

# 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 – JUNE 11, 2024  
REGULAR MEETING  
7:00 P.M. – SHOVE BUILDING, 281 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

Bob Wilson, Chairman  
Robert Clarke (*arrived 8:17p.m.*)  
Thomas Amatruda  
Ted Tietz

**ALTERNATES PRESENT:**

Jack Well  
Jake Amorando

**MEMBERS ABSENT:**

Donald Trella

**ALTERNATES ABSENT:**

Casey Rushin

**ALSO PRESENT:** Town Planner Will Agresta

**1. OPENING OF MEETING**

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES  
Seated were Commissioners Wilson, Amatruda, Tietz, and Alternates Well & Amorando  
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

**2. DELIBERATIONS / DETERMINATIONS**

- **24-ZC-0009 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ District  
MHGN RE, LLC (owner/applicant) – Michael Hayek  
Special Permit/Site Plan – Modifications to existing restaurant.**

*Alternate Amorando was unseated at 7:01p.m. since this was continued deliberation from when he was not present.*

Chairman Wilson presented the draft approval on application **24-ZC-0009 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ District** for consideration. He called for discussion. There was none.

**MOTION:**

To approve the Special Permit per the Draft Approval Resolution dated June 11, 2024, on application **24-ZC-0009 – 694 Main Street South / Map 102, Lot 22-D-1 / MQ District** as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Amatruda, Tietz, Well

Nays: None

Abstain: None

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

*Alternate Amorando was reseated at 7:02 p.m.*

### **3. ADMINISTRATIVE**

Chairman Wilson presented the minutes of the May 29, 2024, Zoning Commission meeting for consideration. He called for discussion. There was none.

#### **MOTION:**

To approve the minutes of the May 29, 2024, Zoning Commission meeting as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Amatruda, Tietz, Well, Amorando

Nays: None

Abstain: None

### **4. PRIVILEGE OF THE FLOOR**

1. Kelly Murphy, Watertown, addressed the Commission. Ms. Murphy is interested in the property at 785 Woodbury Road which is the old ski area. She would like to make a flower farm on the property and turn the lodge into a wine café. She would also like to have four to six small cabins as an inn / bed & breakfast. She wanted to see what she can do and how to make it happen.
2. Town Planner Agresta explained the property. He said that the real estate ad is misleading as to what the property is available for. The ski area had originally pre-dated zoning. When zoning passed, the property was permitted for outdoor recreation. There are accessory components to the principal use. It cannot be stand-alone retail but can have accessory retail use. The café was also accessory and the property does not have restaurant approval. There are accessory apartments. The property has three abutting parcels and one down the road that is mostly wetlands. There are options for residential uses of two units on each lot. The lot lines could possibly be moved around. The access to the property is not great with the small bridge. A driveway would need to be added for residential. The property is zoned for farming. There would need to be rezoning for cabins, which would require a Public Hearing.
3. Chairman Wilson encouraged Ms. Murphy that her vision is doable, however she would need to obtain a land use attorney or expert to help with the applications and text needed for any amendments or zone changes. She should work with the Land Use office to understand her next steps. Commissioner Amatruda noted that the wording should reflect that the property is on a state road so that any changes for permitted uses would only apply to properties on a state road.
4. Danielle Yesulaites, 11 Hard Hill Road, addressed the Commission. Ms. Yesulaites stated that she had some questions on livestock regulations. She has already spoken to the Planning

Commission who directed her to this Commission. She wants to understand why the regulations classified alpacas as large livestock and what the criteria is. According to the USDA alpacas are considered small ruminants. They weigh between 120-160 pounds, unlike other large livestock that are upwards of 500 pounds. They eat approximately 7 pounds of hay a day and produce considerably less waste than a horse or cow. Since they are not hooved, they have a much smaller impact on the land. The USDA regulates animals on a unit basis; five alpacas equal one horse. They were now added to the draft regulations as large livestock which requires one alpaca per 60,000 feet. She hopes that the Commission will consider reclassifying them along with sheep and goats. Chairman Wilson said that the Commission had not got to reviewing that section and he noted that the intent of the Commission is to be more liberal and farming friendly. They will be sure to look at this again with this new information. Discussion continued about setback issues on farms with buildings and barns and the difference between farms and hobby farms. The definition of what is farming needs to be clearer with agritourism.

## **5. CORRESPONDENCE**

- O&G Monthly Complaint Log  
The May complaint log showed one complaint for the Stiles Road quarry.

## **6. DRAFT ZONING REGULATIONS WORK SESSION**

Chairman Wilson began the work session starting with review of Section 10 and then continued to Section 11 Site Development & Landscape Standards. Town Planner Agresta stated that he needs more time to prepare Sections 11.2 and 11.8.

### **11.1 General Standards**

- 11.1.A: Remove “property values”
- 11.1.B: No changes made

### **11.3 Site Earth Excavation and/or Filling**

Mr. Agresta stated that the regulations allow for earth excavations in the EE district and the properties grandfathered in. He asked the commission if there was any desire to allow the use outside of the district. A certain amount of earth excavation activities is allowed without a permit on a site. The consensus was to keep the commercial activity confined to the EE district and those grandfathered in.

#### **11.3.1 Activities Permitted without a Permit**

- 11.3.1.A-C: No changes made

#### **11.3.2 Activities Permitted by Zoning Permit**

- 11.3.2.A.1-3: No changes made
- 11.3.2.A.4: This will be removed
- 11.3.2.B.1-2: No changes made
- 11.3.2.C-D: No changes made

#### **11.3.3 Activities Permitted by Special Permit**

- 11.3.3.A&B: Reword to tie it to the site plan

### 11.3.4 Processing General Requirements

Opening statement needs to be reworded

- 11.3.4.A-C: No changes made
- 11.3.4.D: This will be removed
- 11.3.4.E: “Zoning Commission” should be replaced with “ZEO”

11.3.5 Blasting: This will be removed

11.3.6 Topsoil: No changes made

11.3.7 Excavation Near Street: This will be removed

### 11.3.8 Floodplain

There is a whole section on floodplains. This will be combined with the other floodplain area. There is more discussion needed. Mr. Agresta will go over the section with the Town Attorney

11.3.9 Slopes: No changes made

*Alternate Amorando was unseated and Commissioner Clarke was seated at 8:17 p.m.*

11.3.10 Hours of Operation: No changes made

11.3.11 Site Restoration: No changes made

11.3.12 Bond; 11.3.13 Insurance; 11.3.14 Special Permit; 11.3.15 Violations: These sections were removed

### 11.4 Site Grading

Opening statement should read: “...Regulations, all site grading in such...”

- 11.4.A: Change to 3:1 slope
- 11.4.B-E: No changes made
- 11.4.F: Should read: “Grading shall not be done so as to divert runoff onto the property of an abutting property.”

### 11.5 Soil Erosion and Sediment Control Plan

#### 11.5.1 Applicability

- 11.5.1.A: No changes made
- 11.5.1.B: The first sentence will end after “development.” This will be reworded to include that the ZEO should have discretion to require a silt fence.
- 11.5.1.B.1-3: No changes made
- 11.5.1.C: This will be removed

#### 11.5.2 Definitions

This section will be moved to the glossary

#### 11.5.3 Best Methods and Practices

- 11.5.3.A: Remove “to be eligible for certification” and replace “technology for the land conditions involved” with “land practices”
- 11.5.3.B: Minor grammatical changes
- 11.5.3.C.1-9: Combine points 2 &4. No other changes made

**11.5.4 Components of Soil Erosion and Sediment Control Plan**

- 11.5.4.A.1-5: No changes made
- 11.5.4.B: to read: "...by the ZEO or Zoning Commission." Remove "or its designated agent"

**11.5.5 Certification or Denial of Erosion and Sediment Control Plans**

- 11.5.5.A: This will be removed
- 11.5.5.B: This will be reworded. "may" will be replaced with "shall"

**11.5.6 Conditions**

- 11.5.6.A-C: No changes made

**11.5.7 Inspections**

- 11.5.7.A: No changes made
- 11.5.7.B: should read: "...compliance with the erosion sediment control plan and..."
- 11.5.7.C-D: No changes made

**11.5.8 Enforcement**

This will be removed

**11.6 Outside Storage**

- 11.6.A-B: No changes made

**MOTION:**

To table the Draft Regulations Work Session.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Amatruda, Tietz, Clarke, Well

Nays: None

Abstain: None

**7. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 8:52 p.m.

Made by Chairman Wilson

Respectfully Submitted,

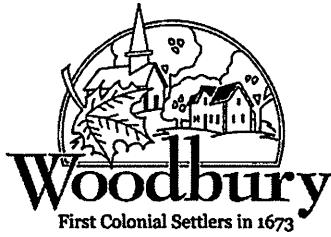
*Robyn Wright*

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 13<sup>th</sup> day of June 2024  
at 1:30 o'clock P M  
*Maria M. Mercuri*  
Town Clerk



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## SPECIAL PERMIT / SITE PLAN AMENDMENT APPROVAL

### 24-ZC-0009 – 694 Main Street South

New Restaurant Occupant: Interior and Exterior Modifications and Expansion of Outdoor Dining  
MHGN RE, LLC (applicant/owner)

Date of Approval	June 11, 2024
Permit Expiration	June 11, 2029

Applicant/Owner	MHGN RE, LLC – Michael Hayek
Application	24-ZC-0009
Project	Special Permit / Site Plan Amendment of original approval. <ul style="list-style-type: none"> <li>• Add ADA Ramp and Roof Structure over Main Entrance Door</li> <li>• Resurface Existing Concrete Outdoor Dining Area with Tiles</li> <li>• Retroactively approve installed heaters, fans, and ambience lighting associated with canopy for existing previously approved outdoor dining area</li> <li>• Expand Outdoor Dining Area to South of Covered Area</li> <li>• Surface Expanded Dining Area with 2ftx2ft Pavers</li> <li>• Replace existing Freestanding Sign with New Conforming Sign</li> </ul>
Address	641 Main Street South, Assessor Map 102, Lot 28
Site Acreage	3.568 acres
Zone	Middle Quarter (MQ) District

**WHEREAS** the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0009** as submitted by the applicant/owner listed above seeking (Amendment) Special Permit / Site Plan Approval pursuant to Zoning §5.2, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” as described herein; and

**WHEREAS** the project seeks to amend and modify prior Commission approvals of Special Permit / Site Plan granted for the subject property and existing restaurant use; and

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

- Application for Special Permit / Site Plan
- Cover Sheet, Ilardi Designs, 05/20/24
- A-001 - Site Plan, Ilardi Designs, 05/20/24
- A-100 - Floor Plan, Ilardi Designs, 05/20/24
- A-101 - Exterior Lighting Plan, Ilardi Designs, 05/20/24
- A-200 - Entry Details, Ilardi Designs, 05/20/24
- 1/1 - Site Plan, Civil 1, 05/15/24; and

**WHEREAS** the existing restaurant use will remain. Changes proposed to the interior and exterior are minor in nature and consistent with the existing restaurant use; 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 a Historic District or 100-Year Flood District; and

**WHEREAS** the property is located within an Aquifer Protection District, but the existing restaurant use is a permitted use and is not a use requiring registration. The changes to the existing restaurant do not alter these conditions; 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 or obviate the necessity for the applicant to obtain any other required local (Zoning, Sign, Health District, Fire/Building), state or federal permits and approvals;

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Commission, in accordance with §8.2.8 of the Zoning Regulations, hereby determines the proposal to be minor in nature that does not change the existing approved Special Permit use and as such does not warrant the need for a public hearing, and further hereby **APPROVES** the application for Amendment of Special Permit / Site Plan, subject to the conditions and modifications set forth below; and

**BE IT FURTHER RESOLVED** this approval shall amend and supplement only the 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 as required; and

**BE IT FURTHER RESOLVED** this approval shall be in addition to prior zoning approvals for the subject premises as a modification thereto; and

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein, ***subject to the following modifications and conditions:***

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

1. **Revision of Site Plans as “Final”** – The applicant shall submit a single (1) complete set of revised Final Plans, revised as follows to the satisfaction of the Town Planner:
  - a. **Each Sheet (*inclusive of all application plans and details as listed above*)** shall include a common revision date (post the date of this approval) and an original seal and signature of the professional responsible for preparing each individual plan or sheet.
  - b. Add the following notes conspicuously to Sheet A-001 (Ilardi Designs) and Sheet 1/1 (Civil 1):
    - **24-ZC-0009 – Approval Date: June 11, 2024 – Amendment of Special Permit / Site Plan.**
    - **All prior conditions and requirements of prior approvals shall remain in full force and effect.**
    - **No advertisement shall be displayed at outside dining area or on umbrellas or canopy.**

- c. Add the following title block information on each sheet:
    - Owner Name
    - Scale (stated and graphic)
    - North Arrow
    - Assessor Map 102, Lot 28
  - d. Add a full copy of this approval.
  - e. Seating Capacity – Provide notation addressing the following:
    - (1) Existing septic system’s maximum seating capacity per Health District.
    - (2) Maximum interior seating capacity per Building/Fire Codes as approved by the Fire Marshal.
    - (3) Proposed
      - Interior Seating
      - Exterior Seating under existing outdoor dining canopy
      - Exterior Seating in expanded open outdoor dining area
  - f. Stonewall – Add details of the proposed new 3-foot stonewall around the outdoor patios.
  - g. Floor Plan – Revise to annotate and note the minor modifications made to the interior space.
  - h. ADA Accessible Ramp
    - (1) Provide notation clarifying that the existing unpermitted ramp will be removed and replaced with a compliant ADA ramp as detailed on the Site Plans.
    - (2) Note and detail restoration landscaping near the ADA ramp (and if proposed elsewhere).
  - i. Note the location of the existing outdoor dumpster(s) and any enclosure measures.
  - j. Freestanding Sign – Provide details (construction, mounting, size, materials, appearance, lighting) of the new conforming freestanding sign. Any lighting shall be downlit, preferably concealed at the upper edge of the sign casting light down and over the sign face.
2. **Health District and Fire Marshal Approvals** – Provide copies of approvals from the Health District and Fire Marshal regarding the continued use of the existing septic system for the modified restaurant use and the relative seating capacities set by each.
  3. **Final Site Plans for Endorsement** – Following acceptance of revised final Site Plans by the Town Planner, the applicant shall provide for endorsement by the Commission/Town Planner **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.
  4. **Recording of Land Records Information Form** – Upon completion of the above conditions and prior to issuance of a Zoning Permit, the applicant shall record on the Woodbury Land Records a **Land Records Information Form** as provided by the Land Use Office and containing this approval.
  5. **Other Required Permits** – Required **Health District, Zoning, Sign and/or Building/Fire Permits** shall be separately obtained by the applicant prior to any site work or construction.



**B. Continuing Conditions of Operation Use**

1. **Site Maintenance** – The premises and improvements shall be maintained as follows:

- In good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter.
- 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 only. No unauthorized on-site parking or exterior storage shall be permitted.
- Site lighting shall be maintained in working order, changes require prior approval.
- Site landscaping shall be maintained in healthy growing condition. Dead, damaged, or diseased landscaping shall be replaced in kind promptly.
- All pavement parking space paint markings shall be maintained and periodically repainted to ensure adequate visibility and delineation, including ADA accessible parking signage.

2. **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 the modifications and requirements set forth herein.

3. **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.

4. **Approval Compliance/Changes** – Failure to maintain compliance with the approved final Site Plans 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 final Site Plans shall require prior review and separate approval and permit.

5. **Changes in Use** – Consistent with Zoning §1.3.2, 5.2 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. **Expiration** – This approval shall expire and be null and void without further written notice if this approval is not recorded as required herein in the Woodbury Land Records within one (1) year of the date of this approval, or if the project is not completed by the expiration date set above. The Commission may grant one (1) or more time extensions to complete the project. An extension request 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 TIETZ

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

Aye	Wilson, Tietz, Amatruda, Well
Nay	None
Abstain	None