



Town of Woodbury Zoning Commission

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

**MINUTES – JULY 12, 2022
PUBLIC HEARING / REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Bob Wilson
Donald Trella

ALTERNATES PRESENT:

Jack Well
Casey Rushin

MEMBERS ABSENT:

Thomas Amatruda
Ted Tietz

ALTERNATES ABSENT:

Elmer Kiessling

ALSO PRESENT: Town Planner Will Agresta, towns people, 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, Trella, Wilson and Alternates Well and Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

- a) **22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD / George Champion Special Permit / Site Plan for mixed use per §5.1.4F to construct a separate single-family residence (existing building is an existing business) with modified yard setbacks per §5.1.8**

Andy Peklo, Peklo Design & Joinery, Agent for the applicant, addressed the Commission. Mr. Peklo pointed out the two outstanding issues. The attorney needed to prepare a document regarding the easement on the property. That was submitted to the Land Use office for review. The approval of the septic is still awaiting approval from the State since it is combining two systems into one. The engineer has been away which has hindered making some minor changes and corrections to the plans. Discussion arose that these remaining items could be conditions of approval or the Public Hearing could be continued.

Town Planner Agresta said he needed to review the easement document. He felt that since the application cannot receive a building permit without State approval it would be a safe condition to put on the approval. Alternate Rushin asked that if the State does not approve was there another location on the property that could be used for the septic. Mr. Peklo stated yes there was.

MOTION:

To close the Public Hearing on application (22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD / George Champion Special Permit / Site Plan for mixed use per §5.1.4F to construct a separate single-family residence (existing building is an existing business) with modified yard setbacks per §5.1.8)

Made by Chairman Clarke, Seconded by Commission Wilson

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

Chairman Clarke instructed staff to put together a draft motion for the application.

- b) 22-ZC-0012 – 5 Church Hill Road / Map 96, Lot 21&22 / Flanders Nature Center Special Permit for proposed building addition (341 sf – 22 ft. x 15.5 ft.) to Maple Syrup Sugarhouse adding two bathrooms and accessory storage.**

Vince LaFontan, Executive Director, Flanders Nature Center, addressed the Commission. Mr. LaFontan stated how the application is to add bathrooms and a storage area to the back of the sugar house. He shared the site plan prepared by Civil 1 Engineers. Chairman Clarke called for questions from the Commission. There were none. He called for questions or comments from the public. Some members of the public spoke of the location of current bathrooms and in favor of the project.

MOTION:

To close the Public Hearing on application (22-ZC-0012 – 5 Church Hill Road / Map 96, Lot 21&22 / Flanders Nature Center /Special Permit for proposed building addition (341 sf – 22 ft. x 15.5 ft.) to Maple Syrup Sugarhouse adding two bathrooms and accessory storage.)

Made by Chairman Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

- c) 22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / Phillip Simpson and Pamela Kurtz Zone Boundary Change Petition OS-60 to Garden Apartment (GA) District. Trustees of the Haworth of England by Pamela, LLC., Profit Sharing Plan (owner / applicant).**

1. Gail McTaggart, Secor, Cassidy & McPartland, Agent for the applicant, addressed the Commission. This application is for a petition to change the zone boundary. Ms. McTaggart submitted the certificates of mailing. The property is five acres and therefore exceeds the GA requirement of 3.5 acres. The south side of the property is bordered by condominiums and the north is bordered by garden apartments. All reports have been filed, including traffic and environmental wetlands reports. Half of the site is owned by the Town of Woodbury and is under a conservation restriction. The Town consents to the application and has been signed off on by First Selectman Perkinson. An engineering study shows feasibility for both applications.
2. Brian Baker, Civil 1Engineer, addressed the Commission. An existing conditions survey was conducted for the property. Mr. Baker reviewed the site plan showing the shared driveway, the

buildings, the water quality basin, the septic system, the slopes, the flood plain and the current well. The proposed project would be served by public water and would make no impact to the Woodbury Commons well located in the flood plain. He reviewed the conceptual site plan showing that all existing and new buildings meet the density and set back requirements. The Inlands, Wetlands Agency has signed off on the application with the environmental report. Ms. McTaggart stated that Grew Design also obtained approval from the Historic District Commission. She stated that this application is in line with the POCD and the corridor outlined in it for such a project. Chairman Clarke called for any questions from the Commission.

3. Alternate Rushin inquired as to the easement authorization line and the maintenance access road. He questioned the use of millings over the use of gravel for that road since it is not a natural material and this is a conservation easement. Mr. Baker asserted that with the grade of the access road, processed gravel will wash out and require too much maintenance. Mr. Baker and Town Planner Agresta will look into the specs and other products that could be used.
4. Chairman Clarke stated that this application will go before the Planning Commission at their August meeting and will be held over until the Zoning September meeting. He called for questions or comments from the public. Town Planner Agresta reiterates that this application is solely for the zone change; so questions should be pertaining only to that aspect.
5. Marty Wessendorf, 22 Woodbury Place, addressed the Commission. Mr. Wessendorf stated how he moved here because he likes the New England style and doesn't want to see a development.
6. Donata Tarzia, 19 Woodbury Place, addressed the Commission. Ms. Tarzia questioned if by doing a zone change does that in itself affect property values by changing views and ambience. She inquired if the town has laid out a plan for what it wants for the town. Town Planner Agresta stated that land use is part of the POCD and therefore requires a referral to the Planning Commission. A zone change does not affect the land but rather how it can be used and developed. Ms. McTaggart reiterated that the POCD supports Garden Apartments in this location. Alternate Rushin stated that the POCD was laid out to keep condos and apartments mainly on routes 6 and 64. Ms. Tarzia also wanted to understand the difference between the current zone and what is being proposed. The property is currently zoned OS-60 which could be split into approximately 1.5 acre lots. An OS-60 zone has 30 foot setbacks and the GA district has 50 feet setbacks for buildings. Also the Zoning Commission has less control over an OS-60 zone. The GA district does change the density allowed.
7. Heather Duggan, 21 Woodbury Place, addressed the Commission. Ms. Duggan states that by changing the zone it opens the door to further the Special Permit application. She feels that the property is beautiful and private, with a lot of wildlife that will be impacted. She feels that this will change the quality of life and she is not in agreement. Chairman Clarke stated that he walked the property and does not feel that the proposed project will take away from the wildlife. Ms. Duggan asked how the Commissioners would feel in their position because people buy based on the surroundings. Chairman Clarke stated that assumptions should not be made when there is wooded property that it will always stay that way.
8. Ms. McTaggart stated that the 3.5 acres is the minimum requirement for Garden Apartments. There are some strict requirements such as setbacks and amount of units to be met. There are very good dense areas that will stay as is. The current asphalt area will be the primary building zone.

MOTION:

To adjourn the Public Hearing on application (22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / Phillip Simpson and Pamela Kurtz / Zone Boundary Change Petition OS-60 to Garden Apartment (GA District.) until the September 13, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

d) 22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / Phillip Simpson and Pamela Kurtz Garden Apartments Special Permit for conversion of existing Office/Residential building into 2 garden apartments and development of new 4,650 sf building with 8 garden apartments with related garages, surface parking and associates utilities.

1. Ms. McTaggart explained the application. The existing office building will be converted into two apartments. There will be an additional eight apartments added with two garages. There is a considerable amount of land that will be left untouched. Ms. McTaggart stated all plans that have been submitted. The traffic report from Fuss & O’Neil, states that traffic can be safely and efficiently accommodated by the existing roadways.
2. Brian Baker explained the proposed site plan. The existing building will be converted to (one) three bedroom apartment and (one) four bedroom apartment. The existing driveway will be expanded from 15 feet wide to 24 feet wide at the upper portion. The driveway drains off near the existing septic system. There will be a series of catch basins and piping to direct water down the slope to the water quality basin. The septic system has been submitted to the State and local Health Departments for approval. The existing well will be abandoned and a new public water line will be installed.
3. Mr. Baker explained there is an 80 foot to 100 foot separation from any buildings to any Woodbury Place condos. There will be no impact to the main wooded area and no activity within 100 feet of the wetland area. The Inlands Wetlands Agency does not have any jurisdiction.
4. William Kenny, William Kenny Associates, Fairfield, addressed the Commission. Mr. Kenny is a wetlands and soil scientist. He stated that there are four parts to the landscaping plan.
 - Preservation of existing vegetation
 - Planting around the parking lot with trees, shrubs and ground cover
 - Planting near the buildings to soften the space
 - Buffer planting along the southern property line between the condos

Mr. Kenny showed the landscaping plan. The buffer area will be cleared of any dead trees. There will be a total of 66 new trees planted on the property; 55 of which will be in the buffer zone. There will be a variety of evergreen, canopy, and flowering trees along with shrubs along the buffer zone. There will be a total of 160 new shrubs planted; 120 of which will be in the buffer zone. The existing buffer is primarily mature deciduous trees which no longer provide screening.

5. Greg Grew, Grew Design, Architect, addressed the Commission. Mr. Grew stated that the proposed new apartments will be two-story townhouses. They will be eight modular units designed by Westchester Modular homes. Each building contains two units. The buildings will step with the grade. These units were approved in August 2021, by the HDC for using Hardie board clapboard siding, asphalt shingles, vinyl clad Anderson windows with grills. Each unit will have its own patio area with a patio door in the rear. Each unit will be a total of 1220 square feet. The total roof height is 25 feet. Each unit will have one garage bay plus additional uncovered parking. There will be (one) five bay garage built and (one) three bay garage. The garages will match the rooflines for the townhouses. On the three bay garage, Marvin windows will be used instead of Anderson since it can be seen from Main St.
6. Mr. Grew showed the conceptual plans for the renovation of the existing building. The existing apartment will become a three bedroom apartment with a total square footage of 1118. The other

- space will become a four bedroom apartment with a total square footage of 2464. There will be an interior staircase added. There will be no changes to the exterior or architecture of the building.
7. Dave Dilmond, Westchester Modular Homes, addressed the Commission. Mr. Dilmond stated that the applicant considered the modular units since the construction process will be less invasive on the property. He explained that every two units is done in six pieces. The fabrication is in a controlled environment with all standard building practices.
 8. Gail McTaggart noted that the applicant, Mr. Kurz was listening to the meeting on a cellphone. She reiterated that 1080 Main St. N. is squarely in the corridor set out by the POCD for Garden Apartments. She stated that Woodbury has always had Garden Apartments and they do not destroy the beautiful town. The POCD also notes that the primary issue Woodbury faces is a projected population loss of 8% over the next two decades. The town regulations should provide for attractive housing options for younger people and seniors.
 9. Chairman Clarke asked for photos of all proposed outdoor lighting and all of the landscaping species to be used. He asked for a photo of the area where the septic is going to show the trees that are there. He wondered why the three and four bedroom units did not get any garage space. Chairman Clarke called for questions from the Commission.
 10. Commissioner Trella inquired about modular homes and if they are built on stilts. Mr. Dilmond stated stilts may be used in a flood plain. This project will have a conventional foundation. Greg Grew interjected that there is no difference in the construction of the buildings other than what is done on and off site. Commissioner Trella asked how many trees will be coming down. That information was not available. It was recommended that a photo of the area where trees are coming down should be provided. He asked about the maturity and heights of the trees to be planted. Elevations with the tree height at the time of planting and at maturity will be provided. He asked what is the impact of the visibility from Main St. and the sight lines from Woodbury Place if the height of the new buildings is 25 feet. He inquired if the applicant plans to put up more units in the future. The answer was that he does not.
 11. Alternate Rushin asked if there was an oil-water separator in the driveway. Since the drainage water is going to an easement and there could be fluid leaks, this should be caught prior. He is concerned about the shared driveway and sight lines at the split in the driveway. He clarified that garages are for residents only and that they cannot be rented out. He also felt that there should be windows on the side of the town houses to make them look more like homes. He inquired if there will be retaining walls built between the units at the patio level as the units step down. Mr. Dilmond answered that there will be no retaining wall, it will just be graded. Mr. Rushin clarified that the existing building will also be put onto city water. He asked if there is an easement in place for the neighbor's deed to have access to the existing well. Ms. McTaggart stated that there is. Mr. Rushin asked about basements on the new units. There will be a basement with the utilities. He inquired if the applicant would be willing to do a bond for the landscaping for two years. Town Planner Agresta stated that that is technically not necessary, but it could be part of the Special Permit. The applicant is responsible to maintain the property indefinitely. Mr. Rushin expressed concern over seeing the three bay garage from Main St. and wondered if that garage could be relocated. Brian Baker responded that they had worked on the plan for years and that there was not another location for it. He will revisit this.
 12. Chairman Clarke asked who is responsible for the property maintenance. The owner is responsible and not the renters. He asked is there is screening between the apartment patios. This has not been specified. Chairman Clarke requested that something be specified. He called for questions from the public.
 13. John Cavallaro, 12 Woodbury Place, addressed the Commission. Mr. Cavallaro was happy to hear that the complex would be using public water. He also felt that the landscaping sounds robust. He mentioned that the current sign for 1080 Main St. is in the middle of the driveway and

is dangerous. He recommends that the sign be relocated so that the entrance is safer. He also recommended a transom window on the garage to make it more interesting and appropriate.

14. Heather Duggan, 21 Woodbury Place, addressed the Commission. Ms. Duggan acknowledged that clearly a lot of thought had been put into the application. She wondered who maintains the shared portion of the driveway. She is also concerned about the elevation of the buildings with the trees and the sight lines for privacy issues. She wondered if there really is such a need for more affordable housing in Woodbury. There was clarification that a stake in the lawn indicates the surveyed property lines. Commissioner Trella commented that this project does not meet the State affordable housing standards. Ms. McTaggart clarified the differences between State projects for affordable housing and this one.

MOTION:

To adjourn the Public Hearing on application (22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / Phillip Simpson and Pamela Kurtz / Garden Apartments Special Permit for conversion of existing Office/Residential building into 2 garden apartments and development of new 4,650 sf building with 8 garden apartments with related garages, surface parking and associates utilities) until the September 13, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

3. PENDING APPLICATIONS

There were no pending applications

4. NEW APPLICATIONS

There were no new applications.

5. ENFORCEMENT

- **22-ENF-0001 – 466 Flanders Road / Map 94, Lot 16-A / OS-100 / Chris Teixeira**
Unauthorized land filling; and unauthorized parking and storage of commercial vehicle.
 Town Planner Agresta informed the Commission there was nothing new to report. Mr. Teixeira was working with the IWA.

MOTION:

To table enforcement item (22-ENF-0001 – 466 Flanders Road / Map 94, Lot 16-A / OS-100)

Made by Chairman Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

- **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren**
 OH = Open Hearing PH = Public Hearing CH = Close Hearing D = Decision

Unauthorized structures.

Town Planner Agresta stated that the office has received the application from the ZBA and it is potentially on the schedule for the August ZBA meeting.

MOTION:

To table enforcement item (21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100)

Made by Chairman Clarke, Seconded by Commissioner Wilson

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

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

Town Planner Agresta stated that since sending the Cease & Desist as per the Commission’s request, the violator has filed an application for signage to the Historic District Commission.

MOTION:

To table enforcement item (22-ENF-0008 – 319 Main Street South / Map 104, Lot 091 / MSD)

Made by Chairman Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

6. DELIBERATIONS / DETERMINATIONS

- **22-ZC-0006 – 442 Main Street South / Map 103, Lot 010A / MSD / George Champion**
Staff will prepare a draft motion for the Commission to consider.
- **22-ZC-0012 – 5 Church Hill Road / Map 96, Lot 21&22 / Flanders Nature Center**
Staff will prepare a draft motion for the Commission to consider.

7. MEETING MINUTES

Chairman Clarke presented for consideration the minutes of the June 28, 2022, Zoning Commission meeting. He called for discussion. Chairman Clarke had a correction.

MOTION:

To accept the minutes of the June 28, 2022, Zoning Commission meeting as amended:

- Section 5.b – 2nd line—“Pending resolve of Phase II” should read “Pending resolution of Phase II”

Made by Chairman Clarke, Seconded by Alternate Rushin

Vote: 5-0-0 –Approved –Motion Passed

Ayes: Clarke, Wilson, Trella, Well, Rushin

Nays: None

Abstain: None

8. OTHER BUSINESS

- O&G Industries, LLC. 2nd Quarter reports
The mid-year inspections for both quarries was scheduled for September 20, 2022, at 6:00 p.m. beginning with the Stiles Road quarry.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

10. CORRESPONDENCE

- Tietz trucking 2nd Quarter reports

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:36 p.m.

Made by Chairman Clarke

Respectfully Submitted,

Robyn Wright

Robyn Wright
Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBURY, CT
This 15th day of July 2022
at 8:20 o'clock PM
Maria M. Mancini
Town Clerk

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