

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

May 1, 2007

Present: Michael Autuori
Joseph Fossi
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Nelson Gelfman

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

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-039-SR:** Summary Ruling application for activities within upland review areas for excavation, filling and grading in conjunction with the construction of a single-family residence on property located on **Rippowam Road, Parcel A1**, in the RAAA zone. Owner: Thomas J. Jarosh. Appl.: Falciglia & Valeri Construction, LLC. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 6/21/2007. Received 4/17/2007, walked 4/29/2007. For discussion.*

Chairman Mucchetti announced that the applicant, through the Agent, had requested the item to be tabled, pending receipt of additional information requested as a result of the site walk. The Agent said that the surveyor for the applicant would provide more topographical detail on the plans, to reflect altered conditions at the site.

Mr. Katz motioned to table the item, seconded by Mr. Slavin. The motion passed, 8-0.

NEW ITEMS

2. **#2007-045-SP-SR:** Summary Ruling application for disturbance and activity in the upland review area in conjunction with Special Permit application for excavation, grading and filling to construct an alternate driveway off of Wilton Road East to serve existing residence at **140 Wilton Road West** located in the RAA zone. Owner: Louis H. Price, Jr. and Jo-Anne T. Price. Auth. Agent: Frank G. Fowler III, PE, LS. *65 day*

action period or to commence public hearing ends 7/5/2007. For receipt and schedule walk.

Chairman Mucchetti suggested 5/6/07 as a date for site walk, and noted that an accompanying application for Special Permit on the same property appears on the Planning and Zoning Commission agenda, to be scheduled for a site walk. After some discussion, the Commission decided to postpone the walk until 5/20/07.

Mr. Slavin motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule a site walk for 5/20/07. The motion passed, 8-0.

BOARD WALKS

The following site walk was scheduled for 5/20/07:

- **#2007-045-SP-SR: 140 Wilton Road West, Price**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- Letter from the Conservation Commission re the pending application for Rippowam Road.

MINUTES

Mr. Katz motioned, seconded by Mrs. Willis, to approve the minutes of 4/10/07. The motion passed, 8-0.

Mrs. Willis motioned, seconded by Mr. Fossi, to approve the minutes of 4/17/07. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:34 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

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PLANNING AND ZONING COMMISSION MEETING

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John Katz, Vice Chair
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Lillian Willis

Absent: Nelson Gelfman

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

A public hearing was held prior to the meeting.

At 7:35 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-004-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 411.0B of the Ridgefield Zoning Regulations, (1) to demolish an existing office/residential structure and replace with new 7,756 s.f. commercial structure at **35/37 Danbury Road**, and (2) construct new 10,026 s.f. commercial structure on adjoining property at **16 Roberts Lane**, on properties located in the B-1 zone. Owner: Eppoliti Realty Corporation. Auth. Agent: Douglas MacMillan, Architect. *Received 2/6/2007, walked 2/11/2007, public hearing commenced 3/6/2007, continued and closed 3/20/2007. Draft Resolution of Approval requested 3/20/2007. Tabled 4/4/2007, 4/10/2007 and 4/17/2007. 65-day action period ends 5/24/2007. For action. (TENTATIVE)*

Chairman Mucchetti noted that the applicant is still waiting for the adjoining property owner to sign off on the shared parking and access easement agreement. The Planner gave a brief update report, received from the applicant.

Mr. Katz motioned to table the item, seconded by Dr. Autuori. The motion passed, 8-0.

2. **#2007-020-SP:** Special Permit application pursuant to Sec. 312.0 as required by Sec. 411.0 of the Ridgefield Zoning Regulations for the demolition of existing retail building and construction of two new buildings (Walgreen's), including reconfiguration of the existing vehicular areas on property located at **42-50 Danbury**

Road in the B-1 zone. Owner: Sherwood Island, LLC. Appl.: READCO, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 3/6/2007. Walked 3/18/2007. Public hearing commenced 4/4/2007 and continued to 4/17/2007. Public hearing closed 4/17/2007 and Draft Resolution of Approval requested. 65-day action period ends 6/21/2007. For action.*

Chairman Mucchetti noted that the draft resolution of approval was not yet prepared, but information about the lighting plans had been distributed by the Planner, to offer clarity and detailed explanation of the 14-foot, 18-foot and 22.5-foot lighting pole designs.

