

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

April 13, 2010

Present: Michael Autuori
Joseph Fossi
John Katz
James McChesney
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chair

Absent: Peter Chipouras
Nelson Gelfman

Also Present: Betty Brosius, Inland Wetlands Agent

*A Planning and Zoning Commission public hearing was held prior to the meeting.
At 7:38 p.m. Chairman Mucchetti called the meeting to order.*

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. McChesney pointed out that the April 6, 2010 minutes had been mailed to the Commission on April 8th, and asked that they be added to the agenda for approval. The Commission agreed unanimously.

Mr. Walsh motioned, seconded by Mr. Fossi, to approve the minutes of April 6, 2010. Dr. Autuori made a correction to his statement on page 4, and Chairman Mucchetti noted a spelling error on page 5. The motion was amended to add the corrections, and the minutes were approved by a vote of 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

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PLANNING AND ZONING COMMISSION

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Rebecca Mucchetti, Chairman
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Absent: Peter Chipouras
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Also Present: Betty Brosius, Director of Planning

A public hearing was held prior to the meeting.

At 7:41 p.m. Chairman Mucchetti called the meeting to order. Item #2 was discussed first, and Item #4 was discussed following item #5.

PENDING ITEMS

1. **#2010-025-PRE:** Pre-application concept to amend **Section 3.3.D** of the Ridgefield Zoning Regulations to remove the public sewer requirement for accessory dwellings on lots of less than one acre. Appl.: Robert R. Jewell, Esq. *For discussion.*

Chairman Mucchetti recognized Robert Jewell, who had requested the pre-application concept discussion.

Mr. Jewell distributed some proposed language for an amendment to the regulations. He cited the regulation in Sec. 3.3.D.1.c.i of the regulations that requires a lot to be at least one acre in size unless served by public water and sewer. He then described, as a specific example of the restrictiveness of the rule, a small lot that was serviced by public water and a private septic system. The applicant was able to prove that the system was adequate for the extra bedroom, but a variance was required because of the restriction in the zoning regulations. The variance hearing was difficult and took two meetings to resolve, although the exception was ultimately granted. He said the ZBA made it clear that such a variance would never be granted again, and they made it clear that he should request an amendment to the zoning regulations from the Planning and Zoning Commission, to address the restriction.

Mr. Jewell then proposed that the regulation be changed to allow accessory apartments on lots of less than one acre provided that adequate septic service could be demonstrated. His recollection of the history of changes in the accessory apartment

law is that the regulation was first applicable only to the Main Street lots (served by municipal sewers), but there were many changes made in the amendments adopted in 2002.

Dr. Autuori asked if the regulation made reference to the need for approval from the Health Department. There was some discussion about whether that reference was needed in the regulations, and a few Commissioners who felt that the wording was redundant. The Planner disagreed and said that the language makes it clear to applicants that additional approvals are required from other agencies, which is important.

Mr. Katz says the rationale for having the restriction in the regulations in the first place was the concern for the safety and health of residents on smaller lots, because septic systems on small lots might not be adequate in size to supply both the apartment and the primary residence. Placing a code-compliant well on the same lot could also be problematic. The fact that the Health Department has to certify the adequacy of both of these systems supports the idea that the restriction may be vacated from the regulations. The second reason for the restriction was to limit the places within the town where accessory apartments could be approved. He says that's a population/zoning criteria, which seems to be outside the purview of a regulation. The concern should be safety and health.

The Planner said she researched the files for regulations amendments adopted in 2002, and didn't find specific reference to the issue raised by Mr. Jewell, nor did she find objections. She did find language in the *1999 Plan of Conservation and Development* including a strategy to "allow accessory apartments in one-acre and larger zones where appropriate criteria will be met and adequate water supply and sewage disposal will be provided." The Planner repeated her strong feeling that reference to the need to meet the public health code should remain in the regulations, to make it obvious to applicants that additional agency approval is required.

Mr. McChesney agreed that Mr. Katz summed up the issue very well, and he supports it. Mr. Mische thought the reference to the health code was not needed in the regulation, in the interest of simplicity.

Mr. Jewell says he submitted the pre-submission concept request to the Commission at the same time that he was appearing in front of the ZBA for a variance on this issue. He was hopeful that a request to the Commission for an amendment might be successful if the request for a variance was denied. But the variance was finally granted after much debate, and he no longer has a client. He is hopeful that the Commission would find the matter important enough to initiate its own amendment.

The Commission agreed by unanimous consensus that a Commission-initiated amendment would be prepared, to eliminate the one-acre minimum requirement for apartment applications on lots served by septic systems, and to allow apartments on smaller lots where Health Department approved septic systems will support the extra

bedroom. The amendment will come back to the table for consideration and action as soon as the regulation language is prepared by staff.

2. **#2010-029-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e. pursuant to Section 5.5 of the Ridgefield Zoning Regulations for utility infrastructure for the proposed PPR and SA buildings on property located at **900 Ridgebury Road** in the CDD zone. Owner/Apl.: Boehringer Ingelheim Pharmaceuticals, Inc. Auth. Agent: PS&S, LLC. *Received 3/23/2010, walked 4/11/2010. . 65-day action period ends 5/27/2010. For discussion/action.*

Chairman Mucchetti noted that the Commission walked the property on April 11th, recognized Martin Heinle, engineer for Boehringer Ingelheim, who presented the application. Engineer Moe Elmorsi of BI was also present.

Mr. Heinle used the drawings to point out the location for the expanded infrastructure and utilities for the proposed new Pilot Plant and Safety Assessment buildings. The power plant currently services the buildings on the site, supplying heated water, domestic water, fire water, and chilled water. Utilities are currently located in an area that would be affected by construction, and need to be re-routed around the future construction site. In addition, relocation is needed for the utilities connections that currently pass through the site to the Administrative Office Building (AOB) on the hill to the west. It is necessary to maintain a constant supply of utilities to all of the current operations, during the construction of new facilities.

The plans also include construction of an electrical supply substation, and concrete pads for emergency generators. Generator pads are located at the top of the slope above wetlands, but there will be no construction in the wetland areas.

Chairman Mucchetti asked about the generator pads and the need for a wetlands permit, if the pads are in the upland review areas. The Agent replied that the plans had been reviewed by staff in the pre-submission meetings, and it was felt that permitting could be handled administratively as part of the development permit review process.

The Chairman also asked about work that was to be done in Danbury. Mr. Heinle replied that work in Danbury would be done simultaneously.

Chairman Mucchetti asked if there were any questions for the applicant. There were none. The Planner summarized the contents of the staff report, noting that the plans are very detailed, including notes about the various construction phases. The applicants requested several pre-submission meetings with staff, including Planning and Zoning, Wetlands, Building Officials, and the Fire Marshal. The detail and completeness of the plans indicate careful attention to concerns from Ridgefield officials, and the application and plans are very well prepared. The Planner asked that the Commission authorize staff to work with the applicant for details of phasing of the work.

Mr. McChesney motioned to approve the application as presented. The motion was seconded by Mr. Walsh. Mr. Katz asked for a condition authorizing staff to work with the applicant for phasing of the work, as suggested in the staff report.

Dr. Autuori asked about the type of fuel to be used for the generators. Mr. Heinle replied that it would be ultra-low sulfur diesel. Dr. Autuori asked if there would be containment designed for the fuel areas, in case of spills. The answer was yes. Mr. Elmorsi noted that there would be an impervious surface in the containment area, and “walled” area for containment.

The motion to approve the application passed by a vote of 7-0, including the condition requested by Mr. Katz.

3. **#2010-032-SP:** Special Permit under Section 9.2 pursuant to Section 3.6.C.1.a to allow construction/installation of a shed exceeding permissible coverage on property located at **Gino’s Way, Lot 5** in the R-10 zone. Owner/Appl.: Sturges Brothers, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 3/23/2010. Walked 4/11/2010. Public hearing commenced 4/13/2010. 65-day action period ends 6/17/2010. For action.*

Chairman Mucchetti noted that the public hearing had been closed and asked for discussion on the application. She pointed out that there were no comments or concerns raised by the public or the Commission during the hearing.

Mr. Fossi motioned, seconded by Mr. McChesney, to approve the application as presented. (Standard conditions will be prepared by the Planner as suggested in the staff report.) The motion to approve the application passed by a vote of 7-0.

NEW ITEMS

4. Development Permit Application for installation of an in-ground concrete swimming pool and spa on property located at **20 Peaceable Street** in the RA zone. Contractor: J & J Pool and Concrete. *For discussion.*

Chairman Mucchetti recused herself from discussion on the item because her family had retained the applicant’s pool contractor on two separate occasions. Mr. Walsh also recused himself from discussion and participation on the item. Chairman Mucchetti asked Commissioner Katz to conduct the meeting discussion for this item.

Mr. Katz explained that the item concerns a [development permit] application for a pool where the Zoning Enforcement Officer feels that the erosion and sedimentation control plan (E&S plan) should be brought to the Commission for review, because of the historical problems on the property concerning water flow. The Planner has prepared a memorandum on the matter.

The Planner pointed out that the zoning regulations require the submission of an erosion and sedimentation control plan with any application for construction. The Land Use Offices have received a Development Permit Application for a pool to be constructed at 20 Peaceable Street, which included the application form, a survey showing the proposed location of the pool, and the specifications for the pool prepared by engineer Michael Mazzucco. The specifications are only for the pool structure; there is no grading plan showing fill needed, no topographic information, no patio shown around the pool, erosion and sedimentation control, etc.

The ZEO did not act on the plans following his review because of the absence of the E&S plan. He called the contractor to request the plan and was told that it would be forthcoming. The plan has still not been received. The application continues to proceed through the other land use departments. The building department denied the application, but could re-instate it pending resolution of the E&S issues. The building department cannot sign off on an application unless the zoning permit has been issued. The permit is essentially “stuck” in the system until the E&S plan is received and approved.

Section 9.1 of the zoning regulations deals with the requirements needed for a zoning permit. It refers to the need for an E&S plan in accordance with Sec. 7.6 of the regulations (Erosion and Sedimentation Control). Sec. 7.6 in turn says, “Any soil erosion and sediment control plan submitted pursuant to this Section may be reviewed by a technical expert retained by the Commission at the expense of the applicant.” The ZEO has provided a memo stating that, based on the events that have taken place on this property over the past year and a half or so, he feels that this is a plan that should be reviewed by the Commission, and the Commission could then hire an expert who could review the plan from an engineering standpoint.

There are two things that can happen: (1) The Commission could decide not to review the plan itself, however, if that is the decision, the Planner requests that the Commission agree to hire an outside consultant to review the plans, as permitted in the zoning regulations. (2) Alternatively, the Commission could review the plans, which would allow Commission comment, and a public hearing could be held if comments from the neighbors were expected. The Planner supports the ZEO’s concern that none of the Planning and Zoning Department personnel are engineers, and at the very least the request is for the Commission’s authorization to hire a technical expert at the applicant’s expense, to review the plans. The E&S plan has not been submitted to the office, but we have been told that Steven Trinkaus is the engineer and that the plan is being prepared. [Engineer Michael Mazzucco prepared the pool “specs” only, but he is not doing the grading plan.]

Mr. Fossi is concerned because the E&S plan has not been received yet. Second, he says that since his time on the Commission, he has never seen such a “double-suspensers” approach to something as simple as a pool. He feels that we have a very qualified wetlands agent who is capable of reviewing such plans. He feels that this is a big burden for the applicant to shoulder. Just because there have been issues

between the two neighbors does not mean that we don't trust the certification of a licensed engineer, and he has an issue with the request. He doesn't think it's appropriate or necessary, and feels that the ZEO is just trying to "cover" his actions.

The Planner states that she would ask the Zoning Enforcement Officer [Richard Baldelli] to come to the meeting next Tuesday, but she strongly disagrees with Mr. Fossi. She points out that there is no wetlands issue, so the Wetlands Agent will simply sign off on the plans. The burden is solely on the ZEO to review this. She understands that sometimes people think the ZEO may be trying to avoid responsibility for making a decision, and she takes extreme offense to that, because the Commission does not have a clear understanding of what he has to do every day to do his job correctly. The Commission adopted new zoning regulations in May of 2007 to include the ability to do what is being requested in this case [to hire an expert to review the plans at the applicant's expense]. This is something new. The regulation was written based on several events that occurred over the past several years where staff was faced with serious erosion and sedimentation control failures involving many developers and many engineering plans. The regulations allow the ZEO to make the request to the Commission. The ZEO is not an engineer, and we are not talking simply about runoff in this case. We are concerned that the post-development construction of this pool will not further add to the rate of runoff to the neighbor's property, which the Commission and staff have known and observed over the past year to have been a serious problem.

The Planner feels that there is no way that the ZEO can sign off on this [without technical help]. If the Commission refuses to allow staff to hire a technical consultant at the applicant's expense, the office will deal with the situation in the usual fashion, but the Planner feels strongly that if this matter goes to litigation between the two neighbors for any reason, the Town would not be in a good position to support itself. This is a good opportunity to fix a situation for the long term.

Dr. Autuori asks whether the Commission has to review the plan and authorize a technical expert to be hired, or if the Commission can simply review the plans? He agrees that the ZEO should not have to review this on his own, and agrees that the Commission should take a look at it. He asks about whether the pool is on the Peaceable Street side of the property, or if all of the runoff will be directed toward the neighbor [Egan]. The Planner confirms that all runoff will flow north, toward the neighbor. Dr. Autuori says he therefore feels that the Commission should take a look at the plans, but would not commit to hiring an expert until after the review. There has been much controversy with the development of this site, involving the neighbors, and this procedure offers some "transparency" to the review.

The Planner feels that the Town Engineer will not be willing to give the plans the type of review that staff would feel most comfortable with, and the regulations offer the means to hire an independent consultant. Staff is concerned that, since a consultant was not hired for the wetlands permit review (and no one would probably have seen it to be warranted at the time, based on the seemingly minor nature of the

application), this is a new opportunity to get some outside expertise involved. Dr. Autuori asks for confirmation that the ZEO can come to a meeting to explain his position to the Commission. The Planner says yes, and if there is strong sentiment among the Commissioners that the ZEO is trying to pass off his responsibility to the Commission, or if this is not important, then it would be important to hear from him directly. The ZEO felt concerned enough about this issue to write the memo to the Commission, and to ask for help. The ZEO has seldom referred such issues to the Commission, so this is obviously important to him. The Commission's legal counsel also felt that the ZEO's memo was appropriate.

The Planner says that staff anticipates that the ongoing issues between the neighbors will continue, and the Commission will be caught in the middle of it.

Mr. McChesney says he may not want to participate in the discussion and will probably recuse himself, because he was not involved in the first application and does not want to study the history of it.

Mr. Katz challenges that position, and reminds Mr. McChesney that this is an entirely new issue; it is a new application for a building permit for a pool, and it involves a "real-time," new application for sedimentation and erosion control. There is a history to the property, and there is a concern that the neighbors may not be getting along, before the application, during the application, and after the application, and that is not the concern of the Commission. It should be the Commission's concern that it does its due diligence, and that it does the best job that it can, vis a vis the application before it. It seems to Mr. Katz that someone whose expertise is greater than that of the office or the Commission would stand the town in very good stead in this instance. The Commission feels that the new regulation was written for this very kind of situation, and he does not feel confident to review an E&S plan himself in this particular instance. He thinks everyone, including the applicant, would be served well by having some expert input. That is what he will support. He does not think that Mr. McChesney should refrain from participation because of the history; the history is "more encumbering than it is enlightening."

Mr. Mische reads from Sec. 7.6.B.1, "Any earth-disturbing activity in Ridgefield shall consider the potential problem of accelerated erosion and sedimentation and shall address such potential problem..." He says it first has to be determined if an E&S plan is required, and it certainly is. There is an engineer retained by the owner who can come up with a plan, and the question is whether this is adequate. The engineer puts his stamp and seal on a plan and says it will work, and that puts it under the auspices of civil suit if it doesn't work. He does not know what the Commission can do other than hire someone to review the plans, and even that could lead to difficulty down the road. It may not solve any problems, and it will put another burden on the owner. All that said, he would like to explore the cost of reviewing the plan. The cost is not known at this time. He acknowledges that the Commission could not review the plans themselves, for technical detail.

The Planner agrees, and says that the Commission would be the agency to listen to all parties involved, and would make a decision based on input from a technical expert who represents the Town of Ridgefield. Mr. Katz disagrees in part, stating that is only one of the options. Another option would be to hire an expert to assist the ZEO in the review of the E&S plans, allowing the ZEO to reach a comfort level to sign off on the plans. That is what he would support. It does not need to come to the Commission table.

The Planner feels that the ZEO might be comfortable with Mr. Katz's approach, but anything less than that [hiring a consultant] would not offer a comfort level. Mr. Mische asks if the ZEO could still raise the review up to the level of referral to the Commission if he felt it necessary, and the Planner agreed that could be done. Mr. Mische is concerned, pursuant to Mr. Fossi's point, that this would be the beginning of a process that is unprecedented.

Mr. Fossi asks what happens if the Commission asks an applicant such as this to hire an independent consultant, suggestions and changes are made, and then the system fails. Is the Commission then liable? What's wrong with the applicant engineer's stamp and seal on the plans? Why is the Commission second-guessing the applicant's engineer?

Mr. Katz understands that point, but feels that if the Town has its own consultant, and the plans are approved by the office based on the consultant input, then we at least have that expert on our side. What we have now is only the agent of the Commission, who is saying that he doesn't feel expert to make a final judgment on an engineered plan.

Mr. Fossi understands that, but the same agent relies on a surveyor's stamp and raised seal for every variance, setback, etc. that he approves. He says that if the Commission can't rely on a licensed professional who is insured and accepts liability... how many times should the Commission second-guess people? He thinks the request is ridiculous.

The Planner says that it is obvious that there is no consensus on this, and she will ask the ZEO to come to a meeting to address the Commission. Mr. Mische acknowledges that requests like this are not made very often. The Planner agrees, and says that the ZEO reminded her earlier in the day that in the past 20 years or so since he has worked for the town, he has not referred more than a few items to the Commission for help. She feels that with the amount of hours and time that the Planning and Zoning staff has spent with both sides of this situation over the last two years, the request to hire an expert at the applicant's expense in an extremely sensitive situation seems to her to be rather trivial in the big picture. She will therefore ask the ZEO to come to a meeting to address the Commission, to speak for himself.

Dr. Autuori asks if the Planner and the ZEO have spoken to counsel. The Planner confirmed that the ZEO showed counsel the memo that was sent to the Commission,

to be sure that the ZEO's interpretation of the zoning regulations (Sec. 9.1 for zoning permits, referring to Sec. 7.6 for E&S) was correct, and that it was proper to refer the matter to the Commission for the hiring of an expert to review the plans.

Mr. Katz summarized that the Planner would ask ZEO Richard Baldelli to attend the meeting on April 20th, or at his earliest convenience, to explain the reasons for the request for technical review of the erosion and sedimentation control plans, and discussion would continue.

5. **#2010-034-REV(S):** Revision to approved subdivision and waiver of Subdivision regulations under Section 11-1 to permit additional lots to use an accessway on property located on **Gino's Way** in the R-10 zone. *65-day action period ends 6/17/2010. For receipt and discussion.*

Chairman Mucchetti noted that the Commission had walked the site for item #3 on April 11th, and many Commissioners observed the location of the driveway on Lot 5, and the accessway.

The Chairman recognized Robert Jewell, attorney for the applicant, who explained the reasons for requesting the waiver of the subdivision regulations. The applicant would like to construct five driveways off the accessway, when only three are allowed in the zoning and subdivision regulations. Variances were granted by the Zoning Board of Appeals to permit the extra two driveways, and now the Commission must consider a waiver of the subdivision regulations, and it must also approve a revision to the approved subdivision requirements. The subdivision was approved in the fall of 2008. There were several issues discussed during the process, including drainage, preservation of trees and buffers to adjacent neighbors, lot layouts, and concerns of the NYC Watershed (in which the land lies). There was not a great deal of discussion about the location of the actual driveways for the proposed residences.

Lot 5 is completed and the builder is ready to start on Lot 1. It is obvious in the field that short driveways can be achieved off the accessway, but much longer driveways are needed to reach the cul-de-sac. Shorter driveways make more sense, with less impervious surfaces.

Mr. Katz acknowledged that the Sunday site walk was for the purpose of viewing the proposed shed location on Lot 5, but many also observed the very long driveway on that lot, and it "seems to make imminent sense" to allow shorter driveways on the accessway for both lots 1 and 5 (both of which front on the cul-de-sac). If there had been more foresight in the review of the subdivision in the first place, the Commission might have required this layout under the original approval.

Mr. Katz supports the application and makes a motion to approve the request.

Chairman Mucchetti notes that final action cannot be taken until the variances are filed. She suggests a request for a draft resolution, and action can take place on April 20th.

Mr. Walsh is concerned that a neighbor approached the Commission on the site walk and specifically asked if the reason for the visit was for review of the driveway changes. The answer was no. He is now concerned that the neighbor may feel misled. There was acknowledgement that the item would appear on the Commission agenda prior to any vote, and the neighbor would therefore have the opportunity to learn of the application. Mr. Walsh concedes that the proposed change would have less impact on the neighbor than the existing plan.

The Planner agrees that the concern is legitimate, and repeats the Chairman's position that draft resolutions should be prepared for action on April 20th. There are two steps involved in the process. First, the Commission must vote on a waiver of the subdivision regulations, to permit five lots on an accessway when only three are permitted. Second, the Commission must vote to revise the subdivision approval, and the condition that references three lots on the accessway. Commissioners who did not observe the accessway and proposed driveway locations could visit the site individually prior to the meeting. In order to pass the waiver, seven votes are needed, and there are only seven Commissioners in attendance.

Mr. Walsh does not object to going forward, but is only concerned that the item is properly noticed on an agenda.

Chairman Mucchetti confirms that the Commission understands what is being asked for in the application, as per the maps. Dr. Autuori feels that the neighbor should be made aware that the application is in front of the Commission. Mr. Jewell reminds the Commission that the neighbor was very much aware and received notices of the variances and hearings before the ZBA on the issue.

The Planner referenced Sec. 11-1 of the subdivision regulations and asked the Commission to identify the reasons that are pertinent to the waiver. Mr. Katz feels that all but #7 is appropriate, and finds support but no offense to any of the other 8 reasons listed.

Mr. Mische asks for clarification of the waiver; the request is to permit five lots on the accessway. He asks what would have had to be in place in order for the Commission to approve the request at the time of the subdivision; the Planner responded that the variance would have been needed prior to the subdivision approval.

Mr. McChesney notes that the Commission has granted requests such as this before, and this is not a precedent. Mr. Katz points out that road standards are better now than years ago, and the accessway is built to better standards, adequate to handle the extra driveways. Requiring the applicant to extend the road into the subdivision

would have been far more destructive to the land. Mr. McChesney asks why there is no grass circle in the center of the cul-de-sac. The Planner says the highway department and the town engineer both prohibit such design, because of the difficulty for snow plowing. Mr. Fossi knows of a few center circles in town, but most are on private roads, or older roads that were built prior to town regulations.

Mr. Katz's motion for a draft resolution for waiver of the subdivision regulations was seconded by Mr. Fossi. The vote was 6-1-0 with Mr. Mische voting against. The Chairman asked if the motion for the draft resolution for waiver failed, because there were only 6 votes in favor. [A response was given later in the discussion.]

Mr. Mische says that his objection is based on the fact the subdivision was very carefully prepared, and he is concerned that the request is now being made after-the-fact.

Mr. Katz asks why there would be an objection to the request if it makes sense from a practical perspective. Mr. Mische says he does not feel that there has been adequate time to review the proposal, and feels that it should have been part of the original request. He agrees that the proposal makes sense, but objects procedurally to the after-the-fact request.

The Planner reads Sec. 11-1 of the subdivision regulations pertaining to the need for $\frac{3}{4}$ vote, and explained that 7 votes ($\frac{3}{4}$ of the total Commission) are required to pass the waiver, but the preparation of a draft favorable resolution could be requested by a simple majority. The waiver will not be acted upon as a final vote until there is a draft prepared for consideration by the entire Commission on 4/20/10, which is when a full seven votes would be required.

Chairman Mucchetti acknowledged that there had been 6 votes in favor of the draft and only 1 against, so the draft will be prepared. She asked for action on the request for revision to the subdivision approval.

Mr. Katz motioned, seconded by Mr. Fossi to request a draft resolution of approval for revision to the approved subdivision, to allow the driveways for all 5 lots to use the accessway. Mr. Mische questioned the need for two actions, and Chairman Mucchetti explained the need for (1) a draft resolution for waiver of the subdivision regulations, and (2) the need to revise the subdivision approval.

The motion to prepare the draft passed by a vote of 6-1-0, with Mr. Mische voting against.

Both resolutions will be listed on the 4/20/10 agenda for action. Mr. Jewell agreed to file the variances prior to the meeting on the 20th.

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from LADA, re final site inspection report for Regency at Ridgefield (Toll Brothers, aka “Laurelwood Phase III”)
- Danbury News-Times article about the Conservation Commission annual meeting held on April 7th
- New Draft update to the POCD (for the June public hearing) and samples of implementation tables from other communities
- Memo and proposed amendments for Floodplain Management Regulations, in preparation for the April 20th public hearing

The Planner also announced a venue for the May 5th “focus group” meeting planned by consultants for HVCEO and SWRPA, to discuss the Route 7/35 area for the highway corridor study. The work shop will be held at the Veteran’s Park School.

MINUTES

[As noted in the minutes of the Inland Wetlands Board, the Commission also agreed unanimously to add the April 6, 2010 minutes to the agenda for approval.]

Mr. Fossi motioned, seconded by Mr. Walsh, to approve the minutes of March 30, 2010. The motion passed, 7-0.

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of April 6, 2010. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:42 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning