

First land deed from the Indians  
April 12th 1659

# TOWN OF WOODBURY

## Zoning Commission

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

**MINUTES – SEPTEMBER 24, 2019**  
**PUBLIC HEARING / REGULAR MEETING**  
**7:00 P.M. – SHOVE BUILDING, 281 MAIN ST. SOUTH**

**MEMBERS PRESENT:**

Robert Clarke, Chairman  
Thomas Amatruda  
Ted Tietz  
Jon Quint

**ALTERNATES PRESENT:**

Donald Trella  
Jack Well  
Christopher Griffith (*arrived at 7:07*)

**MEMBERS ABSENT:**

David Lampart

**ALTERNATES ABSENT:**

**ALSO PRESENT:** Applicants and Agents, Townspeople, and a member of the press.

**1. REGULAR MEETING**

- a) CALL TO ORDER – Chairman Clarke convened the meeting at 7:01 p.m.
- b) SEATING OF MEMBERS AND ALTERNATES/CONFLICT OF INTEREST  
Seated were Commissioners Clarke, Amatruda, Quint, Tietz and Alternate Trella
- c) CONTINUE REGULAR MEETING AFTER PUBLIC HEARINGS

**2. PUBLIC HEARINGS**

- a) **19-ZC-1922 / Leroy Anderson Foundation / 33 Grassy Hill Road / Modification of Special Permit to Change Dates When Museum May be Open to the Public / Map 050 / Lot 008**
  1. Chairman Clarke read the legal notice posted in the Republican American newspaper.
  2. Chairman Clarke noted but did not read the following letters submitted to the Land Use office regarding application 19-ZC-1922:
    - Jim Kacergius, dated 9/20/19
    - Gillian Griswold, 7 Orenaug Ave, received 9/23/19
    - Sharon Sherman, 17 South Meadows, dated 9/20/19
    - Elizabeth Lyons, 12 Woodbury Place, dated 9/16/19
    - Leonore Templeton, 197 Carmel Hill Road, dated 9/14/19
    - Lynne Kearney, Concert Coordinator for the Friends of Woodbury Community Senior Community Center concert series, dated 9/13/19
    - Joan & Bill Anthony, 24 Knoll Rd., dated 9/15/19

3. All letters submitted were in favor of expanding the hours for the Leroy Anderson Foundation. Mr. Rolf Anderson submitted the certificate of mailings to abutting neighbors to the Commission.
4. Mr. Anderson submitted maps showing land parcels owned by the Leroy Anderson Foundation. The Foundation owns a total of 34.97 acres over six lots. The majority of 33 of these acres are undeveloped and managed as a natural area. The Leroy Anderson Foundation building is located on lot 8 which is abutted on either side by property owned by the Foundation. The Foundation possesses adjoining, contiguous land parcels and it therefore is evident that there will be no impact on the neighbors regarding noise.
5. Chairman Clarke asked for questions from the Commission. There were none. Chairman Clarke opened the discussion to the public.
6. Kathy Doyle, 35 Washington Rd., asked the Commission how many concerts or events would be allowed. Chairman Clarke responded "unlimited." Ms. Doyle then added that she is in full support of extending the hours since it is a benefit to the town culture and economy. The property is of historic value, and it is a worthwhile activity.
7. Bill Gedes, 48 Mountain Rd., addressed the Commission stating that the community is fortunate to have the legacy of composer Leroy Anderson. He urges the Commission to allow concerts and recitals to take place at any time. This is the type of attraction the town should be fostering and promoting as part of the cultural arts.
8. Mark Kroll, 155 Good Hill Rd, addressed the Commission. His property is down around the corner. He has stood in his meadow which abuts the Foundation property and has never heard anything. The music is not amplified. Mr. Kroll stated that Mr. Anderson is a very good neighbor and urges approval.
9. Lynne Kearney, 28 Stagecoach Rd., addressed the Commission. Ms. Kearney is a concert coordinator for the Friends of the Woodbury Senior Center. As such, she is aware of the difficulties in scheduling performers and noted that it would be favorable for the Foundation to have access to all dates. Ms. Kearney has worked with Mr. Anderson. She is in favor as this will also bring people into the community that will support restaurants and maybe spend a night.
10. Hank Randall, 74 West Morris Rd. Washington Depot, spoke to the Commission. Mr. Randall stated that he doesn't know Mr. Anderson, but likes him already.
11. Chairman Clarke asked Mr. Anderson when concerts will be held. Mr. Anderson responded that traditionally Sunday afternoons at 3:00 are when concerts are held. If there is a private event such as the Waterbury Symphony or the Arts Alliance of Woodbury, the event may be held on a weeknight from approximately 7:00 to 8:30 p.m. Admission is by reservation only. The museum open house hours are 11:00 a.m. to 5:00 p.m. weekdays and 1:00 to 5:00 p.m. on Sundays.
12. Mr. Anderson stated that he cares very much about being a good neighbor, not just to his immediate neighbors but to the entire town. He wants it to be a positive experience and an asset to the Town.
13. Alternate Well asked if the approval would be with the Foundation or with the address. Chairman Clarke clarified that the approval is with the museum and therefore if the property was sold, the approval for events would be terminated.
14. Commissioner Amatruda asked is there is any signage at the property. Mr. Anderson responded that there is a small sign at the foot of the driveway that conforms to residential requirements.

## **MOTION:**

Chairman Clarke moved and Commissioner Quint seconded to close the Public Hearing on application *(19-ZC-1922 / Leroy Anderson Foundation / 33 Grassy Hill Road / Modification of Special Permit to Change Dates When Museum May be Open to the Public / Map 050 / Lot 008)*

Vote: 5-0-0 in favor. Motion unanimously approved.

## **3. PENDING APPLICATIONS**

- a) **19-ZC-1922 / Leroy Anderson Foundation / 33 Grassy Hill Road / Modification of Special Permit to Change Dates When Museum May be Open to the Public / Map 050 / Lot 008 /**

The Chairman called for discussion regarding the application. There was none. The following motion was made:

## **MOTION:**

Chairman Clarke moved and Commissioner Trella seconded to remove the timeframe restrictions for application *(19-ZC-1922 / Leroy Anderson Foundation / 33 Grassy Hill Road / Modification of Special Permit to Change Dates When Museum May be Open to the Public / Map 050 / Lot 008)* outlined in 18-ZC-1801 and authorize the Leroy Anderson House to be open to the public year-round.

The Chairman called for discussion. There was none.

Vote: 5-0-0 in favor. Motion unanimously approved.

- b) **19-ZC-1923 / Kelemencky / 486 Main Street North / Minor Site Plan Modification for Addition of a Storage Container / Map 023 / Lot 031C**

1. Chairman Clarke read the memo dated 9/9/19 from Abby Conroy, Land Use Enforcement Official, regarding the application. In accordance with section 8.2.6, if the Commission finds this proposal to be minor and/ or non-substantial they may authorize the new structure to be permitted by Land Use Staff with the benefit of a Zoning Permit.
2. Chairman Clarke asked Mr. Kelemencky what the size of the container will be and what it will be used for. Mr. Kelemencky stated it will be a straight, standard container approximately 9.5 feet by 40 feet. The container will be used to store tools that are not used frequently, tires etc. Chairman Clarke asked for questions from the Commission.
3. Commissioner Tietz asked where the container will be placed. Mr. Kelemencky responded that it will be on the North side set back 10 feet deeper than the building. It will be set back a total of 50 feet. Commissioner Amatruda asked which side will have access. Mr. Kelemencky responded that the access will be the side facing Route 6. Mr. Kelemencky indicated on a map where the container will be located. Commissioner Amatruda asked if it will be seen from the road. Mr. Kelemencky does not believe so.

## **MOTION:**

Chairman Clarke moved and Commissioner Amatruda seconded to authorize the structure to be permitted by the Land Use staff under the benefit of a Zoning Permit without a Public Hearing.

*No action was taken on this motion.*

## **MOTION:**

Chairman Clarke moved and Commissioner Tietz seconded to authorize the ZEO to approve the application (19-ZC-1923 / Kelemencky / 486 Main Street North / Minor Site Plan Modification for Addition of a Storage Container / Map 023 / Lot 031C) for a 40' x 9' Storage Unit as a minor modification to the approved site plan pursuant to Section 8.2.6.

The Chairman called for discussion. There was none.

Vote: 5-0-0 in favor. Motion unanimously approved.

## **4. NEW APPLICATIONS**

### **a) 19-ZC-1924 / Randall / 289 Main Street South (Ste. 1/1st Floor) / Special Permit for Skin Care Studio / Map 104 / Lot 083 / OH: 11/28/19**

1. Chairman Clarke read a letter submitted by Russell Barton, property owner of 289 Main St. South, dated 9/13/19.
2. Mr. Randall addressed the Commission stating that he and his wife are requesting to open up a skin care facility at the location to perform facials and body treatments. There are no employees. All clients will be by appointment only. Ms. Randall and the client will be the only people at the location at a given time, therefore only two parking spaces are required. They have designed and will install a handicap bathroom. The hours would be Tuesday through Saturday 10:00 a.m. to 5:00 p.m.
3. Chairman Clarke called for any questions from the Commission. Commissioner Amatruda asked for clarification on what space will be occupied. The applicant is requesting use of the first suite. Commissioner Amatruda also inquired as to how much waste will be generated so as not to stress the septic system. Mr. Randall stated that they will only be using water. Chairman Clarke stated that the septic system has already been approved.
4. Mr. Barton addressed the Commission stating for the record that a handicap door will be installed in the rear of the building. He also felt that is a great use of space since it does not require many parking spaces.
5. Chairman Clarke stated that the application needs to be referred to the Planning Commission. The Commission recommended to the applicant to set a broader range of hours since it is by appointment only and that way they are not limited as to when they can perform business.

## **MOTION:**

Chairman Clarke moved and Commissioner Amatruda seconded to hold a Public Hearing on application (19-ZC-1924 / Randall / 289 Main Street South (Ste. 1/1st Floor) / Special Permit for Skin Care Studio / Map 104 / Lot 083) at the 10/8/19 Zoning Commission meeting.

Vote: 5-0-0 in favor. Motion unanimously approved.

## **MOTION:**

Chairman Clarke moved and Commissioner Quint seconded to instruct the staff to refer application (19-ZC-1924 / Randall / 289 Main Street South (Ste. 1/1st Floor) / Special Permit for Skin Care Studio / Map 104 / Lot 083) to the Planning Commission.

Vote: 5-0-0 in favor. Motion unanimously approved.

## **5. OTHER BUSINESS**

- Chairman Clarke noted that he would like to review the document that will be forwarded to the Commission dealing with clarification of agriculture in the modern age. Agritourism is the use of farm property for something other than growing. Chairman Clarke would like the Commission to review this before the next regulation workshop meeting.

## **MOTION:**

Chairman Clarke moved and Commissioner Quint seconded to table the discussion for farming activities.

Vote: 5-0-0 in favor. Motion unanimously approved.

## **6. ENFORCEMENT REPORT**

- 16-ENF-0014 / Estate of Julia E. Olson and/or Albert Olson / 39 Transylvania Road / C&D (8/10/18) Home based business without permits (Sec. 4.1.3) & possible junk yard (Sec. 3.2) / Map 036 / Lot 053 / Zone R40**
  - Court order entered.
- 19-ENF-0001 / Hoxha / 330 Minortown Road / NOV (7/3/19), NPV (4/30/19) of Special Permit 18-ZC-1806 conditions #1 & 4 / Map 101 / Lot 007B / Zone OS60**
  - A cease and desist was not sent. An inspection on 9/20/19 showed the trailer and materials in question to be removed. A structure for housing equipment was installed. The owner is now in substantial compliance with the permit.

## **MOTION:**

Chairman Clarke moved and Commissioner Quint seconded to remove item 19-ENF-001 from the enforcement report.

Vote: 5-0-0 in favor. Motion unanimously approved.

**c) 19-ENF-0005 / 107 Main Street North LLC (Civitella) / 107 Main Street North / NPV (7/22/19) Signage without Permits / Zone MSD & HD**

- An inspection on 9/20/19 showed temporary signage without a permit has reappeared for the Chinese food restaurant and the Flour Garden Bakery. A NPV will be sent out to the business owners.

**d) 19-ENF-0006 / 107 Main Street North LLC (owner), Adams (Rustic Charm/Tenant) / 107 Main Street North / NPV (7/22/19) Signage without Permits / Zone MSD & HD**

- An application for permanent signage with the HDC has been approved.

## **MOTION:**

Chairman Clarke moved and Alternate Trella seconded to remove item 19-ENF-006 from the enforcement report.

Vote: 5-0-0 in favor. Motion unanimously approved.

## **7. PRIVILEGE OF THE FLOOR**

- There was no comments from the public
- Chairman Clarke read a letter submitted to the Land Use Boards and Commissions dated 9/17/20 from Selectmen Perkinson. The content stated that the Town of Woodbury Boards and Commission members are not permitted to directly contact the Town Attorney on any matter that will generate an invoice for services rendered to the town. Any legal counsel needed shall be directed through the Land Use or Selectman's office.  
*(Letter on file)*

## **8. CORRESPONDENCE**

- O&G complaint logs were reviewed at the September 10, 2019, meeting.

**9. CONSIDERATION OF MINUTES**

Chairman Clarke presented for consideration the minutes of the September 10, 2019, Zoning Commission meeting. The Chairman asked for comments. Chairman Clarke indicated two areas that needed to be amended.

**MOTION:**

Chairman Clarke moved and Commissioner Amatruda seconded to approve the minutes of the September 10, 2019, Zoning Commission meeting as amended:

- Page 3, first paragraph, line 3- insert a hyphen between the words “two” and “dwelling”
- Page 7—Insert “The Chairman asked for comments. There were none.” After Chairman Clarke presented for consideration the minutes of the August 27, 2019, Zoning Commission meeting.

Vote: 5-0-0 in favor. Motion unanimously approved.

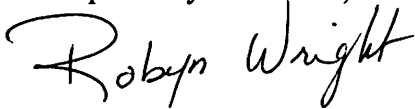
The Commission agreed to consider the minutes of the September 17, 2019, O&G site walk at the October 8, 2019, Zoning Commission meeting.

**10. ADJOURNMENT**

**MOTION:**

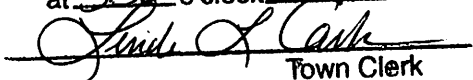
To adjourn the meeting at 8:07 p.m.  
Made by Chairman Clarke

Respectfully Submitted,



Robyn Wright  
Clerk for the Zoning Commission

RECEIVED & FILED  
IN WOODBURY, CT

This 26 day of Sept 2019  
at 3:30 o'clock P M  
  
Town Clerk

*Copies of documents and meeting audio are available at the Land Use Office*