Planner Brosius discussed the three plans that were presented by the applicant during the public hearing. She explained that she had worked with the engineer to determine exactly how many poles and how many fixtures are being proposed in each of the various plans. The plan proposing 18' high poles would include 15 poles, with one fixture a piece, and 6 fixtures on the building. The plan proposing 22.5' high poles would involve 12 poles, eight of which would have 2 fixtures a piece, and six fixtures on the building. With the 14' high pole plan, there would be 28 poles with single fixtures on each, and also six fixtures on the building.

There was some discussion about the confusion related to the various scenarios. The Commission, at the Planner's suggestion, went over the maps carefully. The Planner pointed out that the wattage in each of the plans had been provided, as well. She explained that it is now clear to her why the 18' pole plan is the preferred plan, and the wattage proposed therein is the lowest of the three.

Mr. McChesney said that wattage is important, but kilowatt hours is also important, because that refers to the power consumption. Dr. Autuori concurred, adding that this was an important determining factor, along with the brightness of the lights.

Mr. Katz felt that the Commission was not there to debate the aesthetics, as these plans are not presenting lighting plans for a beautiful green garden or park, but for a parking lot – tarmac, to be exact. He felt that the number of poles is really irrelevant. He pointed out that, if there were a rationale to go with what Walgreen's is proposing as their lighting standard, none of the cut sheets would meet that standard. He felt that the 14' height regulation that the Commission had spent a great deal of time on should be imposed at this location. He warned against caving in to the Walgreens preferred lighting plan, and said that abandoning the 14' standard established by the Commission would be like rolling over and "playing Walgreens".

Chairman Mucchetti wished to clarify that the Commission had given themselves some flexibility with regard to lighting standards, and that modification of the 14' pole height was within the regulation, not limited by the zone.

The Planner explained that the 14' height was mandated within the CBD zone, but the Commission still had the ability to change the height recommendation, (up to 24'), within any other zone.

Various concerns were voiced related to the number of poles, the wattages, and energy consumption.

Dr. Autuori stressed the importance of low energy consumption. He wanted to drop the 5 foot candles to 4 foot candles.

The Chairman said that the public hearing had been closed with some misconceptions related to the various plans and what they represented. It was appropriate, she said, for the Commission to discuss this again for the purpose of clarification. She mentioned that the Planner needs to be sure she is representing the Commission's intentions accurately when finalizing the resolution of approval. She said that the 14' pole plan is Plan EO.1C, with 28 poles and 34 heads.

Mr. Slavin said that putting several heads on one pole will simply make it brighter, not cover a larger surface. He wanted to know how much light, in foot candles, would be provided if the 14' poles with single heads were used. The Chairman said that this is what is represented on map EO.1C.

Mr. McChesney said that he wished to restate his motion supporting the use of 14' poles, his primary reason being that the Commission had taken great pains to require that everyone else comply with the 14' height restriction.

Mr. Walsh felt that the Commission should be more open to other options. He said that they may prefer the 14' height, but, with improved technology and the opportunity to do things differently, the same lighting could be provided with half the poles, if they were 4' higher. He did not see a problem with allowing the 18' height.

Ms. Willis said that much of the problem with this site is that it is on a rise and is very visible. The higher poles would be seen by the neighbors across the street and by people in the area. Mr. Slavin agreed.

Dr. Autuori preferred the 14' height. However, he said that if it came to a choice between 14' poles at 9400 wattage or 18' poles at 8400 wattage, he would opt for the 18' poles, but with perimeter shielding on the side of the lights that faces Danbury Road.

Mr. McChesney stated that the lights are all full cut off, and Dr. Autuori commented that the higher the light is, the less cut off there is.

The Chairman thought that since the public hearing was closed, the item could only be revisited with regard to the height of the poles.

Dr Autuori said that the Commission can still modify the plans in the resolution, and the Planner agreed, adding that they can still impose a condition.

Mr. Fossi agreed that the lower wattage would be preferable, but, he was very uncomfortable with the Commission dictating wattage, stressing that there is a liability issue in that, (if someone were to get hurt, for example).

The Planner said she agreed with Mr. Fossi, but, for a different reason. She felt that enforcing the wattage would be very difficult, as it would be impossible for the zoning enforcement officer to accurately measure the wattage every time bulbs are changed.

Mr. Katz wanted to regulate the length of time the lights would be on, rather than try to regulate the wattage.

Ms. Willis asked if the side of the lights facing Dunkin Donuts should also have perimeter shielding. The consensus was that it should not.

After lengthy discussion about the various lighting plans, Mr. McChesney motioned, seconded by Mr. Katz to require the 14-foot lighting poles shown on Plan EO.1C. The motion passed, 7-1. Dr. Autuori was opposed.

3. **#2007-031-REV (SP):** revision to Special Permit under Sec. 312.0 as required by Sec. 333.0 of the Ridgefield Zoning Regulations to install one additional outdoor element (a “zip line” manufactured by Project Adventure, Inc.) at Scotts Ridge Middle School, **750 North Salem Road** in the RAA zone. Owner/Appl.: Town of Ridgefield. *65-day action period ends 6/8/2007. Received 4/4/2007. Tabled for additional information. For action.*

George Terri-Savage, Schools Facilities Director, was present to explain the project and to offer details about its location, size, and construction.

Mr. Terri-Savage brought photos, which he distributed, showing the landing platform next to Project Adventure. He described a second structure at the other end of the zip line which was a crossbar holding the lines. Total pole length would be 55’ with 47.5’ being above ground. The poles are the same as those on the existing course, he said. Tandem zip platforms are usually 4’ x 8’, he said. He was unsure of The exact length of the line, but explained that where they put the stakes is where they intend to install the poles. They are brown colored poles, he said. The unloaded drape of the cable will bring it to 15’ -20’ above ground, so there would be no restriction of parking underneath the cable. The speed of the participant is about 15 mph. There are certified people who will be doing some training.

Ms Willis asked how the students would get up to the platform. “They would climb,” Mr. Terri-Savage replied.

Mr. McChesney asked what time of day this apparatus would be used. Mr. Terri-Savage said that it is mainly a school program, and would only be used during school hours. He was not certain if it would be used in the summer.

Dr. Autuori questioned Mr. Terri-Savage as to the exercise benefit for the kids using the equipment. “It’s like traversing,” he said. It’s more for the coordination and exhilaration of the experience.

The Commission wanted to know how the equipment would be protected from unauthorized use during off hours. Mr. Terri-Savage explained that there are ways to tie the lines off. Ms. Willis was concerned about people just climbing up and horsing around, and possibly falling off. Mr. Terri-Savage explained that the first rung of the steps going up the pole is so high that a step ladder is needed to get to it.

Mr. Katz stated that the Commission is not being asked to debate the programmatic benefits of the zip line, but to evaluate whether or not it is an aesthetic or other affront to the special permit granted to the carefully designed middle school that’s there.

Dr. Autuori disagreed, saying that one of the Commission’s statutory responsibilities is the health and safety of the public. He didn’t see a real physical benefit to the children using it. He also commented that it would be visible from the road and at least one house. He was not convinced that the Commission should support this.

Mr. Terri-Savage said that the accessibility of the zip line would be the same as for the other elements on the course. Zip wires are being used by thousands of schools and camps, he said. The benefits cited are the facing and overcoming of challenges. “They can be a rewarding and exciting culminating experience in adventure programs,” he added.

Mr. Walsh said that the specific problem cited by the Commission when the Project Adventure application first came before them was the location of the equipment, directly in front of the Scott’s Ridge school. This apparatus is being planned for the same location that was originally denied, he said.

Mr. Katz said that it would be “counter intuitive” for the Town to have spent all the time and effort and money trying to get the best aesthetic for the school, and then ruin that with four poles and a platform right in front of the school.

After lengthy discussion, **Mr. Katz** motioned to deny the application, seconded by Mr. Slavin. The motion passed, 8-0.

4. **#2007-036-REV (SP):** Revision to Special Permit as required by Sec. 312.02.E of the Zoning Regulations for the Town of Ridgefield to renovate/update two (2) existing playgrounds, add a third new playground and install two (2) new exterior doors for property located at **223 A West Mountain Road**, (Ridgefield Academy) in the RAAA zone. Owner: Ridgefield Academy, Inc. Appl.: Larry E. McDowell,

Business Manager. *65-day action period ends 6/21/2007. Received 4/17/2007, walked 4/29/2007. For action.*

Chairman Mucchetti and the Planner explained the proposed location of the play facilities. The Chairman asked if there were any new playgrounds being proposed.

The Planner said that there would be one new playground. They were moving the middle school classrooms to another location and taking what had been a play yard for the younger children and making it a basketball court. This requires the creation of a new playground for the preschool children at the top of the hill right next to the building. The only change to the existing playground below is that it will be slightly larger

Mr. Slavin asked if the new playground material will be visible from West Mountain Road.

The Planner said that it will be slightly more visible than what is there now. She explained that they are looking to replace it with brightly colored playscape fixtures. It is not right on the road, however, she said.

Mr. Slavin said that the equipment that is there now is quite visible from the road. He said he was not concerned with the play area deep in the back of the property, but with the area in the front near the white picket fence.

The Planner asked if the Commission would like to see the applicants put some evergreens for screening in front of the new play area. There was general agreement that this would be a good idea.

Dr. Autuori asked if there was a residence near there. There is one house nearby, it was determined. **Mr. Slavin** said the people living across West Mountain Road have complained to him often. He added that putting the trees in would be a big help.

The Planner said that she had warned the applicants that this might be a condition of approval.

Mr. Katz wanted the play equipment to be of dark, muted colors. He didn't think bright colors should be permitted. Dr. Autuori added that the area should be shielded by trees.

Ms. Willis specified spruce trees.

As long as there would be screening, the Commission felt there would be no need to require the muted colors.

After discussion and clarification of the location of the facilities, **Mr. Katz** motioned to approve the application, seconded by Mr. Fossi, and to require evergreen (spruce)

plantings along West Mountain Road or in front of the play yard on the north side of the site, to screen the play yard from the neighboring residence on the opposite side of West Mountain Road. The motion passed, 8-0.

5. **#2007-038-SPA:** Site plan review of landscaping as per Sec. 407.0G of the Zoning Regulations, in conjunction with 21 multi-family unit development in the R-5 zone. Property located on **63-67 Prospect Street**. Owners/Appls.: The Giardini Limited Partnership and Pierandri Realty LLC. *Landscape plan distributed for review 4/17/2007. For action.*

Ms. Willis stated that the applicant's plant list does not correspond with their planting plan. The numbers are way off, she said. She also stated that the applicants show a line of white pines on each side of the property, which she feels will block any sun from coming in. She felt they should come back with a different plan.

Dr. Autuori asked Ms. Willis if she could think of a smaller evergreen that would screen but not block the sun. There are trees that they could use, she said. Even so, Dr. Autuori felt that during the winter months, there would be enough sun reaching the buildings and in the summer months the shading would be a benefit for cooling purposes. However, he also disagreed with the overall scheme.

Mr. Walsh said that right next door is Wisteria Gardens, which has a nice row of hedge going all the way down its property line. Why would they be doubling up, and stacking up two lines of trees along that property line.

The Planner felt that Mr. Walsh made a good point. She felt that what the applicant was presenting as good screening did not take into account the screening that already existed on the neighboring property. Ms. Willis suggested a combination of deciduous trees and shrubs that would provide some landscaping but allow light. She feels each property owner should provide his own screening because a neighbor might cut down his screening because of what already exists on the neighboring property.

Following discussion of the proposed landscaping plan, the Commission requested changes to the plan, and asked the Planner to require the applicant to provide a revised drawing. Further discussion was tabled pending receipt of the new landscaping plan.

NEW ITEMS

6. Proposed **re-inspection fee schedule**, c/o P.D. and ZEO

The Planner explained the reasons for the proposed re-inspection fees, and **Chairman Mucchetti** referred to the ZEO's memo for further explanation.

The Planner said that this is basically a policy decision to attempt to curtail unnecessary trips by ZEO Richard Baldelli back and forth to sites to inspect and re-inspect. With the spring jump in building applications, the office has been hit with many requests for inspections on erosion control systems. Prior to issuing a zoning permit for any new construction, there is a requirement that erosion and sedimentation control be installed and the tracking pad be in, etc. Before issuing the zoning permit, Mr. Baldelli must inspect these installations. Oftentimes, they are installed incorrectly, and re-inspection is necessary. The imposition of escalating fees for subsequent re-inspections will hopefully serve as a deterrent to people who might ordinarily call him back again and again without having made the proper changes or additions.

Dr. Autuori asked what triggered the inspections. The Chairman said the ZEO is going back to sites where the initial inspection failed.

After discussion and understanding of the fee schedule and how it would be implemented, **Mr. Katz** motioned to support the ZEO's request for the re-inspection fees, seconded by Dr. Autuori. The motion passed, 8-0.

7. **#2007-042-REZ-A** (1) Petition to amend the text of the zoning regulations of the Town of Ridgefield to revise certain sections of the Housing Opportunity District (HOD) regulations, to permit residential development under Sec. 8-30g of the Connecticut General Statutes, and related amendment to the Comprehensive Town Plan and (2) petition to change the zoning map of the Town of Ridgefield from CDD to HOD and related amendment to the Comprehensive Town Plan, for 153± acres of land located at **616 Bennett's Farm Road**. Owner: Eureka V, LLC. Appl./Auth Agent: J. Casey Healy, Esq. (Note: Petitions submitted pursuant to zoning regulations in effect through 4/30/2007.) *65 days to commence public hearing ends 7/5/2007. For receipt, schedule walk and public hearing.*

Chairman Mucchetti noted that the application should be received, and a public hearing should be scheduled.

The Planner explained the need under Section 8-23 of the Connecticut General Statutes to refer the proposed amendments to the Plan of Conservation and Development to the Board of Selectmen no less than 65 days prior to the public hearing scheduled for review of the amendments. There is also a need under the Planning and Zoning statutes to set a public hearing on the applications within 65 days of receipt. The Planner suggested extending the time for setting the public hearing for 70 days after the date of receipt, pending agreement by the applicant, to solve the problem of conflict with the statutory timetables.

She said that the applicant had tentatively agreed to the extension. She suggested a one week extension to set the public hearing. Legal council confirmed that this would be one way to comply with both Sec. 8-23 and 8-70, (regulations for setting public hearing dates). She suggested setting the public hearing date for 7/10/07, which could

be confirmed upon the extension being granted by the applicant. If the extension were not to be granted, then the public hearing would need to be set for 7/03/07.

Mr. McChesney said that if the public hearing were to be continued, this could take them into August.

The Planner explained that there are 65 days for extension which can be used at any time during the process.

Dr. Autuori wanted clarification in the use of the terms “Comprehensive Town Plan” and “The Plan of Conservation and Development”. He felt that the terms were being used interchangeably. He objected to the applicant calling the plan the “Comprehensive Town Plan,” if what they are really looking to change is “The Plan of Conservation and Development.”

The Planner said that what they are calling it and what they mean may be different, but, she knows that they are referring to the Plan of Conservation and Development, because of references they have made to specific pages in that plan. She was more concerned, however, that the Commission comply with Sec. 8-23.

Mr. Katz cited two different memos dated 2/27/07 from Saccardi and Schiff, Inc., each of which presented different wording. He asked which memo the Commission was to use.

After some discussion, the Planner said that the one that was copied separately for them out of the text amendment notebook was the one to use.

Mr. Katz clarified that this would be the one they would reference for the text amendment, and the other one is for the zone change. That was correct, the Planner said.

Mr. Katz motioned to receive the application and to set a tentative public hearing date for 7/10/07, pending agreement by the applicant for the 5-day extension. The motion was seconded by Dr. Autuori and passed, 8-0. The item will re-appear on the 5/8/07 agenda to confirm the public hearing date. The Commission will study the application and may schedule a site walk pending their review of the information submitted.

8. **#2007-043-REV (SP):** Revision to Special Permit required by Sec. 312.02.E (new Section 9.2.7.e.ii) of the Zoning Regulations for the Town of Ridgefield to permit a fence on the property located at **27 Catoonah Street** in the CBD zone. Owner: 27 Catoonah Street Associates LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 7/5/2007. For receipt/discussion/action.*

Commissioner Walsh recused himself.

The Planner explained that the application was generated by a letter from the ZEO, who notified the applicant that the fence was in need of a revision to the special permit from the Commission. She noted her prior error in stating that the fence wouldn't need an approval, but explained that, because this is a special permit site, the fence is considered a revision to the special permit, and needs Commission approval in order for the applicant to receive a certificate of zoning compliance for the building. If an approval is not granted, the fence will need to be removed, because it was not approved as part of the original special permit.

Chairman Mucchetti noted that there had been a fire on the adjacent property at Georgetown Auto Body on the night of 4/28/07. She referred the Commission to photos that were provided online by the Ridgefield Press. She stated that the owner of the body shop, Patrick Venus, explained in a letter that they had had a 12' easement, but, because of the nature of their business and the types of vehicles needing access, that was insufficient. Mr. Venus brought this to the Commission's attention.

After the fire, the Planner brought the situation to the Fire Marshall's attention, trying to determine if the fence had any impact on the fire department's ability to fight the fire.

The Chairman said that the applicant had revised the opening in the fence to permit 20' wide access to the property behind. She personally went out to look at the site. She asked Attorney Robert Jewell to clarify what exactly had been done with the fence.

Mr. Jewell said that, to his understanding, the opening had been widened from 12' to 20'.

The Chairman asked him to define the limit of the fencing, since the map provided did not show the funeral home boundary.

Mr. Jewell explained that the idea was just to provide some screening between the back of the property and the funeral home. It is an area that demands some privacy, he said. The fence extends from the rear property line to where the edge of the building begins.

The Chairman said that when she went out to the property, she saw sod placed on the downslope and stakes in the ground. She asked if these stakes represented where the fence will go. Mr. Jewell said that they did. She asked if the fence will come up to the building. He answered that it will come right up to the end of the building. Chairman Mucchetti asked if it would be blocking the meters. Mr. Jewell added that the fence was designed to match fencing used at a neighboring property. She asked how Mr. Venus' employees who normally park back there would get to their place of employment. Mr. Jewell said that there would be enough space at the end of the fence for an average sized person to fit between the high stone wall and the fence. He said

that the applicant had no interest in blocking pedestrian access between those two parking areas. Mr. Jewell said that this was a courtesy, since there is no easement. The Chairman mentioned that Mr. Venus owns both the Kane's Funeral Home property and the body shop property, and currently has use of this access. Mr. Jewell confirmed that was true.

Mr. Jewell stated that there are really three issues involved here. There is the fence along the rear property line, the fence along the side property line, and the enclosure of the dumpster. As far as the dumpster enclosure goes, he said, the problem created with regard to access to the transformer is being addressed. "Whatever CL&P wants, CL&P will get," he said. They may move the transformer around to the other side.

Mr. McChesney asked what the widening of the fence represented. Did it mean that the applicant had reached an agreement with Mr. Venus? Mr. Jewell said that the applicant was "just trying to accommodate him". He continued by saying that the fence had now been widened to 20', but that he had an amendment ready for when discussion would take place with the fire marshal, who had submitted a letter. Mr. Jewell stated that he had walked the site with the marshal that day.

Dr. Autuori asked him what the fire marshal's assessment had been regarding the fighting of the fire. Mr. McChesney asked what the agreement with the fire marshal consisted of.

Mr. Jewell said that the marshal had said that the fence did interfere with the fire department vehicles, but not necessarily with their ability to fight the fire. He said that the marshal told him that if the applicant removed a half length plus a full length of fence, replacing them with some plantings, he would have absolutely no problem with it. The applicant is willing to do that.

The Chairman asked how the marshal felt about the fence on the other side of the property, noting that she had seen a section removed and leaning on its side. Mr. Jewell said that that piece had been backed off, as well. He said that the marshal has no problems with the fence on that side (the funeral home side).

Mr. Jewell summed up by saying that the one and a half fence panels will be removed, at the request of the fire marshal.

Mr. McChesney asked how many more feet of opening this represented. Mr. Jewell thought the panels were 8 feet in width, so this would be 12 more feet. But, the Chairman reminded the Commission that there are already curb cuts for the opening, and plantings will replace the fence sections being removed. She asked Mr. Jewell how wide the accessway to the back property will actually be. It was determined that it will be 20' in width, curb cut to curb cut, with plantings where the fence used to be.

Mr. Venus was given the opportunity to speak on his own behalf. He said that the letters speak for themselves. He was asked if he would be satisfied with what was being proposed that night. He said, “Absolutely not”. He doesn’t want the fence there at all. He asserted that, on the night of the fire, the fence prevented the ladder truck from getting 17’ closer to his building, which would have allowed the fire fighters to fight the fire from the rear. He explained that there is a fire wall in the center of the building. The flames were shooting from behind that wall. Had the truck been able to get closer, the fire fighters could have sprayed water down on his building. Instead, he claims he watched it burn down because they were only able to spray water at the flames instead of down onto them.

Mr. Venus went on to say that the fence was installed without approval. He feels that there is some kind of “agenda” with the fence. It was put up with the bad side facing his business, and a 12’6” opening through which he can’t run the business. He also can’t service his dumpster. He said it was thoughtless, and it is not a friendly fence.

The Chairman asked if the proposed widened opening would allow the passage of his trucks. He said it would, but he is not in favor of the proposal. He wants the fence down. The Chairman said she understood, but needed to know if the accommodations being made would be sufficient. Mr. Venus said they would, as long as they would pass the CL&P requirement labeled on the housing, which is a 3’ set back from the transformer. The dumpster pad is in the way. The Chairman asked the Planner if this comes under the Commission’s review as part of a site inspection. The Planner said that it would be the building department’s jurisdiction.

The Chairman asked Mr. Venus if the Commission were to get something in writing from the fire marshal supporting the revised plan being proposed that night, would he be comfortable with that.

There was ongoing discussion and clarification as to what exactly was being proposed.

Mr. McChesney said that, as he understood it, from the west property line, there would be a section of fence. Beyond that fence there would be some evergreens, which would be about 12’ in width, and then the opening. There was agreement that this was correct.

Mr. Jewell added that the half section and the full section of fence would be removed and be replaced with plantings, and the other sections that are by the other property line would remain.

Dr. Autuori asked if anyone had considered having the fence replaced entirely by plantings?

Mr. Katz said that the Commission has to consider the impact on the surrounding properties.

Mr. Jewell said that the applicant likes the fence. It was put up for aesthetic reasons. It was a blighted property. It helps the streetscape.

Dr. Autuori felt that the aesthetic of the applicant are not necessarily the aesthetics of the other property owner, and that the Commission must balance the two.

Mr. Jewell said that this is exactly what they are doing, based on the request of the neighbor, and their plan represents a fair compromise. It is no longer a health and safety issue, it's an aesthetic issue: "One guy likes the fence, one guy doesn't." There are fences on every property in that area, and this is a beautiful wooden fence and fits right in.

Tish Fredenberg, the owner of the property, said that the reason that they want to keep the sections of the fence in is to keep the balance between that side of the property and the other side, where the dumpster enclosure is.

Ms. Willis asked if they can come back with a plan that shows what is being proposed, get the agreement from the fire marshal, and tie it all up.

Mr. Katz said the Commission may want to walk it. That was thought to be a good idea.

Mr. Venus again brought up his feeling that there was a personal agenda here. The Chairman said that the Commission deals with the issues under their purview, but not with personal issues. Ms. Fredenberg assured everyone that there was not an agenda on her part, simply a desire to improve the aesthetics of her property.

Attorney Jewell, representing the applicant, agreed to return with a more detailed site plan. The item will appear on the 5/8/07 agenda for further discussion.

9. **#2007-044-REV (SP):** Revision to Special Permit required by Sec. 312.02.E (new Section 9.2.7.e.ii) of the Zoning Regulations for the Town of Ridgefield to construct a new checkout/dispatch booth and remove the existing booth on property located at **29 Prospect Street, Ridgefield Supply Company** in the CBD zone. Owner/Appl.: Louis H. Price. *65-day action period ends 7/5/2007. For receipt and schedule walk (if needed)/action.*

Chairman Mucchetti asked the Planner to describe the project, which includes a small shed on the interior of the site, to replace an existing small booth for the checkout/dispatch function in the lumberyard.

Mr. Katz motioned to acknowledge receipt of the application and to approve it as presented. The motion was seconded by Dr. Autuori, and passed by a vote of 7-0-1. Mr. Slavin abstained.

10. **#2007-045-SP-SR:** Special Permit application under Section 312.0 pursuant to Section 306.0.D for excavation, grading and filling in conjunction with construction of alternate driveway off of Wilton Road East to serve existing residence at **140 Wilton Road West** located in the RAA zone. Owner: Louis H. Price, Jr. and Jo-Anne T. Price. Auth. Agent: Frank G. Fowler III, PE, LS. *65 day to commence public hearing ends 7/5/2007. For receipt, schedule walk and public hearing.*

Dr. Autuori motioned to receive the application and to schedule a site walk for 5/20/07. The motion was seconded by Mr. McChesney and passed by a vote of 8-0.

COMMISSION WALKS

The following site walk was scheduled by the Commission for 5/20/07:

- **#2007-045-SP-SR: 140 Wilton Road West, Price**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- Special Meeting notice for Executive Session to be held on 5/2/07, to discuss litigation.
- Letter from the Planner to John Kinnear, Chairman of the AAC, requesting a joint meeting of AAC with the PZC on 5/8/07 to discuss the Village District.
- Letter from DCA Architects to the Planner, re tree that must be removed at the Ridgefield Housing Authority development under construction on Prospect Ridge.
- Memo from the Planner to Commission, with attachments written by the ZEO and the consultant erosion control specialist, re Toll Brothers construction site on Danbury Road, erosion concerns.

MINUTES

Mr. Katz motioned to approve the minutes of 4/10/07, seconded by Mrs. Willis. The motion passed, 8-0.

Mrs. Willis motioned to approve the minutes of 4/17/07, seconded by Dr. Autuori. The motion passed, 8-0.

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

Respectfully submitted,

Linda Caponetti
Recording Secretary