

Town of Woodbury Zoning Commission

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

**MINUTES – AUGUST 22, 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

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

There were no public hearings at this time.

3. PENDING AND NEW APPLICATIONS

- **23-ZC-0015 – 106 Hoop Pole Hill Road / Map 54, Lot 14B-2 / OS-100 District**
Chad and Christa McAfee (applicants/owners) / Special Permit/Site Plan Per Zoning §4.1.3 to permit a major home occupation, “McAfee Home Improvement, LLC” for administrative purposes only

Chad McAfee, applicant, addressed the Commission. Mr. McAfee stated that he started a contractor business two years ago. The business is mainly conducted outside of his home. The applicant only receives mail at the property location and is applying for a permit for office and

administrative purposes only. He has a registered company vehicle that is not lettered and is stored in his garage. He has some tools, but everything is kept out of site in a shed. There are no employees or future plans to expand the business at this location. Chairman Wilson confirmed that there is no work done on premises. Mr. McAfee stated he may do a small painting project in his garage. There is no signage on the road. Town Planner Agresta stated that the only reason the application is before the Commission is because the current regulations differentiate between a contractor business and a home business. Any materials needed for a job are shipped directly to the customer's home. Mr. Agresta explained that the Commission can demote the use to a home office used solely for administrative purposes. That will mean that the applicant cannot store anything or have any kind of workshop on premises. Chairman Wilson was in favor of processing the application as a Zoning permit. Commissioner Clarke was in favor of having a Public Hearing and processing it as a Special Permit to make sure the neighbors are aware. Chairman Wilson stated that if there were ever any complaints that the business expanded then they would have the recourse to come before the Commission anyway.

MOTION:

To address application (23-ZC-0015 – 106 Hoop Pole Hill Road / Map 54, Lot 14B-2 / OS-100 District) via a Zoning Permit per the Land Use office.

Made by Chairman Wilson, Seconded by Commissioner Amatruda

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

Ayes: Wilson, Amatruda, Tietz, Well

Nays: Clarke

Abstain: None

4. ENFORCEMENT

- 23-ENF-ZC02 – 59 Sherman Hill Road / Map 86, Lot 26 / OS-60 / Ryan Melody Accessory shed/structure installed without permits in prohibitive front yard setback.

Town Planner Agresta provided a history on this item. He stated that the owner had inquired about constructing a shed on the property. It was explained to the owner that the property is limited as to where to put the shed because there are some wetlands and setback requirements. The setback requirement is 50 feet off the property line. The homeowner put up a shed anyways 12 feet off the property line. The owners have been in contact with the office about moving the shed to another spot since it is on a gravel base, not a cement slab. However, the homeowner has had some health challenges recently, so is in need of more time. A Notice of Violation was sent on August 14, 2023. There is a possibility the situation will resolve itself. The Commission will revisit this item at the second meeting in September.

5. DELIBERATIONS / DETERMINATIONS

Chairman Wilson presented the draft motion on application (23-ZC-0014 – 48 North Forty Road / Map 52, Lot 27-6 / OS-60 District) for consideration. He called for discussion. There was none.

MOTION:

To approve Special Permit / Site Plan per the Draft Approval Resolution dated August 22, 2023, on application (23-ZC-0014 – 48 North Forty Road / Map 52, Lot 27-6 / OS-60 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 attached to the end of this document.

6. ADMINISTRATIVE

• **POCD Goals – Discussion Prep for Joint Land Use Meeting**

The First Selectman will be chairing the meeting to be held on September 13, 2023. All members of land use boards are invited to attend. The focus is to talk collectively on how to better achieve the goals and work together on implementation. Town Planner Agresta stated that he is hoping it will not be that all the other Commission’s objectives will be hinging on the new Zoning Regulations being completed. It will be noted at the meeting how the Zoning Commission is progressing towards that goal, but also how busy the Commission has been with new applications this year compared to last. Chairman Wilson and Mr. Agresta will meet to discuss what they will present. This will be taken up again at the next Zoning meeting.

• **Consideration of Meeting Minutes**

Chairman Wilson presented for consideration the minutes of the August 8, 2023, Zoning Commission meeting. He called for discussion. Commissioner Amatruda wanted it stated in the minutes that he and Chairman Wilson had inquired more about the over limit blasts and what was being done to prevent more in the future than what was reflected in the minutes. Discussion continued regarding what was actually said. Commissioner Clarke wanted the recording checked to verify before anything was amended on the minutes. The clerk was instructed to listen to the recording again and report back to the Commission at the next meeting.

7. DRAFT ZONING REGULATIONS WORK SESSION

Chairman Wilson continued the workshop starting with **Section 15 Applications Procedures and Action**

15.1.2.C- Site Plan

- 15.1.2.C.1- Minor grammatical changes along with some bulleted points
- 15.1.2.C.2- No changes
- 15.1.2.C.3- The word “considered” would be added in place of “initiated and acted upon”

Alternate Well was unseated at 7:55 p.m.

- 15.1.2.C.4- Discussion resulted in this area being clarified for development in phases

Alternate Well was reseated at 8:00 p.m.

- 15.1.2.C.5- No changes
- 15.1.2.C.6- The word “requirements” would be replaced with “conditions and safeguards”

- 15.1.2.C.7- Minor grammatical changes
- 15.1.2.C.8- Minor changes

15.1.2.D – Consolidated Development Plan

This section is all new as a result of a recent application approval. All of these regulations were written by an attorney and would remain as is.

15.1.2.E- Floodplain Permit

15.1.2.F- Excavation District Special Permit

15.1.2.G- Zoning Text Amendment and Zoning Map Amendment

15.1.2.H- Zoning Variances

15.1.2.I- Zoning Appeal

These regulations are all referred to in the regulations for other applicable requirements.

15.1.3 – Application Coordination and Referrals

Minor grammatical changes. This is a State Regulation

15.1.4 – Application Coordination and Referrals (Items A-E are all mandatory by State Regulations)

- 15.1.4.A- Minor Changes
- 15.1.4.B- The Historic District will be added as a separate item
- 15.1.4.C-E – All are good. Town Planner Agresta will also put in a catch all for anything else.

15.1.5 – Review of Applications

- 15.1.5.A- The wording will be reworked
- 15.1.5.B.1- No changes
- 15.1.5.B.2- Minor changes
- 15.1.5.B.3- Minor changes
Commissioner Amatruda questioned about the procedure when referrals need a super majority to pass. Town Planner Agresta clarified and explained where that will be located.
- 15.1.5.C- Minor changes
- 15.1.5.D- This item will become 15.1.5.B.4
- 15.1.5.E- This item will be reworked to make clearer
- 15.1.5.F- Minor changes
- 15.1.5.G- Discussion about how a property owner cannot be forced to appear. The second sentence will be removed.
- 15.1.5.H- This item will be reworked
- 15.1.5.I- no changes
- 15.1.5.J- This item will be reworked for the fee portion only of the regulation

8. PRIVILEGE OF THE FLOOR

There were no comments from the floor.

9. CORRESPONDENCE

Town Planner Agresta mentioned the River Buffer meeting being held Thursday, August 31, at 9:00 a.m. This is an important meeting and hopes members will be able to attend.

10. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:59 p.m.
Made by Chairman Wilson

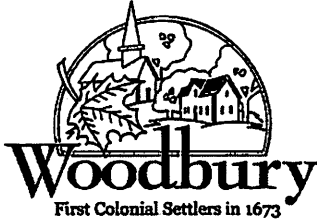
Respectfully Submitted,

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
This 29th day of Aug 2023
at 11:35 o'clock AM
Maria M. Mancini
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-0014 – 48 NORTH FORTY ROAD

Instructional, Philanthropic, Charitable Institution
Hammers and Heroes, Inc. (applicant)
48 North Forty Road, LLC (owner) – Joseph Santos (manager)

Date of Approval	August 22, 2023
Permit Expiration	August 27, 2028
*If conditions are not completed accordingly	

Applicant	Hammers & Heroes Therapeutic Blacksmithing Hammers and Heroes, Inc. – EIN 84-4737718, Non-Profit 501(c)3 Organization
Owner	North Forty Road, LLC – Joseph Santos, Manager
Application	23-ZC-0014 – Special Permit / Site Plan per Zoning §3.4.8
Project	Instructional, philanthropic, charitable Institution Hammers & Heroes Therapeutic Blacksmithing. No building or construction activities.
Address	48 North Forty Road, Assessor Map 52, Lot 27-6
Site Acreage	4.57 acres
Zone	OS-60 District

WHEREAS the Town of Woodbury Zoning Commission (“Commission”) has received application **23-ZC-0014** 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;
- Narrative;
- Site Maps;
- Photos; and

WHEREAS no physical site or building alterations are proposed; and

WHEREAS therapeutic sessions will be conducted outside in front of the existing forging building with available parking next to the outside forging area. Restroom accommodations will be provided in the horse barn; and

WHEREAS no regulated wetland/watercourse activities are involved, thus approval from the Inland Wetlands and Watercourses Agency is not required; and

WHEREAS a duly noticed public hearing as published in Voices on June 28, 2023, and July 5, 2023, was opened and adjourned on July 11, 2023, reconvened and adjourned on July 25, 2023, reconvened and closed on August 8, 2023, at which times 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 following shall be completed by the applicant prior to the authorized issuance of a Zoning Permit or commencement of any approved use.

1. **Final Site Plans** – The Town Planner shall endorse the plans submitted as the final “approved” Site Plans.
2. **Recording of Land Records Information Form** – Following completion of Condition #1 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.
3. Required administrative **Historic, Health, Zoning, Sign and/or Building Permits** shall be separately obtained by the applicant prior to any use as approved herein.

B. Continuing Conditions of Operation Following Authorized Occupancy and Use

1. **Site Conditions** – The premises and improvements thereon shall be maintained in good working order and shall be regularly maintained to function as designed free of debris, sediment, and litter. Parking and loading shall be limited to designated locations only. No unauthorized on-site parking or storage shall be permitted.

2. **Hours of Operation** – The following hours of operation shall be observed as proposed by the applicant:
 - Monday through Saturday: 9:00 am to 5:00 pm as needed.
 - Sessions will generally run for a period of 4 hours.
 - Sessions will generally occur 1 to 2 per day, 6 to 8 per week.
 - Sessions will generally include 1 to 2 instructors and 4 participants.

3. **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.

4. **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.

5. **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.

6. **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: 5-0-0 – **APPROVED** – Motion **PASSED**

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