



TOWN OF WOODBURY

Zoning Commission

297 Main Street South

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MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, JUNE 22, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Martin Overton

Ted Tietz

Robert Clarke

Alan Green

Chuck Cosgriff

ALTERNATES ABSENT:

Chris Conto

Roberta Zulpa

Ron Judson

ALSO PRESENT: Catherine Adsitt, Rod Taylor, Rod Burgess, Jerry Stomski, Scott O'Keefe, member of the press, and other interested residents.

I. CALL TO ORDER

Chr. Overton called the meeting to order at 7:30 p.m.

II. SEATING OF MEMBERS AND ALTERNATES

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

III. PUBLIC HEARINGS

1. 10-ZC-1020/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 reconvened at 7:30 p.m. Seated were Commissioners Overton, Clarke, Tietz, and Cosgriff. 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.

Rod Taylor was present. Chr. Overton said the public hearing was continued to allow Mr. Taylor time to respond to the Town Engineer's comments. Mr. Taylor said the required paperwork was submitted to the Land Use office from Stuart Somers, Engineer, including a new map, a narrative letter, and the letter that was sent to adjoining property owners. Catherine Adsitt, Town Planner, stated that on June 16, 2010, the information was forwarded to the Town Engineer, but the office has not received a response yet.

Commissioner Robert Clarke asked if parking maps were submitted. Mr. Taylor said he forgot them for the meeting, but would submit the parking maps to the office.

ZC/6/22/10

1

Chr. Overton explained that the statutory close hearing date ends on June 29, 2010, and because the next Zoning Commission meeting is scheduled in July, the Commission could either close the public hearing tonight or Mr. Taylor could ask for an extension. Mr. Taylor submitted a written extension. Chr. Overton said the Town Engineer's response should be submitted by the next meeting.

Mr. Taylor explained that he would like the Commission to remember that he will only have one summer tubing run, not 12, and that he has enough total parking for 1000 people.

There were no public comments.

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, July 13, 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.

IV. REGULAR MEETING

Chr. Overton called the Regular Meeting of the Woodbury Zoning Commission to order at 7:40 p.m. Seated were Commissioners Overton, Tietz, Clarke, Cosgriff, and Green.

1. **10-ZC-1020/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 has been continued.

2. **10-ZC-1021/Bull-Granger/Taylor/529 Main Street South/Main Street Design District/650 square feet to be used for antiques sales/living area to be maintained on first and second floor (Tax Assessor's Map 103/Lot 047)**

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

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received an application submitted by Russell Barton (agent) and Charles Taylor acting on behalf of Shelly Bull-Granger the (Applicant) for a Special Permit in the Main Street Design District and Aquifer Protection District for a property located at 529 Main Street North (Tax Assessor's Map 103/Lot 047); and

WHEREAS, the applicant has presented a Site Development Plan, Erosion and Sediment Control Plan, Landscaping Plan, Lighting Plan; and Plan Showing Area within 200 feet of 529 Main Street South, prepared for Maria Taylor, prepared by Curtiss B. Smith, Land Surveyor, dated April 20, 2010 received in Land Use Office May 21, 2010; and

WHEREAS, the applicant has presented a seven page set of elevations and floor plans prepared by CT Building and Design, undated; and

WHEREAS, the applicant has presented a photo of a sign currently in place at the adjacent property, 557 Main Street South and testified that the sign in the photo would be relocated to the subject site; and

WHEREAS, the Applicant desires to gain approval to use 650 square feet on the first floor of the existing dwelling for the sale of antiques and maintain a dwelling unit consisting of the second floor and a portion of the first floor, as shown on the elevations and floor plans submitted with the application; and

WHEREAS, the proposal submitted by the Applicant includes the construction of dormers on the second floor; and

WHEREAS, the proposal submitted by the Applicant includes the relocation of certain front yard parking, as depicted on the site plan, such that the proposed location would be a greater distance from the right-of-way and proposed plantings will provide screening; and

WHEREAS, the Applicant has provided testimony that the proposed dormers meet the side yard setback; and

WHEREAS, under Section 5.1.9 of the Woodbury Zoning Regulations the application was referred to the Woodbury Planning Commission and at their regularly scheduled meeting of May 19, 2010, the Planning Commission voted unanimously that the application is in conformance with Main Street Design and the Plan of Conservation and Development; and

WHEREAS, *the Woodbury Historic District Commission has granted a Certificate of Appropriateness for the proposed improvements on June 7, 2010, and*

WHEREAS, the Commission has received the staff reports from the Land Use Office dated May 2, 2010 and May 21, 2010; and

WHEREAS, the Commission held a duly noticed public hearing on May 25, 2010 and continued on June 8, 2010; and

WHEREAS, the Commission has carefully considered all the evidence submitted and information received at the duly noticed public hearing; and

WHEREAS, the Commission has made the following findings required by Section 5.1.8.1 of the Woodbury Zoning Regulations:

- a. The use proposed and site development plan are compatible with the objectives and policies of Woodbury's Plan of Conservation and Development.
- b. The use proposed use and site development plan are compatible with adjacent properties.

- c. The Woodbury Historic District Commission has reviewed an application and issued a "Certificate of Appropriateness".

NOW THEREFORE BE IT RESOLVED *that the Woodbury Zoning Commission approves application 10-ZC-1021 for a Special Permit to allow 650 square feet on the first floor of the existing dwelling for the sale of antiques and maintain a dwelling unit consisting of the second floor and a portion of the first floor, as shown on the elevations and floor plans submitted with the application at the property located at 529 Main Street South (Tax Assessor's Map 103/Lot 047) with the following conditions:*

1. Any subsequent changes or additions to signage, parking or the exterior of any structure will require resubmission to the Woodbury Zoning Commission and Woodbury Historic District Commission.
2. The applicant shall file an approved "Land Record Form" in the Town Clerk's Office within 65 days of the Commission's approval.
3. A complete final set of Site Development Plans, containing the text of this motion, 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.
4. Two complete sets of the approved site development plans shall be submitted to the Land Use Office for its files.
5. 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.
6. 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.
7. 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.
8. 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.
9. Approval from the Pomperaug District Department of Health must be received and on-file prior to the issuance of any zoning permit.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

B. NEW APPLICATIONS

1 10-ZC-1023/Faroni/Burgess/Great Hollow Road/Selective Timber Harvest (Tax Assessor's Map 46, 34/Lot 1, 2, 15)

Rod Burgess was present and explained that he is proposing timber harvesting on Great Hollow Road, on property owned by O & G Industries. Mr. Burgess said there is an outstanding timber harvest permit for another area of the property, and that this area includes the back 40-50 acres of the 210 acre parcel. Mr. Burgess said they would be using the same crossing as the last permit and the cell tower access road. Mr. Burgess said the trees are

ZC/6/22/10

4

marked and include 75-80 percent of trees 14" in diameter. Mr. Burgess said they hope to start the project in summer or fall and it would take 8-10 weeks to complete.

Commissioner Alan Green asked if there is an Inland Wetlands Agency permit. Mr. Burgess said the application will be discussed at the next Inland Wetlands Agency meeting. Chr. Overton said Mr. Burgess will need the IWA permit before the work starts, but that the Commission could authorize the ZEO to issue the permit once that is received. Commissioner Robert Clarke preferred to wait to approve the permit until the IWA approval.

MOTION:

To authorize the ZEO to issue the necessary permits for Application 10-ZC-1023 submitted by Faroni and Burgess for selective timber harvesting on Great Hollow Road. (Tax Assessor's map 46, 34/Lot 1, 2, 15)

Made by Overton, seconded by Cosgriff.

Vote 4-0-1 in favor. (Clarke abstained)

2. 10-ZC-1024/Town of Woodbury/Stomski/Jack's Bridge Road & Route 47/Remove topsoil and replace with gravel to construct 60 space parking area (Tax Assessor's Map 38/Lot 54)

Commissioner Ted Tietz recused himself.

First Selectman Jerry Stomski was present and explained that it is proposed to build a parking area at Three Rivers Park. Mr. Stomski said about 1000 cubic yards of topsoil would be removed and gravel would be placed on the area for the parking. Mr. Stomski said 60 cubic yards of topsoil would go into the pony barn at the park for future use for the fields, and 100 cubic yards would be used at Hollow Park for the soccer fields, and the remainder would go to the town garage for future use. Mr. Stomski said the work would be done in July and August and would take about 2 1/2 weeks to complete.

Mr. Stomski said it is in the capital plan for the Parks and Recreation Department to put in a wooden fence to separate the parking from the roadway and install a gate at the entrance. Mr. Stomski said the Inland Wetlands Agency has encouraged the parking lot to be accessed from Route 47. Mr. Stomski said the Inland Wetlands Agency would be drafting a motion of approval for discussion at their next meeting.

Chr. Overton explained that the property is in a residential district, in addition to the Flood Plain and Aquifer Protection Districts, so suggested that there be an approval made for each district. Catherine Adsitt, Town Planner, stated that it may be prudent to wait for the IWA approval and that she would draft a motion of approval for each district for discussion at the next meeting.

MOTION:

To add to the agenda under New Applications, an application submitted by the Woodbury Fire Department for special permit for a carnival and fireworks display to be held on September 3, 4, 5, 2010, at Hollow Park. (Tax Assessor's Map 103/Lot 13)

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

ZC/6/22/10

5

3. 10-ZC-1025/Woodbury Fireman's Carnival and Fireworks Display/Hollow Park/September 3, 4, 5 (Tax Assessor's Map 103/Lot 13)

The Commission agreed that although the application looks to be the same as previous years, they would prefer that a representative was present for discussion. Catherine Adsitt will let the Fire Department know a representative has been requested to be present at the next meeting.

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 there has been no information submitted by Mr. Taylor that is required for the bond release.

2. O'Keefe/242 Bacon Pond Road/Sale of Lighting Fixtures (Tax Assessor's Map 086/Lot 33)

Scott O'Keefe was present and explained that he bought Colonial Lighting from Frank Hambrecht and is proposing to move the business to his residence at 242 Bacon Pond Road. Catherine Adsitt said Mr. O'Keefe has submitted an application for a home-based business and would be selling objects that are not made on the premises. Mr. O'Keefe said he would have samples on the wall in the garage where people would pick out what they would like to purchase, and then the items would be ordered and shipped directly to the buyer. Mr. O'Keefe said they would also be selling on the internet. Chr. Overton said the Commission will need to know details of the business including a property map and the location of the garage, dimensions of the garage, parking spaces, hours of operation, number of employees, etc.

D. ENFORCEMENTS

-Regarding Eugene Bloxom at 345 Main Street South, Chr. Overton asked if the rental unit was ceased, after the Land Use office sent Mr. Bloxom a letter for voluntary compliance by May 25, 2010. Catherine Adsitt said the office had no response from Mr. Bloxom. The Commission agreed a Cease and Desist Order should be issued.

-Regarding Bert Audy at 122 Pomperaug Avenue, Chr. Overton asked if the illegal apartment was ceased, after the Land Use office sent Mr. Audy a letter for voluntary compliance by May 25, 2010. The Commission agreed a Cease and Desist Order should be issues, as the Land Use office did not receive a response from Mr. Audy.

-Regarding the storage container at Flooring America, Chr. Overton said they were allowed to have the container while moving in, but keeping the container on the site was not in the approval. The Commission asked that the owner submit a letter to lift the enforcement action and that if a semi-permanent container is requested, a building permit may be needed.

-Regarding the drumming therapeutic business at 25 Sage Road, the Commission was under the assumption that the residents were applying for an application for a home-based business. Chr. Overton asked if they have been continuing the operation. Catherine Adsitt stated that they have continued running their therapeutic business, but the information on drumming has been removed from their website. Mrs. Adsitt said their application has not been submitted

ZC/6/22/10

yet, and was told that they still need information on the septic from the health department, and that they should have it by the next meeting. The Commission agreed that the office should communicate back to them that if the application is not complete by the meeting on July 13, 2010, the Commission will ask that a Cease and Desist Order be issued.

-Regarding the possible multiple businesses of a dentist office and landscaping business at 357 Main Street, it is the opinion of the owner that the landscaping business is not operated from the site that the vehicle is just parked on the site. Mrs. Adsitt showed the Commission photos of the vehicle on the site. Chr. Overton said the regulations state that a commercial vehicle cannot be parked on the site. The Commission requested that the office send a letter asking for voluntary compliance by the July 13, 2010, meeting.

-Regarding San Remo restaurant, Chris Gogas was present and stated that he submitted plans and permeability information. Mr. Gogas stated that water is seeping through the millings, stating that the material is impervious. Mr. Gregas said he spoke to Joe Chapman, ZEO, before putting the millings down, and said Mr. Chapman said it was okay to do, then they received a Cease and Desist Order. Catherine Adsitt stated that the discussion between Mr. Gregas and Mr. Chapman was a review of the site plan and Mr. Chapman told Mr. Gregas that they must stay within the site plan. Commissioner Ted Tietz said the Commission should have the original approval in front of them to review. Chr. Overton said the parking has to conform with the setbacks. Mr. Gregas said he would have Ronald Wolff, Engineer review the plan. Chr. Overton recommended that the Town Engineer also review for their opinion. Mr. Gregas said the dumpster was also moved to where the propane tanks are located and are on a pad as recommended by the Commission.

-Regarding the hoop and poly building on Weekepeemee Road, on property owned by Leo McGovern, and whether or not the property is considered a farm, Mr. McGovern responded to the office stating that the property is a farm and will need a special exception for the sale of farm produce. Chr. Overton asked if the produce is grown on the site. Mrs. Adsitt said she was not sure.

E. PRIVILEGE OF THE FLOOR

No one spoke at this time.

F. CONSIDERATION OF MINUTES

Regular Meeting – June 8, 2010

The following changes were made:

Page 2, Para. 6 – Should read: "...that children would **fall** onto the rocks and be injured."

Page 2, Para. 7 – Should read: "...reasons for the injuries **was** because..."

Page 5, under Enforcements – Should read: "...the letter **sent** by..."

MOTION:

To approve the minutes of the Tuesday, June 8, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 3-0-2 in favor. (Cosgriff and Green abstained)

ZC/6/22/10

G. CORRESPONDENCE

-The Quarterly Reports from O & G Industries, Inc. were submitted.

-Chr. Overton shared a letter from Pomperaug Health Department regarding an ordinance for salons. The Commission was not in agreement with the ordinance.

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:05 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk