



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, JULY 13, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Martin Overton

Ted Tietz

Robert Clarke

Alan Green

ALTERNATES ABSENT:

Chris Conto

Ron Judson

Roberta Zulpa

MEMBERS ABSENT:

Chuck Cosgriff

ALSO PRESENT: Catherine Adsitt, Rod Taylor, Jerry Stomski, Janet Morgan, Scott O'Keefe, Ken Faroni, Diane Swan, Donna Oullette, 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 Green.

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)

Chr. Overton reconvened the public hearing at 7:30 p.m. Seated were Commissioners Overton, Clarke, Tietz, and Green. 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 receive comments from Mr. Taylor's Engineer and the Town Engineer. Chr. Overton said the Town Engineer stated in his review that he wants to be sure that there is protection of erosion and consistent drainage.

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Chr. Overton asked Mr. Taylor to verify there would only be one summer tubing run. Mr. Taylor said there would be only one run, which would accommodate 30-50 people. Mr. Taylor said there would also be more than enough parking for the summer tubing use. Mr. Taylor said he submitted a parking map, which was requested by the Commission, and a revision to the site plan.

Commissioner Robert Clarke questioned that there would be one summer tubing run, because the previous minutes stated that Mr. Taylor said there are 12 winter runs. Mr. Taylor explained that the 12 runs include both sides of the road, stating there are 8 runs on the tubing side. Chr. Overton said that he sees there are 6 runs currently on the plan and that Tubing Run #7 is part of this plan. Mr. Taylor said the summer tubing run will be Run #1.

Commissioner Alan Green asked how parking would be accessed in the top parking lot. Mr. Taylor showed where the access was on the plan, and when asked by Chr. Overton if the parking area would be paved, Mr. Taylor said it would not be paved. Mr. Taylor said that parking area probably would not be needed anyway.

Commissioner Green asked what the "summer events" connotation meant on the plan. Mr. Taylor said it refers to his concerts or whatever else he does. Chr. Overton intervened and said it should refer to anything that Mr. Taylor has permission to do.

Chr. Overton questioned that Mr. Taylor is doubling his parking spaces. Mr. Taylor said he thought that is what the Commission wanted him to show on the plan. Chr. Overton said he cannot equate that number of spaces for the one run being proposed in this application. Chr. Overton said there are 200 additional spaces. Mr. Taylor said he is just showing where all the available parking is for any event he does. Commissioner Green commented that there were already enough parking spaces. Chr. Overton said Mr. Taylor needed to show the parking related to the application, and that he also sees steep grades that would not be appropriate for parking. Mr. Taylor said he has been using all this parking for 38 years. Mr. Taylor said he would just say for this application that the existing parking is more than sufficient to accommodate the summer tubing. Chr. Overton noted that Mr. Taylor withdrew his parking expansion plan and that the current parking is sufficient for this application. Commissioner Green stated that his concern was that with all the parking Mr. Taylor spoke of, there would be another use Mr. Taylor would try to introduce.

Public Comments –

Sarah Shinn Pratt, adjoining property owner, asked to see where Mr. Taylor was proposing the additional parking and looked on the plan. Mrs. Shinn-Pratt asked how easy it would be for Mr. Taylor to expand the summer tubing runs from one to six. Chr. Overton said Mr. Taylor would have to follow the same application process. Mrs. Shinn-Pratt asked that the Commission take into consideration his past non-compliance when he opens the summer tubing.

Mrs. Shinn-Pratt said she is also concerned when Mr. Taylor is issued a Cease & Desist Order and does not cease and desist, stating that she knows the Town does not want to spend the money when he does not abide. Chr. Overton said the disturbances to the neighbors will be taken into consideration by the Commission.

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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 7:55 p.m. 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 4-0 in favor.

IV. REGULAR MEETING

Chr. Overton convened the Regular Meeting of the Woodbury Zoning Commission at 7:55 p.m. Seated were Commissioners Overton, Clarke, Tietz, and Green.

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)**

Commissioner Robert Clarke stated that the Town Engineer pointed out a discrepancy regarding the drainage. Chr. Overton said each of the Town Engineer's concerns would be listed as a condition of the permit including consistent drainage, rip rap, and further stop stabilization with an erosion control blanket. Chr. Overton said other conditions would include there be only one summer run, the hours of operation be listed, and monthly reports be required.

Chr. Overton stated that while there are challenges with this application, he feels that the impact one on summer tubing run is less of an impact than the 6 winter tubing runs, and it would be hard to not approve a lesser impact. Commissioners agreed.

It was the sense of the Commission for staff to prepare a draft motion of approval, including conditions, for discussion at the next meeting.

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 Map38/Lot 54)**

Commissioner Ted Tietz recused himself.

After a brief discussion, the Commission agreed to approve the application. Three motions were made – one for the special exception, one for the Flood Plain District, and one for the Aquifer Protection District.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1024 submitted by the Town of Woodbury (Applicant) for a Special Exception and site ZC/7/13/10

development approval to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054); and

WHEREAS, the proposed activity is in direct connection with off-street parking, the location of which was previously approved in applications 03-ZC-3028 and 06-ZC-6028; and

WHEREAS, the applicant desires to construct and conduct such activity pursuant to the following sections of the Woodbury Zoning Regulations: §3.1.2 Uses Permitted in Any District: "Earth materials excavation, "deposition", and "processing activities, §3.4.9 Uses Permitted by Special Exception in Any District: Site development earth excavation activities, §6.1 Flood Plain District, and §6.2 Aquifer Protection District; and

WHEREAS, the Commission considered the proposed project during a regular meeting on June 22, 2010; and

WHEREAS, the Commission reviewed the minutes from the June 14, 2010 regular meeting of the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS, the Woodbury Zoning Regulation Section 3.1.2.1.D prohibits the transport of earth materials from or onto a property in excess of 100 cubic yards during any calendar years except as permitted in accordance with Section 3.4.9; and

WHEREAS, as required by Section 3.4.9, the application was reviewed pursuant to Woodbury Zoning Regulations and Section 6.2 (Aquifer Protection District); and

WHEREAS, the Commission has duly considered all the information submitted and provided in the application and record; and

WHEREAS, the Commission finds that the purpose of the proposed site development plan to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel is to excavate and construct the previously approved 60 space parking area adjacent to a town recreation area on Town-owned property is a change to previously approved parking areas and not structures are proposed; and

WHEREAS, the Commission finds that the proposal 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; and

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Exception to The Town of Woodbury proposes to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054);and approves the Site Development Plan ZC/7/13/10

prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated May 3, 2009, revised to June 10, 2010, consisting of:

Sheet 1- Parking Area Resurfacing Plan – Stage 1.

Made by Overton, seconded by Clarke.
Vote 3-0 in favor.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1024 submitted by the Town of Woodbury (Applicant) for a Special Exception and site development approval to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054); and

WHEREAS, the proposed activity is in direct connection with off-street parking, the location of which was previously approved in applications 03-ZC-3028 and 06-ZC-6028; and

WHEREAS, the applicant desires to construct and conduct such activity pursuant to the following sections of the Woodbury Zoning Regulations: §3.1.2 Uses Permitted in Any District: "Earth materials excavation, "deposition", and "processing activities, §3.4.9 Uses Permitted by Special Exception in Any District: Site development earth excavation activities, §6.1 Flood Plain District, and §6.2 Aquifer Protection District; and

WHEREAS, the Commission considered the proposed project during a regular meeting on June 22, 2010; and

WHEREAS, the Commission reviewed the minutes from the June 14, 2010 regular meeting of the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS, the Woodbury Zoning Regulation Section 3.1.2.1.D prohibits the transport of earth materials from or onto a property in excess of 100 cubic yards during any calendar years except as permitted in accordance with Section 3.4.9; and

WHEREAS, as required by Section 3.4.9, the application was reviewed pursuant to Woodbury Zoning Regulations Section 6.1 (Flood Plain District); and

WHEREAS, the Commission has duly considered all the information submitted and provided in the application and record; and

WHEREAS, the Commission finds that the proposal is designed with minimal flood damage potential and generally conforms to the standards set forth in Section 6.1 of the Woodbury Zoning Regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Exception to The Town of Woodbury proposes to remove 1,067± cubic yards of top

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soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054); and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated May 3, 2009, revised to June 10, 2010, consisting of:

Sheet 1- Parking Area Resurfacing Plan – Stage 1.

Made by Overton, seconded by Clarke.

Vote 3-0 in favor.

MOTION:

WHEREAS, the Woodbury Zoning Commission (Commission) has received Application 10-ZC-1024 submitted by the Town of Woodbury (Applicant) for a Special Exception and site development approval to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054); and

WHEREAS, the proposed activity is in direct connection with off-street parking, the location of which was previously approved in applications 03-ZC-3028 and 06-ZC-6028; and

WHEREAS, the applicant desires to construct and conduct such activity pursuant to the following sections of the Woodbury Zoning Regulations: §3.1.2 Uses Permitted in Any District: "Earth materials excavation, "deposition", and "processing activities, §3.4.9 Uses Permitted by Special Exception in Any District: Site development earth excavation activities, §6.1 Flood Plain District, and §6.2 Aquifer Protection District; and

WHEREAS, the Commission, pursuant to Section 8.2.8 (Special Permit/Exception Application Procedures), found the amendment to the previously approved special permit and site development plan to be minor in nature and therefore may be approved without another public hearing; and

WHEREAS, the Commission considered the proposed project during a regular meeting on June 22, 2010; and

WHEREAS, the Commission reviewed the minutes from the June 14, 2010 regular meeting of the Woodbury Inland Wetlands and Watercourses Agency; and

WHEREAS, the Woodbury Zoning Regulation Section 3.1.2.1.D prohibits the transport of earth materials from or onto a property in excess of 100 cubic yards during any calendar years except as permitted in accordance with Section 3.4.9; and

WHEREAS, the application was reviewed pursuant to Woodbury Zoning Regulations Section 3.4 Uses permitted by Special Exception in Any District; and

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WHEREAS, as required by Section 3.4.9, the application was reviewed pursuant to Woodbury Zoning Regulations Section 6.1 (Flood Plain District) and Section 6.2 (Aquifer Protection District); and

WHEREAS, the Commission has duly considered all the information submitted and provided in the application and record; and

WHEREAS, the Commission finds that the purpose of the proposed site development plan to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel is to excavate and construct the previously approved 60 space parking area adjacent to a town recreation area on Town-owned property is a change to previously approved parking areas and not structures are proposed; and

WHEREAS, the Commission finds that the proposal is designed with minimal flood damage potential and generally conforms to the standards set forth in Section 6.1 of the Woodbury Zoning Regulations; and

WHEREAS, the Commission finds that the proposal 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; and

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission issues a Special Exception to The Town of Woodbury proposes to remove 1,067± cubic yards of top soil and replace it with 1,120± cubic yards of gravel for the purpose of excavating and constructing a previously approved 60 space parking area adjacent to a town recreation area on Town-owned property known as Three Rivers Meadow Park at the junction of Jack's Bridge Road and Rt. 47 (Tax Assessor's Map 038, Lot 054);and approves the Site Development Plan prepared by Ronald P. Wolff, Ronald Wolff Associates, LLC, dated May 3, 2009, revised to June 10, 2010, consisting of:

Sheet 1- Parking Area Resurfacing Plan – Stage 1.

Made by Overton, seconded by Clarke.
Vote 3-0 in favor.

B. NEW APPLICATIONS

1. 10-ZC-1025/Woodbury Fire Department/Hollow Park/Special Event Permit/Carnival and Fireworks Display/September 2, 3, 4, 2010 (Tax Assessor's Map 103/Lot 13)

Commissioner Ted Tietz was reseated.

Janet Morgan, Fire Marshal, was present. Mrs. Morgan stated that there are no changes to this application from previous years. Commissioner Clarke asked if there were any complaints from last year. Mrs. Morgan said there were none. A post-event report was submitted.

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-1025 submitted by the Woodbury Fire Department for a special event permit for a carnival and fireworks display to be held on September 2, 3, 4, 2010 at Hollow Park. (Tax Assessor's Map 103/Lot 13)
Made by Overton, seconded by Clarke.
Vote 4-0 in favor.

MOTION:

To add to the agenda, under Privilege of the Floor, St. Teresa's Parish for a waiver for a special permit/special exception for change in ownership at 494 Main Street South.
(Tax Assessor's Map 103/Lot 006A)
Made by Overton, seconded by Green.
Vote 4-0 in favor.

MOTION:

To adjust the agenda to accommodate those people present.
Made by Overton, seconded by Clarke.
Vote 4-0 in favor.

C. PRIVILEGE OF THE FLOOR

St. Teresa's Parish/494 Main Street South/Waiver for a Special Permit/Special Exception for Change of Ownership (Tax Assessor's Map 103/Lot 006A)

Atty. Gail McTaggart represented St. Teresa's Parish. Also present was Fr. Robert Kwaitkowski and Horace Hamor.

Catherine Adsitt, Town Planner, discussed the regulation change in the Main Street Design District regulations, which changed the administrative process when one business is being removed from a structure and a similar business goes in. Mrs. Adsitt said St. Teresa's Parish has submitted an application if the Commission finds an application to be necessary.

Atty. Gail McTaggart submitted an information packet, which included an explanation of WZR Section 8.2.10 and 8.2.11, which grants a waiver for a special exception or special permit. Atty. McTaggart explained that St. Teresa's Parish is purchasing property at 494 Main Street South, which previously housed Moison Architects. Atty. McTaggart said the building currently has a permit for downstairs offices and an upstairs apartment, which is how St. Teresa's Parish plans to use the building.

Chr. Overton asked what the architect's hours of operation were. Atty. McTaggart said she was not sure. Fr. Bob stated that the hours of operation for the parish would be Monday through Friday, 9 a.m. to 4 p.m. with some meetings in the evening. Fr. Bob said there would be 4-5 people from the church working in the office, work that is currently being conducted out of the rectory.

Commissioner Ted Tietz asked how many parking spaces there were. Atty. McTaggart said there are 15 parking spaces – 2 for the apartment and 13 available for the offices.

Atty. McTaggart said the signage would be within the regulations and would say “St. Teresa Parish Offices” with no change to the size and location. Atty. McTaggart said they were before the Historic District Commission and Inland Wetlands Agency and both boards were okay with the proposal.

The Commission agreed there are no issues with the proposal and agreed to grant the waiver.

MOTION:

To waive the requirement for a special permit/special exception pursuant to Woodbury Zoning Regulations Section 8.2.10 for a change in ownership at 494 Main Street South for St. Teresa’s Parish pursuant to the following findings:

- A. one Special Exception or Permit use is being substituted for another similar use on the same lot;
- B. the new use will require no greater parking or loading than the original, as set forth in Section 7.4 of these Regulations;
- C. the new use shall entail no exterior change to the building or site; and
- D. the new use shall have no impact on the site, neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 8.3 of these Regulations.

(Tax Assessor’s Map 103/Lot 006A)

Made by Overton, seconded by Green.

Vote 4-0 in favor.

MOTION:

To waive the requirement for a site development plan pursuant to Woodbury Zoning Regulations Section 8.2.11 for a change in ownership at 494 Main Street South for St. Teresa’s Parish pursuant to the following findings:

- A. The use will not increase the amount of required parking;
- B. The use will not have a substantial impact on properties in the surrounding neighborhood by elements including, but not limited to: noise, traffic, environmental quality, character of use, and compatibility with surrounding uses;
- C. The use will not substantially alter the nature of the existing building(s) or other structure(s); and

D. The use will not be inconsistent with the public welfare or impair the integrity of these Regulations.

(Tax Assessor's Map 103/Lot 006A)

Made by Overton, seconded by Green.
Vote 4-0 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)**

Catherine Adsitt, Town Planner, reported that Mr. Taylor has submitted the required information and a site walk has been scheduled by the ZEO.

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

Scott O'Keefe was present and submitted, as requested by the Commission, a description of what would be sold, and information on the size of the garage, driveway, and signage.

The Commission discussed sections of the Woodbury Zoning Regulations regarding home-based businesses, trying to determine if Mr. O'Keefe's proposal for the sale of lighting fixtures in his 700 square foot garage would be permitted at 242 Bacon Pond Road, which is located in an OS-60 zone. Chr. Overton said the fact is that the regulations require that the product be made entirely on the property, which the lighting fixtures would not be. Chr. Overton said he is inclined to ask staff to generate language as to whether or not the impact is comparable to home-based business uses that are allowed.

Catherine Adsitt, Town Planner, questioned if Mr. O'Keefe should go before the Zoning Board of Appeals. Chr. Overton said the ZBA would not be able to condition.

Chr. Overton suggested Mr. O'Keefe meet with staff and further discuss the proposal at the next meeting.

3. **Faroni/O & G Industries/Review of Quarterly Reports & Schedule Mid-Year Site Inspection**

Ted Tietz recused himself.

Ken Faroni of O & G Industries was present to discuss the quarterly reports for the Park Road and Stiles Road quarries.

Park Road Quarry –

Mr. Faroni reported that in the 3 month period ending June 30, 2010, there were no complaints made. There were 8 production shots in the south central portion of the quarry and the pounds of explosives were 2500-6000 pounds, less than the 8000-9000 pounds in the past.

Mr. Faroni also said there has been no activity at the north of the property for target shooting by the Woodbury Police Department.

Mr. Faroni said there has been less truck traffic due to the economy. They were open for sales on April 12, 2010.

Mr. Faroni said they have met with a landscape designer and 75 trees will be planted in late August.

Mr. Faroni said 240,000 cubic yards of material was excavated over a 2/3 acre area.

Mr. Faroni submitted photos and a blast location map.

Stiles Road Quarry –

Mr. Faroni said there were 2 blast related complaints made during this quarter, stating it was from two separate properties, but was a father and son with properties on Great Hollow Road. Mr. Faroni said they were offered a seismograph set up, but they declined. Mr. Faroni said he then spoke to the son and he did have a seismograph set up on his property and although the vibrations were low, the seismograph did trigger.

Mr. Faroni said there were 6 production shots, advancing south to north and the pounds of explosives were between 9800 – 11,000 pounds.

Mr. Faroni said that truck traffic has been less.

Mr. Faroni said there is no reclamation proposed at Stiles Road because there are no areas that have reached their final grade.

Mr. Faroni said there was 46,000 cubic yards of rock excavated.

The Commission agreed to schedule a site inspection of both quarries for Tuesday, July 20, 2010, at 6 p.m. starting at the Stiles Road Quarry, then proceeding to the Park Road Quarry.

4. Swan/Oullette & Pasquale/744 Main Street South, Blg. 5, Unit 95B/New Tenant to Occupy Massage Salon (Tax Assessor's Map 102/Lot 20/1A)

Commissioner Ted Tietz was reseated.

Chr. Overton recused himself. Vice-Chair Clarke convened as chair.

Dianne Swan and Donna Oullette were present. Ms. Swan stated that Donna Oullette and Dawn Pasquale are proposing a massage, hair and nails salon in the space that was housed by Interglow Massage. Ms. Swan said there would be no changes made to the exterior and the signage would remain the same size. The two sisters would be the only employees, and the hours of operation would be by appointment – Monday, Tuesday, Wednesday, and Friday, 9 a.m. to 5 p.m.; Thursday, 9 a.m. to 8:30 p.m.; and Saturday, 7 a.m. to 3 p.m. There would be at the most 2 simultaneous appointments.

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Ms. Swan said the products would be biodegradable and health department approval would be received.

Commissioner Green questioned the hair and nail products and their disposal. Catherine Adsitt said the products would have to meet the disposal of solutions standards.

The Commission agreed to authorize the ZEO to issue the necessary products, as this was not a significant change of use.

MOTION:

To authorize the ZEO to issue the necessary permits for an application submitted by Swan, Oullette and Pasquale for change of use from a massage salon to a massage, hair, and nail salon at 744 Main Street South, Bldg. 5, Unit 95B. (Tax Assessor's Map 102/Lot 20/1A)

Made by Clarke, seconded by Green.

Vote 3-0 in favor.

5. Annual Fee Review

Chr. Overton was reseated.

Catherine Adsitt said she had emailed the fee schedule to the Commission for their review. Mrs. Adsitt said the fees have not yet been reviewed by the Town Attorney.

Mrs. Adsitt said that when presented to the Planning Commission they asked her to check with the Town Attorney to see if payment of fees could be a condition of approvals, since bills are not usually received until after the approvals are made.

Commissioner Ted Tietz questioned the rise in timber harvesting fees. Mrs. Adsitt said the fees for timber harvesting were too low and the first engineer review was in excess of what was paid by the applicant.

Mrs. Adsitt proposed the idea that the applicant put money into an account and the fees are then deducted from the account as needed, stating that escrow accounts are not a new process.

The Commission will discuss at the next meeting after the Town Attorney review is made.

6. Updated Zoning Map

The Commission will review the map at the next meeting.

D. ENFORCEMENTS

Catherine Adsitt read the ZEO Report which included the following violations:

-Regarding Bloxom at 345 Main Street South, an application was received for the Zoning Board of Appeals.

-Regarding 122 Pomperaug Avenue, a Cease and Desist Order was issued. The Commission would like to see a copy of the letter at the next meeting.

-Regarding Flooring America, the ZEO will follow up on the storage container.

-Regarding the Sage Road home-based therapeutic drumming business, an application was received.

-Regarding the parking of commercial vehicles at 357 Main Street South, a letter requesting voluntary compliance was sent. Commissioner Clarke asked if the truck is parked on the road or in the driveway. Mrs. Adsitt said the truck has been seen parked in both locations.

-Regarding San Remo Restaurant, Ronald Wolff, Engineer, and Chris Gogas representing the restaurant were present. Mr. Wolff explained the information that was requested by the Commission.

Mr. Wolff discussed the 2004 approval and said that the restaurant has agreed to restore back to turf the area that the millings were recently placed to bring it back to the 65% coverage allowed in the approval. Mr. Gogas said it was done because people were parking in the grass.

Mr. Wolff asked if a new application was needed to be made. Chr. Overton said he did not think so, as the goal was to get the restaurant back into compliance with the regulations.

Mr. Wolff said the issue will be before the Inland Wetlands Agency this week and to Land Tech for their review. Catherine Adsitt recommended that the restaurant submit a letter after the Inland Wetlands Agency discussion.

-Regarding McGovern on Weekepeemee Road, the office has not had the opportunity to further look into the matter.

Commissioner Clarke suggested that the Cease & Desist Orders be put into table form on the ZEO Report.

E. PRIVILEGE OF THE FLOOR

-Craig Martin of 198 Great Hollow Road questioned the tree harvesting on 55 acres owned by O & G Industries, stating that he recently heard about it, and felt as a neighbor he should have been informed. Mr. Martin said he did schedule a meeting with Ken Faroni of O & G to discuss the matter. Chr. Overton said timber harvesting is an as-right use in Woodbury. Mr. Martin complained of the impact to the road, as they are using Great Hollow Road as egress for the harvesting. Chr. Overton said that would be a Public Works Department issue, not a land use issue, stating that land use starts at the edge of the property.

Chr. Overton explained that timber harvesting does not require a public hearing and is dictated by State Statute. Chr. Overton suggested to Mr. Martin that if he sees the timber harvesting process not being done as it is supposed to be, he should call the Land Use office to make a complaint.

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-A neighbor of 25 Sage Road asked if the application for the therapeutic drumming would require a public hearing and wondered if he could get information on the application. Chr. Overton told him that the information is public and that he could go to the Land Use office to review the file. The neighbor said he is concerned that the drumming would be approved in the application. Chr. Overton stated that there is nothing in the regulations that seem to allow drumming, but said the application would be discussed at the next meeting.

F. CONSIDERATION OF MINTUES

Regular Meeting – June 22, 2010

The following change was made:

Page 6, Para. 5 – Should read: “...Cease and Desist Order should be **issued**...”

MOTION:

To approve the minutes of the Tuesday, June 22, 2010, Regular Meeting of the Woodbury Zoning Commission, as amended.

Made by Overton, seconded by Clarke.

Vote 4-0 in favor.

G. CORRESPONDENCE

None

H. ADJOURNMENT

MOTION:

To adjourn the meeting at 9:45 p.m.

Made by Overton.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk