



First land deed from the Indians
April 12th 1659

TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 ~ www.woodburyct.org

MINUTES – MAY 11, 2021 PUBLIC HEARING / REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

Thomas Amatruda, Chairman
Robert Clarke
Ted Tietz
Bob Wilson
Donald Trella (*arrived 7:01 p.m.*)

ALTERNATES PRESENT:

Elmer Kiessling

MEMBERS ABSENT:

ALTERNATES ABSENT:

Jack Well
Casey Rushin

ALSO PRESENT: Kathy Doyle, Mary Tyrrell

1. REGULAR MEETING

- a) CALL TO ORDER – Chairman Amatruda convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Amatruda, Clarke, Tietz, Wilson and Alternate Kiessling
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

2. PUBLIC HEARINGS

- a) **21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21**

The applicant did not fulfill the requirement for notifying the abutting properties within 7 days of the Public Hearing. This application was tabled until the May 25, 2021, Zoning Commission meeting.

Alternate Kiessling was unseated and Commissioner Trella was seated at 7:01 p.m.

REGULAR MEETING (*continued*)

3. NEW APPLICATIONS

There were no new applications.

4. PENDING APPLICATIONS

- a) **21-ZC-2107 / Hard / 69 Old Sherman Hill Road / Special Permit for Major Home Occupation Landscape Design Business / Map 086 / Lot 025 / CH: 6/15/21**

This application was tabled until the May 25, 2021, Zoning Commission meeting.

5. ENFORCEMENT REPORT

- a) **21-ENF-003 / Eimer/ 346 Quassapaug Road / NPV Home Based Business without Permits / Map 077/ Lot 094B-3**

As noted by ZEO Dylan Willette, an inspection conducted on April 21, 2021, determined that there is no evidence of a business operating from this property. All equipment has been removed.

MOTION:

Chairman Amatruda moved and Commissioner Clarke seconded to remove *(21-ENF-003 / Eimer/ 346 Quassapaug Road / NPV Home Based Business without Permits / Map 077/ Lot 094B-3)* from the enforcement report.

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

6. OTHER BUSINESS

- **Update Regarding Zoning Resolution Passed at Last Meeting**

Chairman Amatruda reported that he brought the resolution regarding Senate Bill 1024 to the Planning Commission, the Historic Commission and the Inlands Wetlands Agency. All gave support to the resolution. The Planning Commission will be drafting a separate resolution regarding the bill. The HC and the IWA passed motions in support of the Zoning Commission's resolution. Chairman Amatruda will be bringing the resolution to the Board of Selectmen on Thursday and hopefully they will pass their own resolution also.

7. REGULATION WORKSHOP

Chairman Amatruda opened the discussion of the Regulation workshop. The Accessory Use Table was reviewed.

Accessory Apartment

An accessory apartment is a self-contained dwelling subordinate to the principal structure that includes a full kitchen and bathroom. Discussion ensued regarding if the owner of the principal structure had to live there. The consensus was to leave as a ZP in all residential zones and the MSD district.

Accessory Motor Vehicle Sales

This use is an accessory to an existing motor vehicle service and repair business. It is limited to 20 vehicles. There was discussion regarding existing non-conforming businesses in town. It is recommended to allow this only in the PI district. Commissioner Clarke felt the use should be allowed in the MQ district. Commissioner Trella felt it did not agree with the aesthetic of the Town. After more discussion the consensus was to allow the use in the MQ and PI districts with a ZP.

Accessory Office

Chairman Amatruda began discussion on this use but then realized this use had been removed from the most recent version of the table.

Accessory Structure

This use includes structures such as garages, sheds and gazebos. It can also include ground mount solar panels and swimming pools. A discussion arose regarding ground mount solar panels. The majority of the Commissioners felt that this is the way of the future. Commissioner Trella was against this use requiring only a ZP. The consensus was to leave this use as a ZP in all districts.

Agritourism

This use is defined in short as a commercial enterprise that links agricultural production and /or processing with tourism. There was discussion about this use in an R-40 zone. The definition states that it could be such things as historic site, agricultural museum or garden tours. The final consensus was to leave this use in all residential zones and the MSD district with a ZP+C

Agricultural Virtual Net Metering Facility

This use is a Class 1 renewable energy source that is operated for the purpose of agriculture, producing power from the methane of manure. The power will serve electrical needs of three megawatts or less. This use is allowed in all residential zones and the PI district with a SP+S.

Bank Drive-Thru

This use could also be an ATM kiosk on a bank's property. This use is allowed in the MSD district with a SP+C and in the MQ and PI districts with a ZP+C.

Commissioner Clarke brought up at this time that there will be a need to address electric car charging stations. Chairman Amatruda added to this to discuss with the Town Planner and the Consultant.

Family Child Care

This use is by Right in all residential zones and the RC, MSD and the MQ districts and is State licensed.

Farm Brewery and/or Distillery

These uses are heavily regulated by the State Liquor Control Commission. These uses will be allowed in all residential zones and the MSD district with a ZP+C.

Farm Produce Sales

This use will be added to the MQ district making it allowed in all zones except the EE with a ZP.

Farm Products Tasting Room and/or Winery

These uses are for consumption of products on the premises. Commissioner Wilson noted that these uses have many State regulations in place. These uses are allowed in all residential zones and the MSD district with a ZP+C.

Hobby Farm

The use is the keeping of a small number of fowl, livestock or bees on a residential property. This use is by Right by State statutes in residential zones. Chairman Amatruda wanted to see it be by Right in the MSD district. Commissioner Clarke disagreed. Commissioner Wilson pointed out that the regulations limit the size. The consensus was to change the use in the MSD district to a by Right.

Hobby Kennel

The definition includes one pack or collection of animals under one ownership on a residential property. This use is allowed in all residential zones and in the MSD district with a ZP.

Hobby Stable

The use is the keeping and boarding of a small number of horses and /or ponies on a residential property. Commissioner Clarke would like to change the definition to reflect “a limited number of horses...” rather than “a small number...” The regulations stipulate how much land is needed in order to have a horse on your property. All residential zones and the MSD district will require a ZP.

Home Occupation Major and Minor

The definitions specify that the difference between a major home occupation is that it has the potential to adversely impact a residential area; whereas a minor home occupation adversely impacting a residential area is not evident. Discussion ensued as to whether the definitions are too nebulous. The consensus was to have all major uses require a SP and all minor uses require a ZP in all residential zones and the MSD district. The Commissioners will think about this and possibly rework this accessory use.

Home Office and Keeping of Pets

These uses are by Right in all residential zones and the RC, MSD and MQ districts. The number of pets by Right is limited to six.

Minor Accessory Structures

This use is a private detached deck, shed etc. with no dimension exceeding 10 feet for use by the resident. This use is by Right in all residential zones and the RC, MSD and MQ districts.

Outdoor Dining

This is a seasonal use to a food service establishment. Discussion ensued about how involved the Commission needs to be since the health and fire departments are involved. Tents and structures need to come before Zoning. The consensus was to allow this use in the MSD and MQ districts with a ZP+C and to remove the use from the PI district.

Outdoor Display of Merchandise

This use is defined as an outdoor display or exhibits of merchandise, materials and articles of sale. There was a long discussion regarding the practices of local businesses. Many businesses are doing this and are somewhat allowed because it is tastefully done. The issue is that there is not enough enforcement to handle every business involved in this practice. However if a conceptual plan is submitted there is a

point of reference in case the display gets out of control, or is unsightly, and enforcement can then get involved. The consensus was to leave this use in the MSD, MQ and PI districts with a ZP+C.

Parking Lot

The Commission was not quite clear on this use being listed separately. Additional clarification is needed. This use is allowed in all zones with a ZP+C/S.

Rooming and Boarding

This use is the provision of room and board for no more than one person unrelated to the property owner. This use is by Right in all zones except the PI and EE districts. Commissioner Clarke does not like this idea for the RC district. Commissioner Wilson felt that this creates more affordable housing.

Short Term Rental

This use is defined as the rental of a room to one or more persons on a nightly or weekly basis within, or on the premises of, a resident-occupied dwelling. This is the allowance for Airbnb type businesses. Commissioner Trella does not like this use since it takes away from local lodging businesses and affects the housing stock. He also stated that there are limitations that can be put into place. Chairman Amatruda felt that this is people's property and it is not good to restrict them on what they are allowed to do. Commissioner Wilson is for allowing people to use their property for income but within reason. Commissioner Clarke is concerned that this could get out of hand and encouraged all members to go online and see how many properties are available for this use currently. Right now this use is allowed in all residential zones with a ZP. This topic will be revisited with what limits should be applied.

Wireless Communication Facility

This use is State regulated. The use will be allowed in all zones with either a ZP+S or an SP+S.

Chairman Amatruda noted that since so many uses are becoming Zoning Permits and will be handled administratively within the Land Use office, there will need to be a list of Zoning Permits issued submitted to the Zoning Commission on a regular basis so that they can keep abreast of and monitor what has been approved.

8. PRIVILEGE OF THE FLOOR

- Kathy Doyle, 35 Washington Road, addressed the Commission. Ms. Doyle stated that there are some homes in the residential zones that are used for commercial purposes and they are not allowed outdoor display of merchandise. She recommended that the Commission take those businesses into account.

9. CORRESPONDENCE

Chairman Amatruda read a letter dated May 10, 2021, from Mary Tyrell of the Inland Wetlands Agency. The letter stated the concern of the Agency over application 21-ZC-2101. The letter states that the Agency is Federally mandated to review applications with any potential impact to wetlands. The Agency is requesting that the application be reviewed by its members.

Commissioner Clarke agreed that the Agency should have been involved. Chairman Amatruda stated that since the application was within the limits, the Commission did not send it to the IWA. Chairman Amatruda stated that he does not oppose the Agency reviewing, but does not think that the ZC is the mechanism to make it happen. He feels there should be some mechanism in place that empowers them to intervene. Since the application is already approved, the ZC cannot intervene.

Mary Tyrell of the IWA was on the phone and Chairman Amatruda allowed her to speak and be part of the conversation. She explained that the discharge point which was offsite of the application goes directly into the wetlands. Part of their application was the drainage and the additional flow from the galleries goes into the wetlands.

Chairman Amatruda stated that the Commission followed the specific requirements for the application. The IWA needed to use the Land Use office to get the review. The main concerns are the discharge into the wetlands, what is the remediation of the property and how they were going to handle the exposed banks. Commissioner Trella recommended that if their Agency is Federally mandated they should be able to serve the applicant with notice that they need to review the project. Ms. Tyrrell stated that was a good idea and she will bring that before the board. They will also look to enforcement as an option. She thanked the Commission for recognizing her.

10. CONSIDERATION OF MINUTES

Chairman Amatruda presented for consideration the minutes of the April 27, 2021, Zoning Commission meeting. The Chairman called for discussion. There was none.

MOTION:

Chairman Amatruda moved and Commissioner Tietz seconded to approve the minutes of the April 27, 2021, Zoning Commission meeting as presented.

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

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:32 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 13th day of May 20~~21~~
at 2:50 o'clock P M

Spide A. Cook
TOWN CLERK