through #3 above, the applicant shall obtain from the Land Use Office an endorsed original Land Records Information Form containing this approval and shall record same on the Woodbury Land Records with confirmation by the applicant to the Town Planner. Such shall be completed to effectuate this approval.
5. Required administrative **Historic, Health, Zoning, Sign and/or Building Permits** shall be separately obtained by the applicant prior to any site work or construction.

**B. Conditions During Construction**

1. No site work or construction shall commence until the limits of disturbance have been clearly marked in the field, erosion and sedimentation control devices have been properly installed, and inspected by the Land Use Office. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
2. The applicant shall maintain and supplement the erosion and sedimentation controls as may be needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
3. 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 Compliance and Permit Closure**

**1. As-Built Plan**

- (a) Upon completion of the approved improvements, an As-Built Plan (signed and sealed A-2 Survey) detailing and certifying the completed improvements 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.
- (b) A separate Overlay Plan showing the approved final plan in black and the As-Built conditions in red shall also be provided to assist in compliance review.

**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:

- Provision of acceptable certified A-2 Survey As-Built and Overlay Plan.
- All improvements have been completed consistent with the approved final Site Plans.
- Provision of a Professional Engineer certification that the improvements have been installed in accordance with the final plans and are functioning as designed.
- Verification of Health District final sign-off approval.
- All disturbed areas have been stabilized and landscaping is exhibiting healthy growth cover.
- The site has been cleaned of construction related equipment, materials, and debris.
- All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

3. **Bond Release** – Upon written request by the applicant, following completion of all approved work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bond may be released by the Land Use Office or as may be referred to the Commission. A request for full or partial release of bond shall include submission of a corresponding certified A-2 Survey As-Built Plan detailing and certifying the completed improvements.
  
4. **Continuing Conditions of Operation Following Authorized Occupancy and Use**
  - The premises and improvements shall be maintained in good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter.
  - The outside grass area for use of visiting animals shall be cleaned daily to maintain a safe area free of animal waste, odors, and unsightly appearance.
  - Appropriate and timely snow removal shall occur so there is no plowed snow stored within travel lanes, parking spaces or over landscaping to its detriment. No snow shall be plowed into or upon any abutting street right-of-way.
  - Permitted parking and loading shall be limited to designated locations and for residents and their guests only. No unauthorized on-site parking or storage shall be permitted.
  
5. **Changes in Use** – Consistent with Zoning §1.3.2, 5.3 and §9.2, as may be amended from time to time, no use shall be established, relocated, changed, or expanded prior to obtaining a Zoning Permit. Substantive changes in use shall require Zoning Commission approval prior to issuance of a Zoning Permit.
  
6. **Applicant/Owner Acceptance** – Acceptance of this approval shall be evidenced by the passage of the appeal period and the recording of the Land Records Information Form, indicating the applicant/owner’s agreement that this approval is contingent upon the strict compliance with the Town Regulations and modifications and requirements set forth herein.
  
7. **Prior Conditions of Approval** – All prior conditions, requirements, time periods and bonds of the original related approvals shall remain in full force and effect. The conditions, modifications and requirements as set forth herein shall be in addition to those of the original approvals.
  
8. **Approval Compliance/Changes** – Failure to maintain compliance with this approval and the associated approved final Site Plans as endorsed shall constitute a violation of the terms of this approval and the Zoning Regulations, subject to revocation. Any variation from or alteration of the approved Special Permit or final Site Plans shall require prior review and separate approval and permit.
  
9. **Expiration** – This approval 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 and landscaping, 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 and shall review the continued adequacy of any held bond.

**MOTION**

Made by **WILSON**, Seconded by **CLARKE**

Vote: 4-0-0 – **APPROVED** – Motion **PASSED**

Aye Wilson, Trella, Clarke, Tietz

Nay None

Abstain None