

# ***MEETING NOTICE***

## ***REGIONAL PLANNING COMMISSION of the VALLEY COUNCIL OF GOVERNMENTS***

**Tuesday, January 26, 2010  
5:15 p.m. at VCOG Offices  
Derby Train Station**

### **AGENDA**

1. Public Session
2. Minutes of 11/24/09 Regular VCOG RPC Meeting (Enc.)
3. Referrals and Reviews: (pertinent correspondence enclosed)
  - a) **Referral from Town of Bethany:** Proposed Amendments to the Bethany Zoning Regulations; Section 8.3.B.3; Section 14.1.B.5.e; Section 14.3.C  
Public Hearing Date: February 3, 2010
  - b) **Referral from Town of Bethany:** Proposed Amendment to the Bethany Zoning Regulations; To add Section 5A re: Small Wind Energy Systems;  
Public Hearing Date: March 3, 2010
  - c) **Referral from Town of Oxford:** Proposed Amendments to the Oxford Zoning Map  
Public Hearing Date: None given
  - d) **Referral from Town of Oxford:** Proposed Amendment to the Oxford Zoning Regulations; Article 10, Section 10.4A  
Public Hearing Date: January 7, 2010
  - e) **Referral from Town of Oxford:** Proposed Additions for the Aquifer Protection Area  
Public Hearing Date: February 4, 2010
  - f) **Referral from Town of Oxford:** Proposed Amendment to the Oxford Zoning Regulations re: Proposed Moratorium on Affordable Housing  
Public Hearing Date: None given
  - g) **Referral from Town of Trumbull:** Proposed Amendment to the Trumbull Zoning Regulations; Article II, Section 1.3.4.4, Special Permit Uses  
Public Hearing Date: None given
4. Municipal and Regional Notification Triggers for Zoning Matters

**MINUTES OF THE REGULAR MEETING  
VCOG REGIONAL PLANNING COMMISSION  
Tuesday, January 26, 2010**

Members Present: Bart Flaherty, David Barboza II, Virginia Harger, Al Yagovane  
Members Absent: None

Staff Present: David Elder, Senior Regional Planner

Others Present: None

The meeting was called to order by Chairman Flaherty at 5:24 p.m.

The public session was called open. There were no public comments.

Motion to close the Public Session.

Motion by: David Barboza II

Second by: Virginia Harger

Motion passed unanimously.

Motion to approve the Minutes of the 11/24/09 Regular Meeting.

Motion by: David Barboza II

Second: Virginia Harger

Motion passed with Al Yagovane abstaining

**Referral from Town of Bethany:** Proposed Amendments to the Bethany Zoning Regulations:  
Sections 8.3.B.3; Section 14.1.B.5.e; Section 14.3.C

David Elder reviewed his finding of no regional impact. He elaborated that proposed change is still in sync with the General Statutes because they require that the applicant notify abutters through certified mailing, not that the abutter signs or accepts the certified mailing. Therefore, the white slips, or receipts of certified mailing are acceptable forms of proof that the notification was sent certified.

Motion by: David Barboza II, to support the staff finding of no negative regional impact.

Second: Virginia Harger

Motion passed unanimously

**Referral from Town of Bethany:** Proposed Amendment to the Bethany Zoning Regulations;  
To add Section 5A re: Small Wind Energy Systems;

David Elder reviewed his finding of potential for negative regional impact. The two potentially negative impacts involved the risk to public health safety in the event of a fall, or the possibility of the turbines breaking free. The instance of the turbines breaking free is a common concern surrounding wind turbines and many towns have specified in their regulations that only turbines, whose manufacturers have developed break-speeds, or fall-off designs, will be implemented. The other potential impact from the proposal was the aesthetics in the region from a large number of ridge mounted wind turbines. There was additional discussion on the potential for impacts to avian wildlife, including avian wildlife of Long Island Sound. The RPC continued to discuss the proposal in terms of flight traffic to and from the Oxford airport and the recent small aircraft crash that was caused by ground mounted power lines. The RPC questioned if the Town of Bethany itself, or through its applicant, was intending to study, or collect research into the avian flight paths through the region and perhaps limit the placement of these SWES accordingly. Finally, considering the recent zoning regulation regarding solar energy systems, the RPC discussed that there was no mention in the proposal of the proposed amendment's consistency with Bethany's Plan of Conservation and Development and whether alternative energy sources was an objective of the Towns.

Motion by: Virginia Harger, to support the staff finding for the potential of negative regional impact, and for staff planner to include the RPC comments regarding public safety and wild life in the cover letter.

Second: David Barboza II  
Motion passed unanimous

**Referral from Town of Oxford:** Proposed Amendments to the Oxford Zoning Map;

David Elder reviewed his finding of potential for regional impact. He further elaborated that Route 67 corridor from Southbury through Seymour, and beyond, particularly in commercially developed areas experienced high congestion levels at peak travel times and that the substantial number of curb cuts increases the risks to safety and adds to the congestion. The RPC discussed that while there are traffic impacts, one town should be able to develop areas they deem appropriate, and that while traffic concerns are a high priority, the issue is not one Town's problem more than the other. The RPC further discussed the location of the proposed zone change and the fact that it abuts residential homes to the north, east, and south. Due care should be given when a site plan is presented to the commission for a commercial use in considering the abutting residential properties.

Motion by: Al Yagovane, to support staff finding of no negative regional impact and for staff planner to include the RPC comments in the cover letter.

Second: Virginia Harger  
Motion passed unanimous

**Referral from Town of Oxford:** Proposed Amendments to the Oxford Zoning Regulations; Article 10, Section 10.4A;

David Elder reviewed his finding of no regional impact. However, he reviewed the Oxford definition of a structure. The definition includes many types of items that can be placed on the ground in addition to the decks, patios, and porches which the proposal seeks to relax the setback for. The RPC was in agreement that these items should be able to conform to the small setback of 50' but that it may be a better idea to name these structures as being required to meet the 50' explicitly, rather than change the requirement of any structure since that definition is very broad.

Motion by: David Barboza II, to support finding of no negative regional impact.

Second: Virginia Harger

Motion passed unanimous

**Referral from Town of Oxford:** Proposed Additions for the Aquifer Protection Area;

David Elder reviewed his finding of no regional impacts. He elaborated that the proposal was intended to bring the Aquifer Protection Area regulations into compliance with the Statutory Amendments of October 2007.

Motion by: David Barboza II, to support staff finding of no negative regional impact.

Second: Virginia Harger

Motion passed unanimous

**Referral from Town of Oxford:** Proposed Amendments to the Oxford Zoning Regulations re: Proposed Moratorium on Affordable Housing;

David Elder reviewed his finding of no regional impact. There was discussion among the RPC that it was questionable as to whether or not a moratorium was statutorily defensible for not accepting an 8-30g application.

Motion by: David Barboza II, to support staff finding of no negative regional impact, and for staff planner to include comments regarding refusing to accept 8-30g applications and statutory defensibility.

Second: Virginia Harger

Motion passed unanimous

**Referral from Town of Trumbull:** Proposed Amendment to the Trumbull Zoning Regulations; Article II, Section 1.3.4.4., Special Permit Uses;

David Elder reviewed his finding of no negative regional impact. There was discussion among the RPC regarding the ability for the Commission to not use the location specific criteria to permit waivers as this may be construed as spot zoning. Instead, the RPC suggested that the

applicant provide specific requirements for signage, parking, and height in their proposal so that the Trumbull Planning and Zoning Commission can allow, through Special Permits, that primary or secondary schools, in the RA Zone are subject to different requirements, not waivers, and not tied to a specific location, i.e. lots over 25 acres abutting a limited access highway.

Motion by: David Barboza II, to support staff finding of no negative regional impact and for staff planner to include comments regarding location specific waivers versus requirements for same in the RA Zone.

Second: Al Yagovane

Motion passed unanimous

Motion by: David Barboza II, to table agenda item 4 until the next meeting

Second: Virginia Harger

Motion passed unanimous

Prior to the adjournment of the meeting Chairman Flaherty recognized the newly appointed member of the RPC for the Town of Seymour. The Chairman welcomed Alfred Yagovane and acknowledged his years of experience on the Seymour Planning and Zoning Commission. Additionally, Chairman Flaherty requested that no more letterhead be printed until we updated it with Al's information and held the election of officers.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

David Elder  
VCOG Senior Regional Planner