

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

April 4, 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

A public hearing was held prior to the meeting.

At p.m. 9:25 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#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. Received 2/14/06. Public hearing commenced April 4, 2006 35-day action period ends 5/9/06. For action.

The Chairman noted that public hearing had been continued to 5/9/06, and the item was tabled.

2. **#2005-006-A-IW:** Commission initiated amendments to the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield, Connecticut, to increase the size of the upland review areas; Sec. 4.5 and to clarify Agent authority; under Sec. 13 “Enforcement” by adding new Sec. 13.1.1(a) and new Sec. 13.1.1(b). *Public hearing closed 6/7/05. Draft consolidation of revisions requested 3/21/06. For continued discussion/action.*

The Chairman noted the draft prepared by the Agent, to consolidate the revisions to the Upland Review Areas chart and the proposed text amendments. The Agent explained that the paragraphs and text recommended by the consultant, Michael Zizka, had been rearranged in a better order to fit into the existing regulations, grammar corrected, and paragraphs labeled as to their meaning (e.g., “Septic Repairs,” and “Additional Review Areas”). The Upland Review Distances as per the previous week’s discussion had been incorporated into the table in Sec. 4.5.

The Chairman didn't recall the earlier discussion on the paragraph on page 4, pertaining to the Board's prerogative to identify other activities outside the URAs as "regulated." The original regulation allowed the Board to reduce the URAs; the new regulation states that the Board can determine that activities outside the review areas can now be regulated. She did not remember that this was one of the proposed changes in the regulation, discussed at the hearings.

Mr. Katz says the genesis of this paragraph has to do with changes in the Statutes, that any area outside of the wetlands can be considered as the URA, if a Board finds that activities, regardless where they occur, may have some permanent negative impact on wetlands or watercourses. Mr. Katz says the Board has, on many occasions, made decisions that mirror this regulation, where the entire lot is considered an URA.

Dr. Autuori references the case of Cioffoletti v. Ridgefield, where the Board has broader authority to regulate outside of the URA, but this proposed change should have gone to a public hearing. The Agent points out that it was discussed during the hearing – the consultant attorney, Michael Zizka, suggested the revision at the first hearing, based on his review of the amendment, for the purpose of making the Ridgefield regulation comport with changes in the State law. The Cioffoletti case is frequently brought up as an example at DEP seminars, as case law that established the Board's right to review outside of the URA. Dr. Autuori notes that the focus of the hearings was on the URAs, and not so much on the text changes.

The Agent emphasized again that Mr. Zizka's recommendations were based on State law and case law over the past 10 years. The Board actually exercises the authority based on State law already; this change makes it clear in the Town's regulations. The Board does not abuse this regulation, but uses it as it was intended. Dr. Autuori is concerned about the potential for the Board to be too heavy-handed. Mr. Katz says that is not likely to happen -- it would take five votes to abuse the power.

The Chairman says that with this language on page 4, there is no need to increase the URAs. If the Board can take the position to regulate any activity in uplands, what need is there to establish distances? It is regulatory creep. The previous meeting's discussion shows that the Board negotiated the distance, it was not based on scientific evidence. It had nothing to do with protecting the wetlands. If the amendment is to go forward as it stands, it doesn't have her support.

Mrs. Willis states that the scientific data suggested 100 feet as a minimum, which is why that figure was endorsed by the CTDEP. Anything below that is a rather pathetic compromise. She is disappointed in what is presented at less than 100 feet, but it is better to establish some specified distance rather than to leave it up to individual decisions on every case. There is no guidance without the URAs.

Dr. Gelfman says that the Sec. 4.5 table provides guidance for the developers. As long as he has been on the Board, he has seen several difficult lots fall under this proposed regulation.

Mr. Katz says the chart codifies a design standard. The Board would only go beyond those URAs if a need was demonstrated. Dr. Autuori agrees that the paragraph describes what has been the practice of the Board, but was surprised to see it in writing. He still wonders if a public hearing is needed on this paragraph. The emphasis was on the URAs in the hearings.

The Agent points out that the definition of “regulated area” has been proposed for correction to agree with State statutes. It says, the Board “may rule that any other activity located within uplands is a regulated activity.” That’s what the Board has been doing all along. In the paragraph on page 4 of the amendment, it says, “the Board may require any regulated activities to be conducted even farther from a wetland or watercourse than the designated upland review distance if it finds, on the basis of the record, that the greater distance is needed to protect the wetlands and watercourses from unreasonable adverse impacts.” This is not an arbitrary thing. The applicant proposes an activity, and the Board may determine, in the course of review, that a greater distance from the wetlands is warranted.

Dr. Autuori asks if the definition covers this – allowing regulation of an activity at a greater distance. The Agent says this regulation clarifies the Board’s authority, and backs up its decision. There must be a legitimate reason for requiring the increased distance. Mr. Katz reminds that zoning deals with health, safety and welfare; the wetlands regulations are different. He reads from Sec. 10.4 of the regulations to make his point: “The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield and with Sec. 22a-36 through 22a-45,” which is the entirety of the State statutes. The principal obligation of the Board is to protect the wetlands and watercourses. The DEP suggests 100 feet. The distances he proposed are a compromise, but it wasn’t arbitrary. The regulation offers the flexibility that the State tells the Board they have, where our own regulations (URAs) are not good enough to get the job done, and it needs to be printed in the IWWR.

The Chairman says she still has questions about the proposed changes. At the previous meeting she asked the new wetlands inspector if the regulations were good enough to get the job done, and the direct question was not answered; the answer dealt with the administrative review process and how well it works in the Town of Ridgefield. She is astonished at how willing the Board is to increase the URAs, when we don’t even address the Town’s sending silt and sand into ponds, which does far more damage to the wetlands and the watercourses. This is regulatory creep. If we have the language on page 4, we don’t need to increase the URAs in the chart. If it goes forward as it stands, she won’t support it.

Mrs. Willis says that the Board is asking for many more conditions that will help to clean out the sand and salt, when they require catch basin sumps and sediment basins.

Mr. Katz says that the validity of the Chairman's statements are only weakened by the nature of the proposed building lots that come before the Board, which are by definition more fragile today. The last land available is what is now being developed. Better land and better lots would be well served by the existing regulations, but the nature of a building lot today requires more scrutiny. This regulation codifies that.

Dr. Autuori asks if we couldn't require the Town of Ridgefield to come to the Board for permission to sand the roads? There is a mixed and surprised response to the statement. The Agent says that the State statutes permit the Town's highway departments to promote the health, safety and welfare of the residents by taking care of the roads. She also points out the Town is required to follow the Storm Water Phase II program, delegated from the federal EPA to the States and then to the local municipalities. The Town is replacing catch basins gradually over time, and the new wetlands inspector has consulted with the Highway Department on several of their specific improvement projects. To the point made by the Chairman about her question to the new wetlands inspector regarding the effectiveness of the regulations, the Agent says the new inspector felt the question to be a bit premature since she had not been on the job long enough to offer an opinion. The inspector does, however, work well with homeowners on the administrative review process.

Mr. McChesney motions to approve the amendments as drafted. The motion is seconded by Dr. Autuori.

Before taking the item to a vote, the Chairman reminded the Board about the request to change the definition of "clear cutting." The Agent offered a few options, but after several minutes of discussion and attempts to tweak the language, it was decided that any change to the original proposal might be considered too significant without further public hearings. The consensus was that a new definition, other than what was proposed in the public hearings, should be dealt with as a new amendment.

In the vote on the amendment, there were 7 in favor and 2 opposed. Mr. Walsh and Chairman Mucchetti voted against.

3. **#2005-153-SR:** Summary Ruling Application for disturbance in wetlands and upland review area in conjunction with construction of accessway and bridge spanning wetlands. Property located on **Dogwood Drive, Lot 33** in the RAA zone. Owner/App.: Thomas Dwyer, individually and as trustee. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 11/9/05. Walked 11/20/05. Extension granted to commence hearing, hearing commenced 1/24/06, continued 2/21/06, continued 3/14/06 with granted extension, closed 3/14/06. Draft Resolution of Approval requested 3/21/06. 35-day action period ends 4/18/06. For action.*

The Chairman noted the draft resolution of approval distributed to the Board by the Agent. The Agent pointed out two minor changes suggested by Mrs. Willis, to require spruce trees for the screening, and to post Conservation Easement signs in conformance with the requirements of the Conservation Commission.

Mr. Katz offered some additional language to condition #12, as follows: After, “In evaluating this application, the Board considered the documentation and information presented by the applicant and consultant,” add, “The Board found that this application comports favorably with the intent of the Inland Wetlands and Watercourses Regulations in Sec. 10.2, particularly with regard to items c, d, e and g of said section, and the entirety of Sec. 10.3, feasible and prudent alternative to the original application.”

The Chairman notes that proposed language in item #12 is “boilerplate.” Mr. Katz feels that this language belongs after the first sentence in #12. Mrs. Willis questions the use of the word, “favorably,” and asks if it can be removed. Mr. Katz considers it to be factual, although he acknowledges that the application is for a dreadful piece of property. The standards in the Statutes, however, have been met in this revised application. This is the feasible and prudent alternative, greatly debated and fully engineered. He says he spent a lot of time evaluating the proposed application in comparison to the standards in the Town regulations, and it meets those standards.

There was continued discussion about the word “favorably,” and the definition of “comport.” It was finally decided by consensus to eliminate the word “favorably.” Mr. Walsh asks about adding section “a.” The change was not made. Dr. Gelfman says he will not support the resolution, because the reasons for which it was rejected in the first application still exist. The impact of the project on the whole property is significant, not just the driveway.

Mr. Katz made a motion to adopt the draft resolution of approval as modified, seconded by Dr. Autuori. The motion passed by a vote of 8-1. Dr. Gelfman was opposed.

4. **#2006-026-SR:** Summary Ruling Application to construct an in-ground swimming pool, retaining wall, patio and pool house and relocate existing tank & pump chamber in the upland review area on property located at **345 Wilton Road West** in the RA zone. Owner/Appl.: Thomas O. & Jennifer M. Trillo. Auth. Agent: Matthew Scully, P.E. *Received 3/21/06 and walked 4/2/06. 65-day action period ends 5/25/06. For action.*

Matthew Scully, P.E. of CCA, LLC was present to represent the applicant. He described the proposal to build a cabana and bathroom adjacent to the garage, and a pool and patio. A stone retaining wall ranging in height from about 2-3 feet will be built at the edge of the patio, parallel to the wetland line. There is no activity in the wetlands, only the buffer. A slope between the stone wall and the wetlands line would be planted, and there is a planting plan. Mr. Scully says the septic tank and pump

chamber will need to be moved, but not the septic fields. The wetlands line is at the toe of the slope, below the wall. There will be a perimeter stone wall and picket fence around the property, with only an 8-foot mesh deer fence in the wetlands area.

Dr. Gelfman asks about the berm. Mr. Scully says it is more of a slope, between the wall and the wetlands. It is not in the wetlands.

Carol Stoddard of the Conservation Commission read their letter dated April 3, 2006, written by Dr. Oko, Chairman. The CC commented on the planting plan, and asked why the pool could not be moved further from the wetlands. Deer-resistant plants and non-invasives are recommended.

Dr. Autuori also asks if the pool can be moved further from the wetlands. Mr. Scully says that the pool is located as shown in order to protect a 36-inch healthy ash tree near the house. They did not want to put the pool in the center of the lawn, because the large expanse of lawn is prominently visible from Route 33. The alternatives were looked at by the applicant, but the proposed location was considered to be the best.

Mr. Scully says the plants chosen for the buffer are deer-resistant, and the majority of species are native to New England, and Connecticut in particular. Mrs. Willis asked if the plantings could be increased along the wetlands line, to offer more buffering. Mr. Scully agrees that another 30 feet on either side of the proposed berm could be planted. The Agent says the new plan could be submitted with the application for Development Permit.

Mr. Katz makes a motion to draft a resolution of approval for the application, with a requirement for the additional plantings. The motion was seconded by Dr. Autuori. The motion passed by a vote of 9-0. The draft resolution will be prepared for the next meeting.

NEW ITEMS

5. **Pursuant to Sec. 22a-42a.(c)(1) of the C.G. S. The following application is considered received 3/28/06.**

#2006-030-PRD-PR: Plenary Ruling application for regulated activities in wetlands and upland review areas in conjunction with subdivision application for a 32-lot planned residential development on 151.562 acres of land located on **Wilton Road East, Whipstick Road and Spectacle Lane** in the RAA zone. Owner/Appl.: Downingtown Manufacturing Company. Auth. Agent: J. Casey Healy, Esq. *65-days to schedule public hearing ends 6/1/06. Confirm 3/28/06 receipt, schedule walk and public hearing. Discuss outside consultant technical review.*

The Chairman noted that the application was received in the office on 3/28/06. She suggested a walk on 4/23/06 and a public hearing on 5/23/06. Mr. Katz motioned to acknowledge receipt and to schedule the walk and public hearing as suggested. The motion was seconded by Dr. Autuori, and the vote was 9-0.

The Chairman referenced the Agent's memorandum and suggestion for the Board to hire a consultant for technical review of the application, as authorized in the IWWR. The proposed scope of services for the review is outlined in the memo, seeking the expertise of a firm with personnel in landscape architecture, engineering, and environmental biology. By unanimous consent, the Board agreed to hire a consultant. The Agent will request estimates from at least two different firms.

BOARD WALKS

Scheduled for 4/23/06:

- **#2006-030-PRD-PR: Wilton Road East, Whipstick Road and Spectacle Lane, Downingtown Manufacturing Company.**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

The Chairman pointed out the following:

- Reminder/invitation for the Conservation Commission Annual Meeting, to be held at the Parks & Rec facility on Thursday, April 6th, at 7:15 p.m.
- News article about a wildlife corridor area to be established in Bedford, NY

MINUTES

Mrs. Willis motioned to approve the minutes of 3/14/06, seconded by Mr. Slavin. The Chairman offered corrections to item #2 on page 2. The minutes were approved by a vote of 8-0-1, with Dr. Autuori abstained.

Dr. Autuori made a correction on the minutes for March 21st, but it was decided to table approval for another week.

Hearing no further discussion, the Chairman adjourned the meeting at 10:25 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

April 4, 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, Director of Planning

At 10:27 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

The Chairman asked the Commission to move item #4 to the beginning of the discussion, because there were several people in the audience for the application. The Commission agreed, and the item was taken out of order, followed by the rest of the agenda.

1. **#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. *Received 2/14/06. Walked 3/12/06. Public hearing commenced 4/4/06. 65-day action period ends 6/8/06. For action.*

The Chairman noted that the public hearing was continued to 5/9/06, and the item was tabled.

2. **#2006-012-SP:** request for Special Permit under Sec. 312.0 as required by Sec. 333.0 of the Ridgefield Zoning Regulations to construct a storage barn for historic equipment on property located on **Halpin Lane** in the RAA zone. Owner: Town of Ridgefield. Appl.: James Belote, Ridgefield Volunteer Fire Dept. *Received 2/21/06. Walked 3/12/06. Public hearing commenced 4/4/06. 65-day action period ends 6/8/06. For action.*

The Chairman noted that the public hearing on this item was closed. Mr. McChesney motioned to approve the application, seconded by Dr. Autuori. In discussion, it was agreed that the approval could be final, with no draft required, and the conditions would include approval of the plans as submitted, the planting of some spruce trees for screening, and permission for occasional use open to the public, such as educational

visits by schoolchildren and outings for residents of the congregate housing. The plans must conform to the zoning regulations. The motion passed, 9-0.

NEW ITEMS

3. **Pursuant to Sec. 8-7d.(c) of the C.G. S., the following application is considered received 3/28/06.**

#2006-030-PRD-PR: subdivision application for 32-lot planned residential development on 151.562 acres of land located on **Wilton Road East, Whipstick Road and Spectacle Lane** in the RAA zone. Owner/App.: Downingtown Manufacturing Company. Auth. Agent: J. Casey Healy, Esq. *65-days to schedule public hearing ends 6/1/06. Confirm 3/28/06 receipt, schedule walk and public hearing.*

Dr. Autuori motioned to receive the application, to set a walk date for 4/23/06, and a public hearing for 5/23/06. The motion was seconded by Mr. Slavin, and the vote was unanimous, 9-0.

4. **#2006-032-REV:** Revision to Special Permit under Section 312.0 as required by Sections 333.0 and 401.0 of the Ridgefield Zoning Regulations to allow Restaurant Concession to engage in the sale of liquor on the premises of the Clubhouse of the **Ridgefield Golf Course**, located at **545 Ridgebury Road** in the RAAA zone. Owner: Town of Ridgefield. Appl.: Ridgefield Town Golf Committee. *65-day action period ends 6/8/06. For receipt/action.*

The Chairman asked the Planner to read the letter from the Golf Committee, requesting the Revision to the Special Permit. The letter dated March 30, 2006 was read, asking for permission for a full liquor permit for the golf course restaurant concession. A copy of the language from the lease (from the Board of Selectmen) was attached. The letter states that the restaurant is only to be open when the golf course is open, and only until dusk. The commencement and conclusion of daily operating times will vary according to the seasons. The letter states that other conditions in the existing Special Permit will continue to be observed.

The Chairman asked the Commission to look at the existing Special Permits from 1975 and 1976, distributed at the table. Mrs. Willis asks why this is being reviewed again, since it was denied a few weeks ago. The Chairman says that this is a new application from the Golf Committee and not the concession operator. Mrs. Ancona, co-chair of the Committee, says that the letter is complete in its request, and she would be happy to answer any questions from the Commission.

Mr. Katz references the first Special Permit from May of 1975, and the modification in February of 1976. He feels that the Commission needs to revise the Special Permit at this time, to state very clearly the conditions under which the restaurant should operate. A clear statement in a revised permit would outline with certainty the permitted use for the restaurant at the golf course, in case further modifications are sought.

The first permit allowed the sale of beer, and there was no specification of hours and days of operations. It also did specify that food would be served inside, and it would be a modest, limited menu. The restaurant is an ancillary use of the golf course in a residential area, and it would serve patrons of that recreational use. The Town lease is not controlling of the land use, and the Special Permit needs to be specific.

He therefore proposes the following: (1) to permit the golf course concessions restaurant to offer an expanded menu and full liquor service, (2) food and beverages shall be consumed completely within the leased premises or on the clubhouse deck, (3) there shall be no catering or food preparation for offsite consumption, (4) the restaurant shall close at dusk and in the off-season, and when the course is not in use due to inclement weather during the season, and (5) any promotion for the restaurant shall make clear that it is for the convenience of golf patrons and not for the general dining public.

Mrs. Willis is concerned about people who would like to linger, and if there would be a parking problem. More amenities will exacerbate that, and then there will be another application to add parking. Mrs. Ancona replied that there is no more land on which to expand the parking.

Dr. Autuori says that this review by the Commission should not be construed as an attempt to legislate morality. He objects to statements in the Ridgefield Press about the “Planning and Zoning wrinkle” that is holding up the restaurant operation. When the Commission tries to protect a neighborhood, he says, it is not a “wrinkle.” It’s what they are supposed to do. His concern about hours of operation is that this restaurant should in no circumstance become a primary use. It is a residential neighborhood and this should always be ancillary to the golf course. He asks about the definition of dusk, and says that he contacted a student weather-caster through the local radio station about the time for sunset, which is about 8:31 in late June and early July. He thinks dusk should be about a half hour after sunset.

Mrs. Ancona says that course is open a little later in June, July and August, and dusk was the best term they could come up with to define the closing time. She thinks a half hour after sunset is very reasonable.

Mr. Walsh says the Commission is trying to fix something that is not broken. The existing Special Permits from 1975 and 1976 approve the proposed use, except for the liquor permit. He reads sections of the 1976 permit, which allows the food service with a limited menu, and specifically states that consumption has to take place in the clubhouse premises “or appurtenances thereto.” It specifically states that the food service is for patrons of the golf course only. He doesn’t know why the revision can’t be specific to the use of the food service during the hours of operation of the golf course, which closes at dusk. The course is closed in inclement weather. Mr. Saks points out that the course may be closed for short periods during thunderstorms and then the restaurant would be open for those short periods, but when the golf course is unplayable, then the restaurant is closed.

Mr. McChesney says that the Commission is nit-picking. Closing ½ hour after sunset is reasonable, and Mr. Katz's wording covers all of this. He would make a motion to support Mr. Katz's language. Dr. Gelfman says that only "limited" service is offered now, and a larger menu does not meet this condition.

Mr. Fossi supports Mr. Katz's language, but worries about the golf patron that wants to buy a hot dog and then leave the course to go home. The Chairman points out the existing permit that requires consumption on the site. Most of the Commissioners were not concerned about the number of times that this would happen, or that it would be a problem.

First Selectman Rudy Marconi asked if the permit would allow a beverage/snack cart to be available on the course for the golfers, to sell drinks and small snacks. After much discussion, it was decided that this would not be objectionable. Mr. McChesney said this service is typical at golf courses. Mr. Marconi said that offering beverages from a cart would eliminate the problem of people bringing their own beverage containers and snacks to the site, and the trash and garbage that this produces. Food brought in from outside affects the concession business at the site. Mrs. Ancona says that most golf courses offer water, soda, trail mix, sometimes beer. They use a golf cart with a cooler.

Mr. Katz is concerned about outside dining or food service "on the premises" and that it may be interpreted to allow barbecues and picnics in big tents. The Planner offered that the words "beverage and snack cart" could be inserted in Mr. Katz's proposal. The Commissioners continued to discuss the language of the proposed permit regarding outside picnics. Mr. Walsh still contends that they are fixing more than needed in the existing permit.

The overall concern is that the restaurant should not be a gourmet restaurant open to the general public. Mrs. Ancona confirms that people don't come to the golf course just to eat, except for a few town employees who happen to be working in the northern part of town. There is no sign at the end of the road, and no advertising that would attract outside users.

Mr. Katz continues to be concerned that the concession operator will find a way to cater to outsiders, but Mr. Walsh reads again from the original permit that consumption is "on the premises." Mr. Katz is concerned about the "creep" of services that has happened in the past. He does not want to see large picnics or parties and tents outside. He wants to codify the use so there is no abuse.

Mr. Pozzi of the Golf Committee talks about golf outings and the fact that many want to have a barbecue outside for these charitable outings. Mr. Katz objects to this use, and says it should not be allowed outside. Mr. Saks says the only place for a tent is on the course, and this would not be allowed. It won't happen. Mr. Katz says that the purpose of the golf course is to play golf, not to support charities. Outside picnics and

barbecues should not be allowed. Mr. Walsh disagrees, golfers go to play golf, not for the barbecue. What is the objection if food is served? Mr. Katz objects because it is a residential neighborhood and serving charities is not the purpose of the golf course. Dr. Autuori is concerned about enforcement of whatever conditions are approved. Mr. Walsh again says the original permit covers this, that food can be served on the premises and in the “appurtenances thereto,” which includes the deck and the golf course.

After continued discussion, it was finally decided that the conditions should include the following: (1) the “limited” menu may be changed to an “expanded” menu, (2) a full liquor permit shall be permitted, (3) a snack and beverage cart shall be permitted, and (4) closing at “dusk” shall be defined as ½ hour after sunset. Mr. Katz concedes that “appurtenances” would allow the barbecue on the golf course. The other conditions of the 1975 and 1976 permits would still apply.

Mr. McChesney made a motion to revise the permit with the stated conditions, seconded by Mr. Fossi. The motion passed, 9-0.

The Commission returned to discussion on the remainder of the agenda, in the order listed.

5. **#2006-031-SP:** 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/App.: 66 Grove Ridgefield, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65 days to schedule public hearing ends 6/8/06. For receipt, schedule walk and public hearing.*

Mr. McChesney motioned to receive the application, seconded by Dr. Autuori. The motion passed 9-0. The Planner explained that the applicant wishes to re-submit the same application as before, for review of the environmental issues, which was the primary reason stated by the Commission for the denial of the first application. The applicant listened to the discussions of the Commission and felt that the outcome of the decision might be different if the Commission were given additional information and facts on the soil contamination issues at the site.

The Planner also explained that item #6 deals with an application for revision to the existing Special Permit to allow the construction of a parking lot on the site. The tenant at the fitness center started (and largely completed) construction of a parking lot adjacent to the existing building, and work was stopped with a Cease and Desist from the Zoning Enforcement Officer because there were no permits. Regardless of whether or not the townhouses are approved on the site, the property owner still needs the extra parking, so it is submitted as a separate application.

The Chairman suggested 5/16/06 for the public hearing on the Special Permit for the townhouses, and it was agreed by consensus that a site walk was not needed. The Commissioners will individually inspect the parking lot listed under item #6.

Mr. McChesney motioned to receive both applications and to set the public hearing for the Special Permit for 5/16/06, seconded by Mr. Slavin. The motion passed 9-0.

6. **#2006-033-REV:** Revision to Special Permit required by Sec. 312.02.(E) to allow expansion of parking area for property located at **66 Grove Street** in the B-2 zone. Owner/Appl.: 66 Grove Ridgefield, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65 day action period ends 6/8/06. For receipt.*

After discussion, it was confirmed that the Commission would walk the site individually. The item will appear on the agenda for discussion on 4/11/06.

COMMISSION WALKS

Scheduled for 4/23/06:

- **#2006-030-PRD-PR: Wilton Road East, Whipstick Road and Spectacle Lane,** Downingtown Manufacturing Company.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

The Chairman pointed out the following correspondence:

- Copy of Glenn Chalder's PowerPoint presentation to the CT Federation of Planning and Zoning Agencies, on the subject of Adult Housing and Community Planning
- Letter from the CTDEP regarding a survey of rural area fire companies by the Fire Council and provisions in local codes and ordinances that promote emergency access.
- Case study forwarded by Attorney Beecher, regarding nonconforming uses.

MINUTES

Mr. McChesney motioned to approve the minutes of 3/14/06, seconded by Mr. Slavin. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 11:07 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning