

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

March 24, 2009

Present: Michael Autuori  
Peter Chipouras  
Joseph Fossi  
Nelson Gelfman  
John Katz  
James McChesney  
Phil Mische  
Patrick Walsh, Vice Chairman

Absent: Rebecca Mucchetti, Chairman

Also Present: Betty Brosius, Inland Wetlands Agent  
Linda Caponetti, Recording Secretary

At 7:30 p.m. Vice Chairman Walsh called the meeting to order. He cordially welcomed Boy Scout Troop 76, in attendance at the meeting.

**PENDING ITEMS**

There were no pending items.

**NEW ITEMS**

There were no new items.

**BOARD WALKS**

There were no site walks to be scheduled.

**REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

**CORRESPONDENCE**

There was no correspondence.

**MINUTES**

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of February 24, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:31 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

March 24, 2009

Present: Michael Autuori  
Peter Chipouras  
Joseph Fossi  
Nelson Gelfman  
John Katz  
Phil Mische  
James McChesney  
Patrick Walsh, Vice Chairman

Absent: Rebecca Mucchetti, Chairman

Also Present: Betty Brosius, Director of Planning  
Linda Caponetti, Recording Secretary

[Note: Vice Chairman Walsh again welcomed the members of Boy Scout Troop 76, who were present in the audience to observe town government at work.]

At 7:32 p.m., Vice Chairman Walsh called the meeting to order.

**PENDING ITEMS**

1. **#2008-032-RCS**: work session  
Ridgefield Center Study, with consultant Milone & MacBroom

**Vice Chairman Walsh** introduced Vince McDermott and Phil Michalowski of Milone & MacBroom, to present the draft version of the Ridgefield Center Study. The draft had been distributed for Commission review approximately two weeks prior.

**Mr. McDermott** recounted their promise, after the last work session with the Commission in October 2008, to meet with Chamber of Commerce members. He and Planner Brosius met with the new Chamber Director, Marion Roth, who was able to organize what Mr. McDermott described as “a warm, supportive, good meeting” with members of the Chamber Board and key business people from downtown. He described how receptive the business people had been and what good ideas and input had come out of the meeting. There was general interest in the concept of a special business improvement district, he said.

A section on establishing a special district is included at the end of the draft report.

**Mr. McDermott** reported an acknowledgement by the business community that there is adequate parking overall in the district, but, the “accessibility of the parking in relationship to the businesses” is deficient, they felt. They stressed the need for a safe area for employees to park, in order to free up the spaces close to their businesses for use by customers. There was also concern that certain uses at certain times of day generate unusual parking requirements (e.g., Tuesday morning real estate meetings).

Overall, Mr. McDermott said, the business community was supportive of many of the ideas put forth in the plan, including the concept of modifying Bailey Avenue to be two-way up to the Town Hall lot. They also supported eliminating some of the random access alleyways between the Bailey Avenue lot and Main Street, and reorganizing the Balducci’s parking lot by consolidating the Governor Street access ways into one curb cut. Finding such enthusiastic support within the business community, Mr. McDermott said that Milone & MacBroom “felt comfortable” going ahead to prepare a draft of their Ridgefield Center Study.

**Mr. McDermott** presented the plan with the aid of detailed maps and renderings, adding that recommendations made previously still stand. He also noted that there were areas of the district that fell beyond the Commission’s jurisdiction, including the CT Department of Transportation’s oversight of the Catoonah/Main Street/Bailey Avenue intersection, and parking in front of Addessi’s and Ridgefield Hardware.

Discussion revolved around the reorganization of the circulation on Bailey Avenue, completion of the Bailey Avenue parking lot, and reorganization of the Balducci’s parking lot. Mr. McDermott noted the anticipation of cooperation the owner of the Donnelly property, where the plan preserves some green space and shows a minor expansion of the parking that is there now.

There will be some loss of parking spaces in the Bailey Avenue lot due to a need to allow for “proper spaces” of adequate width, instead of the 8 ½’ wide spaces currently there. Everyone recognizes and accepts the need for this restructuring, he said. There was good reaction to the proposed opening of the connection to Prospect Street, which is currently blocked.

Overall, he noted a very positive reception from those who attended the meetings at the Chamber. He opened the floor to the Commission.

**Mr. Walsh** asked what else would be required to take this to a public hearing. Mr. McDermott said nothing else was needed.

**Mr. Katz** asked about the proposed Governor Street to Prospect Street “through way” (through Bailey Avenue), which had been discussed, saying that it was not referenced on the maps.

**Mr. McDermott** said, “It cannot be a street without acquisition. Ideally, a public street all the way through would be great.” But, “a logical, privately owned path” to

connect Governor through Bailey to Prospect Street is a more realistic goal, he said. The re-configuration of the Balducci's lot shows this alignment.

**Mr. Katz** asked if that would not be much different than what exists today.

**Mr. McDermott** said there would be better alignment.

**Mr. Katz** challenged some of the wording found in the plan. Mr. McDermott defended its use, saying that planning terms and colloquialisms are used. The Planner agreed.

**Mr. McChesney** asked if property owners were at the meeting held with the Chamber members. They were, Mr. McDermott said. Mr. McChesney asked if it would be the property owners or the merchants who would be contributing to the Special Services Tax District. The tax would be "on the property, but, would presumably be passed on to the merchants [through rents]," Mr. McDermott said.

**Mr. McChesney** asked if there was negative response to the tax district. Mr. McDermott said that, surprisingly, he did not find that. They were surprised, maybe, he said, but definitely not opposed. "They wanted to be able to control their back yards, and they saw this as a way of doing so," he said. That was key. Mr. McChesney asked if he thought the improvements could be done prior to the collection of sufficient tax money. Mr. McDermott felt that some of these improvements could be done under the current stimulus package. These are transportation improvements and streetscape improvements. They could conceivably be applied for under the next round of the enhancement money, he felt. Mr. McChesney asked about the plans for a ramp between the re-constructed Bissell building and the Wachovia bank lot. Mr. McDermott felt it could be achieved.

**Mr. Mische** asked Mr. McDermott if the owners of the Jersey barriers preventing passage to and from Prospect Street were present at the meeting. They were not. He asked how best to get any changes he or other commissioners felt were necessary to Milone & MacBroom. Mr. McDermott said that they should go through the Planner, and then a "compiled markup" would be done. In relation to Mr. Katz' remark about the pass through from Balducci's not being shown on the map, Mr. Mische noted it appeared on Map 213.

**Mr. Chipouras** asked if there were recorded minutes from the consultant's meeting with the Chamber. The Planner said there were not. Mr. Chipouras commented that minutes would have been helpful.

**The Planner** offered her notes from the meetings. She noted that there were two meetings and named the attendees from each. She described the meetings, talking about the business owners/merchants being in favor of the business improvement district. They talked about wanting to eliminate parking that spills from Veteran's Park School into the Balducci's lot. There was discussion about the offset angle of the

Catoonah Street/Bailey Avenue intersection, and how difficult it would be to make it a full two-way intersection from Bailey Avenue to Main Street. They talked about a shuttle bus for employees to parking at a remote location. With regard to the taxing district, they agreed that street sweeping, plowing, etc. could be handled by a business improvement district.

**The Planner** noted that Trish Vredenburgh, owner of 23 and 27 Catoonah Street, was there to represent the interests of Catoonah Street businesses. She wants to make sure that any improvements continued down Catoonah, where some store owners feel disconnected from the Main Street retail area. Signage, street lamps, street furniture, etc. should extend down Catoonah Street, as well as down Bailey Avenue, she said.

**Mr. McDermott** said that mapping of downtown business locations had been suggested so that the Chamber had something to hand out to shoppers. Mrs. Roth said that a volunteer had offered to begin this process.

**Mr. McChesney** noted that one of the parking areas shown in the plan is currently occupied by two houses on Bailey Avenue. Mr. McDermott said the proposed lot is a long term goal. The Town could be a facilitator in buying and selling and redeveloping this lot, he said.

**The Planner** agreed that it was important to show the recommendations of the plan to developers and property owners as applications come forth. She mentioned the Ridgefield Music and Arts Center plans and the relocation of the old train station to the back of the municipal lot, with a connection shown in front of Casey Fuel. This connection is unlikely, she said, because Casey Fuel uses that area as its primary access.

**Mr. Katz** asked if a connection to the north would be a logical way out, but the Planner noted that there's a floodplain and wetlands in the way.

**Mr. Mische** asked how all the changes could be put into a format that can be read. The maps are too small, he said, citing Map 211 especially.

**Mr. Chipouras** suggested foldouts. Mr. McDermott said foldouts can be done.

**Mr. Mische** questioned his use of the term "safe" in relation to employee parking. Mr. Michalowski said, "with the lack of defined pedestrian paths, you basically walk in the travel ways."

**Mr. McChesney** reported that the State had been reluctant to suggest blocking all vehicular alleys that access on the east side of Main Street. He asked Mr. McDermott if their plan, showing only pedestrian access, had met with any opposition.

**Mr. McDermott** said there was no opposition (from those present at the meeting) to blocking the vehicular access on the east side of Main Street.

**Mr. McChesney** was happy to hear how receptive the business owners had been.

**Mr. McDermott** said he and Planner Brosius came out of the meeting shocked at how positive the reception of the new ideas had been.

**The Planner** said that the new Executive Director of the Chamber is “trying very hard to develop some consensus,” and has done a great job at improving communication between the merchants downtown.

**Mr. McDermott** expressed some concern at how the public would react when presented with the plan at a public hearing.

**Mr. McChesney** couldn't imagine a negative reaction, and said the plan will improve the customer use of the area.

**Mr. McChesney** asked about parking meters. Had the topic come up in the meetings? he asked. The business leaders were concerned that they would cause people to “occupy Main Street too long,” Mr. McDermott said. Generally, it was thought that parking meters were not advantageous to the business community.

**Mr. Chipouras** asked about lighting in the alleyways. He asked for no floodlighting. Lit bollards were suggested and discussed.

**Mr. McDermott** detailed the intention to use pedestrian scale lighting, 14'–15' off the ground, down lit, at 50–60' apart. A short discussion ensued. Certainly no high pressure sodium lighting would be used, he added.

**Dr. Autuori** commented on general policy regarding lighting and light pollution of the night sky. Mr. McDermott said that, by law, concealed sources of illumination and down lighting are now required on any State numbered road.

**Mr. McChesney** felt the plan was ready to go to the public, “with whatever editorial corrections are necessary.”

**Mr. Walsh** agreed. He said that there continues to be a great deal of interest in the subject of first floor retail, however, that should not be mixed into the discussion of the downtown center study plan.

**The Planner** said that this had not been a topic of discussion at the meetings with the Chamber. The meetings were focused more on the parking issues, she said. Everyone understood that the first floor retail issue was being handled separately. The Planner made a point of alerting the audience to the following week's public meeting on the update of the Plan of Conservation and Development. First floor retail, open space, housing, conservation can all be brought up as concerns at that meeting, she said.

It was decided by consensus to ask the Planner to gather suggestions for editorial corrections, to be conveyed to the consultants.

Tuesday, April 28<sup>th</sup>, was designated as a date for presentation of the final draft to the community, at a location to be announced. [Note: This date was subsequently changed to April 21<sup>st</sup>.]

The Boy Scouts were asked if they had questions and thanked for their attendance.

## NEW ITEMS

2. **#2008-105-SP-S: 439 Danbury Road**, request for 30-day extension of time to file subdivision map. Owner/Appl.: Nancy Riedy. Agent: Ward J. Mazzucco, Esq. *Request withdrawn, maps have been filed.*

**Vice Chairman Walsh** noted that the maps for the subdivision had been filed, and the request for extension of time was withdrawn by the applicant. There was no discussion.

3. **#2009-018-VDC**: Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for demolition of vacant retail bank branch and office building (formerly Webster Bank). Property located at **25 Prospect Street** in the CBD zone. Owner/Appl.: Ridgefield Library Association, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *35 days to receive VDC report ends April 28, 2009. For receipt/discussion/refer to VDC/ schedule public hearing if necessary.*

**Vice Chairman Walsh** introduced the item, and acknowledged that there was significant public interest in the library's proposal to demolish the Old Playhouse building (most recently Webster Bank) on Prospect Street. He felt the scheduling of a public hearing was appropriate.

**Mr. Katz** said that a public hearing was inevitable, but, the public should be made aware, through the Chairman at the outset, that the Commission is helpless to prevent the demolition of the building, should the library choose to move forward in that way. It's not in the historic district, he said. It's a "courtesy designation."

**The Planner** said the building is in the Village District. This may offer the Commission an opportunity to factor in on whether or not the building may be demolished, through the use of the Village District approval process, although this is "untested" at present. She reminded the Commission that they are the "Village District decision makers."

**Mr. Katz** felt that this should be clarified before a public hearing were held. The Planner agreed, and said that she would check with legal counsel.

**The Planner** said that Village District regulations address the use of public hearings on issues “of consequence within the Village District.” As she understood the process, if the applicant disagreed with the decision of the Commission (following the hearing), they would go to the Superior Court with an appeal in the same manner that they might appeal a decision on a Special Permit, she said.

**The Planner** noted support for a public hearing in the State Statutes for Village Districts. Mr. Walsh noted Section 8-2(j).

**Dr. Autuori** suggested scheduling the public hearing and asking the Planner to seek advice from legal counsel. He noted “enough substantial public interest” in the topic.

**Dr. Gelfman** said it would be important to listen to the public without giving the Commission’s opinion.

**Mr. Katz** did not want the public to be under the impression that their input would influence the Commission’s decision, and that the decision would “have finality,” because it wouldn’t, he felt. His desire was not to frustrate the public.

**Mr. Mische** asked what the point of a public hearing would be if the Commission can’t prohibit the demolition. The Planner felt that the Commission could decide to approve the demolition request or to deny it under the Village District regulations. Whether the applicant could forward under demolition permit from the Building Department anyway, if the Village District decision was to deny demolition, is still the question.

**Mr. McChesney** said that the Commission’s legal position should be made clear to the public at the public hearing. He was in agreement with Commissioner Katz.

**Mr. Fossi** asked why the Commission would go through the exercise of a public hearing if, in fact, they had no decision making capacity in the matter.

**The Planner** said that the hearing is allowed within the Village District regulations and that the Commission can consider a change to a property. She encouraged the Commission members to look closely at the details of State Statute 8-2(j).

**Dr. Autuori** said that one can never predict what might come out of a public hearing, including the possibility that a member or members of the public might offer to buy the building to keep it intact. The public should know what the Commission’s powers are, and the public may come up with different ideas.

**Mr. Chipouras** asked if there were any proposal/plan or rendering detailing what the library has planned to do.

**Vice Chairman Walsh** suggested setting the public hearing date, and not entering into discussion of what was not in front of the Commission presently.

By consensus, April 14<sup>th</sup> was selected as the date for the public hearing. [Note: This was subsequently changed to May 5<sup>th</sup>.] The Commission requested the Planner to contact legal counsel to determine the strength of the Commission's decision in a Village District application, and what recourse the Library Board would have if it disagreed with the Commission's final decision.

4. **#2009-019-SP:** Special Permit Application under Section 9.2 required by Section 8.5 of the Ridgefield Zoning Regulations (Exception for Character Resource Preservation) to permit the construction of a new two-car portico and an addition to expand the kitchen on property located at **88 Main Street** in the RA zone. Owners/Applicants: Howard & Jane Epstein. Auth. Agent: Douglas MacMillan, AIA. *65-days to commence public hearing ends May 28, 2009. For receipt, schedule walk and public hearing.*

**Planner Brosius** suggested April 7<sup>th</sup> for a public hearing and 3/29/09 for the site walk.

**Mr. Katz** motioned, seconded by Mr. Fossi, to acknowledge receipt of the application, to schedule the site walk for 3/29/09 and the public hearing for 4/7/09. The motion passed, 8-0.

5. **#2009-020-SP:** Special Permit Application under Section 9.2 required by Section 8.5 of the Ridgefield Zoning Regulations (Exception for Character Resource Preservation) to permit the construction of a detached two car garage and house addition on property located at **94 Main Street** in the RA zone. Owners: Robert & Kristin Loughran. Applicant: Kristin Loughran. Auth. Agent: Douglas MacMillan, AIA. *65-days to commence public hearing ends May 28, 2009. For receipt, schedule walk and public hearing.*

**Planner Brosius** suggested April 7<sup>th</sup> for a public hearing and 3/29/09 for the site walk.

**Mr. Katz** motioned, seconded by Dr. Autuori, to acknowledge receipt of the application, to schedule the site walk for 3/29/09 and the public hearing for 4/7/09. The motion passed, 8-0.

#### **COMMISSION WALKS**

The Commission scheduled a site walk for **Sunday, 3/29/09**, for the following:

- **#2009-019-SP:** Special Permit **88 Main Street**, Epstein
- **#2009-020-SP:** Special Permit **94 Main Street**, Loughran

#### **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

**Planner Brosius** pointed out the following correspondence:

- Planner's memo dated 3/24/09 to the Commission, re Mr. Robert Jewell's question about installing temporary tarps over the chain-link enclosed dugout areas at Scalzo Field. The tarps would be left in place only for the baseball season (from about April through October), to protect the game participants from sun and rain. ZEO Richard Baldelli and the Planner shared the opinion that the tarps would be permitted under Sec. 3.4.A.1 of the zoning regulations, for "Minor Accessory Structures," because they are temporary and do not require building permits.

By consensus, the Commission agreed with staff's opinion that the tarps would be permitted, under the regulations noted in the memo.

## **MINUTES**

**Mr. Mische** motioned, seconded by Mr. Chipouras, to approve the minutes of February 24, 2009. The motion passed, 7-0-1, with Mr. Katz abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary