

MINUTES
WOODBIDGE TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING OF FEBRUARY 6, 2023

A regular meeting of the Woodbridge Town Plan and Zoning Commission, was held on February 6, 2023, in the Central Meeting Room Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut, attended by:

Members: Robert Klee, Chairman, Paul Schatz, Yonatan Zamir, and Jeff Kennedy
Alternates: Kathy Hunter, Aaron Hoffmann, and Chadi Noujaim
Excused: Andrew Skolnick and Robert Reed.

Hunter voted in place of Skolnick, and Chadi Noujaim voted in place of Reed. Zoning Enforcement Officer Kristine Sullivan was also in attendance. The Chairman called the meeting to order at 6:40 pm.

PUBLIC HEARING CONTINUATION

Litchfield Turnpike LLC: 10 and 14 Merritt Avenue
Application for fifteen lot subdivision

Attorney John Knuff, counsel for the applicant, project engineer John Paul Garcia and Traffic Consultant Stephen Ulman were all present for the public hearing continuation on behalf of the applicant.

Attorney Knuff opened the presentation by noting the following:

- He had provided, as requested the Pansy Road Court Decision, which he had referenced in the hearing on January 3, 2023 regarding the ability of the Commission to consider traffic relative to the subject application.
- Provided a copy of an email from the Woodbridge Land Trust indicating the Trust's willingness to accept the open space which had been offered by the applicant for the subdivision.

At this time Commissioner Schatz questioned why there was a discussion about traffic if, according to Pansy, the Commission had no jurisdiction.

Nancy Dutta, representing the Commission's peer traffic consulting firm VN Engineering, was present and reviewed that firm's review of the applicant's traffic report and subsequent revisions. She noted:

- The applicant's traffic consultant had responded to additional/supplemental information that had been requested, including the future Toll Brothers over 55 development.
- The intersection of Lucy Street and Litchfield Turnpike on a scale of A being the best and F being the worst, is an E at the peak traffic hour.
- Her conclusion was that congestion on Litchfield Turnpike during peak hours, as represented by the applicant's traffic engineer, would not be impacted by the development of the subdivision.

Stephen Ullman, Senior Project Engineer with Alfred Benesch & Company, Traffic

Consultants for the applicant, reviewed his revised traffic report dated January 30, 2023 and in response to questions by Commission members noted:

- That his conclusions regarding the lack of significant traffic impact from the subdivision remained that same.
- The project would, based on traffic data, add 10 vehicles at the peak hours of traffic.
- Will submit to the State Department of Transportation the recommendation to study the traffic signaling. He noted that it is not hard to reprogram the signals ~ the hard part is analyzing the traffic patterns.
- Constraints on improving traffic flow in the area are the proximity of Lucy Street and Merritt Avenue, and the lack of road right of way to expand the traffic lanes.
- The traffic signalization seems fairly well optimized.
- Signal timing changes are governed by traffic volume.
- There is a project under design regarding the location of the on and off ramps for the parkway. That project would “shovel in the ground in 2027-2028, with a 3 to 4 year construction time frame.
- That project would “handle” traffic through 2045.

Attorney John Knuff that addressed the issue of the provision of open space for the subdivision. In his comments and in response to questions by the Commission members noted:

- He had been in conversation with Bryon H. Pines, President of the Woodbridge Land Trust, a private non-profit organization, which is willing to accept the open space delineated on the submitted colored map submitted on January 3, 2023.
Note: An email to that effect was submitted for the hearing record.
- The open space would serve to continue the trail system which exists along the West River in New Haven.
- He would not be weighing in on relations between the Woodbridge Conservation Commission and the Commission on the Use of Publicly Owned Properties.
- The Trust does not pay property taxes.

Project Engineer John Paul Garcia then addressed flooding in the area by noting:

- The Merritt Avenue bridge is within the base flood zone.
- The proposed houses would be slab on grade and three feet above the base flood level.
- The existing FEMA flood map is out of dated because downstream constrictions have been removed, but FEMA is not updating the map at this time so the current map is what has to be used.
- The subdivision development would have no significant impact on flooding in the area since it is downslope of the other residences in the area.

The Chairman then opened the public hearing for public comments and explained the parameters for making comments. The following members of the public spoke at this time:

- **Sharon DeKadt of 94 Center Road and Diana McCarthy of 18 Ranch Road,** whose comments included:
 - They are both members of the Conservation Commission.
 - Requested the Commission’s work better together in the future.
 - The Conservation Commission is an advisory commission to the TPZ
 - Would like to see the subdivision open space representative of the subdivision land as a whole.
 - Have the goal of preserving land for the present and future.
- **Nicole Donzello of 55 Hickory Road, Chairman of the Commission on the Use of Publicly Owned Properties (CUPOP)** whose comments included:
 - The main concerns of CUPOP were provide in the report that had been submitted to the Commission (*Note: Copies of that report had been emailed to the TPZ members in advance of the meeting and provided in hard copy form at the meeting*)
 - Reviewed the above referenced report
- **Karen Bodine Arpaia of 40 Manila Avenue** whose comments included:
 - The concern is just not traffic but also that the average household has three cars
 - There is no parking in the area ~ so parking is an issue
 - Cars are blocked from leaving Merritt Avenue at the traffic light by Litchfield Turnpike (because cars do not leave the “block” open under the traffic light to allow cars to enter and exit Merritt Avenue when the light is green for Merritt Avenue).
 - The residents of the area would like to maintain the “town feel” of the area.
- **Mingun Yuan of 23 Manila Avenue** whose comments included:
 - Traffic is a major concern in the area.
 - The traffic study is inaccurate, there can be a wait of up to 32 minutes to leave Merritt Avenue at the peak traffic hour
 - When the school bus comes, there are cars parking at the area where the school bus picks up the children
 - With the proposed development two school buses would be needed to pickup all the school children
 - The rents would not be “affordable”
 - There are safety issues with parking in the streets which blocks emergency workers , including workers who live in the area.
 - There is no parking for events or family parties
 - The houses that have been built only have once exit for each unit. (*Note: A check with the Building Official said that the number of exits is the new duplexes is zoning compliant*).
- **Frank DeLeo of 19 Newton Road** who submitted written comments and then read them into the hearing record. His comments included:
 - He was offering comments on behalf of the West River Watershed Coalition, of which he is a member.

- Lots 13 and 14 would provide trail continuity to the trails on the West Rock State Park which connect with the trails by the town owned property where the Darling House is located.
- The subdivision is too dense.
- If lots 13 and 14 were not developed there would be less impervious surfaces.
- Has concerns about flooding issues in the area.
- **Nancy Dey of 28 Merritt Avenue** whose comments included:
 - She had experienced flooding in the basement of her home when the duplexes at 22 and 24 Merritt Avenue were built
 - Traffic getting in and out of Merritt Avenue is horrific
 - Is concerned for the safety of children in the neighbor when they play or when waiting for the school bus.
 - Beecher Road School is at capacity
 - The buildings that the developer has built so far do not meld with the neighborhood.
 - It is not fair/safe to have all the development in this area.
 - Expressed concern about traffic being re-routed through Manila and South Bradley Roads
- **Jessie Wrubel of 18 Merritt Avenue** whose comments included:
 - The proposed open space would not tie into any trails.
 - Asked if a gate could be installed under the bridge to protect the area from the homeless because there is at least a six foot opening on each side of the river under the Parkway.
 - The addition of 36 dwelling units could equal 72 more school children
 - Is concerned about the number of cars that would actually leave between 8 and 9 am in the morning and return at the peak hour in the evening.
 - Expressed concern that the duplexes that have been built are not zoning compliant in terms of their setbacks.
- **Darlene Smith of 16 Merritt Avenue** whose comments included:
 - She and her husband had lived in Woodbridge for 41 years
 - She and others in the neighborhood had fought to have the traffic light at Merritt Avenue and Litchfield Turnpike installed.
 - Through the years the traffic volume on Litchfield Turnpike has increased with commuters from Bethany and Cheshire
 - There is no more “arrow” on the traffic light to allow traffic to turn into Merritt Avenue, but there is a turn arrow by Lucy Street and Litchfield Turnpike.
 - People block the access on Litchfield Turnpike to and from Merritt Avenue
 - If the existing gate at Manila and South Bradley were opened it would allow tractor trailer trucks on Manilla and Merritt where children play, and the corners are tight for the trucks to negotiate.
 - In the morning only three cars can exit Merritt Avenue onto Litchfield Turnpike.
 - The area is akin to a war zone.

