

**APPROVED**

**MINUTES OF THE TOWN PLAN AND ZONING COMMISSION  
TOWN OF WOODBRIDGE  
REGULAR MEETING ON DECEMBER 1, 2008**

A regular meeting of the Town Plan and Zoning Commission of the Town of Woodbridge was held on December 1, 2008, in Central Meeting Room of the Woodbridge Town Hall, Woodbridge, Connecticut.

**ROLL CALL**

**Present were:** Donald Celotto, Jr., Chairman, Jeff Kaufman, Joseph Palmieri, Gilbert Hogan, and Kathleen Wallace

**Alternates:** Peggy Rubens-Duhl, and Christopher Dickerson

**Excused were:** Allen Lipson

**Absent were:** Akhil Reed Amar

**Also Present:** Robert Criscuolo, Commission Consulting Engineer, Terry Gilbertson, Zoning Enforcement Officer, Kristine Sullivan, Land Use Analyst, and Carolyn Donovan, Recording Secretary

The meeting was commenced at 7:32 p.m.

**PUBLIC HEARINGS**

**SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY  
1955 LITCHFIELD TURNPIKE**

**Application for construction of eight bay maintenance facility.**

*Note: A hearing on this application had been scheduled for this evening's meeting, but at the request of the applicant, was continued until the Commission's regular meeting on January 5, 2009.*

**MICHAEL SOUFRINE 118 Newton Road  
**Application for five lot subdivision.****

Chairman Donald Celotto, Jr. recused himself from this application. Rubens-Duhl was seated in his place. The hearing was chaired by Commission Secretary Jeff Kaufman.

Michael O'Bymachow, Project Land Surveyor, was present to speak on behalf of the application. In his presentation, he stated:

- The application is for a proposed 5-lot subdivision, with one existing lot.
- There will be approximately 1180' of road for the 4 new proposed lots.
- The property consists of approximately 18 acres.

- An application has been submitted to Inland Wetlands Agency for appropriate action.
- A site walk was done with the Commission's Consulting Engineer Robert Criscuolo and the applicant's Engineer Alan Sheppard.
- The proposed stormwater control system includes a detention area on lot # 3 and another detention area at the end of the turn-around with a proposed level-spreader going into the existing drainage off the property towards the Southwest.
- Approval has been received from Quinipiack Valley Health Dept. for the proposed subsurface septic systems for the individual lots.
- Each lot will have a septic system, private well and roof leader drain going into individual gallery systems for ground water recharge.
- Each lot's footing drain will go into the proposed road drainage system.

Robert Criscuolo, the Commission's Consulting Engineer, spoke regarding the application stating:

- He had submitted a memorandum dated November 18, 2008, which was issued as a preliminary memorandum regarding drainage concerns.
- The proposed subdivision would have two-detention basins. The drainage outlets for those basins pose concerns.
- The first basin has a drainage outlet pipe that during a significant storm event would discharge towards the rear of the residences at 15 and 31 Penny Lane.
- The project engineer has been asked to revisit the drainage path flows related to the construction of the roadway system and homes.
- The second private detention basin at the end of the cul-de-sac has an outlet pipe that runs toward the West. There is a water body system down in that area; and while the swale in the upper reaches are somewhat defined, the concern is that it may need to be fully analyzed, armored, and need some energy dissipation.
- The impact of the drainage system on the wetland corridor by Penny Lane also needs to be studied a bit further.
- The project engineer has also been asked to further study the ground water tables with regard to the construction of the detention basins, to make sure that there won't be a situation in which these two basins when constructed would continually bleed ground water off of the site to the wetland corridors and/or properties located to the south of Penny Lane.
- He believed that revised drainage plans would be submitted in response to his preliminary comments.

Attorney John Colleran representing Christine Laydon of 16 Forest Glen Drive, spoke in opposition to the application stating:

- The Laydon residence has a narrow drive behind it which currently services one existing house (*Note: The residence of Michael Soufrine*).
- The Laydon's are very concerned about any extra use of that narrow drive in connection with the proposed subdivision and would strongly object to any additional use of that narrow driveway.

- That a bond for the roadway, septic, sewage, etcetera should be required to be in place before a permit is issued.

Attorney Calleran also questioned whether the Commission could make a restriction that required that all of the houses in the subdivision must go out to the new subdivision road shown on the plans.

Zoning Enforcement Officer Terry Gilbertson noted that according to the subdivision regulations the whole road does not have to be constructed at one time. He added that sometimes there are drainage issues that make partial road construction impractical, and most likely that would be the case with the proposed subdivision.

Land Use Analyst Kristine Sullivan noted that the subdivision regulations state that before a zoning permit is issued for the construction of any building in a subdivision on a lot which fronts on a subdivision road that has not been accepted by the Town as a public road, and does not front on an accepted public road, that the subdivider must complete road up to the further side line of such lot, to a stage in construction in which only the final surfacing of the road remains to be done before completion of the road. In addition, the subdivider is required to provide a performance bond covering the final completion of the subdivision road.

*There being no further comment from the applicant's representatives, Commission members or staff, the hearing was continued until the Commission's regular meeting on January 5, 2009.*

**RECEIPT AND APPROPRIATE ACTION ON APPLICATIONS AND 8-24 REFERRALS  
RECEIVED SINCE THE NOVEMBER 3, 2008 MEETING OF THE COMMISSION**

**JUSTIN FRECHETTE -1194 RACEBROOK ROAD  
Application for two lot subdivision.**

Commissioner Gilbert Hogan recused himself from the subject matter.

Chairman Donald Celotto, Jr. noted for the record that the subdivision which is the subject of the current application had been approved by the Commission a few months ago, but, the time-limit within which the subdivision mylar had to be filed had passed without the mylar being filed, which had null and voided that approval of the subdivision, necessitating a re-submission of an application for the subdivision. Mr. Gilbertson added that what prevented the mylar from being recorded was that structures that had to be removed before the mylar could be recorded had not been able to be removed before the final filing date for the mylar.

Justin Frechette, applicant, was present to speak on behalf of the application. He noted that :

- The buildings that needed to come down had not been taken down as of yet, but it will be done.
- The application remains the same as what had previously been brought before the Commission.

Ms. Sullivan stated that it should be noted that the application is for a subdivision and not a re-subdivision and therefore it does not by state statute require a public hearing, therefore making it the pleasure of the Commission whether or not a public hearing should be held on the application. It was the consensus of the Commission members that no public hearing needed to be held on the application.

Later in the meeting, the Commission members acted on the subject application as follows:

\*\*\* Mr. Celotto moved to approve the subdivision application subject to the following conditions:

1. *Prior to the Commission's signing of the Subdivision Mylar, the applicant shall furnish either written certification by the project Land Surveyor that the required monuments delineating the lot corners have been installed **or**, shall furnish a completion bond in an amount approved by the Commission to cover the cost of the installation of the required monumentation for the subdivision, in compliance with Chapter V, Section 2 of the Woodbridge Subdivision Regulations. If a bond is provided for the installation of the required monumentation, the bond shall be released only upon receipt by the Commission of a written request for the release of the bond, accompanied by written certification by the project Land Surveyor that the required monuments delineating the lot corners have been installed.*
2. *The two sheds and shed overhang delineated on the subdivision plan "to be removed", shall be removed prior to the filing of the mylar.*
3. *Pursuant to Section 8-26c. of the Connecticut General Statutes, all work in connection with the subdivision shall be completed by December 1, 2013*

\*\*\* **Ms. Rubens-Duhl seconded**

\*\*\* **In Favor: Palmieri, Rubens-Duhl, Celotto, Jr., Wallace, Kaufman**

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

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

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

**Unanimous Approval**

### **AMITY TEEN CENTER - 10 SELDEN STREET**

**Application to modify the site plan approval for the Amity Teen Center as approved in July of 2005, to amend the Teen Center's open hours and increase student drop-in activities.**

Linda Cohen, Treasurer of the Amity Teen Center, was present to speak on behalf of the application. In her presentation she stated that:

- Regarding the after-school program, there have been:
  - Meetings with Dr. Brady (Superintendent of the Amity Regional School System).
  - Parents expressing a need for a place for kids to go after-school.
  - An increase in the number of single-parent families and children being home alone.
- The Board of Selectman and Board of Finances of Orange, Bethany, and Woodbridge

- have said they would like to see increased numbers (of children) at the Teen Center.
- There are two-ways of having increased numbers (of children) at the Teen Center:
  - Having large events
  - Having the Teen Center open for more drop-in time so more children could attend in smaller numbers.
- In order to have the after-school drop in program work better the Teen Center would need to also be open on Mondays.
- The Teen Center would like to try to emphasize different types of activities, and get away from having bigger events at night and instead add more daytime hours so that the number of attendees that the Towns are looking for could be accomplished by having fewer children in attendance at one time.
- The Teen Center is also looking to be open on early dismissal days, holidays and school vacation for the children to have somewhere to go.
- Being open more would fill a need for parents who do not have a place for their children to go.
- After 6-years in operation, the Teen Center now has a better idea of the needs and requirements of the people in the community.
- The children who would come from the school would take a bus directly from the school.
- The children are charged \$5.00 for every afternoon they attend.

Jennifer Stalsworth, Co-Director of the Amity Teen Center, spoke on behalf of the application stating:

- There is a need in the community for after-school hours for the kids.
- The Teen Center is keeping kids off the streets, and out of trouble.
- Following a November incident, the Teen Center has a new protocol whereby the Teen Center in advance of anticipated event, submits a list to the police department so that the police department can determine whether or not there should be police attendance at the Teen Center for that event

Chairman Celotto, Jr. noted for the record the Commission was in receipt of a copy of a letter addressed to the First Selectman, from the Fan Restaurant and Sports Bar, dated November 4, 2008.

Kristine Sullivan, Land Use Staff, noted for the record that Dean from Dean's Hair Salon had called the Land Use Office that afternoon at which time he stated that he would be unable to attend this evening's meeting and he wanted to make the Commission aware that he does not want the Teen Center using his parking area before 6 o'clock at night, since at that time he is still seeing clients of his own business.

Lina Alpert, of Alpert Realty, questioned whether Commissioner Jeff Kaufman should recuse himself from the application, since it was her understanding that Mr. Kaufman's wife is legal counsel to the Teen Center.

Commissioner Kaufman responded that his wife is not counsel for the Amity Teen Center. He added that his wife makes donations to the Teen Center, but has acted in no other professional capacity for the Amity Teen Center.

Ms. Alpert then commented on the application noting:

- That the Teen Center should not be allowed to increase their hours, due to all the problems that have arisen from the operation of the Teen Center. (*Note: She then recounted for the record when the police have been called to the Amity Teen Center.*)
- Submitted invoices that were given to one of her tenants, for a daycare program which a child had attended during the summer that had been signed by Jennifer Stalsworth and were for more money than is charged to the regular teens who attend the Teen Center.
- The she questioned whether the Teen Center has a daycare permit.
- That she does not feel Ms. Cohen really has a handle of what goes on at the Teen Center and that there is no real control or supervision of the children at the Teen Center.
- The Teen Center should stick to what they had originally proposed.
- The Teen Center is lacking accountability, supervision, and productivity.
- There were never as many problems (in the area) including police department calls before the Teen Center came into the neighborhood.

Ona Alpert, also of Alpert Realty, stated that she felt the same way her mother did.

Commissioner Christopher Dickerson questioned the applicant's representatives regarding the situation that occurred on November 3, 2008; asking whether or not there was an event planned that night. Broch Boila, Co-Director of the Amity Teen Center, responded stating:

- That the event had been a birthday party with an anticipated attendance of 50-people but an unexpected amount of people showed up.
- The Teen Center had also been open that night to the public, besides the birthday party that was present.
- Since that time the Directors have changed the rules for the Teen Center.

Ms. Stalsworth added that:

- On November 3<sup>rd</sup> there were off-duty police officers at the Teen Center as well as a security guard who was at the door who had been hired prior to the event.
- It was an unexpected how many people showed up.

Chairman Celotto, Jr. asked for information regarding the charge by Ms. Alpert that a daycare was operated at the Teen Center. Ms. Stalsworth responded that:

- The Teen Center is not daycare.
- The receipts were for during the summer hours when the child being referred to was at the Teen Center.
- Ms. Alpert's tenant is in the middle of a divorce, and the mother needed receipts to submit to be reimbursed for child care.
- The mother of the 11-year old child was only calling it a daycare as far being reimbursed for childcare.

Chairman Celotto, Jr. questioned:

- Why an 11-year old child was being dropped off at the Teen Center in the summertime.
- What kind of liability attaches to an 11-year old being dropped off at the Teen Center.

Ms. Cohen responded that:

- She was not aware of this occurring until now
- That Ms. Stalsworth was doing someone a favor.
- She did not realize that the child was 11-years old.
- This would not happen again.

Commissioner Dickerson suggested that the Commission take a month to:

- Think about the application.
- Wait for a letter from Dr. Brady.
- Obtain more information about what is going to be going on at the Teen Center.

Chairman Celotto, Jr. concurred that he would like to vote on something that is clear, unambiguous, and is understood by everyone on the Commission. He added that there are more questions that have arisen out of the evening's discussion, than precise answers and therefore he would like a more detailed application to come before this Board.

The Commission was then requested by the applicant's representatives to act on the application this evening.

Following discussion Commission members took the following actions on the application:

**\*\*\* Mr. Dickerson moved denial of the application without prejudice.**

**\*\*\* Mr. Hogan seconded**

**\*\*\* In Favor: Dickerson, Hogan, Celotto**

**\*\*\* Opposed: Palmieri, Kaufman, Wallace**

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

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

**The motion to deny the application without prejudice resulted in a tie vote.**

Following the preceding vote, the Commission members then acted on the following affirmative motion regarding the application, as follows:

**\*\*\* Mr. Kaufman moved approval of the application as submitted.**

**\*\*\* Mr. Celotto seconded**

**\*\*\* In Favor: Kaufman, Wallace, Palmieri**

**\*\*\* Opposed: Dickerson, Hogan, Celotto**

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

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

**The motion to approve the application resulted in a tie vote.**

There being no majority vote in favor of approving or denying the application, the application was declared denied based on the multiple tie votes of the Commission members.

*Note: At the Chairman's suggestion, the Commission agreed to hold a special meeting on December 9, 2008 to allow a new application to be received and discussed which would hopefully clarify issues that had been raised during this evening's discussion..*

## **WORK SESSION**

### **PROPOSED SCENIC ROAD ORDINANCE**

**Discussion and appropriate action regarding a scenic road ordinance proposed by the Board of Selectman scheduled for public hearing on December 2, 2008.**

It was the consensus of the Commission members to have staff forward recommended comments by staff on the proposed scenic road ordinance to the Board of Selectmen for the public hearing on the proposed ordinance scheduled for December 2, 2008.

### **JOINT MEETING WITH ECONOMIC AND DEVELOPMENT COMMISSION**

Staff reported that Roger Harrison, Chairman of the Economic and Development Committee would not be available for the previously proposed joint meeting date of December 15<sup>th</sup>. It was therefore the consensus of the Commission members to propose an alternative joint meeting date of Tuesday, January 20, 2009.

### **REGULATION REVISIONS:**

**Discussion, update and appropriate action regarding ongoing update of the regulations, including but not limited to signage.**

Discussion and appropriate action on the regulation revisions was deferred until the Commission's regular meeting on January 5, 2009.

## **APPROVAL OF MINUTES**

**Regular Meeting – November 3, 2008**

**\*\*\* Mr. Celotto moved approval of the minutes.**

**\*\*\* Ms. Wallace seconded.**

**\*\*\* In Favor: Palmieri, Dickerson, Celotto, Hogan and Wallace**

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

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

**\*\*\* Abstained: Kaufman**

**Unanimous Approval**

## **ADJOURNMENT**

**\*\*\* Mr. Kaufman moved to adjourn the meeting at 10:25 p.m.**

**\*\*\* Mr. Hogan seconded**

**\*\*\* In Favor: Kaufman, Palmieri, Dickerson, Celotto, Hogan and Wallace**

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

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

Approved Minutes of the Town Plan and Zoning Commission  
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**\*\*\* Abstained: No One  
Unanimous Approval To Adjourn the Meeting.**

**According the meeting was adjourned at 10:25 p.m.**

Respectfully submitted,

Carolyn Donovan  
Recording Secretary