



# Town of Woodbury Zoning Commission

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 • [www.woodburyct.org](http://www.woodburyct.org)

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**MINUTES – SEPTEMBER 27, 2022  
PUBLIC HEARING / REGULAR MEETING  
7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

Robert Clarke, Chairman  
Bob Wilson  
Thomas Amatruda  
Ted Tietz

**MEMBERS ABSENT:**

Donald Trella

**ALTERNATES PRESENT:**

Jack Well  
Casey Rushin  
Elmer Kiessling

**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 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES  
Seated were Commissioners Clarke, Amatruda, Tietz and Alternates Well and Kiessling  
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

**2. PUBLIC HEARINGS**

*Commissioner Wilson recused himself from the first two 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 09/13/22 with applicant extension – CH by 10/20/22**

Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McTaggart explained that there was nothing left to present. She restated how at the previous meeting, the referral letter from the Planning Commission finding the application consistent with the POCD was submitted. She also noted that the POCD had recommended the proposed location for Garden Apartment use. She would like for the Public Hearing to be closed. Chairman Clarke called for any questions or comments from the Commission. There were none. He called for any questions or comments from the public. There were none. Town Planner Agresta had nothing additional. All items had been addressed by the applicant.

**MOTION:**

To close 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)*

Made by Chairman Clarke, Seconded by Alternate Kiessling

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

Ayes: Clarke, Amatruda, Tietz, Well, Kiessling

Nays: None

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 09/13/22 with applicant extension – CH by 10/20/22**
  - 1. Brian Baker, Civil 1 Engineer, addressed the Commission. Mr. Baker stated that all the issues on the previous memo from Mr. Agresta and notations requested on the site plan have been addressed. There are a few general notations and minor details to clarify on the plans that will be taken care of. They have removed two parking spaces near the dumpster and truck turn around area to make landscaped islands as a buffer. Those plans will be submitted this week.
  - 2. William Kenny, Landscape Architect, addressed the Commission. Mr. Kenny addressed Chairman Clarke’s questions from the previous meeting about the Tree Assessment table. He explained the reasons why the three trees in excellent or good condition were being removed. Unfortunately, they are just in the wrong locations.
  - 3. Dan O’Neill, Traffic Engineer, addressed the Commission. Mr. O’Neill stated that there is no specific study to account for the many delivery services now. There is only a slight overlap of food delivery times with peak traffic flow hours. The traffic pattern numbers were figured with the highest numbers and resulted in nine vehicles in morning peak hours and 10 in evening peak hours.
  - 4. Chairman Clarke called for any questions or comments from the Commission. Alternate Rushin inquired if an application for the driveway sign to be moved had been made to the Historic District Commission. Mr. Baker responded that that application would not be made until there is an approval on this application. Chairman Clarke stated again that he would like to see a garage for the existing building units. Mr. Baker stated that building, septic and wetlands setbacks did not allow enough space for a garage.

**MOTION:**

To extend 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, including associated detached garage structures, surface parking and related utilities/infrastructure)* until the October 11, 2022, Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Tietz  
Vote: 5-0-0 – Approved – Motion Passed  
Ayes: Clarke, Amatruda, Tietz, Well, Kiessling  
Nays: None  
Abstain: None

*Alternate Kiessling was unseated and Commissioner Wilson was seated at 7:28 p.m.*

- 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). Reconvened from 09/13/22 – CH by 10/18/22**
1. Gail McTaggart, Secor, Cassidy & McPartland, addressed the Commission. Ms. McTaggart stated that the purpose of this application is to allow the use of several properties as if they are one. She noted that there had been a meeting with Town Planner Agresta to address items on the application and most of the issues from Mr. Agresta’s memo have been addressed.
  2. Ron Wolff, Wolff Engineering, addressed the Commission. Mr. Wolff stated how the application would allow the properties to have shared parking, utilities and sidewalks by not having to adhere to setbacks with the interior lot lines. There are no physical activities being requested yet. Per the meeting with Town Planner Agresta, all details on the site plan and A2 survey map have been met. There are a few more changes and additions needed. Mr. Wolff went through the list of retro-active approvals that will be formalized with this application.
  3. Mr. Wolff showed on the plan the Parking Table, the Coverage Table and the Zoning Table. The parking table shows parking spaces required and parking spaces provided. The coverage table is a summary of the lot area requirements and the existing building coverage. The zoning table covers the lot area and frontage requirements.
  4. Ms. McTaggart noted a memo regarding lot line revision in 2019 between lot 726 and 740. This was legitimately reviewed by then ZEO Abby Conroy. Notices went out to Aquarion and the State Health Department. A response email was received and those departments did not attend the hearing. There is a cross easement between lots 726 and 740. A third installment of a cross easement is on this application for approval. Some items will need to wait to be addressed until approval. Town Planner Agresta stated all his issues have been addressed at this moment. Chairman Clarke called for questions or comments from the Commission. There were none. He called for questions or comments from the public.
  5. Greg Grew, Architect, 500 Washington Rd., addressed the Commission. Mr. Grew stated that he is not associated with this project, but he is offering his endorsement for it. As a business owner, he had an office in this complex at the time that New Morning was also located there. There were projects that wanted to be done, but could not because they were hindered by the separate parcels. He feels this makes perfect sense. The complex looks and acts like a single development and should be treated that way.

**MOTION:**

To close 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.” Woodbury Shops South, LLC)

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None

- d) **22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District Special Permit per Zoning §4.3.4 for “nursery or landscape service” related to the field storage of trees and shrubs associated with landscaping design business. Red House Farms, Carlyn Harris & Evan Hard (applicant), Michael Lang (owner). Reconvened from 08/23/22 – CH by 09/27/22**
1. Robert Kolesnik, Jr., Agent for the applicant, addressed the Commission. Mr. Kolesnik stated that the proposed use is only for the growing and tending of plants sold off site. There will be no signage or clients coming to the site. The principal use of the property is farmland. The activity occupies approximately an acre of the 4.25 acre parcel. Zoning requirement 4.3.4 allows for growing of plants on a lot of no less than three acres. Horticultural activity is permitted in any district. A nursery has commercial connotations, whereas this is not a commercial activity. Mr. Kolesnik did not feel that a permit was needed for the use but the applicants complied with the Town Planner’s recommendation in good faith.
  2. Town Planner Agresta explained the zoning regulation and that the regulations call out this use specifically. This is something that could be cleaned up and clarified in the new regulations. Discussion ensued amongst the Commission. Town Planner Agresta stated that this came before the Commission because the use is associated with a business. Commissioner Amatruda felt that the Commission needs to consider how other similar applications in the past have been handled since this will set a precedent. Alternate Rushin inquired as to the storage of commercial equipment, mulch or stone. It was determined that while commercial trucks may come and go, they must not remain on the property. Criteria for the Special Permit could include the total amount of mulch and how long it remains on the property. The applicant stated that they will not have more than 18 yards of mulch for no longer than 60 consecutive days on the property.
  3. Along with the application a rough map had been drawn with a box of approximately 100 x 200 feet to indicate the location of the storage of the plants. Mr. Kolesnik stated for the record that he does not want the applicant to be held to that drawing. He would request that the entire parcel be considered and not limited to a particular area. It was noted that State Dot approval will be needed in regards to whether a curb cut is needed or not. Carlyn Harris, Property owner, stated that the field access is much safer than her driveway on the adjoining lot. Any loading and unloading will be done in the field and not on Route 47. Chairman Clarke called for any questions or comments from the public.

- 4. Pauline Grew, 500 Washington Rd., addressed the Commission. Ms. Grew is the neighbor across the street. She is in favor of the application. She feels seeing plants and trees growing across the street is wonderful. There is a lot of evergreen frontage and the view is beautiful. Chairman Clarke called for discussion from the Commission. Chairman Clarke would like the applicant and their attorney to iron out all details and make crystal clear what they would like. Mr. Kolesnik agrees and requested a continuation. Alternate Kiessling inquired about the wetlands near the river.
  
- 5. Evan Hard, Co-owner Red House Farms, addressed the Commission. Ms. Hard stated that she served on the IWA for three years. Her utmost intention is to protect the wetlands near the stream at the back of the property. There is a line of trees for protection and erosion control and any activity will be nowhere near the 100 foot setback. Their intention is to have a positive impact on the environment and run their business in a way that the town is happy with.

**MOTION:**

To extend the Public Hearing on application (22-ZC-0014 – Washington Road / Map 54, Lot 19 / OS-100 District / Special Permit per Zoning §4.3.4 for “nursery or landscape service” related to the field storage of trees and shrubs associated with landscaping design business) until the October 11, 2022, Zoning Commission meeting with an extension granted by the applicant.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None

**3. PENDING APPLICATIONS**

There were no pending applications at this time.

**4. NEW APPLICATIONS**

There were no new applications at this time.

**5. ENFORCEMENT**

- a) **22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 / Loretta Riddle**  
**Unauthorized accessory apartment -NVP sent 06/09/22**  
 Town Planner Agresta updated the Commission stating that the closing had not happened yet on the property. He has spoken to both the buyer and seller. The closing should be happening soon.

**MOTION:**

To table enforcement item (22-ENF-0012 – 51 Carmel Hill Road / Map 58, Lot 1E-3 / OS-100 / Loretta Riddle) until the next meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None

- b) 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. Agresta stated that Mr. Teixeira received approval from the IWA.

**MOTION:**

To remove enforcement item (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) from the enforcement report.

Made by Chairman Clarke, Seconded by Commissioner Amatruda

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None

- c) 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 – Reminder email 09/14/22  
Town Planner Agresta had spoken to Mr. Eren but did not resolve this issue. He will contact him again. The ZBA had given approval. The terms of the first phase needs to be met within the time frame given.

**MOTION:**

To table enforcement (21-ENF-0009 – 437 Sherman Hill Road / Map 4, Lot 8A / OS-100 / Tumer Eren Unauthorized structures.) until the next Zoning Commission meeting.

Made by Chairman Clarke, Seconded by Commissioner Wilson

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

Ayes: Clarke, Amatruda, Tietz, Wilson, Well

Nays: None

Abstain: None

- d) 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 – HDC Approval Granted**  
09/12/22  
Town Planner Agresta stated that he has had some contact but to no resolve. Approval has been granted by the HDC.

**MOTION:**

To table enforcement item (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.) and direct staff to be stern for action or the Town attorney will have to get involved.

Made by Chairman Clarke, Seconded by Commissioner Tietz  
Vote: 5-0-0 – Approved – Motion Passed  
Ayes: Clarke, Amatruda, Tietz, Wilson, Well  
Nays: None  
Abstain: None

**6. DELIBERATIONS / DETERMINATIONS**

*Commissioner Wilson was unseated and Alternate Kiessling was seated at 9:10 p.m.  
Commissioner Tietz was unseated and Alternate Rushin was seated at 9:11 p.m.*

- **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.**

Chairman Clarke called for discussion on the application. There were no issues or concerns from the Commission. The consensus of the Commission was to have staff draft a positive motion for approval on the application.

*Alternate Kiessling was unseated and Commissioner Wilson was seated at 9:16 p.m.*

- **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**

Chairman Clarke called for discussion on the application. There were no issues or concerns from the Commission. The consensus of the Commission was to have staff draft a positive motion for approval on the application.

**7. MEETING MINUTES**

Chairman Clarke presented for consideration the minutes of the September 13, 2022, Zoning Commission meeting. He called for discussion. There was none.

**MOTION:**

To approve the minutes of the September 13, 2022, Zoning Commission meeting as presented.

Made by Chairman Clarke, Seconded by Commissioner Wilson  
Vote: 5-0-0 – Approved – Motion Passed  
Ayes: Clarke, Amatruda, Rushin, Wilson, Well  
Nays: None  
Abstain: None

**8. OTHER BUSINESS**

There was no other business to consider 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 consider.

**11. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:21 p.m.

Made by Chairman Clarke

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 29<sup>th</sup> day of Sept 2022  
at 3:47 o'clock P.M  
*Maria M. Mancini*  
Town Clerk