

**MINUTES OF THE ZONING BOARD OF APPEALS  
TOWN OF WOODBRIDGE  
REGULAR MEETING OF MARCH 11, 2019**

**A regular meeting for the Zoning Board of Appeals for the Town of Woodbridge was held on Monday, March 11, 2019, in the Central Meeting Room of the Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.**

**ROLL CALL**

**PRESENT:** Aldon Hynes – Chairman, Henry Nusbaum, Robert Wiznia and Jeffrey Atwood  
**EXCUSED:** Cynthia Gibbons, Arlene Levine (alternate) and Larry Weinberg (alternate)  
**Note:** There is a vacancy on for an alternate position on the Board.  
**ALSO PRESENT:** Terry Gilbertson, Zoning Enforcement Officer (ZEO)  
Kristine Sullivan, Land Use Analyst

**The meeting was called to order by the Chairman at 7:37 p.m.**

**PUBLIC HEARINGS**

**Patricia and William Williams/Appellants – 465 Amity Road**  
**Variance of Section 3.1.1.1 Table of General Bulk Regulations, Column 9, to allow an additional accessory building which would exceed the allowed maximum accessory building coverage of the lot by an additional 1.8%.**

For the benefit of the applicant, the Chairman noted that to be granted a variance request must be approved by a concurring vote of four members of the Zoning Board of Appeals. Since there were only four Board members present, the Chairman asked the applicant if she wanted to proceed with the public hearing. Mrs. Williams, owner/applicant who was present for the public hearing said that she would proceed with the hearing. Mrs. Williams was accompanied by her architect, Anthony Arrato. In discussion she stated:

- The proposed additional accessory building would be used for storage for her husband's artwork.
- Currently his artwork is stored in a loft in New York City.
- 1200 square feet is needed to store her husband's artwork.
- There are currently two accessory structures on the property, a barn which her husband uses for her studio and a garage for their vehicles.
- Architectural renderings of the proposed third accessory building were prepared by Mr. Arrato and were designed to meld into the existing structures.
- The building would be heat and humidity controlled, but would not have running water.
- The building would have a ground floor with attic space above.
- It would be difficult to expand the house to provide the needed storage space because of the location of the onsite well and septic system
- The intent was to have the property stay in the family forever and to maintain her husband's artworks on site.

The Chairman questioned what the hardship there was that would validate granting the variance. It was noted that only 3% of the lot area was occupied by the residence, when the Zoning Regulations provided that the total area that could be occupied by the residence was

12% of the lot area, and that even with the additional accessory building less than 9% of the lot area would be occupied by the residence and three accessory structures.

ZEO Gilbertson noted that Connecticut General Statutes Section 8-6 regarding when variances can be granted by a ZBA, provides that a variance can be granted not only when “there are conditions especially affecting such parcel, but not affecting generally the district in which it is situated”, but also when “a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice would be done and the public safety and welfare secured.” He added that all variances continue with the land.

There being no further comments from the Board, ZEO or applicant, the public hearing was closed.

Later in the meeting the Board members commented individually on the application as follows:

- Mr. Nusbaum opined that the place to remedy the issue was with the Planning and Zoning Commission where a “bulk” lot coverage area could be considered. He was concerned that if approved the decision became wide ranging.
- Mr. Hynes opined that initially that had been his reaction, but was now of the opinion that a narrowly crafted variance related to the applicant’s inability to expand the house due to the location of the well and septic could be granted. He added that the proposed structure would not present any other zoning issues.
- Mr. Wiznia expressed his concern that the building could be used as a second dwelling. ZEO Gilbertson noted that the Residence A district in which the property is located does not allow more than one dwelling unit per lot, so a second residential use would not be allowed.
- Mr. Atwood noted that he understood Mr. Nusbaum’s opinion but was okay with approving the variance with caveats. He added that no plumbing was proposed in the structure, it would prohibitive to expand the house to provide the needed storage space, and there was less of a hardship to build an accessory structure.

At the conclusion of discussion, the Board acted on the subject application as follows:

\*\*\* **Mr. Hynes moved to approve the requested variance of Section 3.1.1.1 Table of General Bulk Regulations, Column 9, to allow an additional accessory building which would exceed the allowed maximum accessory building coverage of the lot by an additional 1.8%.**

\*\*\* **Mr. Nusbaum seconded**

\*\*\* **In Favor: Hynes, Atwood and Wiznia**

\*\*\* **Opposed: Nusbaum**

\*\*\* **Recused: No One**

\*\*\* **Abstained: No One**

**The motion having failed to have the required minimum of four affirmative votes, by default served as a denial of the requested variance.**

### **PLH, LLC/Appellant – 57 Park Lane**

#### **Variance of Section 3.1.2.2. (10) Table of General Bulk Regulations to allow the primary use of the property as a solar farm.**

Chris Little, Vice President of PLH, LLC, owner/applicant was present for the public hearing. In discussion he noted:

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- His company was proposing to have a 99.9 KW solar farm on the subject property.
- Solar farms are becoming more common in Connecticut.
- Locating a solar farm hinges on its ability to interconnect with an electrical grid.
- There is a substation on the adjoining property to the northeast of the subject property.
- The solar farm would be unmanned, and hence would generate no traffic or noise,
- The solar arrays would be fixed tilt systems that do not move.
- They would be subject to property tax.
- Revenue for the company is made by selling the power generated wholesale.
- There are no safety issues with solar arrays ~ they are safe to the touch.
- The site is currently fully wooded.
- A low chain link fence and/or landscaping would be installed after the site was developed.
- An Aesthetics plan could be prepared for the site.
- Because there is a lot of rock on the site, a screw system or ballast system would be utilized to secure the solar arrays.
- The solar array would have limited exposure to the shopping center below it.
- An access road would go along the southwestern side of the property.
- There should be no need for blasting for the project.
- Regarding reflectance issues, the panels are mats that absorb electricity had had very little reflection.
- Trees would need to be removed, but it would not be necessary to remove all stumps.
- A sediment and erosion control plan can be provided.
- There are wetlands on the north east corner of the site.
- The project would take three to three and one half months to complete.
- Deliveries would be minimal and could be limited to one per day or alternative done all at once.
- Because of its topography and rock outcrops, the site would be very difficult to develop residentially so the use of a solar farm provides a viable use for the site.

Board members noted that the State is encouraging the use of solar farms, which can be much larger than the proposed solar farm.

There being no further comments from the Board, ZEO or applicant, the public hearing was closed.

Later in the meeting the Board acted on the subject application as it pertained to requested variance as follows:

**\*\*\* Mr. Nusbaum moved to approve the requested variance of Section 3.1.2.2. (10) Table of General Bulk Regulations to allow the primary use of the property as a solar farm.**

**The variance was granted because the Board found that the use was a viable use for a site which otherwise would have been a difficult site to develop residentially due to the topography of the property.**

**\*\*\* Mr. Wiznia seconded**

**\*\*\* In Favor: Hynes, Nusbaum, Atwood and Wiznia**

**\*\*\* Opposed: No One**

**\*\*\* Abstained: No One**

**Unanimous approval.**

**APPROVAL OF MINUTES**

**Minutes of Board's Regular Meeting on September 17, 2018**

- \*\*\* Mr. Nusbaum moved to approve the minutes as submitted.**
- \*\*\* Mr. Atwood seconded**
- \*\*\* In Favor: Hynes, Nusbaum, Atwood and Wiznia**
- \*\*\* Opposed: No One**
- \*\*\* Recused: No One**

**Unanimous approval.**

**Minutes of Board's Regular Meeting on October 9, 2018**

- \*\*\* Mr. Nusbaum moved to approve the minutes as submitted.**
- \*\*\* Mr. Wiznia seconded**
- \*\*\* In Favor: Hynes, Nusbaum, Atwood and Wiznia**
- \*\*\* Opposed: No One**
- \*\*\* Recused: No One**

**Unanimous approval**

**ADJOURNMENT**

- \*\*\* Mr. Nusbaum moved to adjourn the meeting at 8:52 p.m.**
- \*\*\* Mr. Wiznia seconded**
- \*\*\* In Favor: Hynes, Nusbaum, Atwood and Wiznia**
- \*\*\* Opposed: No One**
- \*\*\* Recused: No One**
- \*\*\* Abstained: No One**

**Unanimous approval**

**Accordingly, the meeting was adjourned at 8:52 p.m.**

Respectfully submitted,

Kristine Sullivan  
Acting Recording Secretary