



TOWN OF WOODBURY

Zoning Commission

297 Main Street South

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UNAPPROVED DRAFT MINUTES – NOT YET APPROVED BY COMMISSION

MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, FEBRUARY 9, 1020

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Martin Overton
Robert Clarke
Ted Tietz
Alan Green
Chuck Cosgriff

ALTERNATES PRESENT:

Roberta Zulpa
Ron Judson

ALTERNATES ABSENT:

Chris Conto

ALSO PRESENT: Catherine Adsitt, Gus Kaloidis, Atty. Franklin Pilicy, Matt and Wendy Brazauskas, Kevin and Annie Yates, Lou DeLuca, Frank Shepard, Lee Warner, Jim Mabel, Richard Aaron, Atty. Robert Fisher, David Cowles, Ronald Wolff, Bryan Nettleton, Brian Baker, member of the press, and other interested residents.

I. PUBLIC HEARINGS

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

Chr. Overton reconvened the public hearing at 7:35 p.m. Seated were Commissioners Overton, Clarke, Cosgriff, Green, and Tietz. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

Chr. Overton stated the Commission is still in the process of refining the language of the regulation revisions and is still in discussion with Town Counsel regarding a definition for formula food. Chr. Overton said that Town Counsel has also made recommendations in the Administrative and Enforcement sections of the regulations and has provided an explanation for the Commission to review, since these sections have serious impacts to the regulations. Chr. Overton said comments were also received from Andy Peklo, Planning Commission Chairperson. The Commission is requesting clarification from Mr. Peklo regarding his suggestions regarding power generation and fish passage.

The Commission agreed to continue the public hearing to review the currently submitted recommendations.

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MOTION:

To continue the public hearing for Application 06-ZC-6038, submitted by the Town of Woodbury Land Use Office for the 2007 Regulation Revisions, on Tuesday, February 23, 2010, at 7:30 p.m. in the Town Annex Conference Room.

Made by Overton, seconded by Clarke.

Vote 5-0 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)

Chr. Overton reconvened the public hearing at 7:40 p.m. Seated were Commissioners Overton, Clarke, Cosgriff, Green, and Tietz. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The application and legal notice were read at the first session of the public hearing.

Gus Kaloidis and Atty. Franklin Pilicy were present for the application. Atty. Pilicy stated that Mr. Kaloidis is committed to following the conditions of the special permit approval of 2008, and said to affirm that he has submitted an amendment to the statement of use, which repeats the 13 conditions of the approval. Atty. Pilicy said two additional conditions were being proposed, stating No. 14 would be for additional signage for parking on the premises and noting that parking is not allowed at Cornerstone. Atty. Pilicy said No. 15 would be to allow that the portable toilet be allowed to remain in an enclosed area screened with fencing to look like a storage shed.

Atty. Pilicy stated that the Commission received numerous favorable letters (list submitted), and submitted an additional letter in favor from James Mabel of Bacon Pond Road, for a total of 38 letters.

Atty. Pilicy said the flea market is the most minimal use of this parcel and it attracts people to Woodbury and supports other businesses. Atty. Pilicy said the flea market is located in a commercial zone and is appropriate for the site. Atty. Pilicy added that this is the sole source of income for Mr. Kaloidis, noting that he has a special needs daughter, and his only other choice would be to sell the property.

Commissioner Alan Green asked for details of the overflow parking plan. Mr. Kaloidis explained that from experience overflow parking has not been needed, but if a parking space is not available, people will be asked to circle around the restaurant until a space becomes available. Mr. Kaloidis said the flea market is small, so people only visit for short periods of time.

Commissioner Green asked how many parking spaces are required for the restaurant. Mr. Kaloidis said there is a total of 145 available parking spaces, and 65 are for the restaurant. Commissioner Green said his concern was how many parking spaces were required for the restaurant permit. Mr. Kaloidis said the restaurant is not busy during the flea market hours, and that the restaurant would be accommodated first, noting that they work together.

Commissioner Green said the septic system was mentioned by a neighbor and wondered where it was on the property. Mr. Kaloidis showed where the septic system was on the map. Commissioner Green asked about the farm stand that was approved in the last application and wondered if it was a part of the current application. Mr. Kaloidis said he never ended up operating the farm stand and it would not be a part of this application.

Public Comments –

Matt Brazauskas of 66 Middle Quarter Road said he wondered if Joe Chapman was told by the office to tell Mr. Kaloidis to leave the portable toilet on the property, adding that the toilet is not in conformance with the neighborhood, and he would be against leaving the portable toilet and fencing it in. Mr. Brazauskas said while the property is commercial, it is also in a residential area where it prohibits the neighbors from enjoying their own yards.

Mr. Brazauskas said there is nothing in the file allowing parking at Cornerstone and Wachovia, but people still park there. Mr. Brazauskas said he feels the parking plan does not show slopes and grades and feels that the property is not adequate for parking.

Mr. Kaloidis stated that he received a traffic report from a State Trooper, which stated there has been no traffic problems reported for the area. Mr. Kaloidis said people use Middle Quarter Road for a shortcut everyday and mentioned a computer company located just behind Mr. Brazauskas' house with 20 employees that generate traffic. Mr. Brazauskas said that Compuway does about his property for 700 feet and noted that the owner had a great plan in place and has kept every promise to protect his neighbors.

Ann Longley of Oxford stated that she attend the flea market each week and believes there is not a parking issue as not everyone attends the market at one time.

Wayne Maddox of Woodbury suggested that if traffic becomes a problem, perhaps Mr. Kaloidis would raise the vendor's rent and decrease the number of vendors. Mr. Maddox said Mr. Kaloidis runs a conscientious business, and feels he would be willing to modify the market for the safety of his neighbors. Mr. Maddox said he feels Mr. Kaloidis received good advice from Mr. Heavens regarding running a flea market business. Chr. Overton said how Mr. Kaloidis should manage his property is not an issue for the Zoning Commission.

Woodbury resident Lou DeLuca said he is hearing strong support for the flea market, which has been in operation for 18 months. Mr. DeLuca said Mr. Kaloidis has been a member of the Woodbury community for over 40 years and has run successful businesses in town, adding that Mr. Kaloidis cares about his community. Mr. DeLuca mentioned the Economic Development Committee, which is trying to bring business to Woodbury, and that we should be encouraging business, not discouraging it.

Frank Shepard of 44 Westwood Road said he asked at the last meeting how many complaints were made to the ZEO and was told 8 complaints were received. Mr. Shepard said he got copies of the complaints and that the 8 complaints were from 2 people out of 9000 Woodbury citizens in a 25 day period, and they were made when the flea market season was over. Mr. Shepard said he did not see that there were any ZEO issues against the flea market in the file.

Mr. Shepard said unfortunately at this point it is becoming obvious to people that Woodbury is not a place to come to run a business.

Lee Warner of 88 Sherman Hill Road said he is a neighbor to the flea market and stated he attends the market and that one time the parking lot was full and he was instructed to drive around the restaurant, and after once around he found a parking space.

Jim Mabel of Bacon Pond Road stated he is a realtor and 16-year resident of Woodbury and is in favor of the flea market. Mr. Mabel said Woodbury relies on tourism, and the flea market has minimal impact on the commercial space.

Richard Aaron said the flea market is in business for 8 hours a week, not a business that is open 6-7 days a week, and said he would be unhappy to see the flea market have to go.

Wendy Brazauskas of 66 Middle Quarter Road said she and her husband did make complaints to the Land Use Office in November 2009, after discussing their concerns with the Zoning Commission during Privilege of the Floor about the flea market. Mrs. Brazauskas said they were not aware it was their job to file complaints, stating they felt it was up to Land Use to require that Mr. Kaloidis abide by the conditions of the permit. Mrs. Brazauskas said the flea market may only be for 8 hours, but she has a portable toilet in her face all the time, and the toilet does not add anything to the beauty of their neighborhood and town.

Mike Cunningham of Tuttle Road stated that he is in favor of the flea market.

Atty. Robert Fisher, representing the Brazauskas and Yates families, said it is hard to be in opposition when so many people are in favor, but said the problem is that Mr. Kaloidis applied for a special permit that is not being abided by. Atty. Fisher said Middle Quarter Road is a divide line between a commercial and residential zone, and said yes, there could be worse uses on the property than the flea market, but said the Zoning Commission has to analyze what has been going on there for 18 months.

Atty. Fisher said there should be more information from an engineer and said the two dimensional plan has no topographical information or measurements. Atty. Fisher said it would be simple for Mr. Kaloidis to have a professional engineer and traffic engineer to approve his plan. Chr. Overton said the parking spaces already exist for the restaurant. Atty. Fisher disagreed, stating there are parking spaces located in the grass, and said a 10 percent grassy slope does not work for parking. Atty. Fisher said in a 2008 letter from Bob Oley of Land Tech Mr. Oley stated there were parking and traffic issues that needed to be addressed, and said the Zoning Commission has to decide if the issues have been dealt with.

Atty. Fisher mentioned a portion of the parking area that is located above a septic system, which is not supposed to be parked on. Chr. Overton said that is not a Zoning Commission or Land Use issue.

Atty. Fisher said he does not believe the application has enough information submitted for the Commission to make their decision.

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Matt Brazauskas said that painting parking lines with spray paint is an eyesore. Mr. Kalodis said spray paint is used to mark out the vendor areas.

Atty. Franklin Pilicy submitted a professional opinion letter from Frank Talarico, a septic system designer and installer, which explained that the septic system would not be harmed by light vehicle traffic. Chr. Overton commented that Mr. Talarico is not an engineer.

Mr. Kaloidis said not once has anyone had trouble getting in and out of parking spaces and he feels there are no steep slopes and suggested that the Commission take a look for themselves.

Kevin Yates of 56 Middle Quarter Road stated the Commission should visit the site for proof, and added that his concern is the value of his home, and noted that the regulations do say that should be taken into consideration.

Ron Parkhurst of Weekepeemee Road said he is in favor of the flea market and four people should not stop the approval.

Annie Yates stated their concerns are not personal with Mr. Kaloidis, but have to do with their property values, and stated that Mr. Kaloidis is doing what he has to do for his family, and they are doing what they have to do for their family. Mrs. Yates said the flea market does have an adverse affect on their lives and property.

There were no additional comments or correspondence submitted in favor of or in opposition to the application. The Commission agreed to close the public hearing.

MOTION:

To close the public hearing at 8:40 p.m. for Application 10-ZC-1001, submitted by Kaloidis for an extension/renewal of an antiques and flea market permit at 40 Sherman Hill Road.

(Tax Assessor's Map 102/Lot 042)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

3. 10-ZC-1004a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street esign District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

Chr. Overton reconvened the public hearing at 8:40 p.m. Seated were Commissioners Overton, Clarke, Cosgriff, Green, and Tietz. 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 30, 2010, and February 6, 2010, was read.

Commissioner Alan Green recused himself. Alternate Ron Judson was seated.

David Cowles and Ronald Wolff, Engineer, were present. The required Certificated of Mailing were submitted.

Mr. Wolff explained that the property is located on the east side of Main Street North on 4.85 acres. Douglas Cowles is the property owner. Mr. Wolff said the property currently consists of a house, greenhouse, garden stand and is located in the R-40 zone, Main Street District, Historic District, Flood Plain District, and in accordance with the current Aquifer Protection map, it is located in the Aquifer Protection District.

Mr. Wolff said the proposed building is a barn-style structure. Approvals have been received from the Inland Wetlands Agency and from the Pomperaug District Health Department. The application will be heard at the March 1, 2010, Historic District Commission meeting.

Mr. Wolff said comments and recommendations from Bob Oley of Land Tech have been addressed.

David Cowles explained the lighting and landscape plan. Mr. Cowles said a 3-4 foot high hedge will be planted along with a colonial style picket fence with a gate. There will be 20 watt lights on the fence posts to highlight the fence and hedge. The light specifications were submitted.

Mr. Wolff explained the reasoning for where the building would be situation, stating it is at the highest elevation of the property with the least impact to the flood plain.

Mr. Wolff discussed Regulation 5.1.8, which indicates that the Zoning Commission has the flexibility to approve a plan that doesn't meet the required setbacks. Mr. Wolff said the building would be inside the 20 foot setback, at 52 feet.

Commissioner Roberta Zulpa asked if the driveway would remain dirt. Mr. Cowles said it would.

Public Comments –

Wayne Maddox said he is a neighbor at 82 Main Street North and would like to see that the historic beauty of the area be kept.

Catherine Adsitt, Town Planner, stated that because the property is in the Main Street Design District, a report from the Planning Commission is required. The referral will be discussed at the Planning Commission's February 17, 2010, meeting.

Commissioner Zulpa asked if the greenhouse would remain. Mr. Cowles said it would remain.

Mr. Cowles said the building would be used for retail space with a production area, and a bathroom and a separate sink for produce.

The Commission agreed to continue the public hearing to await the Planning Commission report.

MOTION:

To continue the public hearing for Application 10-ZC-1004a, submitted by Cowles for a special permit in the Main Street Design District for a pole barn at 14 Middle Road Turnpike, on Tuesday, February 23, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 090/Lot 002A)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

4. 10-ZC-1004b/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

Chr. Overton reconvened the public hearing at 9 p.m. Seated were Commissioners Overton, Clarke, Cosgriff, Green, and Tietz. 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 30, 2010, and February 6, 2010, was read.

Commissioner Alan Green recused himself. Alternate Ron Judson was seated.

David Cowles and Ronald Wolff, Engineer, were present. The required Certificated of Mailing were submitted.

Mr. Wolff explained that the property is located in the Flood Plain District and that the floor of the building would be at 269.1 elevation, the lowest floor level. Mr. Wolff said the building would be flood-proofed in accordance with the regulations.

Chr. Overton asked if any watercourse would be altered. Mr. Wolff said it would not.

Mr. Wolff explained that the property ended up in the flood plain when Middle Road Turnpike was created.

Commissioner Robert Clarke asked if a structural design needs to be provided. Mr. Wolff said the structure has not been designed yet, but it would be reviewed by the building inspector.

The Commission agreed to continue the public hearing to receive information from the Historic District Commission.

MOTION:

To continue the public hearing for Application 10-ZC-1004b, submitted by Cowles for a special permit in the Flood Plain District for a pole barn at 14 Middle Road Turnpike, on Tuesday, February 23, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 090/Lot 002A)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

II. REGULAR MEETING

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 9:10 p.m. Seated were Commissioners Overton, Tietz, Clarke, Cosgriff, and Green.

ZC/2/9/10

Tabled Matters

1. 09-ZC-9046/Bloxom/345 Main Street South/Retail to 3-Family (Tax Assessor's Map 104/Lot 095)

The application has been withdrawn.

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 23, 2010.

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

Chr. Overton stated the situation is that there is a commercial zone and a residential zone separated by a street, which has the potential to cause friction between neighbors. Chr. Overton said he can agree that the application is not 100 percent perfect. Chr. Overton said the principle use of the property is the restaurant and feels the Commission needs an opinion regarding parking, and stated that people choosing to park across the street is mute, and feels it is not the applicant responsibility if someone decides to park there. Chr. Overton said he feels if there is not enough parking on the site, the permit cannot be granted by the Commission. Chr. Overton mentioned the document submitted in which the permittee agreement to be bound to the conditions.

Chr. Overton stated that regarding the portable toilet, there are other sites in the Middle Quarter District that have the toilets on their site, so he said he has a hard time saying that this piece of property in Middle Quarter can't, especially since the applicant has offered a solution. Commissioner Green questioned if the use required a portable toilet. Chr. Overton said Mr. Kaloidis said it is used mostly for the vendors. Commissioner Zulpa commented that a portable toilet is always present at Charlie's Ice Cream.

Chr. Overton said regarding the hours of operation there were complaints that vendors were setting up earlier than allowed, and feels that the hours of 6:30 a.m. for set up until 4 p.m. needs to be abided by.

Chr. Overton said regarding comments made by Atty. Pilicy, Mr. Kaloidis' personal finances are not relevant.

Chr. Overton said regarding the septic system the Commission needs to know if the area is trafficable, otherwise they are not valid parking spaces. Commissioner Ron Judson questioned if the parking is being done on septic galleys and said that the health department should have that information.

Chr. Overton questioned the validity as to whether or not ZEO, Joe Chapman, waived a condition. Commissioner Clarke wondered if Mr. Chapman was there was a private citizen, not at ZEO, and said something.

Chr. Overton said regarding property values, the regulations apply to the applicant as much as they apply to a neighbor. Chr. Overton said the question is whether a use comes on to a property and lowers the surrounding property values.

Chr. Overton said there has been 18 months of flea market use on the property and the conditions that the Commission placed on the property were not strictly adhered to, but Chr. Overton said he feels the conditions can be addressed.

Commissioner Clarke stated there is a car dealership on the other side of this property, stating the flea market is minimal compared to that.

Commissioner Clarke stated regarding the overflow parking issue, he is not sure why the Commission has to be concerned with it. Chr. Overton agreed. Commissioner Judson said the police seemed think there were no problems with traffic, although the businesses across the street have a problem with people parking on their properties.

Commissioner Zulpa said there should be caution since the use runs with the land, and there may be a new owner down the line that needs to be considered. Chr. Overton said if the Commission approves the application, the conditions have to be locked in.

Chr. Overton asked Commissioners if their sense is to approve the application with conditions. The Commissioners agreed and suggested adding that a report be prepared and submitted on a monthly basis, including items such as a parking and vendor count.

The Commission agreed that setbacks from the streets be demarked with chalk or rope.

Regarding the septic system, the Commission agreed that parking should only be on hardened galleys, as determined by the health department. Commissioner Zulpa asked if that information could be received before a vote. Chr. Overton felt it should be.

Commissioner Zulpa asked who would keep a complaint report. Chr. Overton felt that the ZEO could do that.

Commissioner Ted Tietz said maybe the slopes should be looked at on the site.

Commissioner Green said the Commission should make sure that the parking won't prohibit emergency access. Commissioner Judson asked if the Fire Marshal would determine that. Chr. Overton said he believes that emergency vehicles would be able to get in without a problem and noted there would be on-site parking attendants monitoring the lot.

The Commission agreed that the length of the permit should be for 2 years, instead of 18 months. Chr. Overton said upon approval it would be from May 2010 to May 2012, but if Mr. Kaloidis' reports are not clean, a violation would be issued, and a Cease and Desist Order if still in violation.

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

The application has been withdrawn.

4. **10-ZC-1004a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street esign District/Pole Barn (Tax Assessor's Map 090/Lot 002A)**

The public hearing will be continued on Tuesday, February 23, 2010.

5. **10-ZC-1004b/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Pole Barn (Tax Assessor's Map 090/Lot 002A)**

The public hearing will be continued on Tuesday, February 23, 2010.

6. **10-ZC-1007/ Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Permit/Main Street Design District (Tax Assessor's Map 103/Lot 048)**

A public hearing is scheduled for Tuesday, March 9, 2010.

7. **10-ZC-1008/ Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Bed & Breakfast (Tax Assessor's Map 103/Lot 048)**

A public hearing is scheduled for Tuesday, March 9, 2010.

B. NEW APPLICATIONS

1. **10-ZC-1009/Woodbury Lion's Club/Hollow Park/Special Event Permit/Annual Car Show (Tax Assessor's Map 103/Lot 13)**

Bryan Nettleton was present to discuss that the annual Lion's Club Car Show would take place on Sunday, June 6, 2010, from 10 a.m. to 4 p.m. at Hollow Park. Mr. Nettleton said last year there were approximately 400 cars and 500 spectators. Mr. Nettleton said this year there will be professional parkers. Mr. Nettleton said due to a complaint last year, the show cars will be asked not to rev their engines.

The Commission agreed a public hearing was not needed and authorized the ZEO to issue the necessary permits.

MOTION:

To authorize the ZEO to issue the necessary permits for Application 10-ZC-1009 submitted by the Woodbury Lion's Club for a special event permit for an Annual Car Show to be held at Hollow Park. (Tax Assessor's Map 103/Lot 13)

Made by Overton, seconded by Green.

Vote 5-0 in favor.

2. **10-ZC-1010/ Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection District/Proposed Bed & Breakfast (Tax Assessor's Map 103/Lot 048)**

3. 10-ZC-1011/ Winer-Sorenson/557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road/Special Exception/Aquifer Protection District/Proposed Restaurant (Tax Assessor's Map 103/Lot 048)

Brian Baker was present for the application and stated that at the last meeting the Aquifer Protection applications were not included and is requested that the public hearing also be held on Tuesday, March 9, 2010.

MOTION:

To schedule a public hearing for Application 10-ZC-1010, submitted by Winer-Sorenson for a special exception in the Aquifer Protection District for a proposed Bed & Breakfast at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road, on Tuesday, March 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 103/Lot 048)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

MOTION:

To schedule a public hearing for Application 10-ZC-1011, submitted by Winer-Sorenson for a special exception in the Aquifer Protection District for a proposed restaurant at 557 Main Street South/3 Old Sherman Hill Road/5 Old Sherman Hill Road, on Tuesday, March 9, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 103/Lot 048)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

4. 10-ZC-1012/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Pole Barn (Tax Assessor's Map 090/Lot 002A)

The Commission agreed to schedule a public hearing for Tuesday, February 23, 2010.

MOTION:

To schedule a public hearing for Application 10-ZC-1012, submitted by Cowles for a special permit in the Aquifer Protection District for a pole barn at 14 Middle Road Turnpike, on Tuesday, February 23, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 090/Lot 002)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

C. OTHER BUSINESS

1. Plan of Conservation and Development Update

Catherine Adsitt stated that the Planning Commission anticipates that the plan would be approved in March, and that the final draft is being edited now. Chr. Overton asked if the final draft could be published on the website so the public could review the plan. Mrs. Adsitt said she would ask Bill Scanlan to put it on the website and to make a copy available in the library.

D. ENFORCEMENTS

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

The Commission agreed that this item could be taken off the agenda, and to be kept up to date through the ZEO report if there are any changes.

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

Catherine Adsitt reported that Mr. Taylor withdrew his Zoning Board of Appeals application to appeal the Cease and Desist Order. Chr. Overton read a letter from Mr. Taylor, dated January 26, 2010, which stated that Mr. Taylor resumed snow making on Thursday, January 21, 2010, since the drainage worked after it was sealed with concrete. The Commission questioned how Mr. Taylor repaired the drain, whether it was patched or filled with concrete. The Commission requested that the ZEO go to the site and agreed to lift the Cease and Desist Order if Mr. Taylor could verify the drainage was corrected.

ZEO REPORT

Catherine Adsitt read Joe Chapman's Enforcement Report, which included ongoing issues at the Hardisty and Taylor properties, signage issues at Devino, Ovens of France, Sandwich Construction, and the Persian rug properties, and a light spillage issue at a Pomperaug Avenue residence from Carol Peck's Restaurant. Another issue was at 556 Flanders Road regarding an existing house not being demolished after the completion of the new house. The CO was issued in November 2008. Chr. Overton said he felt the house has to come down. Commissioner Green questioned if it is a matter of funding. The Commission requested that a letter be sent to the property owner giving them 30 days to come up with a plan with a completion date.

E. PRIVILEGE OF THE FLOOR

Matt Brazauskas and Kevin Yates asked the Commission to take a serious look at the parking and portable toilet issues regarding Mr. Kaloidis' flea market. Chr. Overton said their comments will be taken into consideration.

F. CONSIDERATION OF MINUTES

Regular Meeting – January 26, 2010

The following changes were made:

Page 1 – Under Application 10-ZC-1001, Alternate Conto was seated, not Alternate Green.

MOTION:

To approve the minutes of the Tuesday, January 26, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

G. CORRESPONDENCE

Catherine Adsitt submitted correspondence regarding the Commissions now assigning an application number when the applications are accepted by the Commission.

The invitations for the Bernard Rosenberg award, which is being presented at the Wednesday, February 17, 2010, Planning Commission meeting, have been mailed, and the Zoning Commission members were invited to attend.

Ken Faroni plans to be at the Tuesday, March 23, 2010, Zoning Commission meeting to discuss the O & G quarterly reports for the Stiles Road and Park Road quarries.

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 10:30 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk