



First land deed from the Indians  
April 12th 1659

# TOWN OF WOODBURY

## Zoning Commission

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

### MINUTES – SEPTEMBER 28, 2021

#### REGULAR MEETING

7:00 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

#### MEMBERS PRESENT:

Thomas Amatruda, Chairman  
Ted Tietz  
Bob Wilson  
Donald Trella

#### ALTERNATES PRESENT:

Jack Well

#### MEMBERS ABSENT:

Robert Clarke

#### ALTERNATES ABSENT:

Casey Rushin  
Elmer Kiessling

**ALSO PRESENT:** Towns Planner Will Agresta, Towns people

### 1. REGULAR MEETING

- a) CALL TO ORDER – Chairman Amatruda convened the meeting at 7:00 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES  
Seated were Commissioners Amatruda, Tietz, Wilson, Trella and Alternate Well  
CONFLICT OF INTEREST (*CGS Section 8-11 & Woodbury Town Charter Section 901*)

### 2. NEW APPLICATIONS

- a) **21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/ Site Plan for Conversion of First floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104/ Lot 085/3 / Receipt and Scheduling of Public Hearing / OH: 12/2/21**

Kate Truini & Zachary Redin, 199 Hoop Hole Hill, potential renters of the property, addressed the Commission. Ms. Truini stated that they are hoping to open a retail establishment for fish, cheese and local Connecticut products at the location. There would be a small processing kitchen, but there will be no cooking or serving area. They have been in touch with the health department. The zoning process is only for establishing a retail business in the location. The second floor will remain residential. Chairman Amatruda explained the process of going to the Planning Commission and then having a Public Hearing. There were no additional comments or questions from the Commission.

**MOTION:**

Chairman Amatruda moved and Commissioner Wilson seconded to schedule a Public Hearing for application *(21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/ Site Plan for Conversion of First floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104/ Lot 085/3 / Receipt and Scheduling of Public Hearing / OH: 12/2/21)* for October 19, 2021.

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

**MOTION:**

Chairman Amatruda moved and Commissioner Wilson seconded to send application *(21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/ Site Plan for Conversion of First floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104/ Lot 085/3 / Receipt and Scheduling of Public Hearing / OH: 12/2/21)* to the Planning Commission for referral.

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

Chairman Amatruda recommended for the potential renters to go to the Planning Commission meeting with the owner / applicant to aid the process.

**3. ENFORCEMENT REPORT**

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

Mr. Agresta gave an update to the Commission. He has sent an email to the violator without any response. He drove by the property today and the recreational vehicle has still not been moved out of sight. He will try to phone the property owner, however since the property is in foreclosure the consensus is that there most likely will not be a response. The following motion was made to move the process forward.

**MOTION:**

Chairman Amatruda moved and Commissioner Wilson seconded to instruct staff to issue a Notice of Violation on enforcement item *(21-ENF-0006 / Taff / 148 Sycamore Avenue / NPV Unpermitted and Occupied Recreational Vehicles / Map 036 / Lot 035)*

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

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

*Chairman Amatruda recused himself and turned the meeting over to Commissioner Wilson at 7:14 p.m.*

Commissioner Trella recapped the discussion from the previous meeting regarding this item for the other Commissioners. Mr. Agresta stated that the violator had not contacted the office as of yet regarding the home-based business. Mr. Agresta will reach out to Mr. Cardona to remind them to either cease and desist the home-based business, or to file for the Special Permit. The Commission will give them a little more time. Mr. Agresta will also reach out to the Health Department for a status update on the leaching field portion for the pavilion permit.

**MOTION:**

Commissioner Wilson moved and Commissioner Trella seconded to table item (21-ENF-0008 / Beyer / 46 Leavenworth Rd. / NPV Construction of Unpermitted Pavilion & Possible Home-Based Business / Map 070 / Lot 048-12) until the next meeting in order to give the violator the opportunity to rectify the situation.

Vote: 4-0-0 in favor. Motion unanimously approved.

*The meeting was turned back over to Chairman Amatruda at 7:19 p.m.*

**MOTION:**

Chairman Amatruda moved and Commissioner Trella seconded to amend the agenda to cover Privilege of the Floor at this time.

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

**5. PRIVILEGE OF THE FLOOR**

Scott Faulds, 112 White Deer Rocks Rd., addressed the Commission. Mr. Faulds stated that he has noticed a change in the truck route for the O&G Quarry. The trucks are supposed to stay to Park Road and to Main Street. He has noticed trucks on Tuttle Road and White Deer Rocks Rd. He has lived at his address for 35 years and that has never been a truck route since those streets are too narrow and too windy. The trucks are not O&G trucks, but contractor trucks. He has spoken to Mr. Warren, the representative of the quarry. Mr. Warren informed him that those roads are on the proposed truck route. Chairman Amatruda noted that there is a difference between proposed and approved.

Chairman Amatruda instructed staff to look into what is actually approved by the Special Permit. He recommended for Mr. Faulds to make a written, formal complaint to the Land Use office so that it will get on the monthly complaint log that gets reviewed by the Commission. The permit is up for renewal this year, and it was recommended that Mr. Faulds come to the Public Hearing regarding the permit renewal.

Kathy Doyle, 35 Washington Rd., addressed the Commission. She noted that the date scheduled for the Public Hearing of the new application, is not actually a date that the Zoning Commission will be meeting. Chairman Amatruda thanked her.

## **MOTION:**

Chairman Amatruda moved and Commissioner Tietz seconded to revisit item *(21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/ Site Plan for Conversion of First floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104/ Lot 085/3 / Receipt and Scheduling of Public Hearing / OH: 12/2/21)*

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

## **MOTION:**

Chairman Amatruda moved and Commissioner Tietz seconded to reschedule the date of the Public Hearing on application *(21-ZC-2112 / Sand Dune LLC / 301 Main Street South / Section 5.1.8 Special Permit/ Site Plan for Conversion of First floor Only to Retail Use & Keep the Second Floor as Residential Use / Map 104/ Lot 085/3 / Receipt and Scheduling of Public Hearing / OH: 12/2/21)* to the October 26, 2021, Zoning Commission meeting. Staff is instructed to inform Ms. Truini.

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

## **4. REGULATION WORKSHOP**

- **Signage**

Chairman Amatruda opened up the discussion regarding signage regulations. He recommended keeping it simple by setting a limit for everyone such as six square feet total, not including the signage on the building. Anything over that would need a Special Permit. Anyone requesting a larger sign would need to explain their need and show how it would be designed for approval. Sandwich board or temporary signs would be allowed for 30 days; over the 30 days would require a Zoning Permit. The regulation would need to be written in such a way to indicate over what period of time the 30 days is allowed or if they will be allowed on weekends only.

Mr. Agresta spoke of what can and cannot be regulated. There is a difference between content of 1<sup>st</sup> Amendment type signs, institutional type signs and advertising signs. Banner and flag signs were then discussed. Permanent banner signs will be prohibited. Only event banners will be allowed. Jurisdiction of the Town along State Roads was also discussed. The State has the right of way generally 30 feet from the center line. The Town has the right of way 25 feet from the center line. The issue of whether or not the ZEO has the right to remove signs along State Roads needs to be determined.

- **Cannabis**

Chairman Amatruda noted that there is a Public Hearing tomorrow evening regarding an ordinance to prohibit cannabis dispensaries. The farming of cannabis would be regulated by the State.

- **Accessory Apartments**

There is a State law that this use is "By right." Mr. Agresta stated that if a town does not meet certain criteria, they can opt out of the limitations. Mr. Agresta said that he will look into the

regulations and criteria. He stated the zoning regulations can incorporate what the State regulations consist of. Commissioner Tietz inquired if there can be a central doorway with an accessory apartment. The consensus was that the Building and Fire codes would determine the access doorways needed.

- **Outdoor Dining**

Mr. Agresta will look further into what the State regulations for outdoor dining consist of. Much is considered “By right” now, however he needs clarification regarding the long term use of parking spots.

## **5. PRIVILEGE OF THE FLOOR**

Kathy Doyle, 35 Washington Rd., readdressed the Commission. Ms. Doyle reiterated that she would like size and placement limitations built into the regulations regarding flags or bigger signs so as to consider sight lines for walkers and bikers. She also pointed out that the Commission should coordinate with the Historic Commission regarding temporary signs. HC regulation 5.7 states that a Certificate of Appropriateness is not required for sign placement less than 60 days, whereas Zoning is considering a 30 day criteria. Also, the HC regulation does not give a time frame such as within a calendar year. The Historic Commission and Zoning Commission should be consistent.

Ms. Doyle also questioned in regards to temporary event signs that may go over the 30 day limit for events with multiple dates. Chairman Amatruda replied that he did not see a problem with that provided it is being handled responsibly.

Ms. Doyle also asked if accessory apartments will coordinate with the suggestions for affordable housing. Chairman Amatruda and Mr. Agresta stated that the two uses are not related. She was recommending that the suggestions on the affordable house plans and accessory apartments should mesh since it is easier to do now while the process of redoing the regulations is going on. Mr. Agresta stated that he will look into it. Chairman Amatruda stated that the Town will never meet the State requirements for affordable housing, but the POCD and the regulations highlight that the Town is favorable and moving in that direction. Therefore there is a better chance of a favorable outcome for the Town if there is ever an appeal. Mr. Agresta stated that Woodbury is more liberal than most towns in their allowance of affordable housing.

## **6. CORRESPONDENCE**

There was no correspondence at this time.

## **7. CONSIDERATION OF MINUTES**

Chairman Amatruda decided that the approval of the minutes from the September 14, 2021, Zoning Commission meeting will be considered at the next meeting.

**8. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 8:48 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 30<sup>th</sup> day of Sept 2021  
at 3:48 o'clock P M

*Julie A. Oak*  
Treas. Clerk