



Town of Woodbury Zoning Commission

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

**MINUTES – SEPTEMBER 13, 2022
REGULAR MEETING
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

MEMBERS PRESENT:

Robert Clarke, Chairman
Donald Trella
Thomas Amatruda

ALTERNATES PRESENT:

Jack Well
Casey Rushin
Elmer Kiessling

MEMBERS ABSENT:

Bob Wilson
Ted Tietz

ALTERNATES ABSENT:

ALSO PRESENT: Town Planner Will Agresta, applicants and agents

1. OPENING OF MEETING

- a) CALL TO ORDER – Chairman Clarke convened the meeting at 7:06 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES
Seated were Commissioners Clarke, Amatruda, Trella and Alternates Kiessling and Rushin
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

2. PUBLIC HEARINGS

- a) **22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA)
Zone Boundary Change Petition OS-60 District to Garden Apartment (GA) District. Phillip Simpson Kurtz and Pamela S. Kurtz Trustees of the Haworth of England by Pamela, LLC, Profit Sharing Plan (owner/applicant). Reconvened from 07/12/22 with applicant extension – CH by 10/20/22**

Brian Baker, Civil I Engineering, addressed the Commission. Town Planner Agresta had submitted a memo to the applicants detailing any issues brought up at the last meeting this application was discussed. Mr. Baker handed out response letters to those items. The lot is currently zoned an OS60 and they are proposing a change to a Garden Apartment zone. Mr. Agresta had asked for the existing septic and wetland lines to be noted on the map. Mr. Baker submitted a revised map that also included a zoning conformance chart showing that the requirements of a GA zone with an arterial road and public water supply had been met. The application had been referred to the Planning Commission. A referral report was submitted from

the Planning Commission whereby the application was found consistent with the POCD with a vote of 4-0-0 in favor.

Chairman Clarke was in favor of extending the Public Hearing. He put a motion on the floor and discussion ensued. The motion was ultimately seconded due to the fact that the Town Planner had just received the revised maps and should have time to review them.

MOTION:

To extend the Public Hearing on application (22-ZC-0010 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA) Zone Boundary Change Petition OS-60 District to Garden Apartment (GA) District.) to reconvene at the September 27, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Alternate Kiessling

Vote: 3-2-0 – Approved –Motion Passed

Ayes: Clarke, Trella, Kiessling

Nays: Amatruda, Rushin

Abstain: None

b) 22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA) Garden Apartments Special Permit/Site Plan for conversion of existing Office/Residential building into 2 Garden Apartments and development of new 4,650 sf building with 8 Garden Apartments, including associated detached garage structures, surface parking and related utilities/infrastructure. Phillip Simpson Kurtz and Pamela S. Kurtz Trustees of the Haworth of England by Pamela, LLC, Profit Sharing Plan (owner/applicant). Reconvened from 07/12/22 with applicant extension – CH by 10/20/22

1. Town Planner Agresta had submitted a memo to the applicants detailing any issues brought up at the last meeting this application was discussed. Brian Baker, Civil 1 Engineers, submitted a new set of plans along with a response letter and a letter from the Fire Marshall. Mr. Baker addressed some of the concerns the Commission had brought up.
2. The access drive to the rain garden in the conservation easement had been changed as requested to a gravel pave grid which is 100% pervious. An oil grit separator had been added to the last catch basin before the water runs down to the rain garden. The garage would be moved back four feet to give better sight lines. After examination, it was determined impossible to have additional garages due to building setbacks, the existing driveway and the septic system. The number of garages would be kept to eight. Privacy fencing would be added between patios on the modular units. The cut and fill analysis was updated showing a net cut of material to come off the site would be 2500 yards which would be approximately two weeks of hauling material off site.
3. A new directional sign to indicate direction to the different complexes will be added to the driveway. A dumpster and recycling pad has been added with adequate turning movement which required one parking space to be removed. The parking space area was widened to 20 feet. The sidewalk was widened 1.5 feet. There will be silt fencing on the downhill side of the property. Construction fencing will be put up on the boundary and around the septic system. Clarification was made for the zoning table showing the proposal at 13% which is well below the allowed coverage on site. Free standing exterior lighting will be flat black poles with colonial style lighting on 12 foot poles with a 2 foot cement base. The Fire Marshall reviewed the plan and is requesting a hydrant be added on the same side of the street.

4. Greg Grew, Architect, Grew Design, addressed the Commission. Mr. Grew submitted pictures of the exterior building lighting that will be used which are dark sky compliant. He showed an example of the two smaller signs that will be used at the fork in the driveway to either this site or to Woodbury Commons. The request to add windows to the street side of the garage wall was already done. Mr. Grew addressed that there are no handicap parking spaces allotted. The CT Building code dictates the ratio of handicap spaces needed. With this development, none of the units are required to be handicap accessible therefore, no parking spaces are required. The ADA has no jurisdiction over townhouses. No changes will be made to the existing building exterior. On the modular units, they have added windows to the end walls. The window placement and materials have been approved by the HDC.
5. William Kenny, Landscape Architect, addressed the Commission. Mr. Kenny submitted a tree assessment report for the property. He cited how a field investigation was conducted of the existing trees and plants on the property. There were 66 trees 8" or greater that were evaluated with the findings found on the Tree Assessment Table. There are eastern pines on the property that are no longer providing privacy since the lower limbs have thinned. Mr. Kenny reviewed the plantings that will be used such as Green Mountain Sugar Maples, White Oaks, Eastern Redbud, Dogwood, Norway Spruce, Arborvitae, Hydrangea, Inkberry, Mountain Laurel and Rhododendron. A continuous evergreen hedge which will be 6 to 8 feet tall at the time of installation will be provided. This hedge will grow to and be maintained at about 10 to 15 feet tall to provide a buffer between developments. There will be shrub plantings in the front of the buildings, but there is not enough room for trees. Town Planner Agresta stated that there is no expiration to the owner's obligation to maintain landscaping according to the site plan.
6. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McTaggart explained how she had done extensive research regarding the easement associated with the Woodbury Common's well. Unfortunately her research did not yield much result as many of the records were incomplete or destroyed. Since there have been no complaints regarding the well the assumption is that it was done in a regulatory way. The applicants would not be changing this in any way that would impact Woodbury Commons. Ms. McTaggart will also be submitting a traffic study done for application 22-ZC-0010.
7. Chairman Clarke inquired as to lighting for the garage. Mr. Baker showed the location and photometric area for the pole lighting. Chairman Clarke called for questions from the Commission. Alternate Rushin inquired as to why the sidewalk was widened. Town Planner Agresta had asked for that since there was an overlap with the parking spaces. Alternate Rushin asked where snow will be piled and the slope and pitch for the back of the modular units. The snow will be plowed to a grass area over the septic. There will be a two foot drop between each unit. He was also concerned because the problem of a blind spot for the main sign on Main St. had not been addressed. Mr. Baker responded that the relocating of the 1080 sign would need to be on another application that would need to go to the HDC. The traffic study shows that there is not excessive existing traffic during peak hours and that it won't change much with the proposed development. Ms. McTaggart noted that there have not been any accidents in the area for five years. There was discussion regarding the fire hydrant suggested and who will be responsible for that.
8. Chairman Clarke asked for clarification on items left blank on the Tree Assessment Table. He called for any questions or comments from the public. There were none.

MOTION:

To hold the Public Hearing on application (22-ZC-0011 – 1080 Main Street South / Map 32, Lot 6 / OS-60 (proposed GA) Garden Apartments Special Permit/Site Plan for conversion of existing

Office/Residential building into 2 Garden Apartments and development of new 4,650 sf building with 8 Garden Apartments) open until the September 27, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Alternate Rushin

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

Ayes: Clarke, Amatruda, Trella, Kiessling, Rushin

Nays: None

Abstain: None

c) 22-ZC-0015 – 726, 740 & 766 Main Street South / Map 102, Lot 19 / OS-100 District Special Permit per Zoning §5.2.6 for approval of proposed “Consolidated Development Plan.” Woodbury Shops South, LLC (applicant), James M. Scott and J.M. Scott Associates, Inc., 738-744 Main Street South, LLC and 766 Main Street South (owners) CH by 10/18/22

1. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McTaggart submitted the certificates of mailing. Ms. McTaggart referenced a detailed memo from Town Planner Agresta. She submitted her response letter to that memo. There was a revised site development plan, survey and charts submitted.
2. Ron Wolff, Wolff Engineering, addressed the Commission. Mr. Wolff showed the revisions on the map and summarized changes made in response to Mr. Agresta’s memo. Ms. McTaggart summarized the issues and compliance with the requirements. It was determined that there were no activities that needed to be regulated by the APA. The previous lot line revisions were done legally through the Land Use office. Mr. Agresta will need to review the response letter and the meeting of requirements.
3. Town Planner Agresta stated that he had a meeting with the health district. There was a portion of the septic system that was off the property, which was not acceptable. Mr. Wolff stated that he had gone to the State and local health departments and received approvals which have been submitted. The proposed lot lines are now more conforming.
4. Ms. McTaggart and Ken Devino, controller of the property complained that the application had been submitted on July 19, 2022. The issues on Mr. Agresta’s memo came in on September 7, 2022. The applicant’s team has done the best they could to comply with these issues in the given time frame, but many of these items could have been handled already with office staff if they had been given the chance. Ms. McTaggart also stated that she submitted information regarding a cross easement under the draft development plan that Mr. Agresta requested. She stated that this cannot be done until they have an approval. She submitted paper copies regarding this. Chairman Clarke acknowledged the frustration; However, he noted that the Land Use office staff is small and handling many commissions as best as they can. Chairman Clarke would like to keep the Public Hearing open in order to review the maps and memos.

MOTION:

To continue the Public Hearing on application (22-ZC-0015 – 726, 740 & 766 Main Street South / Map 102, Lot 19 / OS-100 District Special Permit per Zoning §5.2.6 for approval of proposed “Consolidated Development Plan.”) until the September 27, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Amatruda, Trella, Kiessling, Rushin

Abstain: None

3. PENDING APPLICATIONS

There were no pending applications at this time.

4. NEW APPLICATIONS

- a) **22-ZC-0016 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements. Also subject to Aquifer Protection Area Regulations. Rocky River, LLC (applicant/owner) Scheduling of Public Hearing – OH by 11/17/22**

George Johannesen, Allied Engineering Associates, addressed the Commission. Mr. Johannesen explained the application. The applicant is looking to put an addition out the back and to the side of the existing building. He showed this on a plan. There would be a new septic system in front of the building. There would be additional landscaping in back. The application is before the IWA. The Zoning Commission needs to wait on the IWA before proceeding. The use may not need to be regulated by the APA. The application does not need to go to the Planning Commission.

MOTION:

To schedule a Public Hearing on application (*22-ZC-0016 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District Special Permit/Site Plan per Zoning §5.2.2 for proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements*) to be held at the October 11, 2022, Zoning Commission meeting to be held at the Shove building.

Made by Chairman Clarke, Seconded by Alternate Rushin

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

Ayes: Clarke, Amatruda, Trella, Kiessling, Rushin

Nays: None

Abstain: None

- b) **22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MSD District Special Permit/Site Plan per Zoning §5.1.3 for proposed change of use to retail/culinary classes and associated office, including exterior building improvements (siding, roofing, windows, doors, lighting) and interior remodeling, as well as proposed required off-street parking via easement per Zoning §7.4.11.2. 121 Main LLC (applicant/owner) Scheduling of Public Hearing – OH by 11/17/22**

Annie Musso, Agent for the applicant, addressed the Commission. Ms. Musso explained that the application is for a change of use. The property was previously a restaurant, and currently is a meeting space. The application is for converting the space to a retail / culinary class space. The exterior will be updated. The applicants have gone to the HDC since they are adding some side windows and replacing some doors and windows. The hearing for the HDC will be on October 3, 2022. The interior will be opened up for optional flexible spaces. This is the first of a series of application in redoing the site. There are 11 parking spaces on site. They are proposing an easement to use parking on the New Morning store lot until they can do all the site work.

MOTION:

To schedule a Public Hearing on application (22-ZC-0017 – 121 Main Street North / Map 90, Lot 7 / MDS District Special Permit/Site Plan per Zoning §5.1.3 for proposed change of use to retail/culinary classes and associated office, including exterior building improvements) to be held at the October 11, 2022, Zoning Commission meeting to be held at the Shove building and to refer the application to the Planning Commission.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Amatruda, Trella, Kiessling, Rushin

Nays: None

Abstain: None

5. ENFORCEMENT

- **22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 / Loretta Riddle**
Unauthorized accessory apartment NVP sent 06/09/22
 Ms. Riddle notified the office that the buyer had a commitment, so she did not file the necessary application. Town Planner Agresta will confirm with the Town Clerk that new ownership has taken place and then Enforcement will take action to get the appropriate permit.
This item was tabled
- **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.
 NPV sent 12/28/21 - Pending Inland Wetlands Approval
 Mr. Teixeira was at the IWA meeting last night. He is very close to satisfying their requests and may get approval at their next meeting.
This item was tabled
- **21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren**
Unauthorized structures. NPV sent 12/07/21 – Pending resolve of Phase II
 ZBA Variances Granted 08/15/22
 Town Planner Agresta will follow up on the progress of this item.
This item was tabled
- **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. NV-C&D sent 07/07/22 – Pending HDC Hearing 09/12/22
 A hearing occurred at the HDC last night. Town Planner Agresta is not aware of the outcome. He will check on the approval status.
This item was tabled.

6. DELIBERATIONS / DETERMINATIONS

There were no items to deliberate on at this time.

7. MEETING MINUTES

Chairman Clarke presented for consideration the minutes of the August 23, 2022, Zoning Commission meeting. He called for discussion. There was none.

MOTION:

To approve the minutes of the August 23, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commissioner Trella

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

Ayes: Clarke, Amatruda, Trella, Kiessling, Rushin

Nays: None

Abstain: None

8. OTHER BUSINESS

There was no other business at this time.

9. PRIVILEGE OF THE FLOOR

There were no comments from the floor at this time.

10. CORRESPONDENCE

There was no correspondence to cover.

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 19th day of Sept 2022
at 8:00 o'clock A M
Anna M. Mancini
Town Clerk

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