

# ***MEETING NOTICE***

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

## **SPECIAL MEETING**

**Tuesday, January 6, 2009  
5:15 p.m. at VCOG Offices  
Derby Train Station**

## **AGENDA**

1. Public Session
2. Minutes of 11/25/08 Regular Meeting (Enc.)
3. Referrals and Reviews: (pertinent correspondence enclosed)
  - a) **Referral from City of Derby:** Proposed Zoning Regulation Text Change to modify Derby's Regulations Section 195-22 Industrial Campus (I-C) Zone, Section 195-26Q and to create a New Section 195-26LL;  
Public Hearing Date: December 16, 2008 (continued until January)
  - b) **Referral from Town of Stratford:** Proposed Amendment to Zoning Regulations to ensure compliance with CTDEP Phase II Stormwater General Permit Program Requirements;  
Public Hearing Date: January 20, 2009
  - c) **Referral from Town of Stratford:** Proposed Revisions to Section 20.1 of the Zoning Regulations re: Special Case Approval;  
Public Hearing Date: February 17, 2009
  - d) **Referral from Town of Trumbull:** Proposed Amendment to Zoning Regs. re: Accessory Sale of Holiday Decorations for Residential A, AA, AA and Commercial B-C Zones;  
Public Hearing Date: January 21, 2009

**MINUTES OF THE SPECIAL MEETING  
VCOG REGIONAL PLANNING COMMISSION  
Tuesday, January 6, 2009**

Members Present: Bart Flaherty, David Barboza II, Virginia Harger, Cliff Strumello  
Members Absent: None

Staff Present: David Elder, Senior Regional Planner

Others Present: Derby Resident, Marc Garofalo, 95 Academy Hill Road

The meeting was called to order by Chairman Flaherty at 5:28 p.m.

The public session was called open.

Marc Garofalo addressed the Commission regarding the referral from the City of Derby to amend its Zoning Regulations to allow Continuing Care Retirement Community (CCRC) as a permitted use in the Industrial Campus (I-C) Zone. Specifically, Mr. Garofalo expressed great concern and his opposition to this proposal because of the density of the proposed use being 6 dwelling units per acre and that the private road, as proposed to be permitted in the CCRC, does not provide for proper egress from the development to the local and state streets abutting the 2 I-C Zones in the City of Derby. Additionally, Mr. Garofalo explained that when he was the Mayor of the City, as well as the Chairman of the VCOG Board, the City went through an exhaustive process while updating its Plan of Conservation and Development, which had not been done since 1958, to create the I-C zones to attract a specific type of use, of which a retirement community was not part. Mr. Garofalo also stated that, to date, the City has not received any empirical data regarding what the impacts of this proposal will be on the City. He continued that if the City is considering allowing residential uses in this zone, then a complete and thorough analysis be done to verify that age-restricted development is the appropriate type of residential development to be permitted in Derby's last 2 large vacant tracts of land. Mr. Garofalo then thanked the Commission for their time and wished the Commission a happy new year. Chairman Flaherty thanked Mr. Garofalo for his comments and invited him to speak again during the discussion of the referral if he had additional comments.

Chairman Flaherty then called for any other public comments; three times. There were none.

Motion to close the Public Session.

Motion by: David Barboza II

Second by: Cliff Strumello; Motion passed unanimous

Motion to approve the Minutes of the 11/25/08 meeting.

Motion by: David Barboza II;

Second: Virginia Harger; Motion passed unanimous

**Referral from City of Derby:** Proposed Zoning Regulation Text Change to modify Derby's Regulations Section 195-22 Industrial Campus (I-C) Zone, Section 195-26Q and to create a New Section 195-26LL; Public Hearing Date: December 16, 2008 (continued until January).

VCOG Regional Planning Commission (RPC) Chairman read the staff referral into the record. Discussion occurred regarding the proposal including the public comments. The VCOG RPC acknowledged that while some of the issues raised during the public session were more site specific and would need to be reviewed by the City of Derby's P&Z when a site plan was submitted, it was generally agreed that this use was a variation from the original and existing intent of the zone. The staff planner produced a copy of the Derby Zoning Map and indicated where the 2 I-C parcels were located in the City. Several RPC members relayed that this is ledgy and a section of the city that has wetlands on it. The RPC then discussed what aspects of this referral were relative to their responsibilities of reviewing it for "regional impacts". It was agreed that the proposal to allow residential uses in the property was a deviation from the original intent of the I-C zone which was light industrial. The staff planner then read aloud the existing permitted uses of the I-C zone, which were all light industrial, verifying that that a residential use would be inconsistent with the zones original intent. There were also references made to other age-restricted developments in the VCOG region including assisted living facilities in Shelton and Ansonia. Mr. Garofalo, still present, interjected that there was no comparison to any of the existing age-restricted development to the size and density of what is being proposed by this CCRC.

The VCOG RPC then agreed that while there was no clear negative regional impact to the proposed text amendment, the RPC referral should include additional information that recognizes that the proposal for a residential use in this zone conflicts with the zone's original intent.

A motion was made to add the RPC comments to the referral as well as address them in the cover letter to the City of Derby's P&Z Commission.

Motion by: David Barboza II

Second: Cliff Strumello; Motion passed unanimous

**Referral from Town of Stratford:** Proposed Amendment to Zoning Regulations to ensure compliance with CTDEP Phase II Stormwater General Permit Program Requirements; Public Hearing Date: January 20, 2009.

VCOG RPC staff planner reviewed his referral of no negative regional impact. The VCOG RPC reviewed the language to be added and noticed that while the inclusion of the analysis of the 50 and 100-year storm events was a good measure, the requirement of the new text was a design to accommodate a 25-year storm event only. The VCOG RPC generally agreed that this was less than what many towns require in Connecticut which is that the collection system be designed to accommodate the 50 and 100-year storms, not just do the analysis. In addition, it was discussed that Stratford is adjacent to Long Island Sound and that because of this, the proposal could have negative impacts on Long Island Sound.

A motion was made to approve the staff recommendation of no negative regional impact but to include RPC comments on collection system designs and potential impacts to Long Island Sound.

Motion by: David Barboza II

Second: by Virginia Harger; Motion passed unanimous

**Referral from Town of Stratford:** Proposed Revisions to Section 20.1 of the Zoning Regulations re: Special Case Approval; Public Hearing Date: February 17, 2009.

The VCOG RPC staff planner reviewed the referral of no regional impact. Discussion occurred regarding the vagueness of #4 under special case approval wherein it states that any “significant” alteration of a previously approved special case approval will require a special case approval to be determined by the Commission. The VCOG RPC suggested that the Stratford P&Z define “significant” to avoid legal problems wherein one case is considered significant and another insignificant and the difficulty in determining what is, or not “significant” without a definition of a trigger such as square footage increase as used in the other proposals of the same section.

A motion was made to approve the staff recommendation of no negative regional impact but to include RPC comments on defining “significant.”

Motion by: David Barboza II

Second: by Cliff Strumello; Motion passed unanimous

**Referral from Town of Trumbull:** Proposed Amendment to Zoning Regs. re: Accessory Sale of Holiday Decorations for Residential A, AA, AA and Commercial B-C Zones; Public Hearing Date: January 21, 2009

VCOG RPC staff planner reviewed the referral of no regional impact. Discussion occurred that this type of regulation is beneficial in that it can reduce the number of items before the Commission that are considered minor. In addition, it was recognized that using the word “may” in reference to the ZEO’s decision-making power was good practice so that if the ZEO thought that any particular seasonal sale proposal had more impacts than another, the ZEO could refer the matter to the commission.

A motion was made to adopt the staff recommendation of no regional impact.

Motion by: Cliff Strumello

Second: by Ginny Harger; Motion passed unanimous

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

David Elder  
VCOG Senior Regional Planner