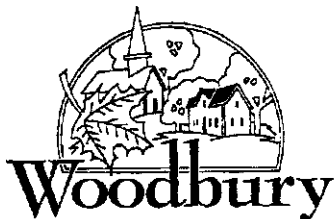


TOWN OF WOODBURY

Land Use Office
281 Main Street South
Woodbury, CT 06798-0369
(203)263-3467 ~ www.woodburyct.org



First land deed from the Indians
April 12th 1659

Voices

Kindly publish the following legal notice in *Voices* on **Wednesday, February 28 and Wednesday, March 7, 2018**. The invoice should be sent to the Town of Woodbury, Accounting Office, 281 Main Street South, Woodbury, CT, 06798

WOODBURY LEGAL NOTICE

The Zoning Commission will hold a Public Hearing on Tuesday, March 13, 2018 at 7:30 p.m. in the Shove Building, 281 Main St. South to consider the following application:

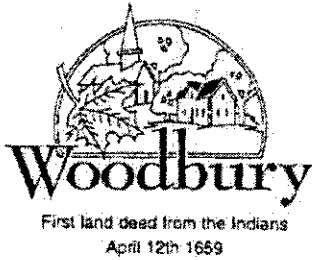
18-ZC-1801/Leroy Anderson Foundation/33 Grassy Hill Rd./Special Permit for Historic House Museum (Sec. 3.4.8) Charitable & Philanthropic Organization/Map 050/Lot 008

At this hearing all interested persons may be heard and communications received. Copies of the proposal are available in the Land Use Office for review.

Dated February 20, 2018
Anne Firlings, Land Use

RECEIVED & FILED
IN WOODBURY, CT

This 20th day of Feb 2018
at 10:20 o'clock A M
Suzanne Cooper
Town Clerk



TOWN OF WOODBURY

Zoning Commission

281 Main Street South
Woodbury, Connecticut 06798-0369
(203)263-3467 - www.woodburyct.org

MINUTES – MARCH 27, 2018 REGULAR MEETING - 7:00 P.M. SHOVE BUILDING, 281 MAIN STREET SOUTH

MEMBERS PRESENT:

Robert Clarke, Chairman
Jon Quint, Vice Chairman
Thomas Amatruda
Ted Tietz

ALTERNATES PRESENT:

Christopher Griffith
Jack Well

MEMBERS ABSENT:

Dave Lampart

ALTERNATES ABSENT:

Robert Maciulewski

1. REGULAR MEETING:

- a) Call to Order: The meeting convened at 7:00 p.m.
- b) Seating of Members/Alternates: Seated for the meeting were Member Commissioners: Mr. Clarke, Mr. Quint, Mr. Amatruda, Mr. Tietz, and Alternates Mr. Griffith and Mr. Well.
- c) Mr. Clarke read the Conflict of Interest regulations per CGS Section 8-11 and the Woodbury Town Charter Section 901 for recusal.
- d) Continue Regular Meeting After Public Hearings

2. PUBLIC HEARINGS:

- a) 18-ZC-1801 / Leroy Anderson Foundation / 33 Grassy Hill Road / Special Permit for Historic House Museum (Sec. 3.4.8) Charitable & Philanthropic Organization / Map 050 / Lot 008 / CH: 4/17/18. Mr. Rolf Anderson of Westfield, VT was seated at the table. Mr. Anderson summarized the plans for the Museum to include group tours. Mr. Clarke read the 'Voices' Legal Notice. The museum plans to be open from May 1st to October 31st and the first two weekends of December for the Woodbury annual Christmas festival. Discussion took place regarding group tours and events. Mr. Amatruda voiced concerns for capacity and events/fundraisers. Mr. Andersen stated that it would be a rolling attendance with no set up for large groups of people to attend at once. Mr. Clarke stated that if there is an event planned, Mr. Andersen should return for a Special Permit. Resident Ms. Sharon Feely of 475 Upper Grassy Hill Road questioned that if museum will stay within the existing footprint of the house with no change to the physical structure of the building. Mr. Clarke noted that this detail is within the Site Plan with the present structure maintained. Mr. Andersen described the parking situation of paved driveway for five cars and another with room for three cars.

Mr. Clarke moved to close the Public Hearing; seconded by Mr. Quint. Vote: 5/0/0 in favor.

- b) 18-ZC-1803 / Harper / 689 Main Street South / Special Permit to Use Existing Commercial Building & Parking Lot to Operate a Commercial Gym & Fitness Center Pursuant to Sections 5.2.2 & 8.5 / Map 102 / Lot 036 / CH: 4/17/18. Atty. Ken Slater - Halloran and Sage; Mr. Ray Harper - Fitness Center Owner; and Mr. Joe Santacruz - Manager, came to the table. Mr. Clarke read the 'Voices' Legal Notice. Mr. Slater spoke of available parking and small-group (8-10 people) training led by a trainer. There was discussion regarding amount of trainers and trainers, security and safety. Resident Michael Devino suggested striped parking. **Mr. Clarke moved to close the Public Hearing; seconded by Mr. Quint. Vote: 5/0/0 in favor.**
- c) 18-ZC-1804 / Town of Woodbury / Proposed Amendments to the Zoning Regulations Section 5.2 MQ - Middle Quarter - To Incorporate Mobile Food Units / CH: 4/17/18. Mr. Clarke read the 'Voices' Legal Notice. Mr. Clarke stated that there is **no way we can approve this tonight per CGA Chapter 124 'Zoning'** ... "shall be referred to such Planning Commission for report at least 35 days prior to ... [or at] the date of the Public Hearing ... The report shall contain the findings of the Planning Commission, etc ... and a statement of a vote of the Planning Commission ... shall be read at the Public Hearing." Therefore, the Zoning **Commission shall wait for the Planning Commission statement prior to proceeding.** Clerk left the room to photocopy draft MQ for handouts. Meeting called to order. Mr. Clarke read through all changes. Two residents spoke up in favor of the revisions. Ms. Claudette Volage of 26 Barbara Lane questioned wording interpretation of 'having mobile food units ... in parks?' Mr. Clarke specified that mobile food units are allowed only within the Middle Quarter. **Mr. Clarke moved to keep this hearing open until such time when we hear from the Planning Commission; seconded by Mr. Tietz. Vote: 5/0/0 in favor.**
- d) 18-ZC-1802 / Amatruda / 45 Main Street North / Special Permit to Change Use of Lower Level from Residential to Retail / Map 105 / Lot 067 / CH: 4/17/18. Mr. Amatruda recues himself and left the room. Mr. Clarke unseated Mr. Amatruda and seated Mr. Griffith; he read the 'Voices' Legal Notice. Ms. Amatruda came to the table and produced certified mailings which were then date-stamped and filed. She has received a Historic District Certificate of Appropriateness for signage Ms. Amatruda described the business "The Painted Tree" and the 'yellow-house' building: 38% retail, 12% office and storage, and 50% residential. Parking is four (4) for residential use and seven (7) for business with one (1) of these being handicap- accessible. The parking spaces are primarily in between the yellow and white buildings. Hours of operation are seven days, 8am to 9pm. There are no employees; just the entrepreneur. Signage will be on the front corner of property, before the driveway. **Mr. Clarke moved to close the Public Hearing; seconded by Mr. Quint. Vote: 5/0/0 in favor.**

3. PENDING APPLICATIONS:

- a) 18-ZC-1801 / Leroy Anderson Foundation / 33 Grassy Hill Road / Special Permit for Historic House Museum (Sec. 3.4.8) Charitable & Philanthropic Organization / Map 050 /

Lot 008 / CH: 4/17/18. Mr. Clarke unseated Mr. Griffith and reseated Mr. Amatruda. Mr. Clarke read the draft motion:

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 18-ZC-1801 submitted by Rolf Anderson (agent) to operate a Historic House Museum (Philanthropic and Charitable Institution) at 33 Grassy Hill Road (Tax Assessor's Map 050/Lot 008); and

WHEREAS, the Commission has received the following material:

- a. An application dated January 19, 2018;
- b. Agent Authorization Letter from the Leroy Anderson Foundation, Board of Directors dated January 18, 2018;
- c. Letter from Rolf Anderson dated January 18, 2018 describing the history and proposed use of the property
- d. An existing Conditions Map dated January 18, 2018;
- e. Letter to the Leroy Anderson Foundation from the Internal Revenue Service acknowledging 501(c)(3) status as a public charity, dated October 6, 2011.
- f. Memo from the Town Planner dated January 22, 2018

WHEREAS, a duly noticed public hearing was convened on March 27, 2018 to consider the application and receive public comment; and

WHEREAS, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

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

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves Special Permit application, 18-ZC-1801, (Map 050/Lot 008) for the operation of a Historic House Museum (Philanthropic and Charitable Institution) at 33 Grassy Hill Road (Map 050/Lot 008) as described on the submitted Zoning Commission application dated January 19, 2018.

Add a **WHEREAS**, (before the RESOLUTION), that hours of Operation shall be May 1st to October 31 and the first two weekends of December. **Mr. Clarke moved to approve the Application; seconded by Mr. Quint. Vote: 5/0/0 in favor.**

- b) 18-ZC-1803 / Harper / 689 Main Street South / Special Permit to Use Existing Commercial Building & Parking Lot to Operate a Commercial Gym & Fitness Center Pursuant to Sections 5.2.2 & 8.5 / Map 102 / Lot 036 / CH: 4/17/18.

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 18-ZC-1803 submitted by Kenneth R. Slater, Jr. with Halloran & Sage (agent) on behalf of Ray Harper to use the existing building at 689 Main Street South (Map 102/Lot 036); as a Fitness Center; and

WHEREAS, the Commission has received the following material:

- a. An application dated February 9, 2018;
- b. A letter of authorization from the property owner dated January 29, 2018;
- c. An agent authorization letter dated February 9, 2018;
- d. A copy of an A-2 survey showing existing property improvements including the building and parking areas, dated March 27, 2013;

WHEREAS, a duly noticed public hearing was convened on March 27, 2018 to consider the application and receive public comment; and

WHEREAS, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

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

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves Special Permit application, 18-ZC-1803, (Map 102/Lot 036) to use the existing building at 689 Main Street South (Map 102/Lot 036); as a Fitness Center as described on the submitted Zoning Commission application dated February 9, 2018.

Add a **WHEREAS**, (before the RESOLUTION), that Hours of Operation shall be seven days per week, 6am to 11pm. **Mr. Clarke moved to approve the Application; seconded by Mr. Quint. Vote: 5/0/0 in favor.**

- c) 18-ZC-1804 / Town of Woodbury / Proposed Amendments to the Zoning Regulations Section 5.2 MQ - Middle Quarter - To Incorporate Mobile Food Units / CH: 4/17/18 - This item is pending approval from the Planning Commission, prior to motion. **Tabled -- see 2. c), above.**
- d) 18-ZC-1802 / Amatruda / 45 Main Street North / Special Permit to Change Use of Lower Level from Residential to Retail / Map 105 / Lot 067 / CH: 4/17/18. Mr. Amatruda recues himself and left the room.

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 18-ZC-1802 submitted by Lisa Amatruda to change the use of the first floor from residential to retail at 45 Main Street North (Map 105/Lot 067); and

WHEREAS, the Commission has received the following material:

- a. An application dated January 25, 2018;
- b. A letter from Lisa Amatruda describing the proposed business and associated parking dated January 25, 2018;
- c. Two sketches showing the dimensions of the proposed business and associated parking, dated January 25, 2018;

LAND RECORD INFORMATION FORM
REVISED (as of 12/04)

(CONNECTICUT GENERAL STATUTES 8-3d)

In accordance with Connecticut General Statutes, Section 8-3d, **YOU MUST** complete and file this form, complete with the required land record information (and any other applicable attachments) and signed by the Land Use Enforcement Officer of the Town of Woodbury on the Town of Woodbury land records. This filing may not be made until fifteen days after publication of the Legal Notice of the decision. Before initiation of any work authorized by this approval, **YOU MUST** obtain a Zoning Permit from the Land Use Office. If you have any questions, please call (203) 263-3467.

GRANTING COMMISSION

- Planning Commission
 Zoning Commission
 Zoning Board of Appeals

TYPE OF APPLICATION

- Special Permit
 Earth Material Permit
 District Boundary Change
 Special Exception
 Variance

GRANTING MOTION:

DATE OF MOTION: March 27, 2018

WHEREAS, the Woodbury Zoning Commission (Commission) has received a Special Permit application, 18-ZC-1801 submitted by Rolf Anderson (agent) to operate a Historic House Museum (Philanthropic and Charitable Institution) at 33 Grassy Hill Road (Map 050/Lot 008); and

WHEREAS, the Commission has received the following materials:

- a. An application dated January 19, 2018;
- b. An Agent Authorization Letter from the Leroy Anderson Foundation, Board of Directors dated January 18, 2018;
- c. A Letter from Rolf Anderson dated January 18, 2018 describing the history and proposed use of the property;
- d. An existing Conditions Map dated January 18, 2018;
- e. A Letter to the Leroy Anderson Foundation from the Internal Revenue Service acknowledging 501(c)(3) status as a public charity, dated October 6, 2011; and
- f. A Memo from the Town Planner dated January 22, 2018; and

WHEREAS, a duly noticed public hearing was convened on March 27, 2018 to consider the application and receive public comment; and

WHEREAS, the submitted plans, as detailed in this approval demonstrate conformance with the applicable zoning regulations of the Town of Woodbury; and

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

NOW, THEREFORE, BE IT RESOLVED that the Woodbury Zoning Commission approves Special Permit application, 18-ZC-1801, (Map 050/Lot 008) for the operation of a Historic House Museum (Philanthropic and Charitable Institution) at 33 Grassy Hill Road (Map 050/Lot 008) as described on the submitted Zoning Commission application dated January 19, 2018. Subject to the condition that the Hours of Operation shall be May 1st to October 31 and the first two weekends of December.

Made by Mr. Clarke, Seconded by Mr. Quint
Vote: 5/0/0 in favor.

NAME OF ALL OWNERS OF RECORD:

DESCRIPTION OF THE PROPERTY: (Please see attached copy of the legal description from the land records)

Volume and Page of Deed, Quit Claim, Warranty, etc. Volume Page

Date: 4/4/18

Michelle Elsh
Land Use Enforcement Officer

SCHEDULE A

Parcel One

North Plot

Beginning at a stone wall intersection on the southerly side of Grassy Hill Road being the Northwesterly corner of property of W. H. Mackay and being the Northeasterly corner of property of herein described: thence along a stonewall South 37° 03' 10" East 259.67 feet to an angle in said wall; thence South 35° 49' 50" East 162.02 feet to another angle in said wall; thence South 58° 17' East 112.21 feet to a stonewall intersection; thence along another stone wall South 33° 18' West 23.64 feet to an angle in said wall; thence South 51° 47' 55" West 464.33 feet to a stone wall intersection; thence still along said wall South 88° 49' 20" West 123.56 feet to end of said wall and beginning of rail fence; thence along said fence to a concrete monument set in the ground South 84° 59' 40" West 109.92 feet; thence North 15° 53' West 423.02 feet to another monument set in the ground; thence North 1° 55' 30" East 319.09 feet to another monument set in the ground; thence North 21° 52' 30" East 75.15 feet to another monument set in the ground on the Southerly side of above mentioned road; thence along southerly side of said road South 69° 20' 10" East 88.55 feet to a point; thence South 73° 35' 40" East 57.61 feet to a point; thence South 78° 22' 50" East 111.57 feet to a point; thence South 74° 23' East 38.71 feet to a point thence North 88° 27' East 56.56 feet to place or point of beginning containing 8.417 acres.

South Plot

Beginning at a stone wall intersection on the westerly side of property of W. H. Mackay being approximately 534 feet from the southerly side of Grassy Hill Road, so called; thence along said wall South 33° 18' West 23.64 feet to an angle in said wall; thence South 51° 47' 55" West 64.19 feet to the point of the beginning of the herein described parcel known as the South Plot, being the Northeasterly corner of said parcel; thence South 11° 53' 10" East 498.97 feet to a point; thence North 87° 55' West 222.16 feet to a point; thence North 67° 55' West 183.13 feet to a stone wall intersection; thence along said wall North 08° 50' 40" West 165.85 feet to a stonewall intersection; thence along said stonewall North 51° 47' 55" East 400.14 feet to the place or point of beginning containing 2.928 acres.

For a more particular description see map entitled Property of Richard L. Ruppel Sr. to be conveyed to Leroy & Eleanor Anderson Grassy Hill Road, Town of Woodbury, County of Litchfield, State of Connecticut, Scale 1" = 50' December 1952, Certified substantially correct. Charles J. Osborne, Surveyor, to be filed in the Woodbury Land Records.

Bounded: Northerly by the highway, easterly by land now or formerly of W. H. Mackay and Richard L. Ruppel, southerly and westerly by other land of Richard L. Ruppel

And an easement is hereby granted by the aforementioned Richard L. Ruppel to said Leroy and Eleanor F. Anderson, their heirs and assigns, to the Ruppel springs on the west and south of the above Plots above described, for their ordinary domestic use by pipe or spring house, title to said springs to remain in the aforesaid Richard L. Ruppel, his heirs and assigns.

Parcel Two

A certain tract of land situated in the Town of Woodbury, Connecticut at West Side, so-called, containing approximately 80,993 square feet, and bounded and described as follows:

Commencing at a point marked by a monument at the Southwest corner of the within described premises; which monument also marks the Southeast corner of other land of said Andersons; and running thence N 11° 53' 10" W 163.40 feet along other land of said Andersons to a monument; and thence continuing in the same direction along other land of said Andersons 335.57 feet to a monument, and running thence N 51° 47' 55" E 64.19 feet; and thence N 33° 18' E 23.64 feet, all along other land of said Andersons; thence S 58° 17' 20" E 133.44 feet, all along land formerly of William H. Mackay, now of Joseph T. Mackay, in a line marked by a stonewall to land of Homer and Edna Crane; and thence running in a Southwesterly and thence in a general Southerly direction along land of said Cranes in a line marked in part by a stonewall and in part by a Wire fence to a point marking the Southwest corner of land of said Crane; and running thence N 87° 55' W 154.57 feet along remaining land of Richard L. Ruppel, Sr. to the point and place of beginning.

There is included with the above premises, a perpetual right of way for ingress and egress by foot or vehicle over and across the adjoining land of Richard L. Ruppel, Sr. running from the Westerly side of highway known as Old Grassy Hill Road between property of Homer and Edna Crane and property of Stephen and Ruth Lovett, to the Southerly side of the above described premises, said right of way to be used in common with others.

Being the same premises conveyed by Warranty Deed from Richard L. Ruppel, Sr. to Leroy Anderson and Eleanor F. Anderson recorded September 11, 1956 in Volume 85 at Page 296 of the Woodbury Land Records.