

**MINUTES OF THE TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
REGULAR MEETING OF DECEMBER 7, 2009**

A regular meeting of the Town Plan and Zoning Commission for the Town of Woodbridge was held on Monday, December 7, 2009, in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

ROLL CALL

PRESENT: Jeff Kaufman, Chairman; Philip DeGennaro; Allen Lipson and Alan Tyma

ALTERNATES: Peggy Rubens-Duhl and Robyn Berke

EXCUSED: Lawrence Greenberg and Kathleen Wallace

ABSENT: Akhil Reed Amar (alternate)

ALSO PRESENT: Kristine Sullivan, Land Use Analyst
Terry Gilbertson, Zoning Enforcement Officer
DeeAnn Rich – Recording Secretary

The meeting was called to order by the Chairman at 7:35 p.m. Peggy Rubens-Duhl was seated for Lawrence Greenberg. Robyn Berke was seated for Kathleen Wallace.

PUBLIC HEARINGS

There were no public hearings scheduled for this evening.

**RECEIPT AND APPROPRIATE ACTION ON APPLICATIONS AND 8-24
REFERRALS RECEIVED SINCE THE NOVEMBER 2, 2009 MEETING OF THE
COMMISSION**

Note: Applications for receipt at the December 7, 2009 meeting could have been submitted up to the close of the Land Use Office business hours on Friday, December 4, 2009. As of that date and time, no new applications and/or referrals had been submitted to the Commission.

WORK SESSION

ECONOMIC DEVELOPMENT COMMISSION:

Discussion and appropriate updates of the Economic Development Commission

The Chairman reported to the Commission that:

- He had attended the November 17, 2009 meeting of the Economic Development Commission (EDC).
- Professor Plattus had not been in attendance at that meeting.
- The next meeting of the EDC is scheduled for December 15, 2009.
- He had seen the EDC's plan to increase economic development in Woodbridge and had expressed disappointment to the EDC that the plan focused on the area of Lucy Street and Seldon Street and did not include the D'Andreas site.
- Professor Plattus has been asked to attend the TPZ meeting on January 4, 2010.

- The EDC Chairman had expressed the desire to have the EDC also provide input regarding use of the former Woodbridge Country Club (WCC) but there had been no interest from other EDC members to have the EDC's scope of review expanded to include the former WCC.

REGULATION REVISIONS

Discussion and appropriate action regarding the ongoing update of the regulations, including but not limited to protection of stone walls and signage.

Attorney Al Smith, of Murtha Cullina LLP was present at the Commission's invitation to discuss the draft recodified Zoning Regulations, and revisions to the Zoning Regulations that the Commission is contemplating.

Attorney Smith asked for consensus on the location of "Definitions" within the regulations before they are finalized. The Commission agreed that the Definitions for Affordable Housing and Adult Establishments will remain with their respective regulations. There was also discussion of removing and specific fee amounts from the regulations since the Board of Selectmen have adopted a Land Use Fee Schedule which encompasses establishing fees for TPZ applications.

After a brief discussion and review of the draft recodified regulations, Commission members acted as follows on the draft recodified regulations.

- ** **Commissioner Tyma moved approval to adopt the Zoning Regulations prepared December 2, 2009 subject to removal of any references to fees and adoption date of the recodified Regulations of December 21, 2009.**
- ** **Commissioner Lipson seconded**
- ** **Voting for: Berke, Tyma, DeGennaro, Kaufman, Lipson and Rubens-Duhl**
- ** **Opposed: No One**
- ** **Abstained: No One**
- Passed by unanimous approval**

- **Tree Cutting**

Commission members then reviewed a memorandum dated April 27, 2006 that Murtha Cullina had prepared at the behest of the then TPZ Commission regarding the Commission's ability to regulate tree cutting. Attorney Smith stated that the State of Connecticut has a forestry statute which gives certain municipalities authority over forestry practices, but Woodbridge is not one of the empowered municipalities. He stated that the authority of the Town to regulate tree cutting is limited to site plan and subdivision approval. Protection of trees can also be afforded in a limited fashion through the wetland regulations. Attorney Smith noted that any tree cutting regulation could be challenged on the basis of the State statute.

In the course of discussion of regulating tree-cutting, Commission members noted that their primary concern with tree-cutting is the effect of tree cutting on sediment and erosion control and storm water management. Under the current Zoning Regulations, disturbed areas cumulatively over one half acre in area requires the submission of a soil erosion and sediment control plan for certification by the Commission or its appointed agent.

At the conclusion of discussion on the memorandum, and the draft ordinance regarding tree cutting forwarded to the Commission for comment by the Board of Selectmen, Commission members acted as follows to respond to the Board of Selectmen:

**** Commissioner Lipson moved approval to forward the recommendation to the Board of Selectmen regarding their proposed tree-cutting ordinance, that the ordinance not be adopted, since based on the opinion of Murtha Cullina, state statute preempts the regulation of tree cutting and the Town would run the risk of being challenged by the State if such an ordinance were adopted.**

**** Commissioner DeGennaro seconded**

**** Voting for: Kaufman, DeGennaro, Lipson, Tyma, Rubens-Duhl and Berke**

**** Opposed: No One**

**** Abstained: No One**

Passed by unanimous approval

- **Stonewalls**

Attorney Smith discussed with the Commission how some municipalities have designated highways and roads as “scenic” which adds a layer regulation over them that can be used to protect boundary stone walls. *(It was noted that while the Woodbridge has adopted a Scenic Road Ordinance, that that ordinance is administered by the Board of Selectmen, not the Town Plan and Zoning Commission.)* Attorney Smith noted that some states and towns have laws that prohibit the alteration or destruction of stonewalls subject to penalties while other states and municipalities have provision for tax credit incentive for maintaining stonewalls of a certain age and dimension.

He also commented that most regulations only address boundary stonewalls and that the Commission currently has the most control over stonewall protection through the subdivision process.

Chairman Kaufman stated that any proposed stonewall regulation should address boundary and interior stonewalls, and include preservation as well new construction of stonewalls along major thoroughfares. He also stated that he would like to have a regulation in place that would prompt a discussion regarding stonewalls on at the time of application for a site plan or subdivision.

Attorney Smith responded that he thought there must be a reasonable public interest in order to protect stonewalls on private property but that some form of regulation might be possible. He added that the Commission should look at tying stonewall protection to roads because that may afford two avenues of protection, should one fail. He also noted that he thought it was much easier to regulate stone wall preservation than stonewall construction, but he agreed to look into the matter further and advise the Commission of his findings.

- **Signage**

Chairman Kaufman noted that presently many businesses seek approval for sign variances from the ZBA and asked Attorney Smith how the Commission could avoid that. The Chairman also stated that the Commission’s objective in revising the sign regulations would be to make them readable, user friendly, and deter people from going for variances to the Zoning Board of Appeals.

There was discussion of issues that cause business owners to seek variances for signage. Those issues include signage beyond what the regulations currently allow and signs for which there is no concept for in the regulations, as well as other claims of other hardships.

Attorney Smith stated that he thought the ZBA would always be involved in signage issues even if the Commission adopted new sign regulations.

Commission members then discussed existing sign related issues that revised sign regulations might address. Among these issues were regulations requiring existing signage to become compliant with new signage restrictions within a certain timeframe, the concept of sign budgets, and sign amnesty programs. The idea of an incentive program to update signs was also discussed.

Commissioners also expressed concern about the sizing and aesthetics of signs, signs erected by religious institutions and other not-for profit or community events, signs in residential areas and signs in the right-of-way of state roads.

At the conclusion of the discussion, Attorney Smith agreed to explore what other municipalities have done and report back to the Commission.

- **Clarification of “Family”/In-law apartments.**

Attorney Smith stated that in most Residential Zoning Districts in town that only a single-family dwelling is allowed. He reviewed the definition of “family” found in the Zoning Regulations which reads: “one or more persons related by blood or marriage or legal adoption or a group of not more than four unrelated persons living together in a single dwelling and sharing a common household”. Attorney Smith opined that the key to the definition of “family” was the term “common household” which is when household responsibilities and facilities are shared among the occupants.

The Chairman questioned why the number of unrelated persons was specific to “four”. He also noted that because in-law apartments are not allowed in Zoning Districts that restrict dwelling units to a single family residence that residents may be forced to move out of town as they get older if they don’t want to live alone. He suggested that the Commission could be “user friendly” to the residents of the town and perhaps look into allowing in-law apartments.

ZEO Terry Gilbertson noted that if any new regulations are adopted, that the Commission should be mindful of how feasible it would be to enforce them. He added that variances have been sought several times for in-law apartments and been denied. He noted that he has however, been able to assist many people in providing accommodations for their in-laws, including use of separate kitchens – while still retaining compliance with the “common household” requirement of the regulations.

Attorney Smith was provided with a copy of a memorandum from Attorney James Perito regarding the definition of family in the Town Zoning Regulations - which had been requested by staff in response to a complaint by a Town Resident. Attorney Smith will review regulations from other municipalities and make recommendations.

- **Boarding houses**

Attorney Smith was provided with a copy of the definition of a “Boarding House” in use in Waterbury that had been forwarded to staff by Town Counsel Gerry Weiner. Attorney Smith will do more research on definitions of a “boarding house” and get back to the Commission with his findings.

UPDATE OF TOWN PLAN OF CONSERVATION AND DEVELOPMENT
Discussion and appropriate action regarding updating the Town Plan of Conservation and Development in particular as it relates to the Town’s acquisition of the properties n/f owned by the Woodbridge Country Club.

There was no discussion of this agenda item this evening.

CORRESPONDENCE RECEIVED

Consideration and appropriate action regarding correspondence received since the November 2, 2009 meeting of the Commission, including the following items:

- **Bond reduction request for 8 – 12 Landin Street**
The matter was referred to Agency Consulting Engineer Robert Criscuolo for review and comment.

- **Notice from the Connecticut Siting Council that a hearing has been scheduled for the proposed telecommunications facility at 1990 Litchfield Turnpike**
There was no discussion of this correspondence.

- **A letter was received from Joyce Polio regarding an owner of a single-family home who, according to Ms. Polio, is renting out rooms.**
A response will be sent stating that the Commission is consulting with their attorney regarding the situation.

- **A letter was received from Elizabeth Antonucci regarding excessive noise at the Amity Teen Center.**
ZEO Terry Gilbertson stated that it was unclear whether or not the police had taken noise measurements and that he was scheduling a meeting with the assistant chief to see what actions had been taken. Kristine Sullivan added that the property has a recording studio which may not be in the schedule and there was sound proofing in the auditorium but she was not aware if there was sound proofing in the recording studio.
A letter will be sent to the Teen Center asking whether or not there was a recording studio and if so, asking them to amend the Use Schedule.

- **A letter was received from Dirck Goss, of Waldo and Associates, LLC, Requesting an extension of the deadline for filing the subdivision mylar for 140 Rimmon Rd.**
After discussion, Commission members acted as follows of this request:
 - ** **Tyma moved approval to extend the deadline for filing the mylar by an additional 90 days**
 - ** **Berke seconded**
 - ** **Voting for: Kaufman, DeGennaro, Lipson, Tyma, Rubens-Duhl and Berke**
 - ** **Opposed: No One**
 - ** **Abstained: No One**
 - Passed by unanimous approval**

UPDATE REGARDING THE SOUTH CENTRAL REGION COUNCIL OF GOVERNMENTS BY COMMISSIONER RUBENS-DUHL

Peggy Rubens-Duhl updated the Commission on the activities of the Regional Planning Council. She informed the Commission that the Council had approved Hamden's new

Smart Code Regulations. Additionally, there is a new development planned in New Haven and a subdivision proposed in Bethany. Neither project is within 500 feet of Woodbridge. Commissioner Rubens-Duhl explained that the Council primarily concerned itself with zoning changes that have an impact relating to drainage, density, traffic or the environment in other towns.

**ACTION TO SCHEDULE REGULAR MEETING DATES FROM JANUARY 2010
TO JANUARY 2011**

After discussion, Commission members acted as follows:

- ** Lipson moved approval of the regular meeting schedule drafted by staff.**
- ** Berke seconded**
- ** Voting for: Kaufman, DeGennaro, Lipson, Tyma, Rubens-Duhl and Berke**
- ** Opposed: No One**
- ** Abstained: No One**
- Passed by unanimous approval**

APPROVAL OF MINUTES

- **Minutes of the Commissions Regular Meeting on November 2, 2009**
 - ** Rubens-Duhl moved approval**
 - ** Lipson seconded**
 - ** Voting for: Kaufman, DeGennaro, Lipson, Tyma, Rubens-Duhl and Berke**
 - ** Opposed: No One**
 - ** Abstained: No One**
 - Passed by unanimous approval**

- **Minutes of the Commissions Special Meeting on November 30, 2009**
 - ** Tyma moved approval**
 - ** DeGenarro seconded**
 - ** Voting for: Kaufman, DeGennaro, Lipson, Tyma**
 - ** Opposed: No One**
 - ** Abstained: Rubens-Duhl and Berke**
 - Passed by 4-0-2 approval**

MEETING ADJOURNMENT

- ** Berke moved to adjourn the meeting at 9:20 p.m.**
- ** DeGennaro seconded**
- ** Voting for: Kaufman, DeGennaro, Lipson, Tyma, Rubens-Duhl and Berke**
- ** Opposed: No One**
- ** Abstained: No One**
- Passed by unanimous approval**

Accordingly, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Ms. DeeAnn Rich
Recording Secretary