

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

April 22, 2008

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Absent: Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent
Aimee Pardee, Wetlands Inspector / Agent
Linda Caponetti, Recording Secretary

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

At 7:43 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-034-SR:** Summary Ruling application under Section 7 of the IWWR for disturbance in wetlands and upland review areas in conjunction with paving approximately 3800 linear feet of existing unpaved pedestrian trails on property located at **195 Danbury Road (Ridgefield Parks and Recreation)** in the CCF zone. Owner: Town of Ridgefield. Appl.: Paul Roche. *65-day action period ends May 22, 2008. Received 3/18/2008. Walked 3/30/2008. Second walk, 4/13/2008. Tabled 4/15/2008. For action.*

Chairman Mucchetti introduced Mr. Paul Roche, Director of Ridgefield Parks & Recreation, and Mr. Jim DeLalla, of DeLalla & Assoc., the landscape architects.

Mr. DeLalla explained the project, using a large drawing for illustration. He explained that, presently, the Recreation Center and Senior Center are served by approx. 2600 linear feet of paved pathway, (approx. 6' in width), which surrounds the buildings and extends along the entry drive and out to Rte. 35. An additional trail system, comprised mostly of gravel, lawn and mowed areas and woodchip areas, exists on the site, stretching out to the front and sides of the complex and back into the woods along the stream. Mr. DeLalla traced this 3800 linear feet trail system, which consists of two main "loops," on the map. The trails, ranging in width from about 10' to 14,' existed on the property even before the centers were built, having

been created by the previous owner of the property. They have since been maintained by the Parks & Recreation Department.

Mr. DeLalla explained that the plan proposes the creation of a 6' wide, asphalt paved trail system following the original path. It would involve excavating to about 3" – 4", installation of a gravel base, and paving to about 2' thick of asphalt. No material would leave the site, and nothing would be brought in, other than the gravel and asphalt. Anything excavated would be spread to either side of the paved path to grade. Mr. DeLalla noted that this would not be a raised system. The edges of the path will be seeded and maintained as a grassy area. The applicant also proposes wildflower seeding on either side of the trail, he said.

During construction, silt fence would be installed on both sides to insure that any sediment resulting from the construction activity would not enter the wetlands or the buffer area. All work is to be done with small machines or by hand to create minimal disturbance, Mr. DeLalla said. Also, there would be no disturbance of any areas beyond the limit of the trail systems.

The purpose of paving, Mr. DeLalla explained, is to provide a durable surface for all weather use of the trails, plus, increased usability and accessibility; specifically, the trails would be user friendly for the disabled, senior citizens, small children, parents with strollers, small bicycles/tricycles, and rollerblades. This type of surface would also provide access to parts of the site which are now inaccessible for certain users.

Agent Brosius distributed booklets provided by the applicant, which describe the project, its purpose, and some history of the site. Mr. Roche was prepared to explain and discuss the project.

Mr. Katz asked if they intended to backfill on the sides of the excavated area. Mr. DeLalla said they did, so that the path would be flush with the surrounding area.

Dr. Gelfman asked how far to the sides the grading would extend. Mr. DeLalla said, "Only two feet." The work will remain within the existing trail system, he said.

Mrs. Willis asked if the existing Trout Lily could remain. Mr. DeLalla said it could "Rather than putting seed down where there is existing vegetation, most of the vegetation would be allowed to remain," he said. He pointed out on the map the areas where seeding was proposed, mostly in the open areas and throughout the phragmites area. Back in the woods, where the native vegetation is, the area would be left in its natural state, Mr. DeLalla said.

Mrs. Willis asked if they intended to mow the phragmites. They did.

Chairman Mucchetti asked if they had adjusted the plan to save the tree the Board was concerned about. Mr. DeLalla provided drawings which illustrated two different

alternative designs which would save the existing Locust tree, and also avoid having the path come out into the field, which some of the Board members had objected to.

The pros and cons of the various designs were discussed.

Mr. Mische asked about the size of the machines needed to do the work. Mr. DeLalla said they could use a small backhoe. Mr. Roche said a sidewalk paver could be used. Mr. Mische asked how they intended to keep the path clear in the wintertime. Mr. Roche said they did not foresee plowing the trail. Mr. Mische asked about the use of salt, saying, “Once you create the access, then you have a responsibility to keep the access safe, and we don’t want to see a whole lot of chemicals...”. The applicant did not intend the use of salt.

Mr. Mische remarked on the incongruity of the suggested users, specifically rollerbladers and people in wheelchairs. Mr. Roche said that the trail is not a heavily used path, and was mainly meant for young parents with strollers and children on tricycles or small bikes. Mr. Mische said that, “when anything on wheels can get in, anything on wheels will get in.”

Mr. Roche focused on input from the Commission for the Disabled, and how the path can meet the standards necessary for handicapped accessible use. Bike trails require 10’, Mr. Roche said, adding that the trail is proposed to be half feet of that. “We’re keeping it as small as possible...”. Mr. Mische was not satisfied that that would prevent a problem.

The discussion turned to the Rails to Trails system and their posted signage.

Mr. Roche said, “We wouldn’t be banning bicycles, but it’s going to govern itself by the size of the trail.” Mr. DeLalla noted that the trail is currently used by small children with training wheels and tricycles, and the applicant doesn’t anticipate the expansion will encourage much different usage.

Dr. Autuori theorized that there are not a lot of bikes there now because the trail is not paved. He felt that the Rails to Trails path prohibits bicycles because of their incompatibility with strollers and small children. He asked if the applicant had considered hard packed gravel which would be less appealing to bicycle riders. Mr. Roche said the Committee for the Disabled would like to see the hard asphalt because of the electric wheelchairs.

Dr. Autuori asked about the use of a lighter colored amalgam or asphalt instead of the blacktop, which has the potential to “cook” small amphibians crossing the path. Mr. DeLalla said that, in large part, this trail is not exposed to much sunlight. He added that the paving would be only 6’ wide, and any runoff would be immediately absorbed. He felt that this trail would be “a fairly minor interruption of the continuity between the upland and the wetland areas here.”

The Agent reminded the Board that their primary focus should be wetland issues, specifically the impact of the paving on the wetlands and the watercourses.

Dr. Gelfman presented photos he had taken of sections of the trail on the NE side. His photos showed “a nice trail covered with grass,” Trout Lily and Bloodroot, a Spotted Turtle, Daffodils, etc. He requested that the paving be eliminated on this segment of the trail system, calling it “the only little bit of natural area left...”. Dr. Gelfman was asked to indicate the area he was referring to on the map.

Chairman Mucchetti confirmed that Dr. Gelfman had no objection to the paving of the rest of the trail.

Discussion continued. Other surface materials were suggested, i.e., gravel, stone dust.

Mr. DeLalla said that they would not be conducive to wheelchair use. He mentioned the use of asphalt with stone dust on top (a tack coat with tar), which would give a softer feel.

Mr. Roche noted the hundreds of miles of trails in Ridgefield, none of which are accessible to the disabled. The Commission for the Disabled has prompted the adapting of these trails to include raised areas with plantings or gardens where people in wheelchairs can roll up and smell the flowers, he said.

Dr. Gelfman felt the area he wanted unpaved was accessible to wheelchairs as it is. Mr. Roche said it was not, since it develops ruts. Mr. DeLalla noted that gravel does not satisfy the requirements of the ADA. Mr. Katz agreed that loose gravel is not appropriate, but, said that public gardens use compacted surfaces that are fully handicapped accessible. He suggested stone dust. Mr. DeLalla said that there is “a cost of maintenance issue.” Dr. Autuori asked if they had considered a screened, bank run gravel (called “Item 4” in New York), which gets very hard. Mr. DeLalla said it is not considered a permeable surface, and it has less resistance to heave and thaw cycles. It loosens up and would require regular maintenance to pack it back down.

Discussion about the surface continued.

Dr. Gelfman again petitioned for the smaller northern loop of the trail to be left in its natural state, while the larger loop could be paved. He said this could “divide the uses,” with the wheelchairs and bicycles having a long trail, leaving the pedestrians “in peace” on the natural, picturesque trail. He suggested ways to increase the length of the larger loop even further.

Mr. Roche took the Board through the handout provided. He explained that there was a grant amounting to \$50,000 which they have allocated for this project. The original plan was for bike trails, because a survey done by Parks & Recreation showed that this was what Ridgefielders wanted most. However, the bike trails turned out to be

very costly and the grant money came up short. Hence, the present application. Other sites were looked at, he said, but this site seemed to be the best for this purpose.

Mr. Roche said that he and Mr. DeLalla cut back from the original 10' wide bike paths because the Parks & Recreation Commission was against any "heavy paving." The 6' width is the minimum needed to accommodate the handicapped accessible standard. Mr. Roche noted that the department has been partnering with the Commission for the Disabled in many projects, and described several of them. He described how the proposed project includes resting pull offs, identification signs in Braille, raised flower beds, rollouts to the water's edge, scent areas, butterfly areas, bird boxes, and even an audio system to guide visitors through the many features of the trails. They have worked with the Boy Scouts and the Norwalk River Committee to develop the trail identification system, he said.

Agent Brosius again reminded the Board that this is a wetlands application. She said the area requested by Dr. Gelfman to be left unpaved is a 15' wide non-wetland area with wetlands on either side, which amounts to a 5' wide path with 5' on either side as a buffer through some "very healthy phragmites," (an invasive wetlands plant). Dr. Gelfman disputed the dimensions given by the Agent.

Mr. DeLalla noted the many natural trails available in Ridgefield. He said this trail is focused on a different "user set." He said he feels it is appropriate to have a diverse user type of trail system. It is not intended to be another "nature trail or woodland path," he added.

Dr. Gelfman suggested saving only part of it "for walking, for contemplation." He talked about the history of the property and how it gradually has been developed to the point where there is "precious little left of the original indigenous species."

The Agent asked if dead-ending an asphalt path at a grassy area made any sense. She asked Dr. Gelfman if a portion of the path he's protecting could be paved. Dr. Gelfman said the path could dead-end at the parking lot.

Mr. Roche said that, with Dr. Gelfman's suggestion, they would be "losing about a third of the trail."

Discussion continued. The Chairman asked Dr. Gelfman to come to the map and indicate the path he wished to protect. He indicated on the map the northeastern loop.

Dr. Autuori noted areas in the handout where wheelchairs were shown on non-paved trails. He spoke in favor of using a surface material other than asphalt.

Mr. Mische quoted from the regulations, re: non disturbance "of the natural and indigenous character of the wetland or watercourse," and expressed his support for Dr. Gelfman's suggestion.

Mr. Katz said that the document provided by Mr. Roche himself notes that asphalt is not always a good surface. However, Mr. Katz felt that, if an application does not offend the particulars of Sec. 10.2 of the Wetland Regulations, the Board can not justify requiring the change from asphalt to another surface material.

Mr. Roche asked if the Board would be satisfied with compacted material being used in the smaller, more picturesque, northern loop and asphalt being used in the rest of the trail.

Mr. Roche and Dr. Gelfman suggested several different approaches, using the map for reference.

The Chairman noted related correspondence from the Conservation Commission, Wetland's Inspector, Aimee Pardee, and the Wetlands Agent.

Dr. Benjamin Oko, Conservation Commission Chairman, read the CC memo. Their concerns surrounded the increase in impervious surface. Recommendations included: use of a processed, compacted surface; leaving the northeastern portion of the trail system (the smaller loop) in a natural state; no berming on the sides of the path, so the crossings remain level; paving connecting the newly paved path with the existing trail that runs around the Recreation Center should not follow the berm, (paving on the berm would add thermal pollution to the water running beside it, would require filling, and would endanger the trees). The CC requested opinion on the impact of introducing asphalt on amphibians and turtles, especially Wood Turtles.

Agent Brosius read from her Staff Report, stating that the proposed regulated activity involves disturbance mostly within the buffer area, but, with some infiltration into the wetland. The wetlands regulation referred to by Mr. Mische was quoted, "These recreational uses are permitted as non-regulated uses in wetlands and watercourses provided that they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or construction of water flow, or pollution of the wetland or watercourse." The Agent stressed that these are the issues the Board should concern itself with.

The Agent also read Wetlands Inspector, Aimee Pardee's, letter. The letter states that the paving of the existing trails will be beneficial in that this will stabilize those areas which tend to be muddy. Concerns included the impact to the wetlands during construction and the thermal impact to the wetlands and watercourses from runoff heated by the asphalt. The proposed erosion control measures should adequately protect the wetlands, Ms. Pardee states, provided they are maintained until the grass and meadow path edgings are established. Ms. Pardee said that the grass and edgings should also address heated runoff problems. She acknowledged that most of the path is shaded, and the areas which are not are flat and heated runoff should be mitigated by the path buffer. Ms. Pardee summarized her support for this plan, citing the benefit of the increased stability, the sensible sizing, and the landscaping proposed for the site. The Agent said that she concurred with Ms. Pardee's opinions..

The Chairman asked Mr. DeLalla to indicate on the map the areas which would be disturbed in the wetland and in the review area. He said that, since the trails already existed and the proposed project does not extend beyond the existing disturbance, there is virtually no additional disturbance to the wetland. Almost all of the activity would take place in the buffer, he said. An approx. 600 linear feet section, currently mowed, is actually within the wetland itself. Going around the Locust tree, as the Commission had requested, may contribute a few dozen feet of wetland disturbance, he added. The Chairman asked and Mr. DeLalla clarified that areas which were previously considered wetlands are now considered upland review areas because of the original disturbance to the wetlands when the trails were first built.

Dr. Autuori asked if the soil would be considered udorthent soil, basically overlaying what used to be wetland. Mr. DeLalla said that was correct.

At the request of the Chairman, Mr. Roche explained that the funding was there, and they were trying to establish an ADA need for it, instead of the reverse.

Mr. Roche appealed to the Commission, saying that he would not come to them with a project that would damage the environment. However, he felt strongly that there is a need for this type of trail system, and there is an abundance of Conservation and Open Space trails for more general usage throughout Ridgefield.

Dr. Autuori asked if the applicants were comfortable paving only the larger loop. Mr. Roche said, "I would like to see the whole thing paved," and that is the position of the Parks & Recreation Commission, as well.

Various alternatives were discussed.

The Chairman noted the presence in the audience of Mr. Phil Kearns, Chairman of the P&R Commission.

Mr. Kearns supported Mr. Roche's position. Noting the many trails available for the general population, he cited the real need for a trail of this type, and said that its usage will be higher if it is paved. The Town has not done enough for those with disabilities, Mr. Kearns said, and the Commission is philosophically in favor of improving that. The paving would make the trails suitable for many of the Founder's Hall (senior center) members, as well.

The Chairman asked if the Board was ready for action.

Mr. Katz said that his sympathies lie with Dr. Gelfman, and he is disturbed by the resistance to the use of a compacted surface, which, it appears, the Federal Government and other agencies seem to find "perfectly suitable for wheelchairs and the handicapped." However, he does not feel that the application contains anything

which could justify an outright denial. He noted Subsec. f. in Sec. 10.2 of the wetland regulations, referring to an impact on wetlands and watercourses beyond the scope of the project. But, even that wasn't a strong enough reason for denial, he felt. Nothing presented seems to have "a deleterious effect on anything except aesthetics and nature," which are not areas the Board is charged with legislating.

Mr. Katz and Dr. Gelfman discussed several potential reasons for denial in the regulations. Mr. DeLalla responded to their thoughts and questions. He noted that Dr. Gelfman proposed to leave a large section of the trail as grass, which he said would not qualify under any standard as handicapped accessible.

Mr. Walsh said the site walk was "one of the nicest walks" he's been on since joining the Board. He especially enjoyed the picturesque loop Dr. Gelfman wishes to protect, but noted that the entire walk area covers land that has already been impacted and filled. He felt that the 6' swath of pavement would have no effect beyond what is already there. He saw no reason for a denial.

Mrs. Willis said she's pushed wheelchairs along the Norwalk River Study site, which is "a lot rougher." She said that the area Dr. Gelfman is concerned with is quite flat, stable and hard. She stated that she did not accept the fact that it would not be compatible with wheelchair use. She was also not in favor of ending the asphalt on the trail, as it would be "leading people" and then stopping. This would most likely result in future applications for continuing the asphalt portions, she said.

Mr. Mische asked for comment on the asphalt shingle material. "Basically, what you can do," Mr. DeLalla said, "is spread the asphalt down and then roll the stone dust into it."

Mr. Roche liked that idea, and thought that this surface was used at Richardson Park. The idea was further discussed.

Dr. Gelfman made another appeal for leaving the smaller segment of the trail in its natural state, saying that he wanted to see some compromise. He cited all the upcoming development slated for Ridgefield. This area, which 30 years ago was termed "rural fringe," he said, is now being threatened with the elimination of even more rural fringe, for what he considers to be specious grounds. He noted that, at 80 years of age, he can walk the existing trail without a problem.

Dr. Autuori addressed the applicants, saying that their own documents do not indicate that asphalt is required for wheelchairs. He said that asphalt, of all the surface materials discussed, would have the greatest impact on impervious coverage and thermal effect. He asked that the applicant consider at least paving the smaller loop in something other than asphalt, even compacted gravel.

The Chairman asked the applicants if they would like to go back to the Parks & Recreation Commission and the Commission for the Disabled to discuss the concerns

of the Wetlands Board, and possibly adjust the application in some way to further enhance its chance for approval.

Mr. Katz asked if Ms. Pardee could speak to the differences in wetlands impact of all the various surfacing materials.

Ms. Pardee said that her comments stand. She said she did not have the information needed to comment on the additional impact that this amount of paving would have on the wetlands at the site, given the large amount of area already paved on the site, but she felt the additional amount, by percentage, would be “pretty small.” The thermal effect would be minimal, as well, she said. The last concern raised was about amphibians and reptiles. Ms. Pardee said the highest mortality occurs when they are trapped by curbing on hot pavement. That would not occur in this case because the path has no curbing and is flush with the surrounding area.

The Agent said that this is a beautiful trail. The Board needs to look at and balance both the short term and long term impact to the wetlands, she said. The short term impact appears to be minimal. What is unclear is how the paving might affect the wetland in the long term. This determination should then be balanced with the benefit to the community and the special needs individuals who would now have the opportunity to use this trail, she said.

Mrs. Willis asked if the project could be done in two stages: pave the larger loop first and see if there is still a demand for the paving of the other smaller loop.

It was decided that the applicant would come back after reconsidering some of the options discussed. There was no action taken. The item will return to the agenda on May 6th.

BOARD WALKS

The Board noted the following site walks, previously scheduled for **April 27, 2008**:

- **#2008-039-SR**: Summary Ruling **122 Walnut Grove Road**, Giordano
- **#2008-043-PD**: Summary Ruling **140 Wilton Road West**, Price
- **#2008-044-PD**: Summary Ruling **439 Silver Spring Road (Silver Spring Country Club)**, Flat Rock Corp.
- **#2008-045-SR**: Summary Ruling **Canterbury Lane, Lot #1**, Cobelli

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mrs. Willis motioned, seconded by Mr. Mische, to approve the minutes of April 8, 2008. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

April 22, 2008

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning
Aimee Pardee, Wetlands Inspector / Agent
Linda Caponetti, Recording Secretary

Public hearings were held prior to the meeting.

At 9:21 p.m., Chairman Mucchetti called the meeting to order. She requested that the order of discussion be changed, to accommodate members of the audience (applicants and the Conservation Commission). Mr. Katz motioned, seconded by Mrs. Willis, to change the order, and item #9 was discussed first, and item #7 was discussed second. The remainder of the agenda was discussed in the order presented.

PENDING ITEMS

1. **#2008-023-A:** Proposed amendment to **Sections 3.3.D.1.c and 3.3.D.1.e** of the Ridgefield Zoning Regulations to clarify the size of lots where accessory apartments are permitted and when municipal sewers and public water supply are required. Commission initiated. *For action.*

Mr. Walsh motioned, seconded by Mr. Fossi, to approve the amendment as proposed, with the reasons stated by the Planner. The motion passed, 7-0. (Mr. Katz was not in the room.)

2. **#2008-024-A:** Proposed amendment to **Section 8.3.C, 8.3.B.2 and 9.3.H.1** of the Ridgefield Zoning Regulations to clarify procedure and filing requirements for Village District Application approvals. Commission initiated. *For action.*

Mr. Walsh motioned, seconded by Mr. Fossi, to approve the amendment as proposed, with the reasons stated by the Planner. The motion passed, 8-0.

3. **#2008-025-A:** Proposed amendment to **Section 3.4** to clarify that a detached garage is an accessory outbuilding. Commission initiated. *For action.*

Mr. Mische motioned, seconded by Dr. Autuori, to approve the amendment as proposed, with the reasons stated by the Planner. The motion passed, 8-0.

4. **#2008-026-A:** Proposed amendment to **Section 10- Appendix-10.1 Application Fees** to establish a fee for processing zoning permits required for Change of Use and Home-Based Business (Sec. 3.3.B.1). Commission initiated. *For action.*

Dr. Autuori motioned, seconded by Mrs. Willis, to approve the amendment as proposed, with the reasons stated by the Planner. The motion passed, 8-0.

5. **#2008-027-A:** Amendment to the Ridgefield Zoning Regulations – **Sections 9.5.B.2 and 9.5.C.3**. Notifications; to allow the ZBA to provide direct notification of ZBA applications and hearings to owners of property either abutting or within 100' of the land for which a variance is being requested. Commission Initiated. *For action.*

Mr. Katz motioned, seconded by Dr. Autuori, to approve the amendment as proposed, with the reasons stated by the Planner. The motion passed, 8-0.

6. **#2008-046-REV(SP):** Revision to Special Permit required by Section 9.2.A.7.e of the zoning regulations to allow a pediatric dentist's office on the second floor of the existing building located at **35 Copps Hill Road** in the B-3 zone. Owner/Appl.: 35 Copps Hill, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 6/19/2008. Received 4/15/2008, walked individually. Applicant requests table to 5/6/2008, pending receipt of parking calculations from consultant.*

Chairman Mucchetti noted that the applicant requested tabling discussion until May 6, 2008, and the item was tabled.

NEW ITEMS

7. Joint discussion at the request of the Conservation Commission: Zoning and subdivision issues pertaining to open space and conservation of natural resources.

Wetlands Inspector Aimee Pardee and the following **Members of the Conservation Commission** were present for the discussion: Dr. Ben Oko (Chairman), Carroll Brewster, George Orlan, David Cronin, Susan Baker, Patricia Sesto, Carol Stoddard, Beth Yanity, and Kitsey Snow.

Dr. Ben Oko introduced the major concern of the CC: "Ridgefield is about to run out of [opportunities for additional] open space," he said. In order to improve the quality of the open space that remains available, Dr. Oko said the CC felt some changes to the zoning regulations and the subdivision regulations were in order. He provided Commission members with a summary of ideas for changes the CC felt would be

helpful. He offered CC help in developing these changes, all aimed at improving the way zoning and subdivision regulations protect Ridgefield's natural resources.

Ms. Pardee explained that she grouped the items into three main categories: 1) ways to accomplish better open space acquisition, 2) things which will improve the way PRD's and Conservation clusters are designed, and 3) general conservation items.

The Chairman said that some of the items would require public hearings in their own right. Dr. Oko agreed.

Discussion continued around how to proceed and in what order.

The Planner said that some of the bulleted items had already been drafted. She noted that the problems Ridgefield is having in these areas are mirrored throughout the State. Conservation Commissions in Connecticut tend to get wetlands as donated open space. There should be the same percentage of wetland to dry land as was contained in the original parcel, she said. Alternately, a certain percentage of required dry land could be developed.

Dr. Autuori asked about steep slopes. The Planner said that was discussed in Goal #3. He asked where the compensation for the landowner is when his land is essentially being confiscated. A reasonable percentage needs to be developed, the Planner said.

Ms. Pardee said the CC understands that these ideas will require a great deal of research and legal review. At this point, the CC is looking for zoning to examine the summary and decide which points they are willing to pursue, she said.

Dr. Oko explained that, when the CC gets a wetland, that wetland could not have been developed anyway, so the CC really didn't get any open space.

Mr. Fossi said everything on the list warrants discussion. He suggested polling other towns to see how their regulations deal with these issues.

Chairman Mucchetti concluded that the CC wanted to know if the Commission was interested in these discussions, and, if so, how they would like to have the CC proceed. Mr. Fossi expressed his interest.

The Cioffoletti case was discussed, re: PRDs (Planned Residential Developments), and how the number of lots permitted in a PRD is calculated.

Dr. Oko asked if the CC could "borrow legal counsel." The Planner said Attorney Fran Collins would be the person to speak with after narrowing down the discussion. She then suggested that they come to her first, and the question would be directed to counsel through her.

The Chairman said there seemed to be interest among Commission members in pursuing this. The members concurred.

Dr. Autuori said that, as a land owner, his biggest problem is the exclusion aspect. He has no problem with protecting land if it doesn't devalue the landowner's property. He asked CC members if they felt they could accomplish their goals without the "discounting" of property value from owners who have steep slopes and wetlands.

Mr. Mische said that the goals might be better organized if listed by priority. "I see a tremendous amount of discussion possibilities," he said, but the CC should decide what they really want to focus on.

Mr. Fossi felt that counsel should review all items on the list.

The Planner said that ZEO Richard Baldelli needs to review the list, as well. She said the office could do some research on this.

Pat Sesto, who also serves as Environmental Director for the Town of Wilton, said that at Land Use Leadership Alliance (LULA) training she is attending, she continually hears, "The POCD [Plan of Conservation and Development] is only as good as the regulations that subsequently support it."

Following discussion on these topics of importance to the Conservation Commission, there were no votes taken on any issues for this item. Discussion will continue at a future date.

Planner/Agent Brosius also asked the Conservation Commission to begin thinking about the required update to the *Ridgefield Plan of Conservation and Development*, and to be prepared to provide input especially for Chapter 5 (Natural Resource Conservation) and Chapter 6 (Open Space).

8. **#2008-049-SP:** Special Permit application under Section 9.2 as required by Section 3.3.A.2 and 3.4.D.3 of the Ridgefield Zoning Regulations to construct a detached garage, creating more than the maximum number (5) of garage spaces allowed in the RAA zone, in the front yard on property located at **246 West Lane** in the RAA zone. Owner: John Mantz. Appls.: John and Karen Mantz. *65-days to commence public hearing ends 6/19/2008. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked the Commission to acknowledge receipt of the application and suggested a site walk for 4/27/08 and a public hearing for 5/13/07. Mr. Katz motioned, seconded by Mr. Mische to accept the application and to schedule the dates suggested by the Chairman. The motion passed, 8-0.

9. **#2008-050-DMV:** Request for approval of Automobile Dealer's or Repairer's license for Ridgefield Waterside Motors, LLC (contract purchaser) and approval of existing dealership location for the BMW dealership at **746 Danbury Road** in the B-2 and

RAA zones. Owner: Eric Erhardt. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *For action.*

Chairman Mucchetti asked the Planner to explain the Commission's role in acting on requests for changes in Department of Motor Vehicle licensing. This application deals with the change of ownership from one entity to another, with no change in the business (new motor vehicle sales) or its location.

Attorney Rex Gustafson and his client Ed McGill, representing Ridgefield Waterside Motors, LLC were present for the application.

Planner Brosius said the Zoning Board of Appeals had previously been designated by the State as the local authority for motor vehicle licensing. That charge has been given over to PZC. In this case, there is a transfer of ownership of a license from one dealership to another.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the license for Ridgefield Waterside Motors, LLC, as requested, at the current location at 746 Danbury Road. The motion passed, 8-0.

COMMISSION WALKS

The Commission scheduled the following item for site walk on **April 27, 2008:**

- **#2008-049-SP: Special Permit 246 West Lane, Mantz**

The following item had been previously scheduled for site walk on **April 27, 2008:**

- **#2008-047-SP: Special Permit, 220 Branchville Road, The Leir Foundation, Inc. Ridgefield Foundation**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Flyer about the Ridgefield Center Study meeting scheduled for 4/29/07 at the Ridgefield Playhouse, at 7:30.
- Newsletter from the Connecticut Federation of Planning and Zoning Agencies.

MINUTES

Mrs. Willis motioned, seconded by Mr. Mische, to approve the minutes of April 8, 2008. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary