

**TOWN OF SOUTHBURY  
ZONING COMMISSION  
SPECIAL MEETING MINUTES  
SEPTEMBER 8, 2021  
(Subject to approval)**

**MEMBERS PRESENT:** Gary Giroux – Chairman  
Richard Ashby – Vice Chairman  
Susan Monteleone – Secretary  
David Dicks, Jr.  
Jay Hine – Alternate

**MEMBERS ABSENT:** Martin Ludorf – Alternate

**OTHERS PRESENT:** Jessica Townsend – Land Use Administrator  
Tai Kern – Zoning Enforcement Officer

**CALL TO ORDER:** Chairman Giroux called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE:** All present recited the pledge of allegiance.

**SEATING OF ALTERNATES:** None.

**PUBLIC HEARINGS:**

- 1) **Proposed Moratorium**, Temporary and Limited Moratorium on Cannabis Establishments proposed by Southbury Zoning Commission.

Chairman Giroux read an opening statement explaining this public hearing was merely to hear comment and make a decision regarding a temporary moratorium on cannabis establishments and that the establishment and changing of zoning regulations to regulate cannabis requires a separate public hearing. He requested discussions and public comment be geared to whether or not the temporary moratorium should be established. He also asked those wishing to speak to please add their name and address to the speaker sign-in sheet in order to keep the meeting organized and properly recorded. Chairman Giroux reiterated that no decision about cannabis would be made at this meeting and added the moratorium would essentially defer any decision making about that to June 2022.

Gail McTaggart, resident of 239 Old Poverty Road, spoke in favor of the moratorium. She believed all towns need time to work it out and determine the best course of action with the regulations.

Janet Brzezinski, resident of 45 Britiani Road, stated she whole-heartedly supports the nine month moratorium adding she would love for it to be indefinite.

After Chairman Giroux confirmed that no other members of the public wished to speak on the matter, Commissioner Ashby made a motion to close the Public Hearing on the proposed moratorium. Chairman Giroux seconded the motion. Chairman Giroux proposed a vote. Commissioner Monteleone motioned to approve the nine month moratorium to decide

on what direction to go in with regards to cannabis in the Town of Southbury, Vice President Ashby seconded the motion, and the proposed moratorium was passed unanimously. Chairman Giroux announced that there is now a nine month moratorium in place during which time we will work together as a Commission to write a regulation and or determine where it could occur in town and what zones. He welcomed any input from the public would be greatly appreciated.

- 2) **Application 21-155-Z**, PDD#8, Regency Centers, 775 Main Street South, applying for a Modification of Detailed Plans under 12.5.2 (b)(ii) and Text Amendment (Amendment #15) for encroachment into the setbacks under PDD Regulation 2.3.2 Buildings, to allow for a refuse enclosure located within the required 30 foot setback of Building B for Home Goods.

Hugh Sullivan, Architect at Bennett Sullivan Associates in Southbury, handed out information to the Commission for the record. He pointed out that the shopping center was constructed in 1986 with Staples as the only tenant in Building B and now the building is no longer a single tenant building. He explained that Home Goods is the main tenant now and wants their own refuse. Mr. Sullivan described the proposal which creates a separate refuse area for Building B from the existing one designed for tractor trailer drop off. He added that having a separate refuse area was not an issue with the Commission but they would need to abide by the 30 foot setback from Brown Road so a modification to the detailed plans as well as a text amendment for the project was necessary. Mr. Sullivan directed the Commission to plans of the proposed refuse area noting they worked with Eversource on the plans over a period of months and they agreed on the plans. He then talked about the design and specification of the plans in more detail.

Mr. Sullivan presented the text amendment proposal Modification #15. He stated there will be no changes to rentable floor areas and they are essentially requesting to revise the text for the new refuse enclosure to state its location will not be less than 20 feet, rather than 30 feet, from the property line due to the electrical utility easement and the widening of Brown Road for the 1995 traffic light installation. He understands the Commission will be referring this to the Planning Commission and he looks forward to make a presentation to them at their next meeting. Mr. Sullivan asked the Commission to hold this hearing open and send proposal to Planning for referral.

There were no questions for Mr. Sullivan from the Commission. Chairman Giroux asked if there was anyone from the public who wanted to speak for or against to please come forward and state their case. There were no public comments on this matter. Chairman Giroux stated that this Public Hearing will remain open until next month's meeting so there will be opportunity to say something again.

Chairman Giroux motioned to pass the application to Planning for referral and leave the Public Hearing open until the next meeting, Commissioner Monteleone seconded the motion, and all voted in favor.

## **NEW BUSINESS:**

- 1) **Application 21-243-Z**, PDD#8, Regency Centers, 775 Main Street South, applying for a Modification of Detailed Plans under 12.5.2 (b)(ii) and Text Amendment

(Amendment #16) to allow for an increase in ground coverage under PDD Regulation 2.1.1. – Building “A”, to allow for an expansion of the existing shipping and receiving area at the rear of Building A, by 1,946 GSF.

Hugh Sullivan, Architect at Bennett Sullivan Associates in Southbury, distributed printed information for his application to the Commission. He directed the Commission to his plans showing the existing area and the proposed area. He explained that the receiving and staging space currently being used is too small because ShopRite is having more frequent deliveries due to Covid-19. He stated ShopRite needs more room because groceries are delivered and moved much differently than they were when the building was built in 1974. He explained ShopRite needs a larger back of the house in order to coordinate their receiving and that the new area is not for storage as they don't keep inventory. He described the project in more detail noting they are going to relocate and replace the existing compactor, will have a total of four tractor trailer bays with enough room to unload, and have enough room to create an accessible ramp. He stated the expansion of shipping and receiving space is still below the 20% criteria, there are no issues with ground coverage or ground coverage as a percentage of the lot.

Mr. Sullivan responded to a question from Commissioner Monteleone regarding the loading docks. He answered that the loading docks are existing and raised. The expansion will match the design of what is currently there. There was a question posed to Mr. Sullivan regarding the expansion of door width going in and out of the store. He responded that at this point they were just trying to get the usage approved and when they go to detailed plans he will point that out since it is still under discussion with the new ShopRite Manager.

The application was received at the meeting, will be referred to Planning, and will set the Public Hearing for next month.

- 2) **Application 21-245-Z**, PDD#6, Pomperaug Woods Inc. Life Care retirement community applying for a Modification of Detailed Plans under 12.5.2 (b)(ii) to upgrade the external campus with a landscaping plan and an the addition of a gazebo to replace an existing, smaller gazebo.

Attorney Gail McTaggart from the law firm of Secor, Cassidy & McPartland, stated she is representing Pomperaug Woods Inc. Life Care Center. She claimed that since 1983 there have been a number of changes there, but what hasn't been updated is the landscaping plan. Attorney McTaggart stated Landscape Architect, Genna Kupinska, has been working with the staff and residents for over two years discussing what made sense for the community.

Attorney McTaggart believes the plan is even more important now with Covid so that residents will have outside spaces for activities to take place. She explained the plans in more detail and stated they show both the existing and proposed landscaping. Attorney Taggart informed the Commission that the area of the boardwalk has already been approved by the Inland Wetlands Commission.

Ms. Kupinska said they developed a master plan for Pomperaug Woods Life Care that would create more areas for the active use of the property. She noted the proposal includes paths and a boardwalk that go through the wetlands for residents to use for walking and hiking, a meditation garden and fountain for residents to have quiet time, a game area with

a bocci court, putting green and space for games like chess. She explained there is currently a small gazebo on the property they would like to replace with a new, larger gazebo which would accommodate 30+ people. She explained the proposal also includes a gas fire pit with sitting area, a small dog park with fencing for residents' dogs, a picnic area with upgraded bbq grill, benches every 20-30 feet along walkways for the residents to rest, enhanced landscaping that will include native trees, shrubs and plantings, and a privacy fence for a maintenance area to keep the existing garage out of view

Attorney McTaggart referred the Commission to page 9 that lists the native plant materials proposed for the site and a full-size plan of the boardwalk. There was a brief explanation of the boardwalk design by Attorney McTaggart and Ms. Kupinska. Attorney Taggart noted that the only structure part of the proposed plan is the gazebo. She explained residents currently use the driveways for walking and it is not safe and believes the boardwalk and its extensions are really important to the residents.

Chairman Giroux explained the Commission must decide if the modification is a major or minor modification and the ways that each are handled. His opinion was that it is a minor modification and a major improvement and other Commissioners agreed.

Commissioner Monteleone posed a question to Attorney McTaggart regarding the time table of the project. She stated that because of the time of year they would probably looking at next season.

Chairman Giroux motioned to approve the application. Vice President Ashby seconded the motion and the application was unanimously approved.

## **OTHER BUSINESS:**

- 1) **Correspondence:** Chairman Giroux read notice of text amendment to zoning regulations from the Town of Newtown. He noted that both Public Hearings already happened so it's after the fact. Ms. Townsend commented that the Commission did not have a meeting in August so that's why it is after the fact.
- 2) **Bills:** None.
- 3) **Minutes:** The minutes from the July 14, 2021 meeting were approved as written.
- 4) **Other Business:**
  - a) Commissioner Monteleone had questions regarding the planned zoning regulation updates. Ms. Townsend stated the Zoning Department put out an RFP to hire a firm to assist in the reformatting and reorganization of the current zoning regulations. The firm would work in concert with the Zoning Commission and not unilaterally make decisions. Ms. Townsend stated the regulations haven't been updated in quite some time and the updates that they've had were done piecemeal so they can be challenging to read and interpret. She continued that they were written in such a way that there are a lot of gray areas. Once they are reworded and organized then the new legislation will be addressed in them. Down the road the Town will budget for

rewriting certain sections. Ms. Townsend was intending to update the Commission and has been in touch with Chairman Giroux on the matter.

- b)** Chairman Giroux addressed two memos from Kevin Bielmeier, Town of Southbury Economic Development Director. Mr. Bielmeier presented letters of recommendation in support of Applications 21-155-Z and 21-243-Z and stated since the applications are being kept open there is no need to address at this meeting.
- c)** Commissioner Monteleone expressed her thanks to Ms. Kern saying that she is very impressed with the information she has been sharing with the Zoning Commission adding her work is comprehensive and professional. She acknowledge her appreciation for Ms. Kern's great work and stated she was sure other Commissioners felt the same. Chairman Giroux stated the two memos Ms. Kern put together will be part of the Public Hearings next month and read into the record as a staff report. He also noted the Commission needs staff reports which help the Commission tremendously.

**ADJOURNMENT:**

Upon a motion made by Secretary Monteleone and seconded by Vice Chairman Ashby, the meeting was unanimously adjourned at 8:17 p.m.

Respectfully submitted,

Bonnie Rado  
Clerk Pro Temp