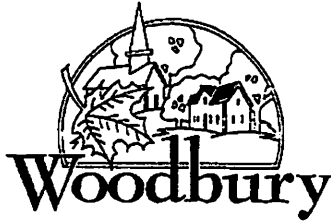


TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 ~ www.woodburyct.org



First land deed from the Indians
April 12th 1659

MINUTES – AUGUST 10, 2021 PUBLIC HEARING / REGULAR MEETING 7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

MEMBERS PRESENT:

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

ALTERNATES PRESENT:

Elmer Kiessling

MEMBERS ABSENT:

ALTERNATES ABSENT:

Jack Well
Casey Rushin

ALSO PRESENT: Towns people, applicants and agents

1. REGULAR MEETING

- a) CALL TO ORDER – Chairman Amatruda convened the meeting at 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Amatruda, Clarke, Tietz, Trella and Wilson
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

2. PUBLIC HEARINGS

- a) **21-ZC-2108 / Grew (agent), Lamb (applicant), 346 Main LLC (owner) / 346 Main Street South / Under Sec. 5.1.8 Special Permit to Convert Existing Commercial Portion of Building to be used as (1) Three Bedroom Dwelling and (1) Two Bedroom Dwelling in addition to the Existing Two Bedroom Dwelling / Map 104 / Lots 002A-2 & 003-3 / CH: 8/17/21 (Continued from 7/27/21)**

Gail McTaggart, agent for the applicant, addressed the Commission. Ms. McTaggart stated that the Historic Commission issued a Certificate of Appropriateness on August 2, 2021, for the property with the stipulation that there will be no changes to the façade facing Main Street south, including the windows and gable end. This application meets the requirements and is in conformance with the POCD. The Chairman called for questions from the Commission. Mr. Clarke questioned if the lighting change was updated. Ms. McTaggart responded it had been updated and approved. The Chairman called for questions from the public. There were none.

MOTION:

Chairman Amatruda moved and Commissioner Clarke seconded to close the Public Hearing on application (21-ZC-2108 / Grew (agent), Lamb (applicant), 346 Main LLC (owner) / 346 Main Street South / Under Sec. 5.1.8 Special Permit to Convert Existing Commercial Portion of Building to be used as (1) Three Bedroom Dwelling and (1) Two Bedroom Dwelling in addition to the Existing Two Bedroom Dwelling / Map 104 / Lots 002A-2 & 003-3 / CH: 8/17/21 (Continued from 7/27/21).

Vote: 5-0-0 in favor. Motion unanimously approved.

REGULAR MEETING CONTINUED

3. NEW APPLICATIONS

- a) **21-ZC-2111 / Desrochers – 506 Main Street South LLC / 506 Main Street South / Modifications to Approved Site Plan (21-ZC-2101) Due to Site Conditions / Map 103 / Lot 005 / OH: 10/14/21**

Mr. Desrochers, applicant, addressed the Commission. Mr. Desrochers explained how the previously submitted plan has changed slightly. The new proposed plan is to excavate to the ledge and install a 42” high, black chain link fence on the top of the hill. This results in 25 feet of less disturbance. There will be no need for a stone wall. The proposed drainage system will remain the same. This change is further back from the river and outside of the Historic District. The Commissioners reviewed the new maps. Chairman Amatruda inquired of how many square feet of impervious parking lot there would now be. Mr. Desrochers replied that it is approximately 2500 square feet less of impervious surface.

The applicant is looking for this to be considered a minor modification. Maryellen Edwards, the previous Town Planner had stated before she left her position, that she felt this change was minor but that it should be brought to the Commission’s attention. Chairman Amatruda called for any questions from the Commission. Commissioner Trella inquired about the abutting McGovern property and the use of the chain link fence, which is not always aesthetically pleasing. Mr. Desrochers replied that the fencing will be up high on the hill and since it is black, once the plants grow up around it, it will hardly be noticed.

MOTION:

Chairman Amatruda moved and Commissioner Tietz seconded for staff to consider application (21-ZC-2111 / Desrochers – 506 Main Street South LLC / 506 Main Street South / Modifications to Approved Site Plan (21-ZC-2101) Due to Site Conditions / Map 103 / Lot 005 / OH: 10/14/21) a minor modification and to issue any appropriate permits.

Vote: 5-0-0 in favor. Motion unanimously approved.

4. PENDING APPLICATIONS

MOTION:

Chairman Amatruda moved and Commissioner Wilson seconded the following motion for application (21-ZC-2108 / Grew (agent), Lamb (applicant), 346 Main LLC (owner) / 346 Main Street South / Under Sec. 5.1.8 Special Permit to Convert Existing Commercial Portion of Building to be used as (1) Three Bedroom Dwelling and (1) Two Bedroom Dwelling in addition to the Existing Two Bedroom Dwelling / Map 104 / Lots 002A-2 & 003-3 / CH: 8/17/21):

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 21-ZC-2108 submitted by Greg Grew (agent) on behalf of John Lamb (applicant), to convert the Existing Commercial Portion of the Building to (1) Three Bedroom Dwelling and (1) Two Bedroom Dwelling in Addition to the Existing Two Bedroom Dwelling at 346 Main Street South, Woodbury Connecticut (Map 104/Lot 002A-2 & 003-3); and

WHEREAS, the Commission has received the following material:

- a. An application dated June 2, 2021, and received June 3, 2021;
- b. Owner authorization letter dated and received June 8, 2021;
- c. A set of five map sheets including Basement, First and Second Floor Plans and north and South Elevations prepared by Milton Gregory Grew, AIA, dated June 8, 2021, and received June 8, 2021;
- d. An Existing Conditions map prepared by Civil 1 Engineering dated February 27, 2019 with a walkway added by Greg Grew, June 8, 2021, and received June 8, 2021; and

WHEREAS, under Section 5.1.9 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

WHEREAS, the Commission received the report of the Woodbury Planning Commission, which reviewed the application on July 7, 2021, and found that the proposed use of the site would be consistent with the Town Plan of Conservation and Development and the Plan of Development; and

WHEREAS, a duly noticed public hearing was convened on July 27, and continued to August 10, 2021, to consider the application and receive public comment; and

WHEREAS, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

WHEREAS, the Commission has carefully considered all the information submitted and received at the public hearing; and

WHEREAS, this motion does not eliminate the necessity for the applicant to obtain any required local, state or federal authorizations, including but not limited to, Building, Zoning and Driveway Permits, Fire Marshal and Health District approvals, Planning Commission, Historic District Commission or Inland Wetland Agency approvals.

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves application, 21-ZC-2108, submitted by Greg Grew (agent) on behalf of John Lamb (applicant), to convert the Existing Commercial Portion of the Building to (1) Three Bedroom Dwelling and (1) Two Bedroom Dwelling in Addition to the Existing Two Bedroom Dwelling at 346 Main Street South, Woodbury Connecticut (Map 104/Lot 002A-2 & 003-3) as described on the submitted Zoning Commission application dated May 23, 2018. Subject to the following conditions:

1. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
2. Any variation from or alteration of the approved Special Permit or Site Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
3. With the stipulation that there will be no changes to the façade facing Main Street South, including the windows and gable end as per the Historic District Commission.

Vote: 5-0-0 in favor. Motion unanimously approved.

5. OTHER BUSINESS

- **Scheduling of Mid-Year Site Inspections for O&G Industries, Inc. (Park & Stiles Road Quarries), July Complaint Logs and Review of Water Quality Testing Report for Park Road Quarry**

Richard Warren, agent of O&G Industries, addressed the Commission. Discussion ensued regarding scheduling mid-year site inspections for the quarries.

MOTION:

Chairman Amatruda moved and Commissioner Wilson seconded to schedule a mid-year site inspection of the O&G quarries located at Stiles Road and Park Road on September 7, 2021, at 5:00 p.m.

Vote: 5-0-0 in favor. Motion unanimously approved.

Mr. Warren reviewed the July complaint logs for both quarries. Stiles Road had one complaint for the month of July. Mr. Vindigni, 23, Woods Way has been working from home and has noticed the blasts more. The Woodlake Water Tower monitor has not shown anything above recommended limits. A seismograph was installed at Mr. Vindigni's unit and will continue to be monitored.

Mrs. Hydewick, 19 Park Road, complained that trucks were running too early. These trucks were not O&G trucks; however they were hired dispatch trucks trying to get in line for the scale prior to 7:30 a.m. Those companies were informed not to arrive prior to 7:30 a.m.

Ms. Crawford, 124 Old Sherman Hill Road, complained that trucks are not staying to State roads which puts undo wear on town roads. Mr. Warren had left two messages for her and directed her to contact the police initially if she sees this happening.

Mr. Warren commented that it has been a rainy, cloudy summer resulting in concussive force blasts being felt.

Mr. Warren reported on the water quality testing report. This report is based upon a sample taken in May. He also contacted the PRWC since they are monitoring the water quality as well. The findings show that despite high nitrate at the detention basin, the nitrate levels drop to within limit within a one mile radius. Plant species have been added to uptake the nitrates and keep them at acceptable levels. The high levels are exclusive to the O&G location. Commissioner Trella and Mr. Warren reviewed some maps showing where samples are taken from and where higher nitrate levels are located. The results show that once the water is flowing there is not a harmful concentration. All information is reported to DEEP. The salamanders are happy and healthy and being reported on to the Inland Wetlands Agency.

6. ENFORCEMENT REPORT

a) 21-ENF-0006 / Taff / 148 Sycamore Avenue / NPV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035

With the absence of a Town Planner and ZEO, there is no information regarding the status of this potential violation. Discussion ensued regarding how to pursue the matter. Commissioners Clarke and Trella are in favor of moving this to the next level. However, no one is confident of the status or who will move it forward.

MOTION:

Commissioner Trella moved and Commissioner Clarke seconded to elevate *(21-ENF-0006 / Taff / 148 Sycamore Avenue / NPV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035)* to a Notice of Violation.

Vote: 2-3-0 not in favor. Commissioners Amatruda, Wilson and Tietz being the nay votes.

More information will try to be obtained.

b) 21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12

An NPV had been sent on 7/22/21. The photo of the pavilion was reviewed. A complaint has been made that there are over 35 cars for the business of JGX landscaping business weekly. The owner had responded saying they have operated a business at that location for many years. Previous Town Planner Maryellen Edwards had stated that it appears a Building Permit is needed for the pavilion and a Special Permit is needed for the major home business.

MOTION:

Commissioner Clarke moved and Commissioner Wilson seconded to elevate *(21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map*

070 / Lot 048-12) to a Notice of Violation based on the lack of a Special Permit to conduct a major home based business and the lack of a Building Permit to add a structure.

Chairman Amatruda recused himself. The meeting was turned over to Vice Chairman Clarke at 7:50 p.m. Vice Chairman Clarke seated Alternate Kiessling at 7:51p.m.

Vote: 5-0-0 in favor. Motion unanimously approved.

Vice Chairman Clarke turned the meeting back over to Chairman Amatruda. Alternate Kiessling was unseated and Chairman Amatruda reseated at 7:52 p.m.

7. REGULATION WORKSHOP

Chairman Amatruda resumed discussion regarding the new cannabis legislation. He spoke with the Selectmen and they are looking to have an ordinance issued for this use which takes it out of the hands of the Zoning Commission. The Commission will proceed with the new regulations without addressing this use. The bill gives municipalities the right to a) either prohibit the use; b) restrict signage related to it; or c) to regulate the proximity to schools etc. If no action is taken then the use would need to be treated as any other retail establishment.

There was discussion regarding the limit of the use in a town with a population of less than 25,000. Clarification was needed on this aspect. Chairman Amatruda would like to prohibit the use altogether. Commissioner Clarke felt the Town should issue an ordinance. Commissioner Trella is not anti-dispensary but his main concern is the traffic generated on two-way single lane roads.

8. PRIVILEGE OF THE FLOOR

Daniel Schiavone, 5 Hard Hill Rd., addressed the Commission. He was curious on the time line for adopting the new Zoning Regulations. Chairman Amatruda informed him that they are close to holding a Public Hearing. Mr. Schiavone is interested in when the set-back regulation for livestock barns that will be adjusted from 100 feet to 50 feet will take effect. The Commission informed him that it all depends upon Covid and where and when a Public Hearing can be held.

9. CORRESPONDENCE

Chairman Amatruda directed attention to the CT Federation of Planning and Zoning Agencies quarterly newsletter. He summarized features of the newsletter. He highlighted areas the Commissioners should pay attention to, such as affordable housing, accessory apartments, recreational cannabis and special permits. To note was that the term "character of a town" should no longer be used and should be replaced with "physical site characteristics of the district," which is moving more towards design standards. Planning Commissions will be required to develop a housing plan every five years. The Woodbury PC is working on that right now. Outdoor dining may be "as a right" provided the restaurant meets minimal requirements. A permit approval period is extended to 14 years. There should be land use training happening. And remote meetings can continue with a quorum.

Chairman Amatruda stated that he would prefer to go back to virtual meetings with the new mask mandate in town. Commissioner Clarke prefers in person masked. Commissioner Trella stated that we could stay with the hybrid method. For now, meetings will be staying as is.

10. CONSIDERATION OF MINUTES

Chairman Amatruda presented for consideration the minutes of the July 27, 2021, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

Chairman Amatruda moved and Commissioner Clarke seconded to approve the minutes of the July 27, 2021, Zoning Commission meeting as presented.

Vote: 5-0-0 in favor. Motion unanimously approved.

11. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:09 p.m.
Made by Chairman Amatruda.

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 16th day of Aug 2021
at 9:06 o'clock A M

Luide J. Pula
Town Clerk