

Town of Woodbury Zoning Commission

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

**MINUTES – JULY 25, 2023
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Bob Wilson, Chairman
Robert Clarke
Thomas Amatruda
Ted Tietz

ALTERNATES PRESENT:

Jack Well

MEMBERS ABSENT:

Donald Trella

ALTERNATES ABSENT:

Elmer Kiessling
Casey Rushin

ALSO PRESENT: Town Planner Will Agresta, Vince LaFontan

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 Well
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

- a) 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).

The applicant was not present.

MOTION:

To adjourn the Public Hearing until the August 8, 2023, Zoning Commission meeting.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Amatruda, Tietz, Well
Nays: None
Abstain: None

3. PENDING AND NEW APPLICATIONS

There were no pending or new applications to consider.

4. ENFORCEMENT

There were no enforcement items to consider.

5. DELIBERATIONS / DETERMINATIONS

- 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.

Chairman Wilson presented the draft resolution for approval. He called for discussion. There was none.

MOTION:

To approve the Special Permit / Site Plan per the Draft Approval Resolution dated July 25, 2023, on application 23-ZC-0013 – 5 Church Hill Road / Map 96, Lots 21 & 22 / OS-100 District as presented.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Amatruda, Tietz, Well

Nays: None

Abstain: None

Full approval at the end of this document.

6. ADMINISTRATIVE

Chairman Wilson presented for consideration the minutes of the July 11, 2023, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the July 11, 2023, Zoning Commission meeting as presented.

Made by Commissioner Clarke, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Amatruda, Tietz, Well

Nays: None

Abstain: None

MOTION:

To cover Privilege of the Floor prior to entering the Draft Regulations workshop.

Made by Chairman Wilson, Seconded by Commissioner Clarke

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

Ayes: Wilson, Clarke, Amatruda, Tietz, Well

Nays: None

Abstain: None

7. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

MOTION:

To cover Correspondence prior to entering the Draft Regulations workshop.

Made by Chairman Wilson, Seconded by Commissioner Tietz

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

Ayes: Wilson, Clarke, Amatruda, Tietz, Well

Nays: None

Abstain: None

8. CORRESPONDENCE

The Commission reviewed the Tietz Trucking Quarterly reports.

9. DRAFT ZONING REGULATIONS WORK SESSION

Chairman Wilson began reviewing the recommendations of the General Provisions section of the Draft Zoning Regulations work session.

1.4.2- Non Conforming Structures

1.4.2.A, B & C – No changes

1.4.2.D, E, & F – Town Planner Agresta noted that these items have statutory issues dealing with abandonment. There was discussion regarding how abandonment needs to meet criteria. If there is sufficient proof of abandonment, then the structure may still stand but any nonconforming use is eliminated. The consensus was to remove points D, E and F.

1.4.2.G – The language should be changed to reflect that an increase in a nonconforming structure can be horizontal and vertical and applicable to all structures, not just accessory.

1.4.3 – Non Conforming Lots

1.4.3.A.6 – The language should list all applicable residential languages. (i.e. OS40, OS60 etc.) All other recommendations were accepted.

1.4.4 – Non Conforming Uses

1.4.4.A – The recommendation was a change from the current regulations. Chairman Wilson and Commissioner Amatruda were not in favor of making the regulation more restrictive if it helps a building to be used. The current regulations will be kept.

1.4.4.B - No changes

1.4.4.C & D - Minor language changes

1.4.4.E – No changes

1.4.4.F – The second sentence needs to be removed.

1.4.5 – Abandonment of Non-Conforming Structures and Uses

1.4.5.A – Minor language changes

1.4.5. B – Chairman Wilson felt the section should be rearranged to combine points A and C starting with all the things that would constitute abandonment. Town Planner Agresta will make changes to revise and simplify this section.

1.5.1 and 1.5.2 – Administrative Provisions

These are necessary legal protection statements.

Temporary Signs

Town Planner Agresta started the discussion to get a general idea of how the Commission would like to proceed on this issue. He felt that what was originally drafted is too permissive for temporary signs. He would like for the Commission to think about what they feel is appropriate; how many, how often and how big are items to consider. Commissioner Amatruda felt that this is difficult since it is unenforceable. Town Planner Agresta stated that the regulations are enforceable, but it is not necessarily practical with the staff that the town has. The ZEO has been making progress in removing some signs and setting a precedent. They have been getting more compliance on Main Street. The town has been lenient on signs on town property except for Canon Green. He also stated that while the town does not need to enforce these regulations all the time, there is the need for regulations in order to have the ability to enforce when needed with serious offenders.

Temporary signs such as Real Estate, tag sale and contractor signs are manageable. Event signs are harder. But sidewalk sales and special event business signs make sense. Town Planner Agresta felt it is a waste of time to have any regulations on political signs. Signs for out of town events or businesses are not allowed and the town does it best on removing them. Chairman Wilson stated that some general guidelines would be good and that some signs should require permits. He asked for the table to be reworked and made a little simpler.

All revisions discussed at this meeting will be reviewed at the next.

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:54 p.m.

Made by Chairman Wilson

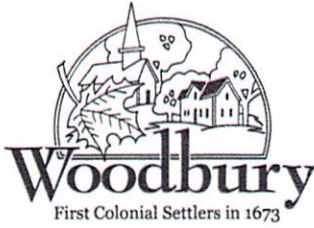
Respectfully Submitted,

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
Date 28th day of July 2023
at 9:30 o'clock PM
Maria M. Marcini
Town Clerk



Town of Woodbury Zoning Commission

281 Main Street South
Woodbury, CT 06798

203.263.3467 ▪ www.woodburyct.org

SPECIAL PERMIT / SITE PLAN APPROVAL

23-ZC-0013 – 5 Church Hill Road

Open-Air Education Pavilion with Roof Solar Panels

Flanders Nature Center & Land Trust, Inc. (applicant/owner)

Date of Approval	July 25, 2023
Permit Expiration	July 25, 2028
*If conditions and improvements are not completed accordingly	

Applicant	Flanders Nature Center & Land Trust, Inc., Vincent LaFontan, Executive Director
Owner	Flanders Nature Center & Land Trust, Inc.
Application	23-ZC-0013 – Special Permit / Site Plan per Zoning §3.4.8
Project	New construction and use of an open-air post and beam farm and environmental education pavilion over a monolithic concrete pad measuring 1,200 sf (20 ft x 60 ft) with roof solar panels (roof south side) and connecting subsurface electrical lines to existing site buildings.
Address	5 Church Hill Road, Assessor Map 96, Lots 21 & 22
Site Acreage	107.66 acres
Zone	OS-100 District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **23-ZC-0013** as submitted by the applicant/owner listed above seeking Special Permit / Site Plan Approval pursuant to Zoning §3.4.8, §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 property is not located within 500 feet of a municipal boundary, an Aquifer Protection District, or a regulated 100-year floodplain; and

WHEREAS application materials received include the following:

- Application for Special Permit;
- Cover Letter, 06/05/23;
- C-1.1 – Existing Conditions, Civil 1, 06/23/22;
- C-2.1 – Site Improvement Plan, Civil 1, 06/22/23, revised 02/24/23;
- Timber Frame Pavillon (detail and elevation);
- (Solar) Panel Array;
- Pavillon graphic illustration; and

WHEREAS the applicant has obtained a corresponding Inland Wetlands and Watercourses Agency Wetland Permit (23-IW-0012) as approved on May 8, 2023; and

WHEREAS a duly noticed public hearing as published in Voices on June 28, 2023, and July 5, 2023, was opened and closed on July 11, 2023, at which time interested persons were afforded an opportunity to be heard; 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 the necessity for the applicant to obtain any other required local, state or federal permits and approvals;

NOW THEREFORE BE IT RESOLVED consistent with CGS §8-3 and Zoning §3.4.8, §7.3 and §8, upon careful consideration of the information received, the Commission hereby **APPROVES** the application for 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 is specific to that detailed herein and the final Site Plans as endorsed as “approved” by the Zoning Commission/Town Planner, ***subject to the following modifications and conditions:***

A. Prior to Endorsement of the Final Plans

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

1. **Revision of Site Plans as “Final”** – The applicant shall submit to the satisfaction of the Town Planner a single complete set of final Site Plans, revised as follows:
 - a. All of the Site Plan sheets shall be contained in a coordinated single, bound set, with a common sheet size and revision date post the date of this approval.
 - b. The plans shall be revised to remove all “future” contemplated site uses and shown site changes and uses not associated with (trail improvements, trail crossing detail, HC parking at shed, etc.) the installation of the open-air pavilion, solar panels and associated subsurface electric line related to the solar panels.
 - c. The following notes shall be prominently included:
 - ***23-ZC-0013 – Approval Date: July 25, 2023 – Expiration Date: July 25, 2028* (*if conditions and improvements are not completed according to the approval).***
 - ***All new and replacement utility connections (electric, gas, telecommunications, water, septic) shall be installed underground.***
 - ***Parking and loading shall be limited to designated locations only. No unauthorized on-site parking or vehicle storage shall be permitted.***
 - d. Add a full copy of this approval to the final plans.

2. **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.
3. **Site Stabilization and Erosion and Sedimentation Control Financial Guarantee (Bond)** – A Bond in an amount approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate” provided in accordance with §7.6.7 of the Zoning Regulations shall be submitted to the Land Use Office in a form and content acceptable by the Town. The Bond shall remain in full force and effect until such time as the Bond is released by the Town.
4. **Recording of Land Records Information Form** – Following completion of Conditions #A1 through #A3 above, 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.
5. Required applicable administrative **Historic, Health, Zoning, Sign and/or Building 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 until a Zoning Permit and Building Permit are obtained, the limits of disturbance have been clearly marked in the field, erosion and sedimentation control devices have been properly installed and inspected by the Land Use Office. The Land Use Office shall be provided a minimum of 48-hours of notice for inspection.
2. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction and promptly notified 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 by the Land Use Office or the need for new or modified permit approval can be identified.
3. The applicant shall maintain and supplement the erosion and sedimentation controls as needed, including dust suppression as may be necessary, and the Land Use Office may require additional controls as may be deemed necessary or warranted.

C. Post Construction Compliance and Permit Closure

1. **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 an acceptable A2 Survey As-Built and Overlay Plan.
 - All improvements have been completed consistent with the final Site Plans and Wetland Permit.
 - Provision of a Professional Engineer certification that the drainage improvements have been installed in accordance with the final plans and are functioning as designed.
 - 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.

2. **As-Built Survey and Overlay Plan** – Upon completion of the approved improvements, a certified A-2 Survey As-Built Plan 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. 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.

3. **Bond Release** – Upon written request by the applicant, following completion of all approved work consistent with the approved final Site Plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bond may be released by the Land Use Office or as may be referred to the Commission. 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 and Overlay Plan.

4. **Continuing Conditions of Operation Following Authorized Occupancy and Use**
 - 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.
 - Permitted parking and loading shall be limited to designated locations only. No unauthorized on-site parking or storage shall be permitted.

5. **Changes in Use** – Consistent with Zoning §1.3.2, §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.

6. **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 modifications and requirements set forth herein.

7. **Approval Compliance/Changes** – Failure to maintain compliance with this approval and the associated approved final Site Plans as endorsed 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 Special Permit or final Site Plans shall require prior review and separate approval and permit.

8. **Expiration** – This approval shall expire and be null and void without further written notice per the date set forth above unless all improvements as approved, including site stabilization and landscaping, are completed consistent with the approved final Site Plans. The Commission may grant one (1) or more extensions of time to complete same. Any request for extension 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: 0-0-0 – **Approved** – Motion **Passed**

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