



# TOWN OF WOODBURY

## Zoning Commission

297 Main Street South

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## MINUTES PUBLIC HEARINGS/REGULAR MEETING TUESDAY, APRIL 27, 2010

7:30 P.M.

TOWN ANNEX

### MEMBERS PRESENT:

Martin Overton  
Robert Clarke  
Ted Tietz  
Chuck Cosgriff  
Alan Green

### ALTERNATES ABSENT:

Chris Conto  
Roberta Zulpa

**ALSO PRESENT:** Catherine Adsitt, David Cowles, Ronald Wolff, Rod Taylor, Nona and Ron Sledzieski, Dick Jannetty, member of the press, and other interested residents.

### I. CALL TO ORDER

Chr. Overton convened the meeting at 7:30 p.m.

### II. SEATING OF MEMBERS AND ALTERNATES

Seated were Commissioners Overton, Tietz, Clarke, Cosgriff, and Green. Reference was made to Section 8-11, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

### III. PUBLIC HEARINGS

- 1. 10-ZC-1013/Johannesen/146 South Pomperaug Agent/Special Permit/Renovate and Expand Existing Motel Building/Middle Quarter District (Tax Assessor's Map 102/Lot 001)**
- 2. 10-ZC-1015/Johannesen/146 South Pomperaug Agent/Special Permit/Renovate and Expand Existing Motel Building/Aquifer Protection District (Tax Assessor's Map 102/Lot 001)**

The public hearing was convened at 7:32 p.m. The applicant was not present. A letter was received from the applicant stating that the notices to adjoining property owners were failed to be sent and asked that the public hearing could be continued until the next meeting.

Catherine Adsitt, Town Planner, stated that the application is before the Inland Wetlands Agency and that the newly submitted plans would be sent to the Town Engineer for review for the agency, and asked if the Zoning Commission would also like the Town Engineer to review the plan for zoning. The Commission agreed the plans should also be reviewed for their benefit.

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The Commission agreed to continue the public hearings at the next meeting.

**MOTION:**

To continue the public hearing for Application 10-ZC-1012 submitted by Johannesen for a special permit to renovate and expand existing motel in the Middle Quarter District at 146 South Pomperaug Avenue on Tuesday, May 11, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 102/Lot 001)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**MOTION:**

To continue the public hearing for Application 10-ZC-1015 submitted by Johannesen for a special permit to renovate and expand existing motel in the Aquifer Protection District at 146 South Pomperaug Avenue on Tuesday, May 11, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 102/Lot 001)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

3. 10-ZC-1018a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street Design District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)
4. 10-ZC-1018b/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)
5. 10-ZC-1018c/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)
6. 10-ZC-1018d/Cowles/14 Middle Road Turnpike/Special Permit/Special Exception/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)

The public hearing was convened at 7:35 p.m. Commissioner Alan Green recused himself.

David Cowles, applicant, and Ronald Wolff, Engineer, were present for the application. The required Certificates of Mailing were submitted. The legal notice, which was published in the Waterbury Republican-American on Saturday, April 14, 2010, and Saturday, April 24, 2010, was read.

Ronald Wolff described the property, stating that the 4.58 acre site, owned by Doug Cowles, the applicant's brother, is located in the R-40 zone, and portions in the Main Street Design

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District, Aquifer Protection District, Flood Plain Overlay District, and Historic District. Mr. Wolff said Mr. Cowles is proposing a pole barn and said that Mr. Cowles would explain the uses later in the meeting. Mr. Wolff said the application has been approved by the Inland Wetlands Agency and the Pomperaug District Health Department.

Mr. Wolff said the applicant is requesting a variance on the minimum front yard setback, which is allowed by Sections 5.1.5 and 5.1.8b of the Woodbury Zoning Regulations. Mr. Wolff said there are lot area coverage issues. Mr. Wolff said the location of the barn is 45 from the edge of pavement and that there is another 52 feet from the street line to the building. Chr. Overton asked as far as full build out if there would be any other structures closer to the road than the pole barn. Mr. Wolff said there would be no structures, but would be parking.

Mr. Wolff said there would be 9 parking spaces, and that 9 are required, 7 are required for the retail area and 2 for the storage area. Mr. Wolff said there is 1020 square feet of retail and 60 square feet of storage and preparation area proposed.

Mr. Wolff said that while the pole barn is under construction, Mr. Cowles is asking to continue his current use with a make-shift stand. Mr. Cowles said he would continue through the summer and start construction of the building in the fall.

Chr. Overton asked if the small red shed would remain. Mr. Cowles said it would. Chr. Overton said there would be one principle structure, one auxiliary structure, and the greenhouses. Mr. Cowles said that was correct.

Chr. Overton asked if the parking lot would be paved or gravel. Mr. Wolff said it would be gravel. Mr. Wolff added that because the gravel cannot be striped there would be signage for the handicapped parking space.

Mr. Wolff said the septic leech fields would be above the 100 foot flood plain area. Mr. Wolff said since there are not many establishments with the uses Mr. Cowles is proposing, the methodology used by the health department for the septic system was primarily for food preparation of 40 meals per day = 5 gallons per meal or 200 gallons per day, and for the 5 employees for the bathroom and hand washing = 200 gallons per day for a total of 500 gallons per day. Mr. Wolff said these figures were versus a retail store that uses 190 gallons per day. Mr. Wolff said that was how the design flow was established and the leech fields were sized accordingly. Mr. Wolff said the State Health Department classified the sewage as domestic. Mr. Wolff said on the system is septic, grease trap, and pump chamber and that the matter is liquid by the time the cycle is completed. Chr. Overton asked if there would be a grinder pump for catching food. Mr. Wolff said that was not required for domestic sewage.

David Cowles discussed the proposed uses. Mr. Cowles said the production area would consist of a micro dairy where there will be a 50 gallon pasteurizer about the size of a washing machine. Mr. Cowles said he would manufacture a variety of items with milk such as yogurt and cheese. Mr. Cowles said in the kitchen jams, jellies, and sauces would be prepared. Mr. Cowles said he would have a smoker about the size of a refrigerator, and submitted the specification information on the smoker.

Commissioner Robert Clarke stated he would like Mr. Cowles to spell out what exactly will be produced and how much on a daily basis. Mr. Cowles said the yogurt and cheeses such as mozzarella and ricotta. Mr. Cowles said the amounts would be market driven. Chr. Overton said he would like to see a distinction between what would be made and what would be sold. Mr. Cowles said his letter to the Pomperaug District Health Department, which is in the file, spells out what products would be manufactured and sold, including jams, jellies, sauces, smoked meats, yogurt, Christmas trees, and items such as canning jars, pectin, wine making materials, cheese making kits, and wine grapes would be sold. Mr. Cowles said he would also be selling products that are swapped back and forth with farms, such as his milk for corn. Commissioner Clarke asked if he would be selling wholesale or processed products. Mr. Cowles said he would not be and he would not be selling to Stop & Shop.

Commissioner Clarke asked if cider would be manufactured and sold. Mr. Cowles said he would make apple juice or cider, adding that his idea is to find products that are no longer No. 1 quality in stores.

Commissioner Clarke asked Mr. Cowles what is meant by "etc." in his application, and that he would rather see it listed as "and similar products." Mr. Cowles said it would include items such as salsa, relish.

Chr. Overton said the issue is the overall impact to the neighborhood and said he is satisfied with Mr. Cowles' answers.

Commissioner Clarke asked if all items would be produced in house, or would there be anything pre-packaged. Mr. Cowles said fresh cheeses would be made in house, but he may sell aged cheeses that he did not make. Chr. Overton noted that this would not be a permit to become a grocer. Mr. Cowles said he did not try to make the impression in the application that he would sell solely his products, adding that items such as candles and soaps he would not make.

Commissioner Ted Tietz asked if he would be making and selling sandwiches. Mr. Cowles said it would not be like a deli, he would have prepared foods available, but no sandwiches.

Commissioner Clarke asked if he would be selling wool or alpaca sweaters. Mr. Cowles said he did not intend to.

Catherine Adsitt reminded the Commission that they did not refer the application to the Planning Commission. The Commission agreed to make that referral.

Catherine Adsitt asked that correspondence to the health department did not include all items, such as soups and sauces, and wondered if it would impact the septic. Mr. Wolff said the calculations were done for a restaurant, and restaurants do not identify every product sold. Mr. Wolff said he is 100% confident with the health department numbers.

Mrs. Adsitt asked if organic waste would be composted off site. Mr. Cowles said he has a dumpster that has been used for the last 10 years. Chr. Overton asked if the dumpster would drain to something. Mr. Cowles said the dumpster is on a pad. Chr. Overton asked that Mr.

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Cowles check out by the next meeting if the dumpster would be okay without any drainage location.

Mrs. Adsitt asked about existing and proposed signage. Mr. Cowles said there would be no new signage.

Mrs. Adistt spoke to Application 1018d, wondering if it would be redundant to issue both a special exception and a special permit. Chr. Overton felt it was okay to issue both.

Mrs. Adsitt referred to the landscape and lighting plan. Mr. Cowles said the fence would include 20 amp lights on each post, and there would be lights at the doors of the pole barn, less than 100 watts each. Mr. Cowles said the Historic District Commission was okay with the lighting. Mr. Cowles said the lighting would not glare off the property.

Mrs. Additt stated that Mr. Cowles requested a fee waiver and said she needs more time to respond to that.

Commissioner Clarke stated that the health department did not have the information on the smoker. Mr. Wolff said the smoker has nothing to do with the septic system, and that the kitchen would be inspected by the health department.

There were no public comments. The Commission agreed to continue to public hearing to receive additional information including the referral from the Planning Commission.

**MOTION:**

To continue the public hearings and refer to the Planning Commission for Application 1018a submitted by Dave Cowles for a special permit in the Main Street Design District to construct a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to current selling of produce and related products grown both on and off premises, Application 1018b for a special permit in the Aquifer Protection District to construct a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to current selling of produce and related products grown both on and off premises, Application 1018c for a special permit in the Flood Plain District to construct a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to current selling of produce and related products grown both on and off premises, and Application 1018d for a special permit and special exception to construct a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to current selling of produce and related products grown both on and off premises on Tuesday, May 11, 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 4-0 in favor.

**IV. REGULAR MEETING**

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 8:25 p.m. Seated were Commissioners Overton, Clarke, Tietz, Cosgriff, and Green.

## A. PENDING APPLICATIONS

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

#### MOTION:

To move to adopt the Woodbury Zoning Regulation Revisions with an adoption date of May 1, 2010, at 12:01 a.m.

Made by Overton, seconded by Green.

Vote 4-1 in favor. (Clarke denied on principle)

### 2. 10-ZC-1013/Johannesen/146 South Pomperaug Agent/Special Permit/Renovate and Expand Existing Motel Building/Middle Quarter District (Tax Assessor's Map 102/Lot 001)

### 3. 10-ZC-1015/Johannesen/146 South Pomperaug Agent/Special Permit/Renovate and Expand Existing Motel Building/Aquifer Protection District (Tax Assessor's Map 102/Lot 001)

The public hearings have been continued.

### 4. 10-ZC-1018a/Cowles/14 Middle Road Turnpike/Special Permit/Main Street Design District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)

### 5. 10-ZC-1018b/Cowles/14 Middle Road Turnpike/Special Permit/Aquifer Protection District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)

### 6. 10-ZC-1018c/Cowles/14 Middle Road Turnpike/Special Permit/Flood Plain District/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)

### 7. 10-ZC-1018d/Cowles/14 Middle Road Turnpike/Special Permit/Special Exception/Construct a pole barn style building (and related site improvements) to house a retail store/dairy plan with kitchen facilities in addition to current selling of product and related products grown both on and off premises (Tax Assessor's Map 090/Lot 002A)

The public hearings have been continued.

## B. NEW APPLICATIONS

### 1. Taylor/785 Washington Road/Modification to Special Exception/Modify tube runs, add tubing runs, replace existing lift for summer tubing/year round, add curtain drains, catch basin, and pipe (Tax Assessor's Map 56/Lot 16B)

Rod Taylor was present for the application. Catherine Adsitt stated that the initial application fees have been paid, but the technical fees have not been paid.

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Mrs. Adsitt said there are outstanding items in the application that the applicant still needs to provide, including a general location map, a proposed contours and drainage run off control plan, details for the curtain drains, catch basin, and pipe, details for the lift, details for the artificial turf run, numbers prepared by a professional engineer for removal of soils, and clarification if there is a wetlands impact.

Chr. Overton also noticed that the application includes sites on both sides of the road, and stated that there has to be one application for each site of the road. Chr. Overton suggested to Mr. Taylor to meet with Land Use staff to review what is needed in the application before the Commission can accept the application.

Mr. Taylor stated his frustration and said he does all his own work and is trying to change the trails to make it safer. Chr. Overton explained to Mr. Taylor when making a modification a list of everything being proposed needs to be included in the application. Mrs. Adsitt added that staff does not complete applications or design sites.

Mr. Taylor said he also asked that his \$35,000 bond be returned. Mrs. Adsitt said staff provided Mr. Taylor with a list of what he has to do to get the bond released.

**2. Sledzieski/Woodbury United Methodist Church/4-6 Church Street/Main Street Design Permit/To open a Montessori Preschool in Church (Tax Assessor's Map 105/Lot 39/40)**

Nona and Ron Sledzieski were present for the application. Mrs. Sledzieski explained that she would like to open a Montessori Preschool in the United Methodist Church. The school is a 3 year program for preschool and kindergarten. The school hours would be Monday through Friday from 8:30 a.m. to 2:45 p.m. Mrs. Sledzieski said the hours were adjusted with Mitchell School and the Middle School hours in mind. Mrs. Sledzieski said drop off would be at 8:30 a.m. and pick ups are scheduled for 12:30 p.m. for preschool and 2:45 for kindergarten and enrichment classes.

Mrs. Sledzieski said they created a map for discharge parking and that it would be explained to parents where they can and cannot park, and also noted on the website and in the parent handbook. Ron Sledzieski said the drop off area would be designated with cones and have a parent volunteer leading the students into the building to allow drop off traffic to keep moving.

Commissioner Alan Green asked how many students there would be. Mrs. Sledzieski said there would be 20 students with the potential for 23, with 2 teachers per 10 students. Mrs. Sledzieski said it is not an accredited school at this time. Commissioner Green asked when 10 students leave, do 10 more students rejoin. Mrs. Sledzieski said the number would probably stay at 10 in the afternoon, but there may be a few more public school kindergarten children who may join the class in the afternoon.

Chr. Overton said it looks as though the State is not very happy with drop offs being done on Route 6 (Main Street). Mrs. Sledzieski said there were two options for drop off – Church Street or Main Street, and stated that if Main Street does not work, the drop off area could be changed to Church Street. Commissioner Green said it seems easier for drop offs to be on

Church Street. Commissioners Chuck Cosgriff if drop offs were on Church Street, parents could be backed up onto Main Street.

Chr. Overton asked if there would be any changes made to the building or if there would be signage. Mr. Sledzieski said there would be a "drop off" sign that would be removed daily after drop offs are made. Mr. Sledzieski said they may need to make some safety changes inside.

Mrs. Sledzieski said based on the recommendation at the pre-application meeting they invited neighbors to a meeting and none came, and noted that the nearby dentist just asked that his parking spaces are not used.

Mr. Sledzieski said a 4 foot high picket fence with a gate will be installed for a play area, adding that the fence would not be on State property. Mr. Sledzieski said there would not be a playscape, just balls and other toys would be used and brought inside when finished with.

The Commission agreed this would not be a substantial change and authorized the ZEO to issue the necessary permits and assigned the application #10-ZC-1019.

**MOTION:**

To authorize the ZEO to issue the necessary permits for Application 10-ZC-1019 submitted by Sledzieski and the Woodbury United Methodist Church to open a Montessori Preschool in the church at 4-6 Church Street in the Main Street Design District.

(Tax Assessor's Map 105/Lot 39/40)

Made by Overton, seconded by Clarke.

Vote 4-0-1 in favor. (Cosgriff abstained due to a conflict of interest)

**3. Sledzieski/Woodbury United Methodist Church/4-6 Church Street/Special Permit/Special Exception/Parking for Montessori Preschool in Church (Tax Assessor's Map 105/Lot 39/40)**

The Commission agreed this application was not needed.

**MOTION:**

To adjust the agenda to accommodate those people present.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**E. PRIVILEGE OF THE FLOOR**

Dick Jannetty was present and stated that he is the son-in-law of St. Pierre Oil. Mr. Jannetty said his father-in-law died in December 2009 and the house, located next to the St. Pierre Oil Company is now empty. Mr. Jannetty said the family would like to revise the property line, if they have to, to sell the house because they started getting one tax bill for both properties and is not sure if the property is considered one or two properties. Mr. Jannetty said Stuart Somers did a survey of the property and an attorney looked at the property and tax records. Mr. Jannetty said that records indicate that in 1866 the property was in 3 sections and also in 1866 the property looked to be one lot. Currently Parcel 1 (the business) is .54 acres, and Parcel 2 (the house) is .7 acres. Mr. Jannetty said records have always referred the property to Parcel 1 and Parcel 2.

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Chr. Overton said the Main Street Design regulations require a lot to be 40,000 square feet, so said the Zoning Commission cannot take any action.

Commissioner Green asked when the last time 2 tax bills were received. Mr. Jannetty said he was not sure. Commissioner Tietz stated he has a similar situation where he has 5 properties and gets 3 different tax bills.

### **C. OTHER BUSINESS**

None

### **D. ENFORCEMENT**

Catherine Adsitt distributed a ZEO report prepared by Joe Chapman, ZEO.

Mrs. Adsitt discussed the Bloxom property at 345 Main Street South. Mrs. Adsitt said the office received confirmed information that the property is being used as 3 family and asked if the Commission would like to take action. Chr. Overton said multi-family homes are not permitted. Chr. Overton said Mr. Bloxon had submitted and withdrew an application to the Zoning Commission to split the house into commercial and residential, and now he is using it as a 3 family residence. The Commission agreed to have staff send an enforcement letter, effective May 2, informing Mr. Bloxon he is in violation.

Mrs. Adsitt stated that the fire marshal found there to be a non-permitted apartment at 122 Pomperaug Avenue and the resident was told to vacate immediately. A letter was sent to the property owner by staff.

Mrs. Adsitt said there is a hoop and poly building being constructed on Washington Road and said staff would send a letter informing them they have to apply for the structure.

Mrs. Adsitt said the Inland Wetlands Agency issued a Cease and Desist Order to San Remo Restaurant because they are paving parts of the driveway, which were not permitted to be paved. Mrs. Adsitt said it violates coverage. Commissioner Tietz said millings are considered asphalt. Chr. Overton disagreed and felt that millings are not considered asphalt and are the same as gravel, pervious. Commissioner Tietz disagreed saying that when millings are rolled it becomes a hard impervious surface. Chr. Overton he guessed it would have to be tested then. Chr. Overton said that by definition, coverage implies pervious if water remains on it and does not seep down. Commissioner Tietz said he would be willing to let the millings stay. Commissioner Clarke said next time the regulations have to define it better. Catherine Adsitt said the Inland Wetlands Agency has called a special meeting with San Remo in 10 days to discuss the Cease and Desist Order.

### **F. CONSIDERATION OF MINUTES**

Regular Meeting – April 13, 2010

The following change was made:

Page 5 – Last Para – Should read: “commented on Mr. **Taylor’s**...”

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**MOTION:**

To approve the minutes of the Tuesday, April 13, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**G. CORRSPONDENCE**

There is a Land Use Academy being held in June.

Jerry Stomski, First Selectman, informed the Commission in a letter that the Town has applied for Open Space grant money for 25 acres on Minortown Road.

The Roxbury Zoning Commission made a referral to the Woodbury Zoning Commission regarding deer fences. The Commission agreed they had no comments.

**H. ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:40 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL  
Respectfully submitted,

Karen Blanchet, Clerk