

Town of Woodbury Zoning Commission

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

MINUTES – JULY 23, 2024 REGULAR MEETING

7:00 P.M. – SENIOR COMMUNITY CENTER, 265 MAIN STREET SOUTH

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Thomas Amatruda
Ted Tietz
Donald Trella

MEMBERS ABSENT:

None

ALTERNATES PRESENT:

Jake Amorando

ALTERNATES ABSENT:

Casey Rushin
Jack Well

ALSO PRESENT: Town Planner Agresta

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Wilson convened the meeting at 7:03 pm.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Wilson, Clarke, Amatruda, Tietz, and Trella.
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. DELIBERATIONS / DETERMINATIONS

- 24-ZC-0010 – 67 Washington Avenue / Map 105, Lot 10 / R-40 District & HD#1

MOTION:

To approve Special Permit / Site Plan Amendment 24-ZC-0010 (67 Washington Avenue / Map 105, Lot 10 / R-40 District – Minor Site Plan Modification of prior Temporary Approval 17-ZC-1706) to pave emergency access drive and rear gravel parking lot with added drainage, as well as remove basketball court and extend concrete sidewalks connecting to existing sidewalks within the Washington Avenue public right-of-way, per DRAFT Resolution dated July 22, 2024, as presented. Regional School District #14 – Woodbury Middle School (owner/applicant).

Made by **Chairman Wilson**, Seconded by **Commissioner Clarke**

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

Aye: Wilson, Trella, Clarke, Amatruda, Tietz

Nay: None

Abstain: None

ENFORCEMENT:

- **24-ZC-0010 - 544 Old Sherman Hill Road / Map 2, Lot 5/ OS-80 District / 30.97 acres**
Unauthorized site alteration, grading and clearing of trees and vegetation for gravel access driveway and parking area installation, unauthorized operation and construction/contractor equipment. Nicholas Bennett, owner.

A complaint was received relating to impacts to wetlands, which triggered a review of the site and applicable zoning requirements. Inland Wetlands heard the matter the night before and has scheduled a site visit in August. Mr. Bennett, the current owner, noted he purchased the property in 2019 and inherited what was a verbal agreement with the prior owner that surrounding neighbors could use the area for dumping of yard waste.

The Commission questioned that a Cease and Desist was issued immediately. Staff explained since there also was a wetlands violation order the activity involved land disturbance with potential for erosion that the Zoning Regulations call for a Cease and Desist, followed by confirmation afterwards by the Commission, hence the current agenda item.

Staff reviewed photos of the site, noting the debris piles, equipment, vehicles and other contractor related items. Also discussed was the transition of the access driveway condition from overgrown to full gravel to the road. It was noted that a contractor business could be permitted with a Special Permit from the Zoning Commission but that all storage needed to be inside a building. The owner is a landscape contractor and noted he initially used the area for his business but quickly determined it was not sufficient and now rents a property in Oxford, CT. He also noted a few business-related items are still at the site but that they would be removed. He also stated that his intention is not to conduct his business at the site. The property is the owner's personal residence, and he uses this area to dispose of fallen trees and debris, and cut/store firewood, from the property. Some of the material piles have been removed from the property as of this meeting per the owner.

The Commission accepted the owner's intentions to clean up the site and remove all business-related storage and use, thus addressing the enforcement matter.

MOTION:

To dismiss Cease and Desist Order 24-ENF-ZC02 dated 07/09/24 (544 Old Sherman Hill Road / Map 2, Lot 5 / OS-80 District) based on owner's stated compliance of the removal of business activity from the property. Nicholas Bennett (owner).

Made by **Chairman Wilson**, Seconded by **Commissioner Tietz**

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

Aye: Wilson, Trella, Amatruda, Tietz

Nay: None

Abstain: Clarke

3. **ADMINISTRATIVE**

- **JULY 9, 2024, Meeting Minutes:**

Under New Applications:

- 67 Washington Avenue: Add a comma after "PE" in the first line.
- 127 Bethlehem Road: Add a comma after "PE" in the first line; Add "for" between "plans" and "the" in first line; and Add "be" between "would" and "via" to sixth line.

Under Correspondence:

- Correct the spelling of “Quarterly” in the heading.

Under O&G Quarterly Reports for Stiles and Park Road Quarries:

- Change “resolve” to “resolution” in the second line.

MOTION:

To approve the minutes of the July 09, 2024, Zoning Commission meeting, as amended.

Made by **Chairman Wilson**, Seconded by **Commissioner Clarke**

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

Aye: Wilson, Trella, Clarke, Amatruda, Tietz

Nay: None

Abstain: None

4. **PRIVILEGE OF THE FLOOR**

None

5. **CORRESPONDENCE**

Commissioner Teitz recused himself, and Alternate Amorando was seated.

- **23-ZC-0019 & 23-ZC-0020 - 167 Quassuk Road / Teitz Jr. Trucking Co. Inc.**
Second quarter reports.

No materials were removed from the pond. Total of 16 yards of material were removed from the property.

Alternate Amorando was unseated, and Commissioner Teitz was reseated.

Chairman Wilson called a three-minute recess @ 7:41pm

6. **DRAFT ZONING REGULATIONS WORK SESSION**

Chairman Wilson began the work session continuing in Section 11 Site Development & Landscape Standards.

11.9 Vehicular Access

11.10 Pedestrian Access

11.7 Exterior Lighting – New draft Subsection I regarding Play Field Lighting

Several edits were discussed and made to the DRAFT by the Commission. The Town Planer is to make the changes and present then for the Commission’s review at its next meeting.

7. **ADJOURNMENT**

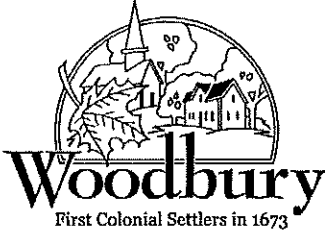
MOTION:

To adjourn the meeting at 9:01 p.m.

Made by **Chairman Wilson**

Respectfully Submitted,
Jennifer Murphy
Substitute Clerk for the Zoning Commission

RECEIVED & FILED
IN WOODBURY, CT
This 30th day of July 2024
at 9:20 o'clock A.M
Maria M. Mancini
Town Clerk



Town of Woodbury Zoning Commission

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SPECIAL PERMIT / SITE PLAN AMENDMENT APPROVAL

24-ZC-0010 – 67 Washington Avenue – Woodbury Middle School

Paving of Gravel Rear Parking Area and Rear Emergency Access; Sidewalk Improvements
REGIONAL SCHOOL DISTRICT #14 (applicant/owner)

	Date of Approval	July 23, 2024
	Permit Expiration	*July 23, 2025
		**July 23, 2029

** If this approval is not recorded on the Woodbury Land Records as Required*
*** If approved improvements are not completed as conditioned per this approval*

Applicant/Owner	Regional School District #14 – Woodbury Middle School
Application	24-ZC-0010
Project	Minor Site Plan Modification of Prior Temporary Approval 17-ZC-1706 <ul style="list-style-type: none"> • Pave emergency access drive and rear parking area, add drainage. • Remove existing basketball court near rear parking area. • Concrete sidewalks improvements including to and across Washington Avenue.
Address	67 Washington Avenue, Assessor Map 105, Lot 10
Site Acreage	22 acres
Zone	R-40 District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **24-ZC-0010** as submitted by the applicant/owner listed above seeking modification of prior approval 17-ZC-1706 (dated May 9, 2017) pursuant to Zoning §3.4.2, §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 application materials received include the following:

- Application for Site Plan Approval (Minor Modification)
- Sheet 1/2, Wolff Engineering, 06/27/24, plot 07/01/24
- Sheet 2/2, Wolff Engineering, 06/27/24, plot 07/01/024
- Sheet 1/11 – CTDOT Concrete Sidewalk Ramps, plot 01/12/24
- Sheet 2/11 – CTDOT Concrete Sidewalk Ramps, plot 01/12/24
- Sheet 4/11 – CTDOT Concrete Sidewalk Ramps, plot 01/12/24
- Sheet 6/11 – CTDOT Concrete Sidewalk Ramps, plot 01/12/24
- TR-1208_01 – CTDOT Standard Sheet, revised 08/2018, plot 08/10/18
- TR-1210_08 – CTDOT Standard Sheet, revised 08/2018, plot 08/10/18; and

WHEREAS the existing use of the premises as a public middle school will remain unchanged; and

WHEREAS the connecting sidewalk sections within the Washington Avenue right-of-way will require Town of Woodbury Board of Selectmen approval, involving a CGS §8-24 Municipal Referral to the Planning Commission. Post construction completion, Board of Selectmen acceptance as a public improvement will also be required; 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, a 100-Year Flood District or Aquifer Protection Area; and

WHEREAS a small portion of the site falls within Historic District #1 (near the street frontage on School Street), for which no substantive changes are proposed; and

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

WHEREAS this approval does not eliminate or obviate the necessity for the applicant to obtain other required local (Zoning, Sign, Health District, Fire/Building, Public Works, Board of Selectmen), state or federal permits/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 public school use and as such does not warrant the need for a public hearing, and further hereby **APPROVES** the application for Minor Site Plan Modification, subject to the conditions and modifications set forth below; and

BE IT FURTHER RESOLVED this approval shall be in addition, amending and supplementing prior zoning approvals associated with the subject premises, which prior approvals shall remain in full force and effect except as amended; 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 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. The length of concrete sidewalk located on the easterly side of Washington Avenue shall be extended northerly along the street/northern Elementary School driveway terminating at the street line edge of the Washington Avenue right-of-way line shared with the Elementary School property.
 - c. Add a full copy of this approval.

d. Add the following notes conspicuously to Sheet 1/2:

- **24-ZC-0010 – Approval Date: July 23, 2024 – Minor Site Plan Modification. Expiration Date: July 23, 2025 (if the Zoning Commission Minor Site Plan Modification approval is not recorded upon the Woodbury Land Records); Expiration Date Post Approval Recording: July 23, 2029 (if the project is not completed per the approval conditions).**
- **Prior to construction, the connecting sidewalk sections within the Washington Avenue right-of-way shall require the approval by the Town of Woodbury Board of Selectmen, involving a CGS §8-24 Municipal Referral to the Planning Commission, and a copy of such approval shall be provided to the Land Use Office.**
- **Post construction and prior to issuance of a Zoning Certificate of Compliance, the sidewalk sections within the Washington Avenue right-of-way shall be “accepted” by the Board of Selectmen and a copy of such shall be provided to the Land Use Office.**

2. **Board of Selectmen Approval** – Town of Woodbury Board of Selectmen approval of the proposed connecting sidewalk sections within the Washington Avenue right-of-way shall be obtained and a copy of such shall be provided to the Land Use Office. Substantive changes to the Site Plan resulting from the Board of Selectmen review and approval shall be subject to amended review and approval by the Zoning Commission as determined warranted by the Town Planner.
3. **Final Site Plans for Endorsement** – Following completion of the above conditions and 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. **Financial Guarantee (Bonds)** – The following bonds shall be provided:
 - a. **Site Stabilization and Erosion and Sedimentation Control Bond** – In an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” including 10% contingency and 10% inflation of the total costs, 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.
 - b. **Performance Bond** – In an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” to secure to the Town of Woodbury the actual construction, installation, and completion of the sidewalk improvements within the Washington Avenue right-of-way, including without limitation soil erosion and sedimentation control, right-of-way disturbance, construction, restoration, inspection and monitoring fees calculated as 5% of the total costs of the right-of-way improvements, as well as 10% contingency and 10% inflation of the total costs of the right-of-way improvements. The Performance Bond shall be submitted to the Land Use Office in a form and content as acceptable by the Town and shall remain in full force and effect until such time as the Bond is released by the Town.
5. **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.
6. **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. Conditions During Construction

1. No site work or construction shall commence prior to obtaining a Zoning Permit, clearly marking the limits of disturbance in the field, and installation, inspection, and approval by the Land Use Office of property installed erosion and sedimentation control devices. 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 the applicant shall promptly notify the Land Use Office 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 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, drainage controls and sidewalks have been installed in accordance with the final plans and are functioning as designed.
- Provision of Town of Woodbury Board of Selectmen “acceptance” approval of the sidewalk sections installed within the Washington Avenue right-of-way.
- 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 work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bonds may be released by the Land Use Office or as may be referred to the Commission and/or Board of Selectmen for release. 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 Use** – The premises and improvements shall be maintained as follows:
 - 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.
 - 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 sound working order; changes/replacement require 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.

5. **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.

6. **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.

7. **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.

8. **Changes in Use** – Consistent with Zoning §1.3, §3.4 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.

9. **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 **CLARKE**

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

Aye	Wilson, Trella, Clarke, Amatruda, Tietz
Nay	None
Abstain	None