APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

February 14, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Also Present: Betty Brosius, Inland Wetlands Agent

Public hearings were held prior to the meeting.

At 8:40 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2005-142-SP-SR:** Summary Ruling application to permit regulated activities in the upland review area in conjunction with Special Permit application to construct a 20-unit multi-family development on 5.16 acres of land located at **66 Grove Street** adjacent to existing commercial building in the B-2 zone. Owner/Appl.: 66 Grove Ridgefield, LLC. Auth. Agent: Artel Engineering Group, LLC. *Received 10/11/05, walked 10/16/05, 11/6/05 and 1/22/06, public hearing commenced 12/6/05, continued 1/17/06, 1/31/06, 2/7/06 and 2/14/06. 35-day action period ends 3/2106. For action.*

   Dr. Autuori motioned to table discussion on the item, seconded by Mr. Fossi. There was some discussion about the need to table the item, with most Board members wanting additional time to review the discussion and documents for the application.

   The motion passed 7-2, with Dr. Gelfman and Mr. Katz opposed.

2. **#2005-165-PD:** Summary Ruling application for pond dredging on property located at **31Country Club Road** in the RAA zone. Owner: Stephen and Mary Hicks. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/9/06, extension granted to 2/14/06. Received 12/6/05, tabled 1/4/06, walked 1/8/06, tabled 1/10/06.Draft Resolution of Approval requested 2/7/06. For action.*

   Dr. Autuori motioned, seconded by Mr. Katz, to approve the draft resolution prepared by the Agent. The Agent suggested adding a condition to clarify that a continuous row of boulders around the pond was not desirable, and to reference the proposed plan for "intermittent boulders" to allow wildlife migration into the pond.

   The motion passed, with the amendment, by a vote of 9-0.

3. **#2005-166-PD:** Summary Ruling application for pond dredging and State Road drainage improvements on property located at **143 Wilton Road West** in the RAA zone. Owner: Robert MacAvoy. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/9/06, extension granted to 2/14/06.Received 12/6/05, tabled 1/4/06, walked 1/8/06, tabled 1/10/06.Draft Resolution of Approval requested 2/7/06. For action.*

   Mr. Katz motioned, seconded by Dr. Autuori, to approve the draft resolution prepared by the Agent. The Agent suggested an additional condition noting the applicant's plan to replace the existing over-flow standpipe during the time when the water level was lowered in the pond.

   The motion passed, with the amendment, by a vote of 9-0.

4. **#2005-167-PD:** Summary Ruling application for pond dredging on property located at **352 Florida Hill Road** in the RAA zone. Owner: Steven Pearson and Margaret Gair. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/9/06, extension granted to 2/14/06. Received 12/6/05, tabled 1/4/06, walked 1/8/06, tabled 1/10/06.Draft Resolution of Approval requested 2/7/06. For action.*

   Dr. Autuori motioned, seconded by Mr. Slavin, to approve the draft resolution prepared by the Agent. The motion passed by a vote of 9-0.

NEW ITEMS

5. **#2006-008-SR:** Summary Ruling application for replacement dock in the RAA zone adjacent to **180 Barlow Mountain Road on Pierpont Lake**. Appl.: Barbara Morris. Owner: Twixt Hills Homeowners Association (THHA). 65-day action period ends 4/20/06. *For receipt/IWA suggests individual walks*.

   Dr. Autuori motioned to receive the application, seconded by Mr. Slavin. The motion passed by a vote of 9-0.

   The Chairman asked the Agent to explain the need for the summary ruling application. The Agent stated that the dock is existing; the homeowner is applying for an "after-the-fact" permit, based on a letter she received from the Twist Hills Homeowners Association. Mr. Katz suggested handling the matter administratively, but the Agent noted that statutes require Board approval because the dock is in the water.

   The Agent reminded the Board that summary ruling permits cannot be approved any sooner than two weeks following receipt. She suggested that the Board do a drive-by inspection, individually, and the application would be returned to the agenda for action following the required two-week time period. The Board agreed, and will review the application at the March 7th meeting. .

6. **#2006-010-SR-S:** Summary Ruling application in conjunction with 7-lot subdivision for property located on **Bryon Avenue** in the SD R-20 zone. Owner/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65-day action period ends 4/20/06. For receipt and schedule walk to determine significance.*

   Dr. Autuori motioned to receive the application and to schedule a site walk, seconded by Mr. Slavin. The motion passed, 8-0-1, with Mr. Fossi recused. The Agent pointed out that a

determination of significance should be made prior to scheduling a public hearing. There was some discussion about the scheduling of the walk, and the Board chose 2/26/06 as the best date, pending melting of snow.

The Agent also pointed out that an appeal of the denial of the previous application had been received, with copies distributed to the Board in the packets for this meeting. Filing of the appeal reserves the applicant's rights for appeal under the statutes, and the second application can be reviewed while the appeal is pending.

Note: The Board re-convened briefly during the discussion of the related subdivision application for this item, to re-schedule the walk to coincide with the P&Z Commission site walk on 3/12/06. The Agent suggested that, since the Board was familiar with the property from two previous site walks, a determination of significance could be made on 2/21/06 following their review of the new plans.

BOARD WALKS

The site walk for the Bryon Avenue, Country Club Development, LLC summary ruling application was scheduled for 3/12/06 as noted in item #6 above.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

An e-mail from the Connecticut Association of Conservation and Inland Wetland Commissioners, regarding lobbying in Hartford about the use of ATVs on State park lands, was distributed to the Board. Dr. Autuori urged Board members to contact state officials with their thoughts.

MINUTES

Mrs. Willis motioned to approve the minutes of January 31, 2006, seconded by Mr. Slavin. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

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PLANNING AND ZONING COMMISSION

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Joseph Fossi
Nelson Gelfman
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James McChesney
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Walter Slavin
Patrick Walsh
Lillian Willis

Also Present: Betty Brosius, Director of Planning

Public hearings were held prior to the meeting.

At 8:56 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2005-125-REZ-A:** (1) Application to rezone ± 133 acres of land from CDD-Corporate Development District Zone to ARH-Age Restricted Housing, (2) application to amend zoning text in the Ridgefield Zoning Regulations and (3) application to amend Town Plan of Conservation and Development for the zone change and text change. Property located at **616 Bennett's Farm Road**, south of Bennett's Farm Road and west of Route 7. Owners: Eureka V LLC. Appl./Auth. Agent: J. Casey Healy, Esq. *Received 9/6/05. Public hearing commenced 11/9/05. Walked 11/20/05.Public hearing continued 11/22/05,continued and closed and tabled 1/10/06 and 1/17/06.Discussed 1/31/06. 65-day action period ends3/16/06. <u>For discussion/action.</u>*

   The Chairman asked the Planner to address two technical issues and information prior to discussion. Mr. Katz briefly interrupted with a point of order, stating that the agenda did not reflect his motion to deny and Mr. Slavin's second, relative to the application to amend the Plan of Conservation and Development, remaining on the table from the January 31st meeting. The Commission noted the correction.

   The Planner first dealt with the issue of the reference to the formerly age-restricted Heritage Hills development in Somers, NY, and the question about why there is no longer an age restriction for the 2,606 units there. The Planner explained that the Heritage Hills example is not relevant to the current Eureka application.

   She described her phone conversation with the President of the Heritage Hills Development Corporation, and his explanation that Heritage Hills was originally restricted in the 1980's as a 40-years and older development, with no children, and that someone filed an objection with the court relative to that restriction. The end result was that Heritage Hills vacated the age restriction altogether, rather than changing it to comply with the Fair Housing Act requirement for a 55-and-older

restriction. There were already several homeowners in the 40 to 55 age bracket and they determined that the change to 55 and older would be difficult to implement. Mr. Katz pointed out that there are few children in Heritage Hills; the Planner confirmed that, according to the President of the corporation, there are about 23 children in the 2,606 units.

The Chairman noted the second issue to be explained by the Planner is a clarification from counsel on what a Commission can do according to 8-3(c) of the statutes. The Planner referenced her memo of January 30th for the last meeting relative to previous advice from counsel, stating that the Commission could modify proposed amendments to the Plan of Conservation and Development, but under 8-3(c) of the CGS, the Commission could not modify the proposed regulation text. There was a hand-out in the packet for tonight's meeting relative to Commission authority, under a fairly recent Public Act by the Connecticut legislature, to permit modifications to a proposed text amendment to the zoning regulations. Public Act 02-77 of the year 2000, changed the language from "the Commission shall adopt or deny" to say that the Commission could "act on" a proposed amendment, with explanation that modifications of the proposal were permitted.

Mr. McChesney asked if it was the case decision that prompted the legislature to change this language. The Planner said that in this instance, an applicant's proposed text amendment to zoning regulations was amended by the Commission, and the applicant brought an appeal. The result of the court decision was that the Commission could modify the regulation, because they are acting in a legislative capacity, as legislators of the zoning, and have the right and discretion to modify the proposed regulations. The legislature feels that the words "act upon" clarify the Commission's right to make the modifications.

Chairman Mucchetti noted the Public Act was endorsed by a unanimous vote of the Planning and Development Committee in the year 2002. Mr. Walsh noted that the information distributed to the Commission dealt with two decisions in the Superior Court only, dated circa 1993, and the Statute was enacted in '02. The statute may have reflected the decisions of the 1993 case, but this new language may not yet have been tested as the subject of a subsequent appeal to the Appellate Court or the Supreme Court.

Chairman Mucchetti referenced the two cases in 1993 and 1997, resulting in the Public Act. She referenced her brief conference call with the Planner and counsel earlier in the day, to clarify and understand the new information. It is her understanding that the Commission can modify the text that has been presented, instead of just denying or adopting. For instance, some of the things that have come up during the discussion included adding an FAR component, and density could also be addressed.

Dr. Autuori asked if the Commission was then at a juncture where they have to vote on the motion, or could they continue the discussion and think about possible modifications to the Plan and to the regulations; he would have a lot of changes to suggest. The Chairman noted that the motion on the table did not include this language to change the amendment.

Mr. Katz stated that the motion was on the denial of changes to the Plan of Conservation and Development, to reject the request to completely re-write the Plan to accommodate the requested changes. The Commission wanted to look at his notes from the previous meeting and compare those notes to the existing Plan, and draw their own conclusions, to agree or disagree. The Commission needs to decide if they want to be the agents for writing regulations, when the applicant has come to the table with his own proposal. His view is that this is not the role of the Commission, except perhaps in the case where the proposal is to the benefit of all in the Town of Ridgefield, and it might be made better by tweaks from the Commission. That is not the case here, and it is not likely to happen. It does not seem to be the Commission's purview to redraft the regulation in this case.

Mr. McChesney noted that the Commission is on a critical time schedule, and action cannot be postponed. They must act on it tonight because they have a sequence of applications that must be dealt with before March 16th. Tabling would be irresponsible.

Dr. Gelfman referenced his conversation with the Planner earlier in the day, and that there would be some time to think about the new information presented tonight. The Planner noted that there was a little over a month to make decisions. Moving toward approval of the process would require the most time because of the need for sequential legal notices and effective dates, and the applicant may grant an extension if the Commission was moving toward approval. There is no need to make a final decision at this meeting, and the Commission may want to continue discussion based on the information from counsel today.

Dr. Autuori has much to say on the motion, looking at the proposed amendment to the Plan. The proposed amendment relates to high-density development, multi-family housing, and says (he reads from the Saccardi & Schiff letter of 9/1/05), "When necessary and in order to generate a substantial number of housing units that meet and identify town need…" All of that relates to high-density residential development and multi-family housing. He says he has consistently pledged to keep the "Town of Ridgefield" from becoming the "City of Ridgefield." He feels strongly that we need some economic development, if from corporate development or age-restricted housing, but does not see it necessary for the Town to generate a substantial number of high-density multi-family units. If the Commission had to vote tonight on the proposed amendment to the Plan, he would vote against.

Dr. Autuori says that if the same applies to the other iteration in the letter, "with appropriate safeguards to protect the public health and safety of the neighborhood," he feels high density for any development is not in the interest of the Town. That would require substantial modification of what has been proposed. He indicates some of the things he would like to see done, if modifications could be made:

(1) It is essential to continue sewer avoidance, not only sewers to Danbury, but to consider the capacity at the Route 7 plant in Ridgefield. The Plan states that the Route 7 sewer plant should be used for existing public health emergencies or problems in existing residential areas, for example failures in the Ridgefield lakes areas.
(2) Density is a big issue. He would like to see density tied to what could be sewered on the site, or no more than two units to the acres, whichever is less.

(3) He would like to see more significant open space. There is a huge open space ratio, but it includes space between buildings, and it is not as wonderful as it appears.
(4) The applicant has done a good job in writing regulations that might protect steep slopes and vernal pools and so forth, but there is a better need to protect viewsheds. The applicant has done a good job but they are not there yet.
(5) The applicant has said they would look at sparing local roads. The applicant has been very cooperative, but there are still concerns.
(6) There is the issue of age-restricted, and if it could be made less dense, but there is still some question about how realistically affordable it would be to residents of the Town of Ridgefield.

Right now Dr. Autuori does not see any advantage to the residents of the Town of Ridgefield to modify the Plan of Conservation and Development. The applicant should continue efforts to do something that is truly in the interest of the Town of Ridgefield, not the "City" of Ridgefield. Consistent with the points he has laid out, he could support the amendments, but if vote is taken tonight on what is proposed, he would support the motion to deny.

Dr. Gelfman said he would like more time to work with the regulation, to consider modifications that would make it more palatable. But in order to consider the regulation, you would have to table action on the motion to deny the amendments to the Plan.

Mr. Katz asked how modifications to the regulation would change the Commission's need to completely redraft the philosophy and intent of the current Plan of Conservation and Development, to accommodate whatever changes might be made in the regulation? What is presented by the applicant as proposed amendments to the Plan, in order to achieve the changes to the regulations, is presented in two fairly modest, succinct paragraphs. But what his comments documented, page by page and paragraph by paragraph, is that there is not a single section of the Plan that doesn't need to be redrafted to accommodate these allegedly modest proposals. It is a thread that starts in the Preface and is woven through the entire document and the philosophies that follow it. That's why it is so Draconian. It is not a request to tweak, it is a redraft.

Mrs. Willis says that in addition to the concerns that have been mentioned, she wonders if the applicant were restricted to the use of on-site sewage to limit development, and then if an agreement were brought forth to provide sewers, if that would open it up to massive development and to the magnet school. The effect on the center of Ridgefield would be horrible. There is not enough recreation being provided for in the proposed plan for the people who would live there, there is nothing positive about the plan, and the looming of sprawl would be devastating to Ridgefield. There is already too much congestion in the center of Town as it is now.

Mr. Katz wanted to comment on the magnet school, but the Chairman pointed out that the school is not before the Commission. Mr. Katz countered that it is the sewer that is before the Commission. Chairman Mucchetti noted that the origin of the sewer is not designated specifically in the regulation. But Mr. Katz stated that, in terms of the Plan of Conservation and Development, the application suggests with specificity that if the area is sewered, then sewer is available to the area. The area proposed for the magnet school would also be sewered, and it in all probability would be a Charter School, with a limited life. The Connecticut Department of Education charters Charter Schools, and they are

granted a charter for five years, usually kindergarten through 8th grade. There is no guarantee that the charter would be continued beyond the first five years. The area north of the property is LI-40 (commercial) in Danbury, and it will have sewer for the schools. What if the school is not re-chartered?

Dr. Autuori referenced his point from the previous meeting's discussion regarding traffic, and the idea of accessing the site from Route 7, through Jagger Lane. If that is developed as the principal or sole ordinary access to the property, then if there is a sewer line that might be allowed, perhaps we could save more open land. We could find out what could be sewered on site, and then remove the proposed septic areas by providing sewers, and we could shrink the proposed developed area by moving the homes closer together. A sewer line could be a dedicated, private line to the site, provided we did not preclude offering sewers to other problem areas. The Town's sewer would not be near the proposed magnet school site if it were accessed through Jagger Lane. If Danbury wants to run a sewer line, we can't do much about it, but we could prevent Ridgefield sewers from accessing Danbury.

Mrs. Willis asked the Planner if there were any regulations available for other towns, to limit development by on-site sewer capacity even if a sewer line were open to it, as Dr. Autuori suggests? The Planner stated that there may be such regulations, but she is not aware of any without doing research. The availability of sewers and the methods for sewage disposal are determined by agencies outside of the Planning and Zoning Commission. Mrs. Willis also referred to the statement about "identified Town need," and stated that she is not sure how many people will want to replace their homes with present value of $800 thousand with another unit that will cost $800 thousand, especially a multi-floor unit. She is not sure that the regulation addresses the actual needs of the older population.

Dr. Autuori says the need he would be willing to address is the need for Ridgefield's older population. He is not willing to open the doors of Ridgefield to allow an influx of people from outside. He realizes this sounds like he is saying, "We are on the ark, and nobody else can get on the ark." The reality is that if you get too much on the ark it capsizes. He feels that Ridgefield is very close to the capsize point now, with density, traffic, population, and the like. If something could be developed on this site to serve the legitimate, affordable needs of Ridgefield's elderly population, within these parameters of density, then he could support it. But to attract people from the region, he objects.

Chairman Mucchetti says that when the issue of sewers came up earlier, she went to the WPCA to ask a lot of questions. She states that this property has been shown as "proposed to be sewered" on the WPCA map and plant since 1982. Plans for the expansion of the facility on Route 7 were done in 1995, but it did not expand for capacity because IBM did not choose to use the allocation at that time. However, the collection system was sized for the anticipated need of the IBM property, and there was an allocation of 150,000 gallons per day for that site, and that's what the collection system was sized for. In talking to the WPCA administrator and chairman, it was their opinion that any improvement to the Route 7 plant would have to meet the higher standards that the DEP now sets, so that everything that goes through that facility would be raised to that heightened standard. The benefit to the Town of Ridgefield is that all effluent from the plant would be forced to be raised to the higher standards, higher than it is at present (the 1995 level). The Town of Ridgefield would get these benefits, as well as the allocation fees. The sewer line currently goes to Pamby's and Dr. Dan's veterinary

service on Danbury Road, and it is currently adjacent to the applicant's property. It doesn't have to go up to Danbury, it's already there, and it is not considered an expansion of the district because it's been shown since 1982 as proposed to be sewered by the WPCA.

Dr. Autuori made two points: (1) He wondered if the potential sewage capacity took into account the potential needs of the failing septic systems in the lakes area, but the Chairman said her questions were limited to the subject site, and says she was told that it was in the district since 1982. And his second point (2), if nothing in the plan for sewer line from the Route 7 plant would preclude determining density on the subject site according to what could be sewered there, and then if there were some environmental gains as a trade-off, such as more open space, upgrading of the sewage plant to make the effluent cleaner, and possibly connecting it to the lakes, then density could increase. The Chairman noted that density would probably fall under the purview of the Commission.

Dr. Gelfman made some points about the sewer. In the original Eureka proposal, when Abe Morelli was First Selectman, the applicant volunteered to upgrade the Route 7 plant, plus run a line to the lakes. The limitation of density becomes possible if the interpretation of our counsel is correct, and we can modify the regulation by putting in a lower density such as two units per acre, and adding an FAR requirement. He says he wanted some time to think about these things, and he just learned of the ability to modify the regulations today.

Mr. Walsh says he was thinking along the same lines as Dr. Autuori and Dr. Gelfman. He thinks that the Commission is looking at these three issues in a vacuum, and they shouldn't. He doesn't disagree with Mr. Katz, that if we are looking at this whole thing as a package, we are asking for a complete re-write of the Plan of Conservation and Development. But he agrees that there is room, if density could be decreased, that it is then not a complete re-write of the PCD. He has looked at the scale presented in the 1990 Plan (p. 92) at the overlay, and the density of this property is shown as 0, as desired open space. Although that might be desirable, when the PCD was formulated it was not open space, it was owned by a company as corporate land and zoned for commercial development. The parcel was something that the Town clearly desired to be open space, but had no control over it. The Town was only one of two parties to that concept [the corporation being the other], and it would take both parties to buy into it. But starting at an approach where we might want to see 0 density there, this is not a viable concept, based on its current zoning as corporate, and the possible plan in front of us for residential development.

Mr. Walsh referenced the requested change that the applicant suggested, cited earlier by Dr. Autuori: "When necessary in order to generate a substantial number of housing units to meet an identified town need…" Mr. Walsh does not see the current proposed development meeting an identified town need. It might meet a need if the density is more restricted. The possibility of taking care of the sewage effluent is better if it is managed by Ridgefield, not necessarily a local agreement with Danbury, but Ridgefield itself. If the proposal to change the Plan of Conservation and Development is the one in front of the Commission, then he too is not in favor of it.

Mr. Walsh looked at Mr. Katz's notes, point by point, and commented as follows:

(1) "The proposed plan offends the Plan of Conservation from its very beginning," referencing page iii. Mr. Walsh points out the Town's attempts to buy the land

for several years. Unfortunately the taxpayers have spent a lot of money with no result. The first point relates to that – the inaction of the Town to purchase that land would not be a good thing, and he agrees with that.

(2) Relating to "25 units or fewer on the outskirts [of town]." The plan with the age-restriction but with a decrease in density might certainly comply with that section of the Plan of Conservation and Development. Aquarion Water Company says they can provide water to the property; the sewage might be able to be handled on-site or through Ridgefield.

(3) Speaking to low-density vs. high density, in the zone where it is, if corporate development goes there as permitted, it could be a substantially more dense development than what we are dealing with here, again if density can be adequately addressed in the regulations.

(4) The next point, regarding the sewer from Danbury is "dead on." He would not give any support to getting sewer service from Danbury.

(5) The next point references pages 86-89 of the PCD, and clearly goes to density. But with the current structure of the land, if a corporate development is placed as close as 500 feet to a residential development, it might not go along with preserving the Town's character. We were extremely successful in obtaining the northern parcel as a "green belt," and it has gone a long way to preserving that. With decreased density on the southern parcel, we would have greater control at connecting that green belt.

(6) The deducting of wetlands and steep slopes is dealt with to some extent in the proposed regulations, but it could be made even stronger. And the Special Permit process gives more assurances.

(7) The next paragraph speaks to sewer and water. Again Aquarion says they can provide it.

(8) The next point has to do with the application before the Commission, and the diversity of the economic base. We don't own that land, someone else does. They have put forth a plan that they believe assists in our economic development. Most of us would agree that we all presumed that economic development meant corporate. The resolution of the town to approve the Corporate Development Plan included municipal and recreational facilities as well as a corporate park. He does not think that the taxpayers envisioned that houses would be the same as corporate for producing economic development when they voted on taking the land. But the corporate plan is not before us, and if we can be satisfied that the proposal is appropriate for Ridgefield, that is something we need to consider.

Dr. Gelfman says that he is left with the "800 pound gorilla," the sewer to Danbury. He wonders what control we have over the sewers going to Danbury. Mr. Walsh does not know that we can't structure the regulation to control that, to say that it has to be on-site or that it has to be sewered in Ridgefield . Dr. Gelfman feels that the only way at present, to destroy the idea of sewers going to Danbury, is to deny the whole package. Mr. Walsh agrees that this is the basis of his point if we have to take this in order. He recalls that the Commission didn't care for the way the regulation was drafted, but thought they did not have the ability to change it. It was either "approve or deny." They felt there was no reason to ask for changes that couldn't be implemented. The Planner clarified that during the public hearing they were not precluded from asking for changes, and that the applicant agreed and made some changes in that process. After the public hearing closed, we were told that we had to deal with the application as it had been amended during the public hearing process. But Mr. Walsh pointed out that some of the requested changes were flatly refused.

But now we find that we can make changes that the applicant, even if he does not agree, must abide by if we change it at this stage. He says that until tonight the Commission did not know they had the ability to make those subsequent changes.

Dr. Autuori brings up an issue, that we can do what we thought we couldn't. But the issue is, is it too late for this particular go-around? We can make changes that the applicant cannot accept, and then we would have to fight it out. But we have to do what's best for the Town. The applicant did offer to explore using Jagger Lane as an emergency exit, but we could require that it be used as a sole exit. The applicant offered to look at on-site septic and the Route 7 plant. There is some coming together of thought. If the sticking point is density, then we may be looking at a reasonable satisfaction of hunger versus gluttony. But he feels there is room to come together. For economic development, corporate might have been desired, but if age-restricted development would hold up as economic development, with the proper controls, economic development could be viewed more broadly. Corporate development is not on the table, but there is still a corporate component to the proposal. If this is looked for on-site carrying capacity, then maybe the corporate development would disappear, or it would be considered the only thing that is feasible. The site has not been tested and studied for what it can support. We have room for better agreement, but we may not have time in this go-around.

Mr. Katz sees it as more of a burden on staff. The Commission has to talk about it, but the staff has to implement it in some fashion. If the staff isn't going to implement the changes (and they shouldn't in his view), then the Commission has to talk about it. There have been numerous public hearings where the applicant has heard not only Commission questions but discussions and answers. The applicant should have auditorially ingested some good and constructive points, including critiques of the application. The applicant would be a fool not to take these good and valid points that are importuning the applicant to do the right thing. When economic development is talked about on pages 58, 62 and 64 of the Plan, it left out housing. He thinks that if the Commission left it out in those three opportunities in the Plan, where that Plan talks about modifying that particular zone and that property, it didn't consider housing as economic development. At that time, housing was an economic negative. And today with the valuation of homes, there are occasions where housing becomes a tax ratable that is sought after. It is economic development, there is no question. But should we take an application such as this to totally re-write that philosophy, and with a stroke of a pen cross out the three areas where we could have put it in before and add it as an appendage of a sentence. That to him does not make sense. That's a re-write that starts on page one of the Plan.

Dr. Gelfman says the Commission actually accommodated housing on the Bakes property as age-restricted and as an overlay to the CDD zone, making it RCDD [Restricted Corporate Development District]. It was essentially financial compensation for that corporate zone, to allow a housing structure. But the history of this particular site is that it was always corporate, except right around the ponds. At the time we had little wetlands and environmental protection. But we are at a different point now, and we haven't solved the sewer problem, and only the applicant can solve that. We can solve density, access, traffic with the interpretation that we can modify the proposed regulations.

Mr. McChesney also referenced Mr. Katz's memorandum and says he went through it carefully. But he feels Mr. Katz went too far in his interpretation of the Plan of Conservation and Development. For example, when we talk about the sewer, the paragraph in our PCD says, "Due to the limited flow of the Norwalk River, the sewer system at Routes7/35 should be reserved primarily…" and that's the key word, primarily not exclusively… "for public health concerns in existing residential areas." (p. 86) That can be interpreted that there are exceptions and this site may be an exception. It supports the statements made earlier by Chairman Mucchetti relative to her research with the sewer authority. We need to keep in mind about what will happen if we turn this down – what would come before us could be worse. We know from the application last summer that there are worse scenarios.

Mr. Katz asked if Mr. McChesney thinks we should approve all three applications because of that implied threat? Mr. McChesney says yes, in a sense, but we should make modifications to the proposed regulation. It's just hard to think about how all of the suggestions can be implemented. Mr. Katz says that the applicant should recognize the crossroads at this time, and the more productive path to take at this time would be to take the constructive suggestions in exhaustive sessions of public input and comments from the table, and decide that there is a way to come out totally economically whole, that is economically beneficial to the Town of Ridgefield, that it comports to a greater or lesser degree with the desires of the people who are responsible for zoning in the Town, and comports in specificity with the economic benefits to the people who pay taxes in town. It is not in the best interest of the Commission or the applicant to be belligerent about this. They want to make money, and we want an economic benefit to the Town. Those things are achievable.

Chairman Mucchetti proposed the following amendments:

(1) On page 7, under (3), maximum densities for the overall development, change it to not more than two dwelling units per acre. Mr. Katz asks if that is whether it is sewered or on-site?
(2) The Chairman continues, on page 8, under the schedule of basic requirements, she would include an additional bullet that would include a 12% FAR component that would be consistent with the CDD zone, and the other residential zones in town, and
(3) She also proposes that development must be served by Ridgefield sewer or on-site septic. Dr. Gelfman wonders if that can be enforced.

Dr. Gelfman says that the application calls for the sewer from Danbury, but the Chairman points out that the proposed regulation is not specific. It was discussion in the hearing, and their letter states their intent to pursue sewers in Danbury, but Mr. McChesney read in the PCD that the Route 7/35 plant was limited by what the Norwalk River could handle and what the State would approve, but we have since found out that with the higher effluent standards that can be met, the Gilbert & Bennett plant in Georgetown got approval. In talking to Ridgefield's WPCA, the Chairman feels that the same may be achieved by Ridgefield at the 7/35 plant.

Dr. Autuori asks again if the regulation can be structured to tie it to an investigation of on-site capability and then allow a private, dedicated line to go to the sewer plant on 7/35, provided that there is some environmental gain. We might not use the acres for on-site septic, but could shrink the footprint. Mr. McChesney is right about the

language in the Plan and the use of the word "primarily." It does leave some room for change, but we need to start with what the land can support.

Chairman Mucchetti says her suggestion is based on what would be the benefit to the Town if we adopt this regulation. An enhanced sewage system at 7/35 that creates a higher standard of quality for all the effluent that passes through that plant is an enormous benefit to the Town and to the Norwalk River. And it would address some of the concerns of the downstream neighbors. She would prefer to see any development on this site served by Town of Ridgefield sewer rather than on-site septics. Dr. Autuori still contends that the density should be linked to what could be supported on-site. But the Chairman says her proposal includes two units per acre density with an FAR component that was not included in the regulation.

Dr. Gelfman says that if the applicant would come back with another proposal, he thinks the proposal should include the whole parcel of 154 acres, but at two units to the acre which would spread it out on a greater land area, to allow more environmentally sensitive placement of the units. He says we are being speculative, because there is no way at present that we can get around the problem of the sewer going to Danbury, and the applicant has to come back with a commitment to the Route 7/35 plant. That's the only way he could support it.

Mr. McChesney says the emphasis should be more focused on using the Route 7/35 facility. On-site sewage worries him, because there would be a tremendous amount of land clearing, and it would be more devastating to the site. He would not want to suggest or enforce on-site sewage. He would want to encourage use of the Route 7 plant. The applicant said at the close of the hearings that they would consider it.

Mr. Katz says that if the whole parcel were to be re-zoned, it would eliminate all corporate land in the Town of Ridgefield. He agrees that we are not going to get another Boehringer Ingelheim, or a Schlumberger with a large, impressive campus, but there is going to be a need for smaller build-out of office space. In today's economic climate where housing is so valuable, maybe that doesn't have so much standing, but he knows that two units to acre, which would yield 316 units on the total parcel is ridiculous. Not only does it fly in the face of what's good for the Town, but it flies in the face of what the Department of Environment Protection and the Department of Health in the State of Connecticut says. And the State's Plan of Conservation and Development that runs until 2009, states that if you are going to allow residential use of the property, the density should not exceed one unit per two acres, quite the reverse of Dr. Gelfman's proposal. He could not support a regulation that would allow 316 potential units using 150,000 gallons of effluent a day. It doesn't matter whether it goes north to Danbury or south to Ridgefield.

Dr. Autuori says it does matter, and he wants to also address Mr. McChesney's point. He says that he doesn't want the developer to actually build on-site septics, but to tie the density to what it could support. Tie the density to testing of the soils, but then don't build it on site. Go to the Route 7/35 plant with a private dedicated line entering only through Jagger Lane so there's no possibility of the line going up north. He does like the idea of one house per acre of density. He thinks testing for on-site septics probably wouldn't yield more density than that anyway.

Mr. Katz says he would like to append that remark. He would be a little more generous than that. He says that since there was an intent to have sewers at this site, it is virtually sewered to behind the Sturges building by Pamby's, and because gallonage was allocated based on corporate use of that land, the DEP and the DOH might modify their stance based on what sewer does for development along its route as well as what development does to the land specifically to be sewered. He could probably get comfortable with a concept of one unit per acre with an FAR that seems sensible at 12%. He is not saying that development needs to be one unit per two acres. At that degree it might be not in the Town's interest because it be too limiting and would frustrate the applicant and not solve this problem. One unit per acre seems to be generous and probably within both the limit that might be supported on-site and measured through a sewer pipe.

Chairman Mucchetti asks how that leaves us tonight, with the motion on the table to deny the proposed amendment to the Plan of Conservation and Development. We tabled that vote to think about it and continue discussion.

Dr. Autuori does not see where the plan to amend as stated is viable. Based on what we have been kicking around tonight, there are many ideas that are viable, but they are not particularly consistent with what is in the proposed amendments. This amendment is overly generous to the large-type development. A number of us would be comfortable with a density of one unit per acre.

Chairman Mucchetti points out that the amendments aren't specific to number of units, and reads, "Where necessary in order to generate a substantial number of housing units that meet an identified town need, and with appropriate safeguards to protect health, safety and the character of the neighborhood, allow larger developments to be located in areas that do not satisfy all the locational criteria relative to shopping, community facilities and public transportation." That doesn't speak specifically to units per acre or density. It's broad language to give some flexibility to the language relating to multi-family housing on page 50 [of the Plan].

Dr. Autuori says that if that included some language for tying the density to the number of units that could be sewered on-site, he could support it. Mr. Walsh asked if the information from counsel allowed them to make such a change? The Planner answered that the Commission is allowed to make changes to the proposed amendments to the Plan of Conservation and Development.

Mr. Katz cautions that if the Commission decides to do that, to remember that there are several other portions of the Plan that would be then contradictory to that change; everything else would have to be changed as well. Chairman Mucchetti does not find it as broad-sweeping as Mr. Katz.

Mr. Katz feels that the Commission would be creating the same kind of contradictions that we are now paying our consultant to help us get out of with our zoning regulations, and we might straighten it out when we re-write the whole Plan of Conservation and Development, but that is way down the road. We have put the pieces on the table for the applicant to use, in a new application, that is not so offensive of the current Plan of Conservation and Development, that allows us to tweak the existing document to accommodate the applicant's needs, and also to approve a regulation that is not an affront to the Town of Ridgefield, which this one

is. If we are going to rezone corporate land to bring in another type of ratable, let's do it in a way that is seriously beneficial to the Town. None of the components before us does that.

Mrs. Willis asks if we were to amend the Plan, and then amend the regulation to suit our purposes, and what if the applicant doesn't like what we approve? She is worried that if we accept this, we are opening the door to things here and elsewhere in the Town that we do not want to do in terms of planning. She is very worried about the substantial words that need to be changed.

Dr. Autuori offered a suggestion that might help. He suggested words, "Consistent with principals of Smart Growth, and so as to not encourage urban sprawl, or sprawl development." He would like to link the development to on-site capacity. There was nothing in the plan about the dangers of urban sprawl, which should be in there. Sprawl is killing the whole region. The definition is difficult, but it gives discretion to the Commission.

At his point, **Mr. Katz moved the question**. The Chairman asked if there were no amendments to the language. Mr. Katz stated that he moved the question to deny the proposed amendments to the Plan of Conservation and Development as requested. The Chairman noted that the motion had been previously seconded, and called for the vote.

The motion to deny the petition to amend the Plan of Conservation and Development passed by a vote of 6-3. Commissioners Katz, Autuori, Gelfman, Willis, Slavin, and Walsh were in favor of the denial, and Commissioners McChesney, Fossi and Mucchetti voted against.

The Planner noted that there were two other applications requiring a decision. Dr. Gelfman asked if the denials of the other two applications were not automatic. The Planner said no, the applications required action by the Commission, and they might consider the action taken on the first application in their reasons for decision when acting on the other two.

Dr. Autuori asked if, even after the amendments to the Plan of Conservation and Development were denied, they could still approve a regulation change, if it were re-worked. Mr. Katz asked why the Commission should be doing the applicant's work.

T**he Planner** reminded the Commission that what they need to consider when acting on an amendment to the regulations and the zone is whether or not the proposed changes are consistent with the Plan of Conservation and Development. It is a matter of law.

Dr. Gelfman felt that there was nothing they could do. Mr. Slavin noted that the Commission's reasons must be clear. The Chairman stated that if the regulation were adopted, it would not be in conformance with the Plan of Conservation and Development because the proposed language (to make it consistent) was not adopted.

Mr. McChesney said that they could modify it to make it consistent with the Plan of Conservation and Development. Mr. Katz stated that this is not an odd thought – but we would hope that this is what the applicant should take away. It is not up to our

Planner and staff to re-draft a regulation that the applicant produced. It is up to the applicant to bring the new regulation to the table. Dr. Autuori says that the applicant should take a message from what was said. It would be more productive for the applicant to come back with new draft, and there is no point in the Commission going on with the discussion.

Mr. McChesney asks if the other Commissioners feel that, after all the discussions about density and so on, that the applicant would draft a regulation that would meet the majority of the feelings of the members of the Commission? Will all of the comments have been heard? He does not feel that there was a consensus among the Commissioners as of this point.

Mr. Slavin asks how the Commission can forecast that? Mr. Katz agrees, but is hopeful that the applicant was listening.

Dr. Gelfman says that if we modify the regulation in a way that the Commission can all accept, then that is something that the applicant can take home. But there were several ideas discussed, and he is not sure where the consensus is at this point. The Chairman's suggestions about FAR and two units per acre are good.

The Chairman asks the Planner if the Commission absolutely has to deny the application for the regulation amendment. If the denial of the proposed amendments to the Plan of Conservation and Development was passed, does that mean that we would be automatically in violation of something by considering the regulation and then the rezone.

The Planner says no, it does not, but the adoption of the regulation and the adoption of the change of the zone requires the Commission to look at the consistency of that change with the Plan of Conservation and Development. The decision is for the Commission to decide, and if the regulation is adopted, even if all the proposed amendments were made, the Commission would still have to determine that the regulation being adopted is consistent with the Plan of Conservation and Development, which you have now said you are not changing in the way that the request was made. She suggests that if the Commission is considering an adoption of the regulation, that they should not be making a hasty decision this evening, without discussing all of the proposed changes and how those changes agree in consistency with the Plan as it exists today.

Mr. McChesney notes that if we don't take action, the applicant may claim that the regulation is valid. The Planner clarifies that action must taken one way or another, to adopt or deny the requested changes. And they may approve the application with modifications, but the action must be taken. It is not automatic.

The Chairman just wanted clarification whether that first decision automatically sets in place the action for the subsequent decisions, if the motion to deny the amendments to the Plan of Conservation and Development automatically set in place motions to deny the regulation, which would then set in place the motion to deny the re-zone.

Mr. McChesney notes that Mr. Katz took a look at the PCD and singled out what he thought was directly opposed to the application. Mr. McChesney looked at the same

sections and he doesn't necessarily agree with Mr. Katz. His own interpretation covers all the points made by Mr. Katz.

Mr. Gelfman suggests that they deny the regulation, and in listing the reasons for denial, mention all the points that they would like modified: density, FAR, sewer, etc. They should list the alternatives, and state why they think it doesn't meet their desires as is. Mr. Katz says that the zone change can't happen if the zoning regulations change doesn't happen – the Planner confirms that the regulation change must precede the zone change because the regulations create the zone.

Dr. Autuori asks if staff can communicate with the applicant to determine what is acceptable. The Planner does not recommend this since the hearing is closed.

Mr. Walsh feels the issue needs to be addressed quickly. He does not agree with all of Mr. Katz's points, and feels that there was an opportunity to make some changes that would have been acceptable. But clearly, without an amendment to the Plan of Conservation and Development, the regulation amendment cannot go forward. He agrees that there was room to interpret, and room to make changes, but the changes first had to be made to the Plan of Conservation and Development. The phrase for "25 units or fewer, close to town" has to be changed. There will have to be some kind of change done to the Plan to make anything happen on that property.

Mr. Katz agrees that while there is room for interpretation, and refers to the Planner's initial report that also cites several sections to the Plan that should be considered.

T**he Chairman** asks if the Commission is ready to take action. Dr. Autuori motions to deny the proposed amendment to the text of the zoning regulations, based on the fact that it is inconsistent with the Plan of Conservation and Development. Mr. Katz states that the Commission knows that the Plan could be amended, but not to the degree that was proposed. The Chairman asked Dr. Autuori to clarify his motion, and he chooses to leave it as originally stated. The Chairman asks if there was a second.

Mr. Walsh says the motion is not ready to be seconded because he disagrees with what Mr. Katz said and wants to clarify. The motion on the table (re the Plan of Conservation of Development) was simply to deny the application, and did not allow for any modification of the proposed amendment. There was no opportunity to amend the proposal for the changes to the Plan of Conservation and Development, to give it further tweaking. The point is now, that without a change to the Plan of Conservation and Development – and clearly there must be some change to it -- the regulation change can't go forward.

Mr. McChesney asks if anything is being proposed to be added to the motion, including the proposal for less density, sewer, or any other points. The Planner notes that the Commission should give reasons for denial, and the primary reason identified is that the regulation is not consistent with the Plan of Conservation and Development, but the Commission may list other concerns from the discussion as additional reasons. Dr. Gelfman mentioned a few.

Mrs. Willis seconded the motion to deny. She notes reason #2 from Robert Fuller's discussion on zone changes, that the change must be reasonably related the normal police powers found in Sec. 8-2 of the Connecticut General Statutes. The Planner clarifies that 8-2 allows the Commission to create zoning regulations and zoning districts, so in that sense the proposal is consistent with that requirement.

T**he Chairman** asks if Dr. Autuori, as the maker of the motion, wants to list some of the concerns of the discussion in the reasons. Dr. Autuori states the size and location is a concern, but Mr. Katz notes that the location is not to change if a new proposal comes back. Mr. Katz suggests that mention be made about the concern for sewers. Dr. Gelfman asks if the DEP's comments about high density development can be made a part of the reasons. The Planner reads the letter of November 22, 2005 from the CT the DEP, which outlines their concern for the intensive proposal for development and asks that consideraton be given to public access for open space. The DEP notes that the current proposal is inconsistent with the Conservation and Development Policies Plan for the State of Connecticut for 2005-2010, by allowing an intensive land use within a public water supply watershed.

Dr. Autuori agrees that the DEP's letter can be referred to in the reasons. Mr. McChesney asks what density we are referring to. The Planner clarifies that the State's comments are based on the proposal for three units per acre, as stated in the proposed regulation. The State is not making a specific recommendation, but is commenting on the proposed plan. Mr. McChesney notes that by making the reference to the DEP's letter, the applicant will come back with something that is more appropriate, less than what's proposed.

The Planner notes that the references to the DEP's letter and the density issue are appropriate to reference in the reasons. The Chairman notes, however, that she disagrees with the notion that the proposal is totally inconsistent with the Plan of Conservation and Development. It is inconsistent in three places, and if we were to have been given the opportunity to make changes to what was proposed, she would have liked to have had that opportunity. She doesn't find that the regulation is totally inconsistent with the Plan. Dr. Autuori notes that the word "totally" is not used in the reasons, there are varying degrees of how it may or may not be inconsistent.

The Chairman asked the Planner to reiterate the motion, which was made by Dr. Autuori and seconded by Mrs. Willis. The motion is to deny the proposed regulation based on the fact that it is inconsistent with the Plan of Conservation and Development, and the Commission added concerns of (1) density, (2) effluent should be disposed of within the Town of Ridgefield, and (3) referencing the DEP's letter stating that the development is too dense and not consistent with the State's Conservation and Development Policies Plan.

The Chairman called the vote. The motion to deny the regulation was passed by a vote of 8-1, Mr. Fossi opposed.

The Chairman then asked for action on the third item, to rezone the property. Mr. Slavin motioned, seconded by Dr. Autuori, to deny the change of zone, because the regulations creating the zone had been denied. The motion passed by a vote of 8-1, Mr. Fossi opposed.

2. **#2005-142-SP-SR:** Special Permit application under Sec. 312.0 as required by Sec. 412.0.B.(5) of the Ridgefield Zoning Regulations to construct a 20-unit multi-family development on 5.16 acres of land located at **66 Grove Street** adjacent to existing commercial building in the B-2 zone. Owner/Appl.: 66 Grove Ridgefield, LLC. Auth. Agent: Artel Engineering Group, LLC. *Received 10/11/05, walked 10/16/05, 11/6/05 and 1/22/06, public hearing commenced 12/6/05, continued 1/17/06, 1/31/06, 2/7/06 and 2/14/06. 65-day action period ends 4/20/06. For action.*

   Dr. Autuori motioned, seconded by Mr. McChesney, to table discussion on the application, to coincide with tabled discussion on the accompanying wetlands permit application. The motion passed by a vote of 9-0.

3. **#2005-175-R:** Proposed re-subdivision of 3.061 acres to create two building lots on property located on **Lot #6, Old Still Road** in the RAA zone. Owners/Appls.: Christina and Charles Stietzel. *Received 12/13/05.Walked 1/8/06.Public hearing commenced and closed 2/7/06. Draft Resolution of Approval requested 2/7/06. 65-day action period ends4/13/06. For action.*

   The Planner requested that the Commission table action on the draft resolution, pending input from the Town Engineer about the condition related to work in the town road right-of-way. Mr. Walsh motioned to table, seconded by Mr. Fossi. The motion passed by a vote of 9-0.

4. **#2006-007-REV:** request for Revision to Special Permit under Sec. 312.02E as required by Sec. 333.0 of the Ridgefield Zoning Regulations to erect an electronic scoreboard at Scalzo Field located on **Prospect Ridge Road** in the RAA zone. Owner: Town of Ridgefield. Appl./Auth. Agent: Bruce Yuen, President, Ridgefield Little League. 65-day action period ends 4/13/06. *Received 2/7/06. For action.*

   Mr. McChesney motioned to acknowledge receipt of the application, seconded by Dr. Autuori. The motion passed, 9-0. Mr. Yuen was present to discuss the application. First Selectman Marconi was present to confirm the Town's authorization for the scoreboard on Town-owned land. Several of the Commissioners had walked the property individually during the previous week.

   Mr. McChesney noted that the plan showed the proposed sign in right center field, acknowledging that putting the sign in center field creates a problem for batters at home plate. He suggests that there are two reasonable, potential places for the sign: (1) near first base because there are evergreens behind the field that will make the sign "fade" into the background, and (2) by third base to the right of the trees. He notes that in left field, the sign would be less objectionable to the houses across the street.

   Chairman Mucchetti asked the applicant about the electronics of the sign, and whether it had "LED" lights or numbers that "flipped" electronically. She also asked if the field was lit at night. The applicant confirmed that the sign had digital numbers (lights) but that it was only turned on during the games, from about 5:45 to 7:30 p.m. There are no night games and there are no lights on the field.

   Dr. Autuori asked about the proposed 14-foot height of the sign, mentioning his visits to Serfilippi Field at Lake Wind Wing and Fitzgerald Field by Ridgebury Elementary School. He questioned the need for the 14-foot height. The applicant stated that 14 feet seemed

typical when compared to other signs that he measured in other Town field locations. He pointed out that the original scoreboard at Scalzo Field was much bigger and taller; it contained a platform where someone would stand to flip the number cards on hooks.

Chairman Mucchetti noted that since only the numbers of the sign are lit and it is not used at night, the lights are not much of an issue. The applicant confirmed that the preference of the league is to have the sign in right field because of the terrain of the ground just outside the fence where the sign would be erected, making it easier for installation. The footings would be bigger and more visible if they had to work with the grades and slopes in left field.

Mr. McChesney motioned, seconded by Dr. Gelfman, to approve the installation of the scoreboard as proposed. The motion passed by a vote of 8-1, with Mrs. Willis abstained.

NEW ITEMS

5. **#2006-009-REV:** Revision to Special Permit under Sec. 312.0 as required by Sections 401 and 333 of the Ridgefield Zoning Regulations to rebuild and expand the deck adjacent to the club house on property located at **545 Ridgebury Road**, Ridgefield Golf Course. Owner: Town of Ridgefield. Appl.: Frank A. Sergiovanni. *65-day action period ends 4/20/06. For receipt and schedule walk.*

Mr. Katz recused himself from the discussion and vote on this application because he is an adjoining neighbor to the property.

Mr. McChesney motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule a walk. The Planner explained that the application was minor and recommended immediate action. The motion to receive the application with an amendment to discuss passed by a vote of 9-0.

The Planner pointed out the drawing showing the proposed new deck at the back of the golf course club house facility. The deck is in bad need of repair and must be replaced. The proposed new deck is slightly larger than the existing; Mr. Fossi noted that the plan showed an approximate 40' X 10' deck existing, proposed as a 40' X 20' replacement. The Commission noted that the deck is at the back of the facility, and there is little impact from the increased size.

Dr. Autuori brought up the issue of noise from the loud speakers, based on a complaint brought up by a neighbor. The Chair pointed out that since the neighbor was sitting at the table and had recused himself from the discussion on this application, the comments were inappropriate.

Mr. Walsh motioned, seconded by Fossi, to approve the application according to the plans presented. The motion passed by a vote of 7-1-1, with Dr. Autuori opposed and Mr. Katz recused.

6. **#2006-010-SR-S:** 7-lot subdivision of land located on **Bryon Avenue** in the SD R-20 zone. Owner/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara and Gustafson. *65-days to commence public hearing ends 4/20/06. For receipt, schedule walk and public hearing.*

Mr. Slavin motioned, seconded by Mr. Katz, to acknowledge receipt of the application and to schedule a walk and a public hearing. After some discussion, the site walk was scheduled for 3/12/06. *(Note: The Commission adjourned briefly to re-convene the Inland Wetlands Board meeting, to coordinate the walk with the Summary Ruling Application for the same project, and then returned to the Commission agenda.)* The Commission selected April 4, 2006 for the public hearing date, to keep with the policy of holding hearings on the first Tuesday of each month.

The motion passed by a vote of 8-0-1 with the dates noted, with Mr. Fossi recused.

COMMISSION WALKS

As noted in item #6, the Commission scheduled the site walk for Bryon Avenue, Country Club Development, LLC subdivision application for 3/12/06.

REQUESTS FOR BOND RELEASES/REDUCTION

CORRESPONDENCE

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 31, 2006. Chairman Mucchetti made one minor correction. The motion to approve the minutes, with the amendment, passed by a vote of 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at

Respectfully submitted,

Betty Brosius
Director of Planning