



TOWN OF WOODBURY

Zoning Commission

297 Main Street South

Post Office Box 369

Woodbury, Connecticut 06798-0369

TELEPHONE: (203) 263-3467

FAX: (203) 263-5076

UNAPPROVED DRAFT MINUTES – NOT YET APPROVED BY COMMISSION

MINUTES

PUBLIC HEARING/REGULAR MEETING

TUESDAY, JANUARY 26, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Robert Clarke

Ted Tietz

Alan Green

Chuck Cosgriff

ALTERNATES PRESENT:

Chris Conto

MEMBERS ABSENT:

Martin Overton

ALTERNATES ABSENT:

Roberta Zulpa

Ron Judson

ALSO PRESENT: Catherine Adsitt, Gus Kaloidis, Atty. Franklin Pilicy, Charles Taylor, Frank Shepard, George Sulliman, Amber McCabe, Lynn Fredericks, Atty. Rosemary Juliano, Don Heavens, Mike Cunningham, Jim Mable, Fred Strone, Charles Grondona, Roger Bjornberg, Atty. Robert Fisher, Matt and Wendy Brazauskas, Kevin Yates, Lee Warner, John Pittari, Julie Bennedetto, Jenifer Miller, Leslie Gamsjager, David Cowles, Ronald Wolff, Atty. Gail McTaggart, Brian Baker, Russ Barton, Greg Grew, members of the press, and other interested residents.

PUBLIC HEARINGS

1. 06-ZC-6038/Town of Woodbury/Land Use Office/2007 Regulation Revisions

MOTION:

To continue the public hearing for Application 06-ZC-6038 for the 2007 Woodbury Zoning Regulation Revisions on Tuesday, February 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

2. 10-ZC-1001/Kaloidis/40 Sherman Hill Road/Extension-Renewal of Antiques & Flea Market Permit (Tax Assessor's Map 102/Lot 042)

Vice-Chr. Robert Clarke convened the public hearing at 7:35 p.m. Seated were Commissioners Clarke, Tietz, Green, and Alternate Green. Reference was made to Section

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8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The legal notice, which was published in the Waterbury Republican-American on January 16, 2010, and January 23, 2010, was read.

Gus Kaloidis and Atty. Franklin Pilicy were present. The required Certificates of Mailing were submitted.

Atty. Pilicy stated that a special permit was approved in April 2008, and said this application was for the renewal of that permit.

Atty. Pilicy said about 35 letters in favor of the application were submitted to the file, and he also submitted several additional favorable letters this evening. Atty. Pilicy said also submitted was a letter from a resident State Trooper stating there had been no reported problems on file for this site as long as the flea market has been held at the site.

Gus Kaloidis explained, using the site plan, the area of the flea market on the property. Mr. Kaloidis said the flea market is held on Saturdays from 6:30 a.m. to 3 p.m. and noted that 42 vendors have been approved by the Commission, although there are usually 30-35 vendors each week.

Mr. Kaloidis said regarding parking there are directional signs and parking attendants to direct vehicles to the 145 available parking spaces on the property. Mr. Kaloidis said the number of parking spaces is more than adequate for the flea market. Mr. Kaloidis said if a parking space is not available, the parking attendant usually tells the driver of the vehicle to circle and come back as there would probably be a space available by that time, as he said customers usually visit the flea market for only about 20 minutes. Mr. Kaloidis said he used to put up "no parking" signs on Middle Quarter Road, but feels that people do not park there, as the flea market is not really accessible from there.

Mr. Kaloidis said he personally picks up any garbage that is left behind after the flea market and that at least 6 garbage cans are put out for the vendors and visitors to use.

Commissioner Chuck Cosgriff arrived at the meeting at 7:45 p.m.

Mr. Kaloidis said there is one portable toilet on the property for the vendors to use, and occasionally a visitor will use it. Mr. Kaloidis said the portable toilet is buffered with trees and brush and does not believe it could be seen by neighbors.

Public Comments –

Charles Taylor of 681 Main Street North stated that he is in favor of the flea market, adding that it is an entertaining place to go and that the vendors are very nice and are informative of their wares.

Frank Shepard of 44 Westwood Road stated he is in favor of the flea market, and said it is sad when it comes to a point that someone has to go through what Mr. Kaloidis has had to go through to run a business. Mr. Shepard said the Middle Quarter District is supposed to be for business, and asked that the Commission approve the application.

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George Sulliman of Rowley Road said he is a vendor at the flea market and said Mr. Kaloidis does take down the signs and picks up the garbage afterward.

Woodbury resident Amber McCabe said the flea market is a good idea and brings people from other towns into Woodbury. Ms. McCabe said Mr. Kaloidis is in compliance with the laws and is an honorable businessman and that we should not discourage people from coming to town.

Mr. Kolenda of Hazel Plain Road said he is an antiques dealer and said the flea market brings revenue to Woodbury.

Lynn Fredericks of Weekepeemee Road said this is a temporary business and there is no building on the site and said the flea market brings business to Woodbury.

Atty. Rosemary Juliano said she represents Cornerstone, and said that Mr. Kaloidis contacted Cornerstone regarding parking on their property, which is across the street from the flea market on Rte. 64. Atty. Juliano said Cornerstone did not consent to allowing parking on their property for liability issues. Atty. Juliano said, though, that when there is insufficient parking at Elenni's as many as 30 vehicles have been seen parking at Cornerstone. Atty. Juliano said Mr. Kaloidis has been advised to have one of his attendants stationed at Cornerstone telling people not to park there. Atty. Juliano said Cornerstone has no insurance coverage for Mr. Kaloidis to have people parking on their property. Atty. Juliano said while she does believe the flea market is good for Woodbury, parking cannot be allowed at Cornerstone.

Don Heavens of Flanders Road said there is an Economic Development Committee led by Selectman George Hale to improve the business climate in Woodbury by encouraging people to come to Woodbury shopping. Mr. Heavens said \$3000 was spent on two signs that were placed at each end of Woodbury on Route 6 and said the signs are working.

Mike Cunningham of 12 Tuttle Road said he encourages a business like the flea market and stated he has not experienced traffic problems on Saturday mornings.

Woodbury resident Charlie Euston said the flea market is good for Woodbury.

Woodbury resident Jim Mable said he is in agreement with everyone in favor of the flea market, adding that Woodbury has a unique charm to it and that many towns don't offer flea markets, and said he is not sure why people would contest it.

Charles Grondona of 99 Old Sherman Hill Road said his property is within 250 feet of the flea market and stated he has discussed his feelings in favor of the flea market at previous Commission meetings. Mr. Grondona said the flea market is part of the "CT Antiques Trail."

Roger Bjornberg of 366 Main Street South stated he would hate to see the lot end up being sold and a building being erected there. Mr. Bjornberg said the lot is only being used one day a week, as opposed to it possibly being used 7 days a week.

Fred Strone said he is a real estate dealer in Woodbury and feels that the flea market is an asset to the town, stating it adds ambiance and is a business asset.

Atty. Robert Fisher stated he is representing Mr. Yates and Mr. and Mrs. Brazauskas and said they would like to comment on the application.

Matt Brazauskas of 66 Middle Quarter Road thanked the Commission for holding a public hearing and said that he has nothing against Mr. Kaloidis, but that there are management and traffic issues with conducting the flea market at this site. Mr. Brazauskas said while he and his wife, Wendy, support a flea market, they do not support it at this location, noting there are people being directly affected by the violations of the permit regarding traffic, parking, and litter to name a few.

Mr. Brazauskas read from letters and previous minutes regarding what he and his wife believe are violations of the permit and submitted many photos showing the violations and what they see of the flea market from their home. Mr. Brazauskas said Mr. Kaloidis is not meeting the conditions of his permit. Mr. Brazauskas said he believes Mr. Kaloidis has had more than the allowed 42 vendors, does not have a 25 foot buffer, vendors set up prior to 6:30 a.m., litter is not removed, the portable toilet and signs are not removed at the end of the flea market day, and people are parking across the street in businesses on Route 64 (Wachovia and Cornerstone) without permission from the businesses. Mr. Brazauskas asked what the purpose of having conditions is if they are not followed.

Commissioner Alan Green asked Mr. Brazauskas if he knew Wachovia's hours of operation on Saturdays. Mr. Brazauskas said they are open 8 a.m. to 1 p.m. and that he found out from Wachovia that Mr. Kaloidis has no written agreement with them to park there and that there is supposed to be no one other than customers parking there during business hours.

Mr. Brazauskas said he is concerned for people crossing Route 64, and mentioned that at a past meeting Mr. Grondona even called the intersection of Middle Quarter Road and Route 64 "carnage corner."

Mr. Brazauskas said he submitted a letter from Karl Brazauskas, Engineer, stating that he reviewed the site plan and felt that further study be done on the parking plan and recommended a traffic study.

Mr. Brazauskas said Mr. Kaloidis is supposed to submit summaries of the flea market twice a year and they were only submitted in June 2008 and September 2008, noting none were submitted in 2009, and wondered if the Commission was concerned about that.

Mr. Brazauskas also mentioned that on a website Mr. Kaloidis advertises on, it says that his average attendance is 500-1000 people and that he has no license to sell. Vice-Chr. Clarke said the license is not a zoning issue.

Mr. Brazauskas discussed storm water runoff, stating that the Town brought in dirt to the area and now it is causing flooding on Middle Quarter Road, and submitted photos showing the water. Vice-Chr. Clarke said what happens on the road is not Mr. Kaloidis' responsibility, and told Mr. Brazauskas he should complain to the Town about that issue.

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Mr. Brazauskas said he has seen pizza from Elenni's being served outside the restaurant during the flea market, which violates the health department.

Mr. Brazauskas asked the Commission to deny the application based on Mr. Kaloidis' violations.

Kevin Yates of 56 Middle Quarter Road said he is a big fan of flea markets, but not when they are abutting residences. Mr. Yates said he does not oppose the flea market, but he does oppose the location, stating the location is not adequate or appropriate, for safety reasons. Mr. Yates said he is concerned about his property values, stating a real estate agent has told him that his property is worth less because of the flea market.

Mr. Yates said he did not speak in opposition to the application in 2008, because he felt that the Commission would be sure Mr. Kaloidis adhered to his conditions. Mr. Yates said Mr. Kaloidis continues to violate his conditions with respect to the number of vendors and where they set up, parking, garbage, and water issues.

Atty. Fisher said his clients' issues are not about if the flea market is good or bad for Woodbury, but is about the conditions of the special permit and the appropriate use of the land and the neighborhood it is in. Atty. Fisher said he feels that there is not enough information in the application and recommends that the Town Engineer review the application to ensure public safety.

Atty. Fisher said he knows the Commission approved the special permit in 2008, but said Mr. Kaloidis has established a track record of not following the conditions and recommends that the Commission look at the application more closely than before. Atty. Fisher said he believes the site is not a suitable location for the use.

Wendy Brazauskas stated her concern that vehicles are parking on septic galleys and leaching fields on the property, and understands that it should not be driven on.

Matt Brazauskas said, after several members in the audience laughed regarding the Brazauskas' concerns, that this is nothing to laugh about, stating that it has been stressful for he and his wife to make a stand against this and does not hold a grudge against Mr. Kaloidis, as they like the Kaloidis family.

Vice-Chr. Clarke read in full the granting motion that the Commission originally approved.

Atty. Franklin Pilicy stated that the applicant submitted a letter from the owner of Elenni's Restaurant confirming the availability of parking on the property and from a State Trooper stating there have been no reported problems at the site. Atty. Pilicy said the flea market is located in a business zone.

Gus Kaloidis stated he felt he was meeting all the conditions of the permit and never had any complaints or was not notified by the Land Use office or Zoning that he wasn't complying.

Mr. Kaloidis responded to several concerns made by Mr. and Mrs. Brazauskas and Mr. Yates. Mr. Kaloidis said he does have a 25 foot buffer to the road, and that he could prove it. Mr. Kaloidis said the Middle Quarter Road and Route 64 intersection, mentioned as "carnage corner," has nothing to do with the flea market. Mr. Kaloidis said no one complained to him about the portable toilet. Mr. Kaloidis said Joe Chapman, ZEO visited the site almost weekly and never told him he should do something about the toilet or the signs. Mr. Kaloidis said he would put up a fence or trees around the portable toilet, since it is not easy to remove every weekend. Atty. Pilicy added Mr. Kaloidis would be agreeable to anything recommended by the Commission, and asked that the public hearing be closed.

Vice-Chr. Clarke said he read the motion so that both sides and the public could hear exactly what was granted by the Zoning Commission to Mr. Kaloidis. Vice-Chr. Clarke said to Mr. Kaloidis, whether or not anyone from the office came to tell him what he was or was not complying with, Mr. Kaloidis should have been doing what the Commission asked of him through the conditions. Mr. Kaloidis said in the conditions it says the ZEO has the right/authorization to make minor changes without the applicant coming back to the Commission, and said he was instructed by Joe Chapman and Judi Lynch on certain matters, which he believes he followed. Vice-Chr. Clarke said when the Commission applies conditions, they expect they will be met.

The owner of Elenni's Restaurant stated that one night there was an outside wedding at Carol Peck's Restaurant and a neighbor complained to the police saying it was coming from Elenni's, and it was not. Vice-Chr. Clarke said that is not relevant to the flea market. The owner went on to say that he and Gus help each other with their businesses and that the flea market is usually finished by 2 p.m. on Saturdays.

Mr. Heavens wondered what the big deal was with the portable toilet. Vice-Chr. Clarke said the removal of the portable toilet was a condition of the permit.

Lee Warner of 88 Sherman Hill Road said George Hale worked hard to get the signs up in Woodbury to boost the economy, and feels that the people who attend the flea market also visit other businesses in town while they are here. Mr. Warner said the lot is a viable commercial lot, and he knew it was there when he bought his house nearby. Mr. Warner said someday the lot may house a business that is open 7 days per week, noting the flea market is only open one day per week.

Mr. Brazauskas said he respects Mr. Warner's opinion, but said his concerns are the violations and parking issues. Mr. Brazauskas said he wishes he could agree with everyone else.

Frank Shepard said he has heard a long list of alleged violations, but asked how many violations are on file in the Land Use office. Vice-Chr. Clarke said there was probably at least one seeing that Joe Chapman visited the site.

Roger Bjornberg said he seems to think any of the issues mentioned could be worked out by Mr. Kaloidis.

The Commission agreed to continue the public hearing on February 9, 2010.

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MOTION:

To continue the public hearing for Application 10-ZC-1001, submitted by Kaloidis for an extension/renewal of an antiques and flea market permit at 40 Sherman Hill Road, on Tuesday, February 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.
(Tax Assessor's Map 102/Lot 042)

Made by Clarke, seconded by Alternate Conto.

Vote 4-0 in favor.

3. 10-ZC-1002/Pittari/738 Main Street South/Special Event Permit/Earth Day Celebration
(Tax Assessor's Map 102/Lot 020)

Vice-Chr. Robert Clarke convened the public hearing at 9:50 p.m. Seated were Commissioners Clarke, Tietz, Green, Cosgriff, and Alternate Green. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The legal notice, which was published in the Waterbury Republican-American on January 16, 2010, and January 23, 2010, was read.

John Pittari and Julie Benedetto were present. The required Certificates of Mailing were submitted.

John Pittari explained that the Annual Earth Day Celebration would be held on April 24, 2010 from 11 a.m. to 4 p.m. at the Middle Quarter Mall. There would be two tents set up on the property.

Mr. Pittari said off-street parking would be in a field behind the Middle Quarter Mall, on property owned by Bert Audy. A letter was submitted by Mr. Audy giving permission to use his vacant lot for parking. Mr. Pittari said additional parking would be at Mitchell School and Woodbury Middle School, by contract with Region 14. Two hired shuttle school busses would pick up people at the schools and drop off at the celebration behind the New Morning Store on South Pomperaug Avenue. Mr. Pittari said he will position parking attendant staff at parking entrances to direct traffic. Mr. Pittari said he is not sure of the exact parking signage he will use.

Mr. Pittari said a letter from the police department has been submitted, stating they are aware of the event. Other letters submitted to the file were from Diane Swan, property manager, which stated she is aware of the event and that several boulders that currently block access to South Pomperaug Avenue would be removed for the event. Letters also submitted were from Janet Morgan, Fire Marshal, the police department, and the health department.

Mr. Pittari said he is expecting 3000-4000 people to be in attendance throughout the day.

Commissioner Ted Tietz asked if there were any problems last year. Mr. Pittari explained there had been one verbal complaint during the set up with the owner of Fioma, which is in the Middle Quarter Mall, who objected to the safety tape. Mr. Pittari said the police came and the situation was diffused. Mr. Pittari said he has invited the gentleman to participate in the Earth Day event. Mr. Pittari said the complaint is not on file with the police department, but is mentioned in the event follow-up report.

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Commissioner Alan Green asked how the shuttle bus would enter and exit to drop people off. Mr. Pittari explained the busses would be pulling off onto the shoulder on South Pomperaug Avenue, then will continue on South Pomperaug Avenue and take a left onto Route 6 back toward the schools.

Vice-Chr. Clarke asked if there would be any parking on the site. Mr. Pittari said there would be some parking available in the Middle Quarter Mall, but they are considering Mr. Audy's property to be the primary parking area. Vice-Chr. Clarke asked if it has been established how many cars the field will park. Mr. Pittari said there are a couple of acres available, but they have not determined yet the number of cars that would be able to park there. Vice-Chr. Clarke asked if the field is wet or dry. Mr. Pittari said the field is dry.

Vice-Chr. Clarke asked where parking signage for the event would be. Mr. Pittari said there will be 6 signs in total – at South Pomperaug Ave. and Route 6, South Pomperaug and the Middle Quarter Mall driveway, at the Middle Quarter Mall entrance, at School Street and Route 6, and two on Main Street.

There were no public comments or additional information submitted. The Commission agreed to close the public hearing.

MOTION:

To close the public hearing at 10:15 p.m. for Application 10-ZC-1002, submitted by Pittari for a special event permit for an Earth Day Celebration at 738 Main Street South.

(Tax Assessor's Map 102/Lot 020)

Made by Green, seconded by Tietz.

Vote 4-0 in favor.

II. REGULAR MEETING

Vice-Chr. Clarke convened the Regular Meeting of the Woodbury Zoning Commission at 10:15 p.m. Seated were Commissioners Clarke, Tietz, Green, Cosgriff, and Alternate Conto.

A. PENDING APPLICATIONS

1. 06-ZC-6038/Town of Woodbury/Land Use Office/2007 Regulation Revisions

The public hearing will be continued on Tuesday, February 9, 2010.

2. 10-ZC-1001/Kaloidis/40 Sherman Hill Road/Extension-Renewal of Antiques & Flea Market Permit (Tax Assessor's Map 102/Lot 042)

The public hearing will be continued on Tuesday, February 9, 2010.

3. 10-ZC-1002/Pittari/738 Main Street South/Special Event Permit/Earth Day Celebration (Tax Assessor's Map 102/Lot 020)

After a brief discussion the Commission agreed to authorize the ZEO to issue the necessary permits and to allow additional parking and signage.

MOTION:

To authorize the ZEO to issue the necessary permits for Application 10-ZC-1002, submitted by Pittari for a special event permit for an Earth Day Celebration at 738 Main Street South.
(Tax Assessor's Map 102/Lot 020)
Made by Clarke, seconded by Green.
Vote 5-0 in favor.

4. 09-ZC-9046/Bloxsom/345 Main Street South/Retail to 3-Family (Tax Assessor's Map 104/Lot 095)

Catherine Adsitt stated that the applicant has asked for a continuance and has not withdrawn the application. The applicant was not present. The Commission agreed to table the application due to Mr. Bloxom's absence.

MOTION:

To table Application 09-ZC-9046 submitted by Bloxom for a change of use from retail to 3-family at 345 Main Street South, due to his absence from the meeting.
(Tax Assessor's Map 104/Lot 095)
Made by Clarke, seconded by Tietz.
Vote 5-0 in favor.

B. NEW APPLICATIONS

1. 10-ZC-1003/Town of Woodbury Parks & Recreation/Hollow Park/Special Permit for Farmers Market and Location Change (Tax Assessor's Map 103/Lot 13)

Parks & Recreation staff, Jenifer Miller and Leslie Gamsjager, were present. Mrs. Miller said they are proposing to move the current location of the Farmer's Market, held in Hollow Park, to the other side of Hollow Park, at the entrance near the flower shop on Hollow Road. Mrs. Gamsjager said it would be a more visible location and said she has met with Sgt. Rafferty regarding traffic issues, and he said traffic would not be an issue there.

Commissioner Ted Tietz asked where parking would be and was shown on the site map.

Mrs. Gamsjager said there would be about 10 vendors at the market, which operates from July through September.

Commissioner Alan Green asked for the number of those usually in attendance. Mrs. Gamsjager said they count by cars, and there are about 60 cars per hour at the market. Mrs. Gamsjager said they do have parking attendants. Vice-Chr. Clarke asked if there was a decline in attendance last year. Mrs. Miller said due to the lack of visibility there was, and proposed this site after trees were recently removed and it became available.

Mrs. Miller said signage would be at Routes 6 & 64, Canfield Corner, Hollow Road, and the Shove Building on the day of the event.

Vice-Chr. Clarke asked if the change in location was the only change to the market. Mrs. Miller said that is the only change.

Commissioner Green asked how many parking spots would be available. Mrs. Gamsjager said over 200.

Mrs. Gamsjager said there have been no complaints about the market in the past and no loud noise. Mrs. Gamsjager said there is a guitar player at the market, but he uses no amps.

Commissioner Green asked if there will be portable toilets available. Mrs. Miller said people would have to walk to the Hollow Park bathrooms, and there would be no portable toilets.

The Commission agreed to waive the need for a special exception for a location change pursuant to Section 8.2.10 of the regulations.

MOTION:

To waive the need for a special exception for Application 10-ZC-1003 submitted by the Town of Woodbury Parks and Recreation Department for a special permit for a location change at the Farmer's Market at Hollow Park, pursuant to Section 8.2.10 of the Woodbury Zoning Regulations. (Tax Assessor's Map 103/Lot 13)

Made by Clarke, seconded by Alternate Conto.

Vote 5-0 in favor.

MOTION:

To alter the agenda to move Item 1, under Other Business, to accommodate the Parks & Recreation staff.

Made by Clarke. No second.

2. **10-ZC-1004/Cowles/14 Middle Road Turnpike/Special Permit/Main Street Design District/Pole Barn (Tax Assessor's Map 090/Lot 002A)**
3. **10-ZC-1005/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Pole Barn (Tax Assessor's Map 090/Lot 002A)**
4. **10-ZC-1006/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Pole Barn (Tax Assessor's Map 090/Lot 002A)**

Commissioner Alan Green recused himself.

David Cowles and Ronald Wolff, Engineer, were present for the applications. Mr. Wolff explained that the property currently consists of a farm stand, greenhouse, and house on 4.85 acres. Mr. Wolff said the property is in the R-40 zone, Main Street Design District, Flood Plain District, and Aquifer Protection District, although the area to be used for the pole barn is not in the Aquifer Protection District and that the Flood Plain is inactive.

Mr. Wolff said the applicant has received approvals from the Inland Wetlands Agency, Pomperaug District Health Department for the septic system, and LandTech consultants.

Mr. Wolff said the pole barn would be used as a retail store to sell locally grown products. The existing farm stand would be removed. Mr. Wolff said the pole barn would be located at the highest elevation, which would have the least impact on the flood plain.

Mr. Wolff said there are 9 proposed parking spaces, which was based on the breakdown of the retail and storage areas, which is 1950 square feet in total.

Commissioner Ted Tietz asked if there would be a dumpster at the site. Mr. Cowles said there would not be.

Mr. Wolff said the application needs to be referred to the Planning Commission, since it is in the Main Street Design District, and that a public hearing is required by the Zoning Commission for a special permit.

Vice-Chr. Clarke read Woodbury Zoning Regulation 8.1.4, which states that when there are multiple applications, the applications could be heard simultaneously. The Commission agreed that although the property is in the Aquifer Protection District, because the building would not be located in that area, a special permit is not required for that district. The three applications will instead be considered as 10-ZC-1004 a and b.

The Commission agreed to refer the application to the Planning Commission and schedule a public hearing for Tuesday, February 9, 2010.

MOTION:

To refer to the Planning Commission and to schedule a public hearing for Application 10-ZC-1004 a & b submitted by Cowles for a special permit for a pole barn in the Main Street Design District and Flood Plain District at 14 Middle Road Turnpike on Tuesday, February 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.
(Tax Assessor's Map 090/Lot 002A)
Made by Clarke, seconded by Tietz.
Vote 5-0 in favor.

5. 10-ZC-1007/Winer-Sorensen/557 Main Street South/Special Permit in the Main Street Design District (Tax Assessor's Map 103/Lot 048)

Commissioner Alan Green was reseated.

Present for the application were Atty. Gail McTaggart; Brian Baker, Engineer; Russ Barton, Restaurant Tenant; and Greg Grew, Architect.

Atty. McTaggart explained that a zone change was approved by the Zoning Commission in August 2009, which allowed all 7 acres of the property to be in the Main Street Design District. Atty. McTaggart said the 3-story barn would be used as a 126-seat restaurant, with accessory uses of an office, on-site catering facility, and limited art & antiques sales. Changes made to the barn would be a small expansion to the north side.

Atty. McTaggart said the applicant is applying to the Historic District Commission for signage, lantern lights, and for any streetscape changes, which would not be much. The application will be heard by the Historic District Commission on March 1, 2010.

Atty. McTaggart said the Planning Commission would also discuss the application as a referral at one of their February meetings.

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Brian Baker reviewed the parking on the plan, and stated the parking would be located in the back of the building. There would be 50 gravel spaces, with 54 overflow spaces available.

Mr. Baker said the Inland Wetlands Agency approved the application on January 25, 2010.

Vice-Chr. Clarke asked what the reason for maintaining the horse riding ring was. Atty. McTaggart said it belongs to the whole property and the applicant would like to retain it. Mr. Grew said there used to be a horse on the property.

The Commission agreed to refer the application to the Planning Commission and schedule a public hearing for Tuesday, March 9, 2010.

MOTION:

To refer to the Planning Commission and to schedule a public hearing for Application 10-ZC-1007, submitted by Winer-Sorensen for a special permit in the Main Street Design District at 557 Main Street South on Tuesday, February 9, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 103/Lot 048)

Made by Clarke, seconded by Tietz.

Vote 5-0 in favor.

6. 10-ZC-1008/Winer-Sorensen/557 Main Street South/Special Exception for a Bed & Breakfast (Tax Assessor's Map 103/Lot 048)

Present for the application were Atty. Gail McTaggart, Brian Baker, Engineer, Russ Barton, Restaurant Tenant, and Greg Grew, Architect.

Atty. McTaggart said the application is for a special exception for a Bed & Breakfast. Atty. McTaggart said the plan shows a designation of 3 double-occupancy guest rooms with bathrooms. There would also be another bedroom for the owner. Only breakfast would be served.

Brian Baker said there are two existing septic systems for the downstairs bathroom, kitchen, and restaurant. Mr. Baker said a 100 gallon grease tank would be added.

Commissioner Green asked if the third floor exercise room on the plan was for guests. Mr. Grew said the exercise room is existing in the house, and it would not be turned into a health club for guests. Commissioner Green said wondered if memberships would be sold and was told they would not be.

Atty. McTaggart said there would also be an antiques boutique within the Bed & Breakfast for sales of antiques accessories.

Commissioner Green asked about the existing cottage on the property. Atty. McTaggart said the cottage continues to be leased out and would remain a rental unit.

The Commission agreed to refer the application to the Planning Commission and schedule a public hearing for Tuesday, March 9, 2010.

MOTION:

To refer to the Planning Commission and to schedule a public hearing for Application 10-ZC-1008, submitted by Winer-Sorensen for a special exception for a Bed & Breakfast at 557 Main Street South on Tuesday, February 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 103/Lot 048)

Made by Clarke, seconded by Tietz.

Vote 5-0 in favor.

C. OTHER BUSINESS

1. ZC Review/Town of Woodbury Parks & Recreation Department/Hollow Park/2010 Events to Determine which Events Require a Special Permit (Tax Assessor's Map 103/Lot 13)

Jenifer Miller, Parks and Recreation Director, was present and stated that the 2010 events include 7 concerts, the Memorial Day Parade, fireworks at the Firemen's Carnival, Easter Egg Hunt, Halloween, Tree Lighting, Town-Wide Tag Sale, Farmer's Market, and Outdoor Movie Night. Mrs. Miller said if additional events are added, she would return to the Commission. Mrs. Miller said there have been no complaints made from the past events.

2. Plan of Conservation and Development Update

Catherine Adsitt, Town Planner, reported that the public hearing has been closed by the Planning Commission, and they will continue a work session at their next meeting.

D. ENFORCEMENTS

1. 09-ZC-ENFO/Hardisty/200 Minortown Road/Earth Material Operation (Tax Assessor's Map 025/Lot 034)

Catherine Adsitt reported that Joe Chapman, ZEO, conducted two field inspections since January 12, 2010, and reported there was no trucking or logging being done on the property.

2. 09-ZC-ENFO/Taylor/Washington Road/Cease & Desist Snowmaking on East Slope Tube Run (Tax Assessor's Map 56/Lot 16B)

Catherine Adsitt stated as the Zoning Commission was aware Mr. Taylor made an appeal to the Zoning Board of Appeals, and that Mr. Taylor submitted a letter saying he has made an effort to correct the violation. Mrs. Adsitt said Mr. Taylor's snowmaking permit expired on January 31, 2010.

Catherine Adsitt also reported from Joe Chapman's Enforcement Report of enforcements at Ken Davino's property at 641 Main Street South, Ovens of France, and Sandwich Construction, for signage violations. There was also a complaint from a resident on Pomperaug Avenue who complained that the lighting from Carol Peck's Restaurant was shining onto their property and was told shades would be provided to the homeowner by the restaurant.

E. PRIVILEGE OF THE FLOOR

No one spoke at this time.

F. CONSIDERATION OF MINUTES

Regular Meeting – January 12, 2010

The following changes were made:

Page 1 – Present was Julie Clarke, not Cook.

Page 5 – The Nominating Committee also consisted of Roberta Zulpa.

Page 6, Para. 9 – Spelling correction - intention

MOTION:

To approve the minutes of the Tuesday, January 12, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Green, seconded by Clarke.

Vote 5-0 in favor.

G. CORRESPONDENCE

The fourth quarter compliance report was submitted by Ken Faroni of O & G Industries, and reported was 1 complaint in the 3 month period and was regarding as to whether the blasting would impact this person's well. There were 9 blasting shots in that period.

Catherine Adsitt said Mr. Faroni questioned if he should come before the Commission to discuss the report. The Commission felt Mr. Faroni should be present to discuss the report. Mrs. Adsitt said she would ask Mr. Faroni to attend the February 23, 2010, Zoning meeting.

Charles Bartlett submitted a memo asking if Zoning Commissioners would like to participate as a team in the second annual miniature golf event.

The Commission was informed of a "Making the Best Land Use Decisions" seminar.

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 11:50 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL
Respectfully submitted,

Karen Blanchet, Clerk