

MEETING NOTICE

REGIONAL PLANNING COMMISSION of the VALLEY COUNCIL OF GOVERNMENTS

**Tuesday, March 25, 2008
5:15 p.m.
at VCOG Offices
Derby Train Station**

AGENDA

1. Public Session
2. Minutes of 2/26/08 Regular Meeting (Enc.)
3. Referrals and Reviews: (pertinent correspondence enclosed)
 - a) **Referral from Town of Orange:** Proposed Amendment to Orange Zoning Regulations to permit Veterinary Care Facilities by Special Permit in the RES Residential District
Public Hearing Date: April 1, 2008
 - b) **Referral from Town of Oxford:** Proposed Amendment to Oxford Zoning Regulations, Article 3, Section 3 Non-Conforming Use
Public Hearing Date: March 20, 2008
4. Discussion of Conservation & Development Plan Update

**MINUTES OF THE MEETING
VCOG REGIONAL PLANNING COMMISSION
Tuesday, March 25, 2008**

Members Present: Bart Flaherty, David Barboza II, Virginia Harger, Cliff Strumello

Members Absent: None

Staff Present: David Elder, Senior Regional Planner

Others Present: Daniel Waleski, Derby Resident

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

The public session was called open;

Mr. Dan Waleski of 21 Elm Street, Derby asked the board if they were aware of the public hearing scheduled for the following evening regarding the interchange and intersection improvements surrounding the new North Bound entrance ramp onto Route 8.

Chairman Flaherty responded that the VCOG RPC did not formally review the plans and that the board was disregarded, no RPC opinion was sought out by the DOT or VCOG, and that because the plan was never officially forwarded to the VCOG RPC for its opinion, there was no opportunity to comment on the plan for the record. In addition, Chairman Flaherty continued that had the opinion of the VCOG RPC been sought, it would have suggested that the entire Route 8 Corridor Improvement Plan was woefully outdated, particularly in the City of Ansonia, at Division Street, and that the Plan was prepared by people unfamiliar with the traffic patterns of the Valley Region. Furthermore, Chairman Flaherty said that the VCOG Mayors and First Selectmen should be made aware that the VCOG RPC was never presented with the Plan for comment.

Mr. Waleski then said that he found some objections to the Plan and objects to the Plan as proposed. Mr. Waleski then asked the members of the RPC respectively if they had historical commissions in their Towns/Cities. Mr. Waleski elaborated that the City of Derby is currently trying to create a Historical Commission so that they can apply for funding. Chairman Flaherty, representative of Ansonia, said that the City has a Historical District and that the District maintains authority over new and reconstruction of properties within the District.

Mr. Waleski then asked what the RPC's opinion was of Historic Commissions, Districts, and Societies and if the RPC ever involved them in reviews of Plans. Chairman Flaherty responded that the RPC frequently discusses the historical importance of the proposed developments and that the RPC, as recently as their last meeting, commented on the importance of the Canal and Hydroelectric Dam in downtown Shelton adjacent to the Housatonic River, specifically on its historical importance to the Valley Region.

The Public Session was closed.

Minutes of 2/26/08 Regular Meeting

Motion: by David Barboza II, to accept the minutes as presented

Second: Virginia Harger; motion passed with one abstention

Referrals:

Referral from Town of Orange: Proposed Amendment to Orange Zoning Regulations to permit Veterinary Care Facilities by Special Permit in the RES Residential District

The VCOG staff planner reviewed the proposal and read the staff recommendation. The VCOG RPC representatives corrected the staff planner on the location of the proposal. Mr. Elder then continued that he had discussed this proposal with both the Orange Land Use Administrator and the applicant. Mr. Elder had several questions regarding the extent to which animals would be outside on the property seeing that this is proposed in a residential neighborhood and that the Town of Orange does not permit kennels or boarding of animals of any kind in the Town.

The applicant stated that all procedures done on the premises would be same day care and that at no time would animals be outside on the premises except when being brought in and out of the facility. The applicant also stated that this is an office primarily to be used for administrative purposes for their other Care Facilities.

The VCOG RPC discussed the proposal and commented that the existing traffic conditions in the vicinity of the proposal are already poorly performing and that adding another business to the State Route would add to this existing problem and that this comment should be included on the cover letter to the Orange Commission.

Motion: by Cliff Strumello, to accept staff recommendation of no negative inter-municipal impacts but to include RPC comments regarding traffic in the cover letter;

Second: David Barboza II; motion passed unanimous

Referral from Town of Oxford: Proposed Amendment to Oxford Zoning Regulations, Article 3, Section 3 Non-Conforming Use

VCOG staff planner reviewed the proposal and elaborated that this proposal is similar to a proposal that Oxford had referred to this board, and later adopted regarding commission discretion on Non-Conforming Uses in 2006. The proposal currently before the VCOG RPC is not substantially different than the 2006 referral but does include additional language to include public safety's opinion of the non-conforming use application as well as consideration of the compatibility of the non-conforming use with the surrounding neighborhood.

The VCOG RPC discussed how discretionary authority over non-conforming uses is a slippery slope and presents problems among applications of similar uses in the same area or zone. Discretionary authority also can be used, whether intentionally or not, to avoid the ZBA process of prohibitive uses and the granting of appeals.

Motion: by Cliff Strumello, to accept staff recommendation of no negative inter-municipal impacts;

Second: David Barboza II; motion passed unanimous

Conservation & Development Plan Update

VCOG staff planner relayed that the VCOG staff has updated the Regional Plan to include all of the comments received to date and that with the board's direction, the VCOG staff can publish the Public Hearing notice in the paper and forward copies of the plan to the member municipalities and the VCOG board for comments. There was also discussion regarding the TOD sections of the Plan and that the VCOG Staff should prepare and include a map of the transit routes in the Valley Region.

Motion: David Barboza II, to publish legal notice and forward Draft Plan for comments.

Second: Cliff Strumello, motion passed unanimous.

The meeting was adjourned at 6:14 p.m.

Respectfully submitted,

David Elder
VCOG Senior Regional Planner