- No one listens to the residents
- **Seymon Dubrovskiy of 41 Merritt Avenue** whose comments included:
 - The traffic is horrible
 - Lots of little kids play in the streets which are narrow
 - There is no room in the streets for two cars to pass
 - The narrowness of the streets is a problem for emergency response and delivery vehicles.
 - Delivery drivers use the cul-de-sac on Merritt Avenue as a restroom
 - There has been a decrease in the quality of life in the area.
 - The intersection of Litchfield Turnpike and Merritt Avenue gets completely blocked with traffic so no one can get out or into Merritt Avenue
 - There are no sidewalks in the area
 - Natural drainage in the area will decrease when the additional foundations are installed.
- **Badeen Mekal of 18 Manila Avenue** whose comments included:
 - He had moved to Woodbridge in 2016
 - The traffic is really bad
 - Now more cars and kids would be added to the area
 - It was the first time he had spoken at a public meeting
 - The police park in the area because there are safety concerns in the area
- **Roger Arpaia of 40 Merritt Avenue** whose comments included:
 - Deer and rats in the subdivision property will be displaced.
 - There is no parking available on Manila and Merritt Avenues
 - There is very little open space in the area
 - Questioned if a wildlife study had been done.
- **Ermira Isaku of 1 Manila Avenue** whose comments included:
 - She and her husband had moved to the area in 2009
 - The addition of more school children in the area will require more school buses
 - The turn arrow for the Merritt Avenue and Litchfield Turnpike traffic light was removed.
- **Kelly Parker of 35 Manila Avenue** whose comments included:
 - It would be nice to have usable open space for the community
 - The subdivision will have a negative impact on the schools and emergency services.
 - Residents in the new duplexes will not park “back to back” but will park in the street to be able to get out when they need to.
 - The houses that the developer has been building are unproportional to the existing houses.

At the conclusion of comments by members of the public Commission members discussed:

- That the Pansy Court Case does not address parking.
- Why the gate at South Bradley Road and Manila Avenue is closed and locked.

- How long the applicant’s traffic consultant had spent at the site. *Note: The consultant had spent 15 minutes at the site, but he noted that cameras had been set up to capture the traffic volumes between 7 and 9 am and 4 and 6 pm.*

In response to questions by Commission members, Project Engineer John Paul Garcia noted the following:

- The subdivision road will be at elevation 84’ at its lowest point.
- The road will dip down and up, but mostly will be above the flood elevation.
- Water in the area flows from the northeast to the southwest. Surface water flow is stopped by Merritt Avenue
- When the subdivision application was before the Inland Wetlands Agency the plans had been sent to the Department of Energy and Environmental Protection to be reviewed for compliance with the FEMA regulations. At that time the additional storage area south of the detention basin had been added.

Attorney John Knuff then made closing comments for the hearing record including:

- The application is zoning compliant
- The plans have been reviewed by DEEP and the town consulting engineer.
- The traffic has been reviewed by the applicant’s consultant and Commission’s peer consultant.
- In accordance with the Pansy case, Traffic was considered at the time the zoning for the area was created, which allowed two family houses.

There being no further comments by Commission members, the applicant’s representatives or members of the public, the Commission acted to close the public hearing based on the following motion:

- *** **Schatz moved to close the public hearing on the application of Litchfield Turnpike LLC for a fifteen lot subdivision of property located at 10 and 14 Merritt Avenue**
- *** **Kennedy seconded**
- *** **In Favor: Klee, Zamir, Schatz, Kennedy, Hunter and Noujaim.**
- *** **Opposed: No One**
- *** **Recused: No One**
- *** **Abstained: No One**

Unanimous vote of approval.

At this time, the Commission took a brief recess in the meeting.

NEW BUSINESS

Amity Regional School District: 25 Newton Road Request to change 1988 guidelines for use of stadium lights

District School Superintendent Dr. Jennifer Byers and Stephen Martoni, Director of Facilities were both present to discuss the request with the Commission. In their

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presentation they reviewed the letter outlining the requested changes dated January 10, 2023 and responded to questions by Commission member noting:

- 2 years ago when the stadium field was upgraded the lights in the stadium had been changed to LED lights, with a light study done to show the elimination of light spillage onto adjoining properties. *Note: A copy of stadium illumination study dated February 17, 2020 had been included with the request.*
- The request being made to the Commission is to expand the number of evening events in the stadium from ten to twenty over the course of the school year.
- This would allow sports other than football to have access to evening events, and equal access for girls' sports.
- Sport events would be scheduled to end at 9 pm, with the proviso that weather delays, overtime periods or other unpredictable events could result in contests ending after 9 pm
- The parking area would be cleared by 9:30 pm, except if, as noted above, an event could not end by 9 pm.
- Lights would be used when student athlete safety was at risk, as determined by the athletic director.
- The number of evening events had been limited to twenty out of sensitivity to the abutting neighbors.
- The school district has not received any complaints regarding the new LED lighting.
- Since the limitation on night lighting had been for the stadium lighting, on other playing fields, portable lights powered by generators are used.

At the conclusion of the presentation, it was the consensus of the Commission members that notice of the requested changes be sent to the abutting property owners, with further discussion and appropriate action on the request deferred until the Commission's regular meeting on March 6, 2023.

Amity Regional School District: 25 Newton Road

Proposal to add additional parking lot lighting for student/visitor safety

District School Superintendent Dr. Jennifer Byers and Stephen Martoni, Director of Facilities were both present to discuss the proposal with the Commission. In their presentation they reviewed the lighting proposal which had been prepared by the United Illuminating Company and responded to questions by Commission member noting:

- The current lighting to the north of the stadium along the access/parking road exiting onto N. Pease Road stops at the football field.
- Portable lights powered by generators are used to illuminate the parking area and roadway.
- The proposal would have eight pole lights installed with 56 watt lights which are dark sky compliant along the stadium side of the accessway.
- The school would pay for the pole "rental" and electricity.
- The lights would be on photocells and on all night.
- All other parking areas for the school have lights on all night.

At the conclusion of the presentation, it was the consensus of the Commission members that notice of the proposal be sent to the abutting property owners, with further

discussion and appropriate action on the proposal deferred until the Commission's regular meeting on March 6, 2023.

WORK SESSION

Litchfield Turnpike LLC: 10 and 14 Merritt Avenue

Application for fifteen lot subdivision

The Commission members discussed the concerns raised during the public hearing on the subdivision application regarding open space, housing opportunities in Woodbridge, traffic, drainage and flooding. At the conclusion of their discussion the Commission acted on the application as follows:

***** Klee moved to approve the application of Litchfield Turnpike LLC for a fifteen lot subdivision of property located at 10 and 15 Merritt Avenue including dedication of open space to the Woodbridge Land Trust.**

The subdivision approval is based on the following plans prepared by John Paul Garcia and Associates, entitled and dated:

- **“Existing Conditions Plan, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-1, dated 9-10-21**
- **“Site Development Plan, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-3, dated 9-10-21 ~ revised to 5-2-22;**
- **“Plan & Profile, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-4, dated 7-29-21;**
- **“Erosion & Sediment Control Plan, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-5, dated 9-10-21 ~ revised to 5-2-22;**
- **“Typical Details, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-6, dated 9-10-21;**
- **“Typical Details, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-7, dated 9-10-21; and**
- **“Typical Details, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-8, dated 9-10-21**

The subdivision approval is subject to the following:

- 1. Dedication to the Woodbridge Land Trust in fee simple the open space property shown on the subdivision plan entitled and dated: “Site Development Plan, The Enclave at Woodbridge, 10 & 14 Merritt Avenue, Woodbridge, CT 06525”, Sheet C-3, dated 9-10-21 ~ revised to 5-2-22;**
- 2. A bond acceptable in form and content to Town Counsel shall be posted in an amount based on an estimate by the project engineer, as agreed to and approved by the Commission's consulting engineer, prior to any site work being done under this permit to insure the installation and maintenance of sediment and erosion controls, the storm water maintenance system, and road completion.**
- 3. In accordance with Connecticut General Statute Section 8- 26c, all work in connection with the subdivision shall be completed within five years**

after the approval of such plan for the subdivision. This expiration date shall be February 6, 2028.

4. The mylar for the approved subdivision shall be filed or recorded on the Land Records of the Town of Woodbridge in accordance with Section 8-25 of the Connecticut General Statutes. Failure to file or record the subdivision plan in the time prescribed by CGS 8-25 shall result in the subdivision approval becoming null and void.

*** Schatz seconded

*** In Favor: Klee, Zamir, Schatz, Kennedy, Hunter and Noujaim

*** Opposed: No One

*** Recused: No One

*** Abstained: No One

Unanimous approval.

Discussion and appropriate action regarding cleanup of the Zoning Regulations

It was the consensus of the Commission to schedule a special meeting to work solely on the clean of the Regulations, for Monday, February 27, 2023, from 6 pm until 8 pm (location to be determined based on meeting room availability). Further review and discussion of the Regulations will be carried forward to the Commission's regular meeting on March 6, 2023.

Discussion and appropriate action regarding cannabis regulations

Due to the latest of the hour, this item was deferred until the Commission's regular meeting on March 6, 2023.

Report regarding actions of the Regional Planning Committee of SCRCOG

There was no report since Commissioner Skolnick had been excused from the meeting.

Report of the Housing Committee

Commissioner Hunter reported that the last SCRCOG meeting on Housing had focused on Wastewater Management. At the next Committee meeting, there will be a speaker from the Partnership for Strong Communities.

Report of the Zoning Enforcement Officer

ZEO Sullivan stated there was nothing of significance to report.

Correspondence

1. A request was received from Attorney George Moward, II, for 90 day extension of time in which to file the subdivision mylar of 356 Rimmon Road

*** Kennedy moved to grant the request of Rimmon Road LLC, for a ninety day extension of time in which to file for the approved subdivision mylar for 356 Rimmon Road.

*** Schatz seconded

*** In Favor of the motion: Klee, Kennedy, Zamir, Schatz, Hunter and Noujaim

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***** Opposed: No One**
***** Recused: No One**
***** Abstained: No One**
Unanimous vote of approval.

Meeting Adjournment

***** Kennedy moved to adjourn the meeting at 10:03 pm**
***** Schatz seconded**
***** In Favor: Klee, Kennedy, Schatz, Zamir, Hunter, and Noujaim**
***** Opposed: No One**
***** Recused: No One**
***** Abstained: No One**
Unanimous vote of approval.

Accordingly, the meeting was adjourned at 10:03 pm.

Respectfully submitted,

Kristine Sullivan,