



# TOWN OF WOODBURY

## Zoning Commission

297 Main Street South

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Woodbury, Connecticut 06798-0369

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## MINUTES PUBLIC HEARINGS/REGULAR MEETING TUESDAY, MAY 25, 2010

7:30 P.M.

TOWN ANNEX

### MEMBERS PRESENT:

Martin Overton

Ted Tietz

Chuck Cosgriff

Alan Green

Robert Clarke

### ALTERNATES PRESENT:

Ron Judson

### ALTERNATES ABSENT:

Roberta Zulpa

Chris Conto

**ALSO PRESENT:** Catherine Adsitt, Rod Taylor, Charles Taylor, Russ Barton, Sarah Shinn-Pratt, Ferris Thomas, Bob and Robin Werme, Eugene Bloxom, Ellen Saracino, Joanne Smith, Bert Audy, 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 ALTERANTES

Seated were Commissioners Overton, Tietz, Green Cosgriff, and Clarke.

### III. PUBLIC HEARINGS

#### 1. 10-ZC-1021/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)

The public hearing was convened at 7:30 p.m. Seated were Commissioners Overton, Tietz, Green Cosgriff, and Clarke. 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 Saturday, May 15, 2010, and Saturday, May 22, 2010, was read.

Rod Taylor was present and submitted the required Certificates of Mailing. Mr. Taylor said he did not have the letter that was sent to the adjoining property owners, but would submit it to the office for the file.

Mr. Taylor explained the improvements he would like to make to the tubing courses to make them safer. Mr. Taylor said he would like to eliminate the curve on Lane 4, so there would not be a chance to hit the wall and it would make the run smoother. Mr. Taylor said Lanes 2 and 3 would be for summer use and would include 250+/- of a 4' x 8' sheet of plastic with 18 inch

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high sides. Mr. Taylor said the plastic would be removed in the fall. Chr. Overton asked Mr. Taylor to define summer tubing. Mr. Taylor said the same tube is used, but with a hard shell bottom, and the speed is controlled with silicone or water sprayed on the bottom. Mr. Taylor said summer tubing is popular in Europe and he wanted to try it here on a small scale to see how it works, since it is expensive to do. Mr. Taylor submitted a brochure on the summer tubing materials. Commissioner Alan Green asked what happens when someone wipes out. Mr. Taylor said the person is contained within the walls, and said the plastic is not as fast as snow.

Mr. Taylor said when the temperature is 32 degrees, snow would be made on the tubing runs, the earliest being October 22 and the latest being April 15.

Mr. Taylor said he wants to add a new tubing run, #7, which would be a direct chute to the lodge.

Mr. Taylor said drainage improvements would be made at the end of Lane 6 with a 2' x 2' catch basin, because he does not want water and ice on the trails.

Commissioner Robert Clarke said on the plan it looks like Lane 8 seems to run into a setback. Mr. Taylor said it does not.

Commissioner Clarke said it looks as though Lanes 6 and 7 come together at the bottom and he fears a collision. Chr. Overton said that trails coming together at the end happens in skiing.

Public Comments – Sarah Shinn-Pratt stated that she is an abutting neighbor and wondered where the silicone that is sprayed on the tubes drains to. Mr. Taylor said the silicone evaporates in 2-3 uses.

Mrs. Shinn-Pratt stated that the activities being confined to the winter months is what makes Mr. Taylor's business tolerable, and she dislikes that Mr. Taylor is trying to make his business year round. Mrs. Shinn-Pratt says she envisions more ambulance noise, a request for lighting, and all the tubing runs ending up with this plastic. Mrs. Shinn-Pratt said it affects the value of her property.

Chr. Overton read a letter from Mary Dineen, an abutting property owner, which asked the Commission to enforce the erosion problems on Mr. Taylor's property, and said Mr. Taylor shows a lack of respect to his neighbors.

Chr. Overton said the plan was reviewed by the Town Engineer and reviewed the nine points raised regarding the catch basins, hydrological reports, storm drainage, pipes, the plastic tube run surface, storm water runoff, erosion control, vegetation, submission of a construction narrative, and parking spaces.

Catherine Adsitt, Town Planner, read the staff review, which included concerns regarding public drinking water, a public health review, the need for an aquifer protection special permit, and reviews by DOT, public works, and the Town Engineer. Mrs. Adsitt said the DOT did not review because no work is being done on their property.

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Commissioner Clarke asked what the summer hours of operation would be. Mr. Taylor said Monday through Friday, 12 – 5 p.m., Saturday, 11 a.m. to 8 p.m. and Sunday, 11 a.m. to 6 p.m. Commissioner Clarke said he would like to ensure that the hours would be no earlier than 10 a.m. and no later than 8 p.m.

Ferris Thomas, an abutting property owner, asked to see where the tubing runs were on the plan and was shown.

The Commission agreed to continue the public hearing to allow Mr. Taylor to respond to Town Engineer and Land Use staff questions.

**MOTION:**

To continue the public hearing for Application 10-ZC-1020 submitted by Rod Taylor for a modification to a special exception to modify tube runs, add tubing runs, replace existing lift for summer tubing/year round, add curtain drains, catch basin and pipe at 785 Washington Road on Tuesday, June 8, 2010, at 7:30 p.m. in the Town Annex Conference Room.

(Tax Assessor's Map 56/Lot 16B)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**2. 10-ZC-1020/Bull-Granger/Taylor/529 Main Street South/Main Street Design District/650 square feet to be used for antiques sales and living area to be maintained on first and second floor (Tax Assessor's Map 103/Lot 047)**

The public hearing was convened at 7:55 p.m. Seated were Commissioners Overton, Tietz, Green Cosgriff, and Clarke. 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 Saturday, May 15, 2010, and Saturday, May 22, 2010, was read.

Russ Barton and Charles Taylor were present and submitted the required Certificates of Mailing. Mr. Barton said Curt Smith, Engineer, submitted plans, and explained that an antiques shop would be located at the Granger House. Mr. Barton explained that two dormers are proposed to be added to the house, one in front, and one in back, and that one parking space in the front would be added to the back. Mr. Barton said a picture of the sign, which would be located on the front of the building, was submitted. Mr. Barton said a letter from DOT for the driveway would be submitted. Chr. Overton said that letter is not in the file, but the driveway is not an issue.

Chr. Overton asked if the dormers are in the setback or not. Mr. Taylor said where the dormers are it is not in the setback.

Chr. Overton read the motion of approval from the Planning Commission, dated May 19, 2010. The application will be before the Historic District Commission on June 7, 2010.

There were no public comments. The Commission agreed to continue the public hearing to receive the Historic District Commission decision.

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**MOTION:**

To continue the public hearing for Application 10-ZC-1021 submitted by Bull-Granger and Charles Taylor for a change of use from residential to residential and antiques sales for property at 529 Main Street South in the Main Street Design District, Aquifer Protection District, and Historic District on Tuesday, June 8, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 103/Lot 47)  
Made by Overton, seconded by Green.  
Vote 5-0 in favor.

**IV. REGULAR MEETING**

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 8:05 p.m. Seated were Commissioners Overton, Tietz, Green Cosgriff, and Clarke.

**A. PENDING APPLICATIONS**

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

After a brief discussion, the Commission agreed to approve the application.

**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1013 filed by George Johannesen, Allied Engineering Assoc., LLC, agent on behalf of the Estate of Paul F. Cassidy for property at 146 South Pomperaug Avenue (Tax Assessor's Map 102/Lot 001) for a Special Permit in the Middle Quarter-D District to renovate and expand an existing motel building, reconfigure gravel parking and install landscaping for continued use solely as a motel. Related application: 10-ZC-1015 Special Permit Aquifer Protection District; and

WHEREAS, under Section 5.2.2 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

WHEREAS, the Commission received the report of the Woodbury Planning Commission, which reviewed the application at a public hearing on March 17, 2010 in accordance with Section 5.2.2 of the Woodbury Zoning Regulations and found that the proposal conforms to the Plan of Conservation and Development and Middle Quarter District regulations; and  
WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the reports of the Town Planner dated March 3, 2010 and May 6, 2010; and

WHEREAS, the Commission has reviewed the report of the Town Engineer, Land Tech Consultants, dated March 23, 2010, April 15, 2010 and May 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 16, 2010, April 23, 2010 and May 5, 2010; and

WHEREAS, the Commission has received a copy of the conditioned approval of the proposed building addition by the Pomperaug District Department of Health, dated May 24, 2010; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated May 10, 2010; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is authorized pursuant to Section 5.2 and such use will be consistent with the existing uses in the District and will not impair the intent of the Woodbury Zoning Regulations and will safeguard the appropriate use of the land in the immediate vicinity and conforms to the requirements set forth in Sections 5.2.4 and 5.2.5 of the Woodbury Zoning Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 146 South Pomperaug Avenue (Tax Assessor's Map 102/Lot 001) to renovate and expand an existing motel building, reconfigure gravel parking and install landscaping and approves with modifications, as outlined in the conditions below, the Site Development Plan consisting of seven sheets and a cover page prepared by Allied Engineering Assoc., LLC, signed by George Johannesen, P.E. consisting of the following pages

Sheet C-1 Existing Site Plan dated 2/17/10 revised to 4/19/10;

Sheet C-2 Proposed Site Development Plan dated 2/17/10 revised to 4/19/10;

Sheet C-3 Proposed Grading & Utilities Plan and Landscape & Lighting Plan dated 2/17/10 revised to 4/21/10;

Sheet A-1 Existing and Proposed Floor Plans and Proposed Cross Section dated 2/17/10 revised to 3/18/10;

Sheet A-2 Existing and Proposed Building Elevations dated 2/17/10 revised to 3/8/10;

Sheet ES-1 Proposed Erosion and Sedimentation Control Plan dated 2/17/10 revised to 4/19/10; and,

Sheet ES-2 Proposed Erosion and Sedimentation Control Plan dated 2/17/10

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.

4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews shall be paid in full prior to the issuance of a zoning permit.
7. There shall be no food preparation on site.
8. The dumpster shall be enclosed, placed on a pad and emptied weekly.
9. There shall be no apartments or washing machines on site.
10. The sign identified as "supplemental" shall be removed from the site plan, leaving one free standing sign and one building sign.

Made by Overton, seconded by Clarke.

Vote 4-0-1 in favor. (Alternate Green abstained due to his absence at the public hearings)

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

After a brief discussion, the Commission agreed to approve the application.

**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1015 filed by George Johannesen, Allied Engineering Assoc., LLC, agent on behalf of the Estate of Paul F. Cassidy for property at 146 South Pomperaug Avenue (Tax Assessor's Map 102/Lot 001) for a Special Permit in the Aquifer Protection District to renovate and expand an existing motel building, reconfigure gravel parking and install landscaping for continued use solely as a motel. Related application: 10-ZC-1013 Special Permit Middle Quarter-D District; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the reports of the Town Planner dated March 3, 2010 and May 6, 2010; and

WHEREAS, the Commission has reviewed the report of the Town Engineer, Land Tech Consultants, dated March 23, 2010, April 15, 2010 and May 4, 2010; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 16, 2010, April 23, 2010 and May 5, 2010; and

WHEREAS, the Commission has received a copy of the conditioned approval of the proposed building addition by the Pomperaug District Department of Health, dated May 24, 2010; and

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WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated May 10, 2010; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply and generally conforms to the standards set forth in Section 6.2 of the Woodbury Zoning Regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 146 South Pomperaug Avenue (Tax Assessor's Map 102/Lot 001) to renovate and expand an existing motel building, reconfigure gravel parking and install landscaping and approves with modifications, as outlined in the conditions below, the Site Development Plan consisting of seven sheets and a cover page prepared by Allied Engineering Assoc., LLC, signed by George Johannesen, P.E. consisting of the following pages

Sheet C-1 Existing Site Plan dated 2/17/10 revised to 4/19/10;

Sheet C-2 Proposed Site Development Plan dated 2/17/10 revised to 4/19/10;

Sheet C-3 Proposed Grading & Utilities Plan and Landscape & Lighting Plan dated 2/17/10 revised to 4/21/10;

Sheet A-1 Existing and Proposed Floor Plans and Proposed Cross Section dated 2/17/10 revised to 3/18/10;

Sheet A-2 Existing and Proposed Building Elevations dated 2/17/10 revised to 3/8/10;

Sheet ES-1 Proposed Erosion and Sedimentation Control Plan dated 2/17/10 revised to 4/19/10; and,

Sheet ES-2 Proposed Erosion and Sedimentation Control Plan dated 2/17/10

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews shall be paid in full prior to the issuance of a zoning permit.
7. There shall be no food preparation on site.
8. The dumpster shall be enclosed, placed on a pad and emptied weekly.

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9. There shall be no apartments or washing machines on site.

10. The sign identified as “supplemental” shall be removed from the site plan, leaving one free standing sign and one building sign.

Made by Overton, seconded by Clarke.

Vote 4-0-1 in favor. (Alternate Green abstained due to his absence at the public hearings)

**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 plant 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)**

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

After a brief discussion, the Commission agreed to approve the application.

**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1018a filed by Ronald Wolff and David Cowles, agents, for property at 14 Middle Road Turnpike (Tax Assessor’s Map 090/Lot 002A) 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 for the manufacture of dairy products such as yogurt and cheese and similar dairy products, as well as jams, jellies, juices, sauces and similar products made from produce, and smoked meats; and the sale of produce, grown both on and off premises and the sale of other locally grown agriculture products such as Christmas trees; and the sale of related products including candles, canning jars and pectin, wine making materials, cheese making kits and other locally produced products related to the agriculture and cottage industries. The existing driveway and gravel parking area will be re-graded and will provide nine parking spaces. Related applications include 10-ZC-1018b Special Permit Aquifer Protection District, 10-ZC-1018c Special Permit Flood Plain District, and 10-ZC-1018d Special Permit/Special Exception; and

WHEREAS, under Section 5.1.9 of the Woodbury Zoning Regulations the Commission referred the application to the Planning Commission for its study and report; and

WHEREAS, the Commission received the report of the Woodbury Planning Commission, which reviewed the application at a public hearing on May 5, 2010 in accordance with Section 5.1.9 of the Woodbury Zoning Regulations and found that the proposed use of the site would be consistent with the Town Plan of Conservation and Development and the Plan of Development for the Main Street Design District; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated April 12, 2010; and

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WHEREAS, the Commission found that the Town Engineer, Land Tech Consultants, had reviewed the project during the Inland Wetlands and Watercourses review process and the report from Land Tech Consultants dated December 10, 2009 was made part of the file; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 1, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Subsurface Sewage Disposal System by the Pomperaug District Department of Health, dated November 4, 2009; and

WHEREAS, the Commission has received a copy of correspondence from the State Department of Public Health to the Pomperaug Health District, dated October 27, 2009; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated December 12, 2009; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission has considered the applicant's request pursuant to Woodbury Zoning Regulations Section 5.1.8.B to permit a development that is not in conformance with Section 5.1.5, specifically with regard to front yard setback; and

WHEREAS, the Commission finds that the proposed use is authorized pursuant to Section 5.1.4 and such use will be consistent with the existing uses in and adjacent to the District and will not impair the intent of the Woodbury Zoning Regulations and will safeguard the appropriate use of the land in the immediate vicinity and conforms to the requirements set forth in Section 5.1.6 of the Woodbury Zoning Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) for the construction of a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to the sale of produce, grown both on and off premises, and related products and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated June 19, 2009, revised to May 6, 2010, consisting of:

Sheet 1- Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, dated June 19, 2009 revised to May 6, 2010; and

Sheet 2- Soil Test Pit Results, Percolation Test Results, Subsurface Sewage Disposal, Plan Notes, Details and Design Parameters, dated June 6, 2009, revised to November 30, 2009.

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And other application materials including:

Yankee Market Landscape & Lighting Plan, undated, received May 6, 2010; and  
Floor Plan, prepared by David B. Cowles, undated submitted as part of the application; and  
Elevations submitted as part of the application; and  
Specifications for apparatus including a meat smoker and batch pasteurizer/cheese vat  
submitted as part of the application.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews and legal notice publication costs shall be paid in full prior to the issuance of a zoning permit.
7. A make-shift stand for the sale of produce may be utilized on the site during construction of the pole barn. The make-shift stand shall be removed from the site within 24 hours of the issuance of a certificate of occupancy for the pole barn.
8. There shall be no new signs on the site other than those used to identify the handicap parking space.
9. The covered dumpster on site shall be placed on a concrete pad and drain plugs shall remain intact.
10. Sandwiches and wine may not be produced or sold on site, nor may the site become a grocery store or delicatessen.
11. No customer seating, either indoors or outdoors, may be provided on site.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**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)**

After a brief discussion, the Commission agreed to approve the application.

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**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1018b filed by Ronald Wolff and David Cowles, agents, for property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) 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 for the manufacture of dairy products such as yogurt and cheese and similar dairy products, as well as jams, jellies, juices, sauces and similar products made from produce, and smoked meats; and the sale of produce, grown both on and off premises and the sale of other locally grown agriculture products such as Christmas trees; and the sale of related products including candles, canning jars and pectin, wine making materials, cheese making kits and other locally produced products related to the agriculture and cottage industries. The existing driveway and gravel parking area will be re-graded and will provide nine parking spaces. Related applications include 10-ZC-1018a Special Permit Main Street Design District, 10-ZC-1018c Special Permit Flood Plain District, and 10-ZC-1018d Special Permit/Special Exception; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated April 12, 2010; and

WHEREAS, the Commission found that the Town Engineer, Land Tech Consultants, had reviewed the project during the Inland Wetlands and Watercourses review process and the report from Land Tech Consultants dated December 10, 2009 was made part of the file; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 1, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Subsurface Sewage Disposal System by the Pomperaug District Department of Health, dated November 4, 2009; and

WHEREAS, the Commission has received a copy of correspondence from the State Department of Public Health to the Pomperaug Health District, dated October 27, 2009; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated December 12, 2009; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply and generally conforms to the standards set forth in Section 6.2 of the Woodbury Zoning Regulations, noting that manufacture of food and kindred products is identified as a land use of concern in Appendix 2 of the Report of the Aquifer Protection Task Force, dated February 15, 1989, and that the applicant has sought a Special Permit/Special Exception for this use in application 10-ZC-1018d;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) for the construction of a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to the sale of produce, grown both on and off premises, and related products and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated June 19, 2009, revised to May 6, 2010, consisting of:

Sheet 1- Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, dated June 19, 2009 revised to May 6, 2010; and

Sheet 2- Soil Test Pit Results, Percolation Test Results, Subsurface Sewage Disposal, Plan Notes, Details and Design Parameters, dated June 6, 2009, revised to November 30, 2009.

And other application materials including:

Yankee Market Landscape & Lighting Plan, undated, received May 6, 2010; and

Floor Plan, prepared by David B. Cowles, undated submitted as part of the application; and Elevations submitted as part of the application; and

Specifications for apparatus including a meat smoker and batch pasteurizer/cheese vat submitted as part of the application.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews and legal notice publication costs shall be paid in full prior to the issuance of a zoning permit.

7. A make-shift stand for the sale of produce may be utilized on the site during construction of the pole barn. The make-shift stand shall be removed from the site within 24 hours of the issuance of a certificate of occupancy for the pole barn.
8. There shall be no new signs on the site other than those used to identify the handicap parking space.
9. The covered dumpster on site shall be placed on a concrete pad and drain plugs shall remain intact.
10. Sandwiches and wine may not be produced or sold on site, nor may the site become a grocery store or delicatessen.
11. No customer seating, either indoors or outdoors, may be provided on site.

Made by Overton, seconded by Clarke.  
Vote 5-0 in favor.

**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 plant 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)**

After a brief discussion, the Commission agreed to approve the application.

**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1018c filed by Ronald Wolff and David Cowles, agents, for property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) 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 for the manufacture of dairy products such as yogurt and cheese and similar dairy products, as well as jams, jellies, juices, sauces and similar products made from produce, and smoked meats; and the sale of produce, grown both on and off premises and the sale of other locally grown agriculture products such as Christmas trees; and the sale of related products including candles, canning jars and pectin, wine making materials, cheese making kits and other locally produced products related to the agriculture and cottage industries. The existing driveway and gravel parking area will be re-graded and will provide nine parking spaces. Related applications include 10-ZC-1018a Special Permit Main Street Design District, 10-ZC-1018b Special Permit Aquifer Protection District, and 10-ZC-1018d Special Permit/Special Exception; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated April 12, 2010; and

WHEREAS, the Commission found that the Town Engineer, Land Tech Consultants, had reviewed the project during the Inland Wetlands and Watercourses review process and the report from Land Tech Consultants dated December 10, 2009 was made part of the file; and

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WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 1, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Subsurface Sewage Disposal System by the Pomperaug District Department of Health, dated November 4, 2009; and

WHEREAS, the Commission has received a copy of correspondence from the State Department of Public Health to the Pomperaug Health District, dated October 27, 2009; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated December 12, 2009; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply and generally conforms to the standards set forth in Section 6.1 of the Woodbury Zoning Regulations;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) for the construction of a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to the sale of produce, grown both on and off premises, and related products and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated June 19, 2009, revised to May 6, 2010, consisting of:

Sheet 1- Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, dated June 19, 2009 revised to May 6, 2010; and

Sheet 2- Soil Test Pit Results, Percolation Test Results, Subsurface Sewage Disposal, Plan Notes, Details and Design Parameters, dated June 6, 2009, revised to November 30, 2009.

And other application materials including:

Yankee Market Landscape & Lighting Plan, undated, received May 6, 2010; and

Floor Plan, prepared by David B. Cowles, undated submitted as part of the application; and

Elevations submitted as part of the application; and

Specifications for apparatus including a meat smoker and batch pasteurizer/cheese vat submitted as part of the application.

This approval is subject to the following conditions:

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1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews and legal notice publication costs shall be paid in full prior to the issuance of a zoning permit.
7. A make-shift stand for the sale of produce may be utilized on the site during construction of the pole barn. The make-shift stand shall be removed from the site within 24 hours of the issuance of a certificate of occupancy for the pole barn.
8. There shall be no new signs on the site other than those used to identify the handicap parking space.
9. The covered dumpster on site shall be placed on a concrete pad and drain plugs shall remain intact.
10. Sandwiches and wine may not be produced or sold on site, nor may the site become a grocery store or delicatessen.
11. No customer seating, either indoors or outdoors, may be provided on site.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

**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 plant 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)**

After a brief discussion, the Commission agreed to approve the application.

**MOTION:**

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1018d filed by Ronald Wolff and David Cowles, agents, for property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot 002A) for a Special Permit/Special Exception in the Aquifer Protection District to manufacture food within a pole barn style building (and related site improvements) to construct a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities for the manufacture of dairy products such as yogurt and cheese and similar dairy products, as well as jams, jellies, juices, sauces and similar products made from produce, and smoked meats; and the sale of produce, grown both on and off premises and the sale of other locally grown agriculture

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products such as Christmas trees; and the sale of related products including candles, canning jars and pectin, wine making materials, cheese making kits and other locally produced products related to the agriculture and cottage industries. The existing driveway and gravel parking area will be re-graded and will provide nine parking spaces. Related applications include 10-ZC-1018a Special Permit Main Street Design District, 10-ZC-1018b, Special Permit Aquifer Protection District, and 10-ZC-1018c Special Permit Flood Plain District; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, a duly noticed public hearing was convened on April 27, 2010 and continued to May 11, 2010 to consider the application and receive public comment; and

WHEREAS, the Commission has reviewed the report of the Town Planner dated April 12, 2010; and

WHEREAS, the Commission found that the Town Engineer, Land Tech Consultants, had reviewed the project during the Inland Wetlands and Watercourses review process and the report from Land Tech Consultants dated December 10, 2009 was made part of the file; and

WHEREAS, the Commission has reviewed the report of the Town of Woodbury Public Works Department dated March 1, 2010; and

WHEREAS, the Commission has received a copy of the conditional approval of the proposed Subsurface Sewage Disposal System by the Pomperaug District Department of Health, dated November 4, 2009; and

WHEREAS, the Commission has received a copy of correspondence from the State Department of Public Health to the Pomperaug Health District, dated October 27, 2009; and

WHEREAS, the Commission has received the motion of approval by the Woodbury Inland Wetlands and Watercourses Agency, dated December 12, 2009; and

WHEREAS, the Commission has received the motion of the Woodbury Historic District Commission finding the application appropriate and issuing a Certificate of Appropriateness; and

WHEREAS, the Commission has duly considered all the information submitted and provided at the public hearing; and

WHEREAS, the Commission finds that the proposed use is designed in a manner to prevent pollution or degradation of the ground water supply and generally conforms to the standards set forth in Section 6.2 of the Woodbury Zoning Regulations, noting that food manufacturing will be on a limited scale and contained within the floor area identified in the application;

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Permit to use property at 14 Middle Road Turnpike (Tax Assessor's Map 090/Lot ZC/5/25/10

002A) for the construction of a pole barn style building (and related site improvements) to house a retail store/dairy plant with kitchen facilities in addition to the sale of produce, grown both on and off premises, and related products and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated June 19, 2009, revised to May 6, 2010, consisting of:

Sheet 1- Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, dated June 19, 2009 revised to May 6, 2010; and

Sheet 2- Soil Test Pit Results, Percolation Test Results, Subsurface Sewage Disposal, Plan Notes, Details and Design Parameters, dated June 6, 2009, revised to November 30, 2009.

And other application materials including:

Yankee Market Landscape & Lighting Plan, undated, received May 6, 2010; and  
Floor Plan, prepared by David B. Cowles, undated submitted as part of the application; and  
Elevations submitted as part of the application; and  
Specifications for apparatus including a meat smoker and batch pasteurizer/cheese vat submitted as part of the application.

This approval is subject to the following conditions:

1. A complete final set of Site Development Plans shall be submitted for endorsement by the Chairs of the Zoning Commission and the Inland Wetlands and Watercourses Agency prior to the issuance of any zoning, building or driveway permits.
2. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
3. A Land Records Information Form, containing the text of this approval, shall be filed on the Woodbury Land Records prior to the issuance of a Zoning Permit.
4. Any variation from or alteration of the approved Special Permit or Site Development Plan shall require review and approval in accordance with the Woodbury Zoning Regulations.
5. In accordance with Section 9.5 of the Woodbury Zoning Regulations, a performance bond shall be required. The performance bond shall be posted prior to the endorsement of the final site plan and the issuance of any Zoning Permits.
6. Any outstanding fees due to the Town for services including, but not limited to engineering reviews and legal notice publication costs shall be paid in full prior to the issuance of a zoning permit.
7. A make-shift stand for the sale of produce may be utilized on the site during construction of the pole barn. The make-shift stand shall be removed from the site within 24 hours of the issuance of a certificate of occupancy for the pole barn.
8. There shall be no new signs on the site other than those used to identify the handicap parking space.
9. The covered dumpster on site shall be placed on a concrete pad and drain plugs shall remain intact.
10. Sandwiches and wine may not be produced or sold on site, nor may the site become a grocery store or delicatessen.

11. No customer seating, either indoors or outdoors, may be provided on site.

Made by Overton, seconded by Clarke.  
Vote 5-0 in favor.

Alternate Ron Judson was unseated. Commissioner Alan Green was reelected.

## **B. NEW APPLICATIONS**

None

### **MOTION:**

To adjust the agenda to accommodate those people present.  
Made by Overton, seconded by Clarke.  
Vote 5-0 in favor.

## **D. PRIVILEGE OF THE FLOOR**

-Bob and Robin Werme of 25 Sage Road were present to discuss their therapeutic drumming home-based business, which is in violation. Mr. Werme said he received a call from Joe Chapman, ZEO, informing him that they did not apply for a home-based business, which they were not aware they needed to do, so are doing so now. Catherine Adsitt, Town Planner, said the business is currently under enforcement. Mrs. Adsitt said there have been several complaints made to the office from neighbors regarding the drumming noise and traffic concerns. Mrs. Werme said she has had no notification from neighbors that the drumming was a bother. Mrs. Werme said their business is a wholeness center, which offers massage therapy and drumming. Chr. Overton explained that the rule of thumb for a home-based business is that no one can tell the business is there. Mrs. Werme said they are currently in the process of getting approvals from the health and fire departments, and anyone else they need to get approvals from. The Commission agreed, if the application is submitted in time, it would be on the next agenda.

-Eugene Bloxom was present to discuss his violation at 345 Main Street South of a conversion to a 3-family house, which is approved for one commercial space and one family space. Mr. Bloxom said the house was a 3-family when he first bought it, noting the septic system, kitchens, and bathrooms are set up for a 3-family residence. Mr. Bloxom said 12 years ago he received approval to change the property to commercial/residential, and the commercial portion had been rented out to Dr. Donald Demas and then for an art gallery. Mr. Bloxom said he did not want to change it back to residential, keeping it commercial, but because it had been empty, rented the commercial space out for an apartment a couple of months ago. Chr. Overton explained that if Mr. Bloxom wishes to revert it back to residential, approval is needed by the Commission, since the legitimate use is currently commercial.

Mr. Bloxom said he figured he would only rent the first floor out short term and asked, if he wanted to use the first floor to make it a 3 family, would he have to go to the Zoning Board of Appeals. Chr. Overton said he would have to go to ZBA or come back to the Zoning Commission for a change of use back to residential. Chr. Overton informed Mr. Bloxom that in the interim, the residential use has to be ceased because it is illegal. Mr. Bloxom asked what would happen if he didn't cease the use. Chr. Overton once again stated that it is illegal and

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he would have to prove that the 3-family use has been eliminated. Mr. Bloxom said it would not be that easy now that he has a tenant there.

-Ellen Saracino of 149 Sherman Hill Road stated that she is a neighbor of Mr. and Mrs. Werme of 25 Sage Road, who is running a drumming home-business. Mrs. Saracino said she has submitted 6 complaints from other neighbors on Sage Road and Old Sherman Hill Road, regarding the noise from the drumming in a residential neighborhood. Mrs. Saracino said it is impossible for them to enjoy their own properties. Mrs. Saracino said she has emailed Joe Chapman, ZEO regarding the events held at the property, which are in violation because they do not have a permit for a home-based business. Mrs. Saracino said the Werme's have a Facebook page detailing their hours of operation, and includes videos and photos of their business. The Facebook page also includes a video clip from an April 4, 2010 event showing the loud drumming. Mrs. Saracino said the drumming is so loud, even from inside her house, that it has destroyed her quiet environment.

Mrs. Saracino said she is also concerned of the limited parking spaces at the property and the signage at their mailbox. Mrs. Saracino submitted several photos showing the number of people involved in the drumming, a photo of the drumming circle from her house and her porch. Mrs. Saracino asked how the Commission will enforce this and if the events scheduled for June 5 and 19 would be canceled. Mrs. Saracino said Mr. Chapman had been in contact with them and told them not to hold their events, but they did anyway.

Chr. Overton asked Mrs. Adsitt if the activities have ceased since the Werme's started their application process. Mrs. Adsitt said the Werme's said they moved the drumming inside and believes they are continuing to meet.

Mrs. Saracino asked, once the application is submitted, if a public hearing would be held. Chr. Overton said if the Commission believes there is a significant impact to the neighborhood, it would require making conditions and getting feedback from the public during a public hearing.

Mrs. Saracino said the Werme's property is only 1.99 acres, so there are not many places to move the drumming to on the property as to not affect the neighbors.

-Joanne Smith said her property borders 25 Sage Road and the Werme's have a vehicle right-of-way on her property, and said the driveway is narrow with woods on both sides, making it difficult for vehicles to pass each other, and she does not want the liability. Mrs. Smith said curbs have been broken where their clients are parking. Mrs. Smith said the drumming is strange to her and the chanting goes on for hours.

-Bert Audy stated he would like to rent a space at 122 South Pomperaug Road for a psychologist's office. Mr. Audy said the property was used for Creative Arts Studio in the past. The consensus of the Commission is that the office is not considered a significant change of use and agreed to authorize the ZEO to issue the necessary permits.

## **MOTION:**

To authorize the ZEO to issue the necessary permits for Bert Audy for a change of use from business to business at 122 South Pomperaug Avenue. (Tax Assessor's Map 102/Lot 002R) Made by Overton, seconded by Tietz.  
Vote 5-0 in favor.

## **C. OTHER BUSINESS**

### **1. 08-ZC-8015/Taylor/785 Washington Road/Consider Request for Bond Release (Tax Assessor's Map 56/Lot 16B)**

Chr. Overton said the Commission is waiting for a bond calculation from Mr. Taylor to show the Commission how much of the bond could be released. Catherine Adsitt said she has not received that information from Mr. Taylor at this time.

## **D. ENFORCEMENTS**

The Commission discussed the following enforcements:

-A violation at 144 South Pomperaug Avenue, property owned by Bert Audy for an illegal accessory apartment used by security and grounds keeper. Mr. Audy said he has been using the apartment for 15 years and is now told he cannot use it. Catherine Adsitt said the Fire Department made the Land Use office aware of two apartments on the property, which do not have Certificates of Occupancy, and one of which does not meet codes. Chr. Overton explained that if the Assessor's card does not show the apartments, they are not allowed. Mr. Audy said he would speak to the Fire Department.

-The house on Flanders Road that the Fire Department was going to burn for training has been put on hold because of a burning danger and would like to do it in September or October. The Commission agreed that the house has to be razed by October 1, 2010, and if it cannot be burned, it must be demolished.

-A political action group posted signs on Washington Avenue where they were holding a protest. Mrs. Adsitt explained the violation was because they put the signs into the ground instead of holding them.

-There is still an unauthorized trailer and container at Flooring America. Catherine Adsitt said the office was told the trailer blocks the chicken noise from chickens located behind their building. Chr. Overton said the Commission only allowed for a panel truck to be located at the property, and said the trailer and container have to be removed. Mrs. Adsitt said they were told that the trailer and container were used for storage because the basement in the building was too wet to store their products. The Commission agreed to have the office send a letter to them requesting voluntary compliance by June 15, 2010.

-A hoop and poly building on Weekepeemee Road, property owned by Leo McGovern, is in violation. The Commission agreed that Mr. McGovern would need to demonstrate he is a farm in order for the building to be in compliance.

-Regarding the therapeutic drumming home-based business at 25 Sage Road, the Commission agreed that staff should send a letter stating that they are aware of their advertised events and that the application process has to be completed and approval granted before continuing their home-based business.

-A violation of multiple businesses at 357 Main Street South, including a dentist, landscaping truck parked on the property, and noise. The Commission agreed to have staff send a notice of violation and to ask for voluntary compliance.

Chr. Overton left the meeting at 9:05 p.m. Vice-Chr. Robert Clarke chaired the remainder of the meeting.

## **F. CONSIDERATION OF MINUTES**

Regular Meeting – May 5, 2010

The following changes were made:

Page 3, Para. 4 – Should read: "...it would be used **as** a motel."

Page 8, Para. 3 – Should read: "...set of applications **was** withdrawn..."

Page 9, Para. 2 – Should read: "...include the **depth in inches**..."

Page 9, Para. 5 – Should read: "...if his engineer **should** complete a report..."

Page 9, Para 6 – Remove the motion as it was repeated twice.

Page 10, Para. 2 – Should read: "...location would be a good tie in..."

Page 11, Para. 5 – Should read: "...suggested that Town **Counsel**..."

Page 12, Para. 3 – Should read: "...results of the meeting and the **comments of**..."

### **MOTION:**

To approve the minutes of the Tuesday, May 5, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Clarke, seconded by Tietz.

Vote 4-0 in favor.

## **G. CORRESPONDENCE**

None

## **H. ADJOURNMENT**

### **MOTION:**

To adjourn the meeting at 9:10 p.m.

Made by Tietz.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk