

Town of Woodbury Zoning Commission

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

**MINUTES – JUNE 13, 2023
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Donald Trella (*arrived 7:09 p.m.*)
Thomas Amatruda
Ted Tietz

MEMBERS ABSENT:

ALTERNATES PRESENT:

Casey Rushin

ALTERNATES ABSENT:

Jack Well
Elmer Kiessling

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

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 Clarke, Amatruda, Tietz, Wilson and Alternate Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

There were no Public Hearings.

3. PENDING AND NEW APPLICATIONS

- a) 23-ZC-0013 – 5 Church Hill Road / Map 96, Lots 21 & 22 / OS-100 District
Special Permit / Site Plan per Zoning §3.4.8 to permit the new construction and use of an educational open-air pavilion over a monolithic concrete pad measuring 1,200 sf (20 ft x 60 ft) with roof solar panels and connecting subsurface electrical lines to existing buildings.
Flanders Nature Center & Land Trust, Inc. (applicant/owner)
Receipt of Application and Scheduling of Public Hearing – OH by 08/17/23

Vince LaFontan, Executive Director of Flanders Nature Center, addressed the Commission. Mr. LaFontan explained the application for an open air pavilion to be located in the grassy area

behind the Van Vleck house. The pavilion would be used as an educational area and for larger community event purposes. It will be positioned partially where the 20' x 20' summer tent is erected every year. The construction would be a concrete pad with an open air post and beam style structure. This pavilion will be advantageous for conducting programs with a covered space. The pavilion will be the same exact size as the town's pavilion at Hollow Park.

The south side of the building will have solar panels which will supply electricity for the Van Vleck house, the studio and the north barn. Brian Baker, Civil 1, is engineering the project. The application has gone before the IWA and approval was granted. Town Planner Agresta inquired about drainage from the roof. There will be a trench dug around the concrete for roof rain water to drip into. Chairman Wilson called for questions from the Commission. Commissioner Amatruda asked for some pictures to be provided for the Public Hearing and inquired of the dirt road on the plans. Mr. LaFontan went on to explain some future ideas to make the farm and meadow trails ADA accessible. That is not part of this application.

MOTION:

To schedule a Public Hearing on application (23-ZC-0013 – 5 Church Hill Road / Map 96, Lots 21 & 22 / OS-100 District) for the July 11, 2023, Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Teitz

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

Ayes: Wilson, Amatruda, Clarke, Tietz, Rushin

Nays: None

Abstain: None

Alternate Rushin was unseated and Commissioner Trella was seated at 7:13 p.m.

- b) 23-ZC-0014 – 48 North Forty Road / Map 52, Lot 27-6 / OS-60 District
Special Permit/Site Plan per Zoning §3.4.8 to permit the administrative operations and activities of an Instructional, Philanthropic and/or Charitable Institution “Hammers & Heroes Therapeutic Blacksmithing” (Hammers and Heroes Inc., EIN 84-4737718 Non-Profit 501(c)3 Organization). Hammers and Heroes Inc. (applicant), 48 North Forty Road LLC (applicant/owner) - Receipt of Application and Scheduling of Public Hearing – OH by 08/17/23**

Joe Santos, 48 North Forty Road, addressed the Commission. Mr. Santos explained that the application is for a non-profit therapeutic program for veterans and first responders. The work is conducted on an as needed basis. There are generally no more than three to four people at one time. The program is located on his 32 acre farm. Mr. Santos has a full time job so this takes place in his spare time; sometimes only twice a month. The program is conducted on the driveway and is not performed at night. Any activity is much less than the actual farm operation currently happening on the property. The program would be take place in the months of April through November. Mr. Agresta will outline what should be presented at the Public Hearing. The Commission would like the 501C IRS certificate provided for the application.

Alternate Rushin inquired if the permit fee could be waived for a non-profit. Commissioner Amatruda located in the regulations that the Commission “may waive or reduce fees for a good cause.” Discussion ensued regarding fees and if that means all non-profit organizations should have fees waived. The consensus was that since this application does not generate any revenue the fee should be waived. Other non-profit organizations fees will be taken into consideration individually.

MOTION:

To schedule a Public Hearing on application (23-ZC-0014 – 48 North Forty Road / Map 52, Lot 27-6 / OS-60 District) for the July 11, 2023, Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Amatruda, Clarke, Tietz, Trella

Nays: None

Abstain: None

MOTION:

To waive all fees that the Commission has the authority to waive for application (23-ZC-0014 – 48 North Forty Road / Map 52, Lot 27-6 / OS-60 District)

Made by Chairman Wilson, Seconded by Commissioner Trella

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

Ayes: Wilson, Amatruda, Clarke, Tietz, Trella

Nays: None

Abstain: None

4. ENFORCEMENT

There were no enforcement issues to cover.

5. DELIBERATIONS / DETERMINATIONS

- a) **22-ZC-0016-A1 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District**
Special Permit/Site Plan Amendment modifying restaurant addition per 22-ZC-0016 (approved 12/13/2)

Chairman Wilson presented for consideration the draft approval resolution dated June 13, 2023. He called for discussion. Commissioner Clarke inquired as to why this application was considered a minor modification. This is a modification of the original approved application. The amendment is actually less building and activity than what was originally approved. This led to further discussion that the minutes did not reflect that it was a minor modification.

MOTION:

To approve Special Permit / Site Plan Amendment per the Draft Approval Resolution dated June 13, 2023, on application 22-ZC-0016-A1 as presented.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Amatruda, Tietz, Trella

Nays: None

Abstain: Clarke

Full approval is attached at the end of this document.

6. ADMINISTRATIVE

Chairman Wilson presented for consideration the minutes of the May 23, 2023, Zoning Commission meeting. He called for discussion. Commissioner Clarke questioned where the approval of the May 9, 2023, meeting minutes were. That was pointed out. However, the minutes should have included a bullet point to notate a change of topic. Commissioner Clarke stated that the minutes did not reflect that application 22-ZC-0016-A1 was a minor modification. The clerk was instructed to review the tape on this matter to see if there was any discussion of the application being minor. Commissioner Amatruda inquired as to the detail of the minutes on the Draft Regulations Work Session. The consensus was that a general overview of the discussion was acceptable. The Commissioners were instructed to state clearly if they wanted a specific statement recorded in the minutes.

MOTION:

To table acceptance of the May 23, 2023, Zoning Commission meeting minutes until the June 27, 2023, Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Amatruda, Tietz, Trella, Clarke

Nays: None

Abstain: None

7. DRAFT ZONING REGULATIONS WORK SESSION

Town Planner Agresta reviewed with the Commission what was included in their packets and what the objectives of this work session were. Section 13 Sign Standards was presented with the revisions from the last session for review. Some members did not realize that the revisions had been emailed. The members were instructed to read through the revisions for the next session in order to approve.

Section 3: Overview and Prohibited Uses was presented for review. Section 3.1 General; Section 3.2 Uses Not Identified and Section 3.3 Prohibited Uses were covered. The Commission covered that in general if a use is not permitted it is prohibited. If a use is not identified a member of the public can always go to the Zoning Board of Appeals. Section 3.3 is for uses that the Town wanted specifically identified as prohibited.

The prohibited uses **3.3.d- Commercial slaughtering** and **3.3.f- Commercial reduction or processing of animal matter** led to heavy discussion. Currently in town farmers need to take any animals out of town for slaughter. Since Woodbury is an agricultural town, Commission Amatruda would like to see this use allowed so farmers can do their own slaughtering. The discussion covered that if it is a commercial slaughtering house it would need to be regulated by the USDA. Town Planner Agresta stated that if the Commission wants to allow these uses it first need to be removed from prohibited uses, defined and then added to permitted uses with standards. There are already people in town slaughtering without any regulating. Commissioner Teitz felt that if the Commission decides to allow these uses, they need to be clearly defined, specified and tightened up so that the mess and smell that is intrinsic to these uses is controlled. No one was quite sure what reduction and processing of animal matter was. The consensus was to remove both prohibited uses 3.3.d & f.

There was discussion regarding 3.3.k—Junk or salvage yards. The consensus was to remove “brush” from the definition / description of possible junk or salvage yard products. The Commission was instructed to think about this for review next time.

Section 3.3.m- Racetracks was considered. There was discussion regarding barrel racing that has occurred in town and if that use should be prohibited. The Commission questioned whether that would be considered an agricultural use or a commercial use if there was selling of tickets. The consensus was to change the prohibited use to “Commercial Racetrack.” The Commission was instructed to think about this for review next time.

Section 3.3.n—Recreational Vehicle Park was considered. Discussion considered what exactly qualifies as a recreational vehicle. Alternate Rushin felt this could include all sorts of vehicles. Town Planner Agresta pointed out there is specific criteria for this definition that does not include all recreational vehicles. The prohibited use would be for more of a campground type area for RV’s. Currently campgrounds are allowed. The Commission was instructed to look at the definitions and be ready to discuss how they would like to handle this use.

The next meeting work session will be to review these items and keep to the schedule for coverage of the regulations.

8. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

9. CORRESPONDENCE

- Mary Tyrell, 399 Weekepeemee Rd., submitted a letter stating that the trailer in question had been moved May 31, 2023. Therefore, no enforcement action would be needed.

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:24 p.m.

Made by Chairman Wilson

Respectfully Submitted,

Robyn Wright

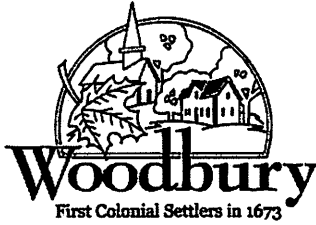
Robyn Wright
Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBURY, CT

This 16th day of June 2023
at 11:35 o'clock A M

Maria M. Mancini
Town Clerk

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



Town of Woodbury Zoning Commission

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

SPECIAL PERMIT / SITE PLAN – AMENDMENT APPROVAL

22-ZC-0016-A1 – 146 SOUTH POMPERAUG AVENUE

**Minor Modifications to Prior Approved Restaurant Use Additions – Amending 22-ZC-0016
Rocky River, LLC (owner/applicant)**

Date of Approval	June 13, 2023
Permit Expiration*	SAME as 22-ZC-0016

***If conditions of approval and improvements are not completed accordingly**

Applicant	Rocky River, LLC
Owner	Rocky River, LLC
Application	22-ZC-0016-A1 – Amending 22-ZC-0016
Project	Minor modifications to the prior approved restaurant layout.
Address	146 South Pomperaug Avenue, Assessor Map 102, Lot 1
Site Acreage	1.86 acres
Zone	MQ

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **22-ZC-0016-A1** as submitted by the applicant/owner listed above seeking Amendment of Special Permit / Site Plan 22-ZC-0016 (as was approved on December 13, 2022), in accordance with §5.2.2, §7.3 and §8.2.8 of the Zoning Regulations of the Town of Woodbury (“Zoning Regulations”), to implement the “project” (modifications) as described herein; and

WHEREAS the following project modifications are proposed:

- Elimination of building addition at north end of existing motel building;
- Elimination of the restaurant kitchen in the basement (basement will be for storage use only);
- Elimination of an existing motel room (leaving a total of 9 motel guest rooms) immediately south of new restaurant space for conversion to restaurant bathrooms, maintenance and stair access to basement;
- Addition of 16 foot by 16 foot outside patio to rear of restaurant constructed of pervious pavers;
- Minor modification to parking area with conversion of some compact spaces to standard spaces;
- Minor modification to new septic disposal system (same location and footprint); and

WHEREAS all other aspects of the original approved Site Plans are to remain unchanged; and

WHEREAS application materials received include the following:

- Application for Special Permit / Site Development Plan - Amendment;
- Narrative describing proposed amendment modifications, Allied Engineering, 05/05/23;
- Stormwater Management Report, Allied Engineering, 05/05/23;

- Cover Sheet, Allied Engineering, 04/28/23;
- C-1 – Existing Site Plan / Demolition Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- C-2 – Proposed Site Development Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- C-3 – Proposed Landscaping & Lighting Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- C-4 – Proposed Grading & Utilities Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- C-5 – Proposed Sanitary Sewage Disposal System Repair Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- C-6 – Proposed Detail Sheet, Allied Engineering, 09/25/22, revised 04/28/23;
- C-7 – Proposed Pedestrian and Traffic Circulation Plan, Allied Engineering, 09/25/22, revised 04/28/23;
- A-1 – Proposed Basement Plan, Allied Engineering, 04/12/23, 04/28/23;
- A-2 – Proposed First Floor Plan, Allied Engineering, 04/12/23, revised 04/28/23;
- A-3 – Proposed Building Elevations, Allied Engineering, 09/13/22, revised 04/28/23;
- ES-1 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22, revised 04/28/23;
- ES-2 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22, revised 04/28/23; and

WHEREAS a portion of the property is located within a protected Aquifer Protection Area, as with the original approval, no regulated activities are proposed; and

WHEREAS a portion of the property is located within a regulated 100-Year Floodplain, as with the original approval, no changes or land alteration activities are proposed within the regulated 100-Year Floodplain; and

WHEREAS on May 22, 2023, the Town of Woodbury Inland Wetlands and Watercourses Agency issued a separate conditional “amended” Inland Wetlands and Watercourses Permit Approval (22-IW-0022-A1) for the project;

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 or approvals;

NOW THEREFORE BE IT RESOLVED upon careful consideration of the information received and consistent with CGS §8-3 and Zoning Regulations §8.2.8, the Commission hereby determines the proposed modifications are minor in nature and do not change the approved 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 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 and the final (Amended) Site Plans as endorsed as “approved” by the Commission/Town Planner, ***subject to the following modifications and conditions:***

A. Prior to Endorsement of the Final (Amended) Site Plans

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

1. **Revision of Site Plans as “Final”** – The applicant shall submit to the satisfaction of the Town Planner a single (1) complete set of final (Amended) Site Plans, revised as follows:

- a. **Each Sheet** – 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 sheet.
 - b. **Cover Sheet and Sheet 2** – Add the following note:
 - **22-ZC-0016-A1 – Approval Date: June 13, 2023 – Expiration* Date: Same as 22-ZC-0016 (*If conditions of approval and improvements are not completed accordingly.) All conditions and requirements of the prior 22-ZC-0016 approval shall remain unaltered and in full force and effect.**
 - c. **Other Revisions:**
 - All revisions as per the Amended 22-IW-0022-A1 Inland Wetlands and Watercourses Permit, as approved on May 22, 2023 by the Inland Wetlands and Watercourses Agency.
 - Similar to other site landscaping, add a tree and shrubs in the location of the prior approved but eliminated north building addition.
2. **Final Site Plans for Endorsement** – Following acceptance of revised final (Amended) 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.
 3. **Final Stormwater Management Report** – The applicant shall provide two (2) copies of the final Stormwater Management Report, certified by a Connecticut licensed Professional Engineer.
 4. **Bond** – The required bond as set forth in 22-ZC-0016 shall be adjusted as may be needed to be consistent with the approved Amended Site Plans – all other prior 22-ZC-0016 bond related conditions shall remain in full force and effect.
 5. **Recording of Land Records Information Form** – Following completion of all of the above Conditions, 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.
 6. Prior to commencement of construction or site disturbance, the applicant shall request and attend a **Preconstruction Meeting** with the Land Use Office.

B. Prior Conditions

1. All prior conditions as set forth in the original approval 22-ZC-0016 dated December 13, 2022, shall remain in full force and effect, and shall equally apply to the additions and changes as approved herewith (22-ZC-0016-A1) as if fully set forth and written herein.
2. Conditions of permit expiration shall be the same as the original approval 22-ZC-0016.

MOTION

Motion by **WILSON**, seconded by **TIETZ**

Vote: 4-0-1 – **APPROVED** – Motion **PASSED**

Aye Wilson, Trella, Amatruda, Tietz

Nay None

Abstain Clarke