



First land deed from the Indians
April 12th 1659

TOWN OF WOODBURY

Zoning Commission

297 Main Street South

Post Office Box 369

Woodbury, Connecticut 06798-0369

TELEPHONE: (203) 263-3467

FAX: (203) 263-5076

MINUTES PUBLIC HEARING/REGULAR MEETING TUESDAY, JUNE 8, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Martin Overton
Ted Tietz
Robert Clarke

ALTERNATES PRESENT:

Chris Conto
Ron Judson

MEMBERS ABSENT:

Chuck Cosgriff
Alan Green

ALTERNATES ABSENT:

Roberta Zulpa

ALSO PRESENT: Rod Taylor, Joyce Thomas, Charles Taylor, Russ Barton, Nancy Grazing, Dr. James Marshall, Chris Gogas, 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, Clarke, Tietz, and Alternate Judson.

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 Alternate Judson. 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 to respond to Land Tech comments. Mr. Taylor said regarding the pipe and catch basin specifications, he said a 2' x 2' catch basin would be added to the existing drainage system. Chr. Overton said the plan needs to be modified to reflect the changes and that the public hearing would not be able to be closed until those changes are made by submitting a revised final set of plans. Mr. Taylor said regarding the hydrology calculations, there are no differences. Chr. Overton explained that Mr. Taylor's engineer would need to amend the plan, stating that if the application is not complete, the Commission may have to deny the application, and he does not want to see that happen. Chr. Overton also suggested that Mr. Taylor submit a letter explaining the winter and summer parking plans.

ZC/6/8/10

Chr. Overton said drainage and erosion also has to be revised on the plan. Mr. Taylor explained that the 4 foot wide piece of plastic material for summer tubing is pervious and should not cause any erosion. Chr. Overton asked if the plastic is taken up before the first snow and how the surface underneath would remain stable. Mr. Taylor said the plastic is taken up prior to any snow cover and that he is sure that grass would continue to grow. Commissioner Clarke asked how long the plastic sheet is. Mr. Taylor said there would be 450 feet of the plastic, and that it comes in 4' x 8' sheets, stating it looks like mesh.

Commissioner Robert Clarke said Mr. Taylor was supposed to submit the letter sent to the adjoining property owners and that he did not see it in the file. Mr. Taylor said he would submit it to the Land Use office.

Commissioner Clarke asked if Mr. Taylor would be utilizing lighting. Mr. Taylor said he would use lighting Friday, Saturday, and Sunday nights until 8 p.m., stating that the hours of operation are from 10 a.m. to 8 p.m. Commissioner Clarke noted that those hours are different than Mr. Taylor stated at the last meeting.

Commissioner Chris Conto asked where the hoses will run from. Mr. Taylor said the hoses are spread out where needed, and said he is not going to use the silicone on the tubes as he stated he would at the last meeting.

Public Comments -

Joyce Thomas of 786 Washington Road and an adjoining property owner, stated her concerns with the summer tubing, stating that Mr. Taylor's property is in a residential zone, not a business zone, and said now Mr. Taylor is proposing year-round activity. Mrs. Thomas asked if Mr. Taylor would be using the water from the river, as the river is already low. Mrs. Thomas said she is also concerned with people getting hurt and more ambulance calls. Mrs. Thomas said currently she hears sifting rock noise and said it is annoying.

Mr. Taylor said regarding the water use, he would use as little as 30-50 gallons per day through a garden hose from the lodge, not from the river, and the water is used on the plastic only if the temperature is above 90 degrees. Chr. Overton asked Mr. Taylor to confirm the amount of water that would be used out of the hose for 8 hours, stating that he feels it would be more than 30-50 gallons. Mrs. Thomas asked where the water then goes. Mr. Taylor said it goes to the end of the run into crushed stone, into the State culvert and into the river. Mrs. Thomas said she is concerned that children would onto the rocks and be injured.

Mr. Taylor said he does not want people to say he runs an unsafe operation and feels that he has a good track record, stating there were only 10 ambulance calls during the winter, and the reason for the injuries were because people didn't use the tubes safely. Chr. Overton said there is always a chance of injury with these types of sports, but said the ambulance noise could be a nuisance in a residential area.

Chr. Overton asked how people will get off of the tube at the end of the run. Mr. Taylor said the run goes uphill at the end of the run and slows the tube down.

Chr. Overton asked if there was earth excavation processing occurring on the property. Mr. Taylor said he removed rocks and is putting new topsoil down to prepare the area for the plastic mats. Commissioner Clarke asked how much soil has been processed. Mr. Taylor said about 30 yards. Mr. Taylor also noted that once he receives approval, the project would only take 2-3 days to complete if the soils are already prepared. Chr. Overton asked where the soil is coming from. Mr. Taylor said the soils are coming from the site.

Commissioner Conto asked if the summer tubing is a new idea and if it is done anywhere else. Mr. Taylor said it is a new concept and it is being done in New Hampshire, Massachusetts, and Pennsylvania that he knows of.

Mr. Taylor said the summer tubing activity is a natural expansion to the ski area, and explained that the ski area existing before zoning and originally had plans for activities such as golf, camping, tennis, and mountain biking. Mr. Taylor said he needs this additional use to help pay his bills.

The Commission agreed to continue the public hearing to allow Mr. Taylor to submit revised plans.

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 22, 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-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)

The public hearing was reconvened at 8:05 p.m. Seated were Commissioners Overton, Clarke, Tietz, Alternate Conto, and Alternate Judson. 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.

Charles Taylor and Russ Barton were present. Mr. Barton said the Historic District Commission approved the application on June 7, 2010, with no conditions, and mentioned that the Commission felt that an elm tree was sufficient screening and the applicant would not have to plant pine trees as planned.

Commissioner Robert Clarke asked about a letter from DOT for the driveway mentioned at the last meeting. Mr. Barton said Curt Smith, Engineer, said the letter was not needed.

Mr. Barton said the house is currently being rented and the house would be used for an antiques shop in the future, but wondered if they could get their building permit tomorrow. Chr. Overton told Mr. Barton he would have to talk to Land Use staff.

ZC/6/8/10

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

MOTION:

To close the public hearing at 8:10 p.m. 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 Clarke.

Vote 5-0 in favor.

IV. REGULAR MEETING

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 8:10 p.m. Seated were Commissioners Overton, Tietz, Clarke, Alternate Conto, and Alternate Judson.

A. PENDING APPLICATIONS

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)**

The Commission agreed to authorize the ZEO to issue the necessary permits and have staff draft a motion for discussion at the next meeting.

MOTION:

To authorize the ZEO to issue the necessary permits and draft a motion 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 Clarke.

Vote 5-0 in favor.

B. NEW APPLICATIONS

1. **10-ZC-1022/Collins/Waterbury Symphony/Hollow Park/Special Event Permit/Picnic & Pops on July 10, 2010 (Tax Assessor's Map 103/Lot 13)**

Nancy Grazing was present and stated there are no changes being made to the event. The event will run from 6 – 8:30 p.m. with the concert taking place for an hour. Mrs. Grazing said the event would be cleaned up by 8:45 p.m. Mrs. Grazing said there are no changes being made to the traffic and parking and that there would be one police officer at the event and two portable toilets.

ZC/6/8/10

Commissioner Ted Tietz asked if there were any problems last year. Mrs. Grazing said there were none.

Commissioner Clarke asked if there would be any tents. Mrs. Grazing said there would be one 20' x 20' tent erected to offer to about 40 people for an extra fee to sit out of the sun. A letter from the fire marshal approving the tent is in the file.

The Commission agreed to authorize the ZEO to issue the necessary permits.

MOTION:

To authorize the ZEO to issue the necessary permits for Application 10-ZC-1022 submitted by the Waterbury Symphony for a special event permit for Picnic & Pops to be held on July 10, 2010 at Hollow Park. (Tax Assessor's Map 102/Lot 13)

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 still waiting for a calculation from Mr. Taylor.

D. ENFORCEMENTS

-Regarding 560 Flanders Road, the property owner has until October 1, 2010, to remove the building.

-Regarding 345 Main Street South, the Commission is still awaiting a response from the letter send by the Land Use office.

-Regarding 122 Pomperaug Avenue, the Commission is still awaiting a response from the letter send by the Land Use office.

-Regarding Flooring America, the trailer has been moved and they were told an application is needed for the storage compartment.

-Regarding Sage Road, there has not yet been an application submitted for the therapeutic drumming home business.

-Regarding 357 Main Street South, the owner is present and will discuss the issue under Privilege of the Floor.

-Regarding San Remo, a representative is present and will discuss the issue under Privilege of the Floor.

-Regarding the hoop and poly building on Weekepeemee Road, the owner has maintained the building is being used for farming purposes.

ZC/6/8/10

-Regarding the flea market, the issues have been addressed.

E. PRIVILEGE OF THE FLOOR

-James Marshall, Dentist, was present to discuss a multiple business violation at his property at 357 Main Street South. Dr. Marshall said the only business on the property is his dental business and explained that the tenant upstairs has a landscaping business, but he does not operate his business from the property. Chr. Overton asked Dr. Marshall to respond to the letter of violation in writing to the Land Use office.

-Chris Gogas representing San Remo Restaurant, stating that they did indeed put down milling on the property, but that it was approved by Joe Chapman, ZEO. Chr. Overton explained that by doing so the site development plan was inadvertently changed and advanced approval was needed from the Zoning Commission. Mr. Gogas said they also moved dumpsters to a better location on the property and asked if they also needed approval for that. Chr. Overton said the Commission needs information indicating that they are in compliance with the setbacks, the permeability of the millings, and the new location of the dumpsters.

F. CONSIDERATION OF MINUTES

Regular Meeting – Tuesday, May 25, 2010
The following change was made:

Page 2, Para. 1 - Should read: "Chr. Overton asked Mr. Taylor to define summer as it relates to tubing. Mr. Taylor responded that it is during the months of April through October when there is no skiing activity."

MOTION:

To approve the minutes of the Tuesday, May 25, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 5-0 in favor.

G. CORRESPONDENCE

Commissioner Clarke said he sent an email to Land Use staff regarding the Commissioners receiving a copy of the Connecticut State Statute 8-11, regarding Conflict of Interest. Chr. Overton asked that staff make copies available to Commissioners.

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 8:35 p.m.

Made by Clarke.

FILED SUBJECT TO APPROVAL
Respectfully submitted,

Karen Blanchet, Clerk

ZC/6/8/10

6