

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

April 18, 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

Planning and Zoning public hearings were held prior to the meeting.

At 8:48 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 new walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- The Chairman pointed out a copy of a raised bill in the Connecticut legislature, proposed to establish fines for encroachments occurring in open space. The Planner encouraged members to contact their local legislators if they had opinions on the proposed bill.

MINUTES

Mr. Katz motioned, seconded by Mr. Slavin, to approve the minutes of April 4, 2006. Mrs. Willis suggested some minor corrections, and the amended minutes were approved by a vote of 9-0.

The minutes of April 11, 2006 were distributed.

Hearing no further discussion, the Chairman adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

April 18, 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

Public hearings were held prior to the meeting.

At 8:55 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-013-AH:** Application under Sec. 8-30g of the Connecticut General Statutes for a 20-unit, all affordable, housing project on property located at **Prospect Ridge Road and Halpin Lane** in the CAH zone. Owner/Appl.: Ridgefield Housing Authority, Philip Bergquist, Chairman. Auth. Agent: John F. McCoy VII, P.E. *Received 2/21/06. Walked 3/12/06. Public hearing commenced and closed 4/11/06. Draft Resolution of Approval requested 4/11/06. 65-day action period ends 6/15/06.*

The Chairman referenced the draft resolution of approval prepared by the Planner. Mr. Katz made a motion to approve the resolution as drafted.

The Chairman pointed out some amendments suggested by Mrs. Willis in conditions #4, and 7. Mr. Katz amended his motion to include the changes, and the motion to approve the resolution was seconded by Dr. Autuori.

In discussion, Mrs. Willis's suggestion about the storm water infiltrator was found to be unnecessary. The remainder of her suggestions was included. The Planner noted additional corrections in conditions #4 and 10.

The amended resolution was adopted by a vote of 9-0.

2. **#2006-014-SP:** Special Permit application for development feasibility plan for Tiger Hollow located at **700 North Salem Road** in the RAA zone. Owner/Appl.: Town of Ridgefield. Auth. Agent: Robert R. Jewell, Esq. *Received 2/21/06. Walked*

4/2/06. Public hearing commenced 4/18/06. 65-day action period ends 6/22/06. For action.

Mr. McChesney motioned to draft an approval of the plan as presented, with reference to the points made in the Planner's staff report about items that would need to come back to the Commission for further review. The motion was seconded by Dr. Autuori.

Mr. Katz asked if it would be appropriate to approve a special permit "concept plan." He fears that this might mean the Commission is not treating applicants equally, and he can't recall another application where they have given the impression of a carte blanche approval to what's been suggested as a concept plan, when they know there are certain items coming back.

The Planner says the resolution should clearly state that any activity not in conformance with the Plan should be returned to the Commission, and to make reference especially to those items are known to need further review (D, H, and I on the drawing, and the changes in the field lights). Mr. Katz clarifies that the resolution of approval will be for the "special permit concept plan."

Mr. Walsh says that the resolution should be specific for the field lights; the changes shall come back to the Commission for review (not "should"). Mrs. Willis asks about the paving of the access road shown on the plans, and whether the staff report is clear that the road will need further review because it is adjacent to wetlands.

The Planner agrees that the items in the staff report be incorporated in the resolution, with further details as per the discussion in the hearing, such as the road construction mentioned by Mrs. Willis.

The motion to prepare the draft resolution of approval passed by a vote of 9-0.

3. **#2006-015-A: Proposed Amendment to Section 334.0 C2 Exterior Lighting Standards** of the Ridgefield Zoning Regulations. Applicant: Ridgefield Professional Office Complex, LLC. Auth. Agent: Robert R. Jewell, Esq. *Received 2/28/06. Public hearing commenced 4/11/06, continued 4/18/06. 65-day action period ends 6/22/06. For action.*

The Chairman explained that even though the hearings were combined for items #3 and #4 on the agenda, the applications must be dealt with separately by the Commission. The application for amendment to the regulations must be decided first.

Dr. Gelfman made a motion to deny the application, and the existing regulation should remain without change. The regulation serves the Town well, and trying to alter it will invite applicants to frequently request light poles in excess of 14 feet in height. It is in their financial interest to light the site efficiently, and all the Commission can really control is the aesthetics of the lighting plan. He was impressed with the 14-foot

fixtures at Founder's Hall, for instance, and thinks they are attractive. The only neighbors who testified at the hearing are worried about the taller poles.

Mr. Katz reluctantly seconds the motion. He doesn't disagree with the Planner's argument for having a flexible approach for a project, but he is not persuaded that the Commission has the language right in the proposed regulation. This is an effort to accommodate a single applicant (and he is in favor of the project as a whole), but the proposed regulation will have a broad effect throughout the Town. He says there is an aesthetic to a property that obtains during daylight in equal measure to that which obtains at night. The applicants were not addressing the character of Ridgefield, but were concerned with streetscape drive-by. He notices immediately when visiting other communities evidence of the lack of lighting regulation such the one that currently exists in Ridgefield. He believes in a flexible regulation, but does not think the present proposal does the job. What is before the Commission will be an invitation to every applicant outside the CBD zone (CBD applicants will go to the ZBA) to vary from the 14-foot standard.

Dr. Autuori does not agree with the maker of the motion or the second. He sees in the computer-generated models prepared by the applicant a big reduction in the light to be produced on the site. He is an advocate of dark skies, and committed to protecting neighbors outside the development. He thinks what is proposed is a much better use of the site than the original plan. But what he hears is the fear of opening Pandora's Box. He proposes, in order to accommodate those fears, additional restrictions in the regulation. He asks if additional changes would require a new public hearing.

The Planner confirms that, upon advice of counsel, the Commission may make changes to the proposed regulation without further public hearing as long as the changes are less restrictive than the existing regulations. The changes by the Commission may, however, be more restrictive than what is proposed by the applicant.

Dr. Autuori proposes additional restrictions to include a provision that varying the 14-foot height limit would only be permitted on sites outside of the CBD Zone consisting of at least 20 acres, and 200 feet from surrounding residents. Height of poles could be limited to a maximum of 75% of the height of the buildings on the site. He likes the proposed regulation on some sites, but not downtown. The additional limitations recognize the concerns of the Commission. He reminds the Commission that perimeter shielding would eliminate even more light than what is shown on the models, and that should be a further restriction.

Mr. McChesney asks Dr. Autuori how the 75% limitation would work on a building with a peaked roof. The applicant has a building with a flat roof at about 33 feet; the Ridgefield Bank building on South Street, as another example, is tall but it has a peaked roof. He thinks Dr. Autuori's added restrictions are too complex and unnecessary. He studied numerous regulations on the internet, and found none to be so complex. All referenced scattered light, and foot-candles.

Dr. Autuori offers these added restrictions only as a suggestion. He thinks the regulation is acceptable as presented.

Dr. Gelfman reminds Dr. Autuori that this regulation would also affect the Toll Brothers site (east of Danbury Road, northeast of this site). Dr. Autuori notes that the site is on a hill, and the lights will be visible regardless of the height of the poles.

The Planner says the landscape architect hired by the Commission to review the Toll Brothers site (although not hired to review the lighting plan) remarked that the 14-foot pole limit, and the number of lights needed to provide light on the site with that limit in height, would be likely to produce a tremendous glow on the top of the hill, under the current regulations. The Planner feels the Commission is somewhat fearful of having too much discretion in the application of the laws; but the goal of the current project to update the existing zoning regulations is to correct some of the tight restrictions and limitations that create inconsistencies and complexities. When restrictions are added such as Dr. Autuori suggests, to limit the application of the regulation to specific sites, it is difficult to anticipate all of the situations where the Commission will actually be creating more problems, and where the regulations will work against good planning. This regulation, with the requirement for scientific and technical data, gives the Commission the site-specific discretion to determine that any plan is appropriate (or not) in relation to the surrounding neighborhood and the site where the project is proposed.

Dr. Autuori asks if this would apply to the Eureka site. The Planner confirms that multi-family developments are included in the proposed regulation, and without the amendment, there will be a glow on the hill for that site as well, using the current regulations.

Mr. Walsh says that when the application was first presented, he was against it. But when he did research on his own and listened to testimony during the hearing, he changed his mind. The regulation will give the Commission flexibility to get the most effective, efficient, aesthetic lights for the property being reviewed. He does not believe that 14 feet across the board will do that – it will make aesthetics the number one priority, but there are two other issues that pertain to lighting, including light trespass and dark sky effects. He thinks that the proposed regulation with the amendments discussed will best fit all three parameters on a site-specific basis. He will not support the additional restrictions proposed by Dr. Autuori, because it will limit the application of the regulation to the specific site, the same sort of “box” that the 14-foot limitation imposes. He also does not agree that the prohibition of taller lights in the CBD zone will give the Zoning Board of Appeals credence to vary the regulation, because the regulation pertains to the whole district and all properties there are treated exactly the same. Any property in the district is not likely to be able to establish hardship, because it will not be unique in the district.

Mr. Katz says that based on the discussion, he feels that the motion to deny is destined to fail. As seconder of the motion to deny, he agrees with many of the points made by

Mr. Walsh and the Planner. Areas like the Toll Brothers site concern him, and he asks if the Commission would consider adding a maximum, not-to-exceed height limit of 24 feet for poles and fixtures.

Mr. McChesney thinks he could support that, based on his Internet research of other regulations. The predominant maximum height found in the regulations was 20 feet, but some permitted 30 feet.

Mr. Fossi supports Mr. Katz's proposal for 24 feet, but he points out that there is science behind this proposal. He thinks that each applicant's proposal is unique, and setting too many restrictions in the regulation is not a good idea. Mr. Fossi was also hesitant to support the regulation at first, but he has been convinced that the flexibility offered in the regulation might be a good thing for the whole community.

Mr. Katz says the technology in lighting changes rapidly, and he feels that a 14-foot pole might some day be better than a 24-foot pole today. But he can be comfortable with the 24-foot limit today.

Mrs. Willis says that this situation on a major highway would invite applicants to come in with very high poles, and nearby residents would be affected. How can the Commission argue an application like that? The Planner points out the language and standards in the proposed regulation giving the Commission the discretion it needs.

Dr. Gelfman says the aesthetics of the light poles is important. He finds the aesthetics in this application offensive. Mr. Katz does not, but he is troubled by the universality of the proposed regulation. He thinks that the regulation provides the necessary discretion to the Commission, to the benefit of the town. He offers to retract his second of the motion to deny, if the Commission will consider the 24-foot height limitation.

The Chairman asks Dr. Gelfman, as the maker of the motion to deny, if he would like to withdraw. After some discussion about Mr. Katz's support for the amendment with the 24-foot height limit, and his offer to withdraw the second to the motion to deny, the motion to deny was withdrawn by Dr. Gelfman.

Dr. Autuori makes a motion to approve the amendment with the 24-foot height limit. The motion was seconded by Mr. Fossi.

There was some discussion about whether the amendments could be agreed upon at the table in this meeting, or whether a draft should be prepared for review at the next meeting. After clarification of the amendments agreed upon, it was finally decided that a draft should come back in a week.

The draft will include the following:

- the 24-foot maximum height limit
- under "b," the words "mounted at" will be eliminated

- under “c,” the words “with fixtures mounted” will be eliminated
- under (2) the word “public” and the reference to foot-candles will be eliminated
- under (3) the words “lower light intensity” will be added, and the words “shall be appropriate in relation to buildings and natural features on the site”
- under (4), add the words, “and Commission” before “shall consider...” and add “applicant” before “shall demonstrate that the scale...”

Mr. Walsh asked if there should be a limitation to no more than two fixtures per pole. After some discussion it was decided to add this limitation as well.

After some confusion and discussion about the motion and the second, the motion to bring the draft amendment back to the table passed by a vote of 7-1-1. Dr. Gelfman abstained, and Mrs. Willis voted against.

Mr. McChesney asked about procedure regarding the vote on the request for revision to the special permit. The Planner confirmed that the request for revision to the special permit could not be acted upon until after the effective date of the adoption of the amendment (the day after the date of publication of the legal notice in the newspaper).

4. **#2006-018-REV:** request for revision to Special Permit to allow fewer lighting fixtures on premises located at **901 Ethan Allen Highway** in the CMDD zone. Owner/Apl.: Ridgefield Professional Office Complex, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 3/7/06. Public hearing commenced 4/11/06, continued 4/18/06. 65-day action period ends 6/22/06. For action.*

Based on the discussion in item #3, the Chairman noted that this item should be tabled, since it can't be approved until the amendment is effective. By consensus, the Commission agreed to table the item.

NEW ITEMS

There were no new items.

COMMISSION WALKS

There were no new walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- The Chairman pointed out a copy of the “History of Catoonah Street” from 1982, distributed to the Commission.

- The proposed updates to the zoning regulations for Section 9, Administrative Procedures, were distributed to the Commission. The work session on this section is scheduled for 4/25/06, with consultant Glenn Chalder to be in attendance.

MINUTES

Mr. Katz motioned, seconded by Dr. Autuori, to approve the minutes of April 4, 2006. Mr. Slavin, Chairman Mucchetti and Mrs. Willis offered some minor corrections. The motion to approve the minutes passed 9-0.

The minutes for April 11, 2006 were distributed.

Hearing no further discussion, the Chairman adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning