

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

May 12, 2009

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

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

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

At 8:26 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

Chairman Mucchetti pointed out the following correspondence:

- Letter re wetlands permit for **20 Peaceable Street**, from John McCoy, P.E., approval of work done, based on his inspection.

MINUTES

Mr. McChesney motioned, seconded by Mr. Chipouras, to approve the minutes of April 28, 2009. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:27 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

May 12, 2009

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

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

Public hearings were held prior to the meeting.

At 8:28 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

[**Note:** There was discussion about the order in which to address the items. Mr. Katz motioned to deal with items #2 and #4 first. There was no second to his motion, and Chairman Mucchetti proceeded with item #1. Then Dr. Gelfman raised the issue again, seeing applicants in the audience, and motioned to deal with items #2 and #4 first. After discussion, the motion was seconded by Mr. Katz and passed, 9-0.]

1. **#2009-018-VDC:** Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for demolition of vacant retail bank branch and office building (formerly Webster Bank). Property located at **25 Prospect Street** in the CBD zone. Owner/Apl.: Ridgefield Library Association, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 3/24/2009 and referred to VDC. Public hearing commenced and closed 5/5/2009. 65- day action period ends 7/9/2009. For action.*

Chairman Mucchetti opened the discussion by stating that she would like the Commission to have a discussion without a motion or second on the table, so that each Commissioner could state his or her own opinion without the pressure of a pending decision. No final decision would be required for 65 days.

Commissioner Walsh felt that adequate and detailed discussion should precede any motions for action.

The Chairman mentioned consultation with counsel which had been requested by several commissioners re the absence of the word “demolition” in the regulations. She asked Planner Brosius to report on her discussion with counsel regarding the use of the word demolition. Attorney Jewell's presentation for the applicant was referred to Attorneys for the Town, Francis Collins and Thomas Beecher. Also discussed with Town counsel was the applicant's contention that the Village District Regulations may not apply in the case of this application.

The Planner reported back, saying that Atty. Collins confirmed his original position that the demolition was, in fact, subject to the Commission's review under the Village District Regulations. He offered to put this in writing. She also asked if, in the absence of any other permit application, the Planning and Zoning Commission could hold a public hearing. It could, he said. She confirmed that the applicant or any other aggrieved party would be able to appeal through the Superior Court any contested decisions made by the Commission. Finally, Planner Brosius questioned counsel on the policy regarding opposing decisions by the Building Dept. and the Planning and Zoning Commission. Could a demolition permit from the Building Dept. supersede a decision by P&Z? Counsel's response was that both permits would be required for any action to take place.

Chairman Mucchetti asked Commissioners if their questions had been answered. They had. The Chairman asked all the commissioners to discuss their views on the application without having a motion pending. She also noted the 65 day period from the close of public hearing within which the Commission can render its decision. This time period allows any additional questions which may come up to be answered.

The Planner pointed out that a letter was received from a resident after the close of the hearing, as well as a list of persons who are against demolition (the number of which, 120, was referenced in the hearing by the First Selectman). These items cannot be entered into the record because the hearing was closed. In addition, a member of the 300th Anniversary Committee had offered a correction of information that was presented by another 300th Anniversary Committee member at the hearing. Since this is a correction/clarification of information presented, counsel said the correction could be clarified to the Commission by the Planner. The statement was made at the hearing that the old Playhouse building was not recognized by the 300th anniversary committee, when in fact it was included in the “Museum in the Streets” signage, administered by the 300th Anniversary Committee.

The Chairman asked if the Commission has the ability to re-open the public hearing after it has been closed, based on new information becoming available.

The Planner said the hearing could be re-noticed and then re-opened with the applicant's agreement. Part of the problem is that the public doesn't understand that the Commission cannot receive post hearing evidence, she said. People want to know why their letter “doesn't count.” The Planner also noted that extensions on the original application which were available had not been used.

The Chairman asked if re-opening the public hearing would require the applicant's notification and consent. The Planner said she would ask legal counsel, but the applicant would have to be in agreement and timelines would have to be considered..

The Commissioners each spoke at length about their views on the application.

Mr. Walsh felt that the problem with this specific application was that the Commission had not anticipated this type of situation when they adopted the VDC regulations in May of 2007. He supposed they had expected a demolition with some type of construction immediately following. He felt the request for demolition with no immediate plans for replacement is what makes the application so difficult. He talked about a replica of the building, and the fact that the backside of the building is not regarded as worth saving. However the facade (facing Prospect St.) is what helps keep the Village streetscape intact, which is so vital to many.

The applicant had presented the idea of a park or greenspace where the current facade stands, however, that does not preserve the streetscape, Mr. Walsh said. A replica facade might look and feel the same, he added. This would be sufficient for his affirmative vote.

Mr. Walsh felt strongly that the problem was not so much whether or not the library has the right to remove the building or the Commission the authority to preserve it, but, what will be put in its place. If people had been given that information, he said, the decision would be much easier.

Mr. Walsh agreed that the applicant had made a thorough presentation, and had good reasons for requesting permission to do what they felt they needed to do. Whether or not the building has historical significance is debatable, Mr. Walsh felt.

Mr. Fossi expressed agreement with Mr. Walsh and said he sees both sides of the argument very clearly. He also wanted to know what would replace the building if it is torn down. He said, "...if we approve this application, I think we would encourage everyone in the Village District to come forward with a demolition permit first.." and then a development plan a week or two later. This was not the intent of the regulation, he said. He cited the following from the Village District regulations: "...the removal or disruption of historic, traditional or significant structures or architectural elements shall be avoided or minimized," saying there may be arguments on either side as to whether or not the building is historic or traditional, but, it is certainly significant, he said.

Mr. Fossi said he would find it easier to approve the application if the library had come forward with an application which incorporated a replica or a reasonable facsimile of the facade of the building. Short of that, he did not feel comfortable approving the application.

Mr. Mische was not in favor of a replica, saying that the Commission is charged with the responsibility to preserve historic buildings, and this is a historic building, in his opinion. He read from Webster's Dictionary the definition of historic. The building was built in 1940 and represents a lot of how people lived and what they thought then, fitting the definition. Mr. Mische said that protecting buildings from the 1700's is easy. Their significance is recognized. But, the Commission must do its job now to protect buildings like this. He also researched Committee on Culture & Tourism [author of a letter entered into the record], the Historic Preservation - Museum Division, to determine the significance of their assertion that this building is historic. In fact, this Committee "administers a broad range of state and federal programs that identify, register and protect buildings," sites, structures, etc. which comprise Connecticut's cultural heritage, he said. He would agree with the VDC's decision to reject the application.

Mr. McChesney also was against approving the application but was greatly concerned about what would become of the site if the application was denied. If the building fell into disrepair, the Building Department (or the Board of Health) could declare it a hazard and force the demolition, he felt. He noted that the First Selectman had mentioned grants which might be available in that case, but, did not elaborate. Mr. McChesney doubted the grants would cover maintenance and on-going repair.

Mr. McChesney said the application presents a real dilemma. He was unsure how to vote, with his main concern being "What will the library do with that facility" if the Commission denies their application to demolish the building? He thought it might be worth pursuing grant money to tear down the back portion of the building and preserving the front portion, making it a structurally sound monument.

Dr. Gelfman asserted that the PZC is not the "designated group to solve the problem," but rather assigned to answer the request based on the Village District requirements. His own focus is on aesthetics, and he feels the building is "critical" to the pleasant aspect of Prospect St. The front and the side of the building are both critically important to the aesthetic of the street, he feels. The particulars, he feels, are to be worked out between the Library Board and the Selectman. These issues are not the province of the Commission.

Dr. Autuori also cited language in the Village District regulations. He did not agree that the language implies a denial of the request. He agreed with Dr. Gelfman about aesthetics, and with Mr. Mische's feeling that a replica is not the same as the original. He did not believe the library would be ready within the next few years to proceed with development of the property. He felt the Commission should deny the application without prejudice to allow the applicant time to approach the Selectmen for help with funding. If unsuccessful, the applicant could reapply through PZC, where the regulations would allow an approval, he felt.

Mr. Chipouras said the VDC consists of professionals with backgrounds in architecture and engineering. They voted unanimously not to allow the demolition of

the building. Mr. Chipouras, an architect himself, supported their position. He also agreed with Mr. Walsh that the absence of a plan for the site post demolition is what most concerns him. He questions why the building was allowed to deteriorate. Mr. Chipouras feels this is a historic building. The library did not maintain the building, allowing very severe structural and safety hazards to occur. He cited several: the foundation pulling away, columns pulling away from the facade. For the library to then use these failures as justification for requesting demolition is not acceptable, Mr. Chipouras felt. The suggestion of putting a fence around the property is equally unacceptable, he felt.

Mr. Chipouras also questioned the need for an expansion of the library. He was certain the library board had a master plan in place, as part of their fiduciary responsibilities. What is the plan for this property, post demolition, he questioned, saying he would not be in favor of a landscaped area that could remain as such for years. Until a clear plan is made available, he would not favor approving the application.

Mr. Katz commented on the very valuable role the library plays in the Town. He suggested that its interests are within the purview of the PZC to protect. Today, preservation means “adaptive re-use,” Mr. Katz stated, saying that there is no way the library can adaptively re-use the building in question. He agreed with Mr. Walsh that “there is nothing they can work with” in this building. He looked at how the VDC regulation might allow the PZC to consider permitting the demolition of the building, when its language is clearly prohibitive of such. However, a careful reading points to the use of the words “...or minimized” as a vehicle designed for just such a case as this application. This wording could give the Commission “any license [it] might find to go further in [its] deliberations’ regarding the potential approval of the application. Mr. Katz also noted the considerable amount of time before a decision was necessary.

Mr. Katz referenced the possibility of securing a grant, and suggested the library and the Town pursue this option. He felt they should take the allowable time to reach a solution, which “either way, would be offensive to the progress of this Town,” Mr. Katz said.

The Chairman offered her views, saying that her support for the new VDC regulations came from her “enthusiasm to preserve and protect the character of the Village.” It was the number one issue cited during the informational hearings on the POCD. As a community, Ridgefield's number one priority was the Village, and protecting and preserving it, she said. This building is significant for many for a variety of reasons, she said. It is also structurally one of the largest buildings in the Village. It has nostalgia and an attractiveness, and it’s part of the Village and part of our familiarity with our community, she added.

The Chairman said, while each building on its own may not seem to be terribly significant or worthy of great consideration, the Village is a sum of its parts and, therefore, each is worth preserving. She called this application the Commission's

“first real test,” of their desire to preserve the character of the Village or negotiate, based on a variety of personal preferences.

The Chairman also regretted the lack of further information. If the application was approved, she expected the potential for a fifteen-year process for redevelopment, based on the current economic circumstances and pending financial obligations of the Town. It could look like a park for fifteen years, and then the Commission would be dealing with the park as part of the “streetscape” under the Village District review, instead of the original building. Without more information, she could not support this application.

Dr. Gelfman asked if the number of letters received by the selectmen could be added to the record. The Planner said there were 120 names and addresses, which was stated for the record by the First Selectman, but the list of names cannot be added to the record, post hearing. Dr. Gelfman asked if, since there is some time, the Commission could suggest to the selectmen and the library board that they try to come up with other options. That can be done through staff, the Planner said.

General discussion continued.

Mr. McChesney asked if any condition could be placed on the denial which would force the applicant to take some type of action (e.g., maintain the building, get a state grant, etc.). The Planner said it could not, but said that PZC can give reasons for their denial and suggestions.

Mr. Walsh asked if an approval could be conditioned. Yes, it could, the Planner said. It was clear that the library had purchased the property to expand the library, she said. If the Commission established conditions (for instance, that the façade of the Old Playhouse would need to be replicated in any re-development), the Library would be obligated to follow the condition, because the Village District approval is binding, and must be filed in the land records. Any application for re-development of the property would have to follow that condition unless the applicant sought a revision to the decision.

Dr. Gelfman wanted to see if the adaptive re-use concept could provide some source of income for the selectmen “that would delay for some time the destruction of this building.”

Mr. Walsh said he was not trying to suggest a redesign.

Mr. Chipouras said, if the application is denied, the applicant can appeal it.

Dr. Autuori felt that, based on the comments at the meeting, the applicant will understand that PZC is conflicted and more information and discussion is needed for them to reach a decision. It would behoove the applicant to arrange a meeting with

the Board of Selectmen to come up with a plan which could lessen or eliminate some of the Commission's doubts and quandaries, he felt.

The Planner noted Mr. Katz's mention of the fact that the application could be withdrawn and resubmitted at a later date.

Mr. Katz said he “posited that as a constructive use of the information coming from wherever it comes if there's money to support some kind of a restoration grant...” The withdrawal would provide the time for that to occur.

Chairman Mucchetti noted that there was no motion or decision offered for approval or denial of the application. It was also noted that the Library Board and the First Selectman’s office would learn of the discussion through the minutes of the meeting and through members of the audience who were present for the discussion, and that perhaps an alternative action could be formulated by those parties, delaying demolition for the present, especially since there was no existing plan for permanent use of the property and construction of a new library addition. The Planner could relay information from the applicant to the Commission if pertinent to the scheduling and continuing of discussion going forward.

The item was tabled until further notice. [Note: 65 days for making a decision ends on 7/9/09.]

2. **#2009-021-SP:** Special Permit Application under Section 9.2 for an accessory dwelling unit approximately 1,064 square feet in an outbuilding located at **305 Main Street** in the RA Zone. Owners: Judith A. Biggar-Maguire and John Maguire. Appl.: Judith A. Biggar-Maguire. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 4/7/2009. Walked 5/3/2009. Public hearing commenced 5/12/2009. 65- day action period ends 7/16/2009. For action.*

[Note: **Mr. Walsh** recused himself from discussion and all participation on this item.]

Chairman Mucchetti noted that the hearing had been closed and that Mr. Walsh was recused, and asked for discussion on the item.

Mr. Katz motioned, seconded by Dr. Gelfman, to approve the application as presented (with standard conditions), noting that it complies with the standards and criteria of Sec. 9.2.A.5 of the regulations, for Special Permits.

The motion passed, 9-0. This is a final approval.

3. **#2009-027-A:** Proposed **amendment** to the zoning regulations, **exterior lighting regulations, Section 7.8.B** c/o Michael Autuori.

Chairman Mucchetti noted Dr. Autuori's proposed language for changing the regulation, and another version offered by staff.

Dr. Autuori read what he is proposing with editorial changes suggested by the Planner. He hoped that the language he is suggesting would go to a public hearing, where, if the wording need to be "downgraded," it would not require another public hearing – as opposed to the reverse, where upgrading of the language would require a public hearing. He cited the lighting on the Pinchbeck building, since they are not coming before the Commission on a zoning permit. He said the Planner's proposed wording would not have allowed any action in that case, while he felt that his language does: "...and to any new or replacement exterior lighting fixture installed on any building, structure or apputenance after the effective date of this regulation."

The Planner said that would not be the case if the lights are not being replaced. She asked Dr. Autuori what his intention for two-family houses and multi-family dwellings was. He preferred that they be included in the wording. The Chairman said, "So, you are moving into residential zones with this proposed regulation?" He said he would agree to leaving two-family homes out of the regulation. The Planner said that the ZEO would have issues with regulating residences, but this could be discussed at a public hearing.

Mr. McChesney asked where accessory apartments would fall. The Planner said they would still fall under single family status. But under a special permit, they could be regulated, she said, adding that the regulation's wording "still needs some work." There is conflicting language. Up to now, lighting has been regulated on special permit applications (home occupation, apartments, etc.) for single family homes, she said.

There was some discussion about the circumstances in which lighting would be regulated in single family homes.

Mr. Fossi was not comfortable with the Reasons section, which he found to be contradictory. The Planner agreed, and the "reasons" sentence needs to be modified. Mr. Katz referenced that a town ordinance for residential lighting restrictions would "come to the Commission's rescue" with regard to regulating the residential zones, and he talked about retroactivity

The Chairman brought the discussion back to the proposed language by Dr. Autuori, and whether or not the Commission wanted to move it forward to a public hearing.

Mr. Walsh said that the current regulations take care of exterior lighting compliance on commercial facilities, as new applications and new special permits come before the Commission. There should not be a need for review whenever anyone replaces a fixture, he felt. The impossibility of enforcement makes it prohibitive, Mr. Walsh said.

Mr. Katz agreed, but asked Mr. Walsh if it wouldn't be in the Town's interest to “speed that process along and make it more universal by regulating fixtures as opposed to applications, per se.” Mr. Walsh replied it was incomprehensible to put the Town in the position of trying to regulate all existing exterior lighting.

Mr. Mische added that it is impossible to determine when a fixture is replaced unless a special permit comes in.

Once again, the Reasons section was called into question. The Planner said the Reasons were incorrect on the staff version, and she would correct the wording. “zoning permits” would be added under the “Applicability” paragraph.

Dr. Autuori defended his goal of regulating newly installed lighting fixtures which don't need a zoning permit, and he cited the new “terrifically bright light” installed on the back of the Fairfield County Bank building, which doesn't shine down, but out into the night.

Mr. Mische asked how the office would determine when the lights in question were installed. When a complaint comes in, Dr. Autuori said, the office would go out to investigate. “So, you're suggesting selective enforcement,” the Planner said, “which is illegal,” she added.

The Planner said she did not disagree with the idea of decreasing glare and is frustrated with neighbors who use offensive lighting for spite or anger. The most common question in neighbor disputes is whether or not a regulation exists to stop one neighbor from shining a light at another, she said. Nevertheless, she asked the Commission to be careful about writing a regulation that will overtax the already decreased staff, “unless there is an issue that is a town-wide and needs to be addressed.” She said that she would like the Commissioners to feel comfortable that they are addressing a real problem here and not just a few problems that have risen to the surface.

Dr. Autuori presented a list he had compiled of fifteen lighting “violations” he'd observed and said that, if the Zoning Officer could address those, it would “eliminate the problem for a huge portion of the center of town.” Dr. Autuori called this a manageable number and said that the number of infractions will go down once the public is educated about the requirements.

The Chairman reviewed the proposed regulation and clarified its language and requirements. The Planner and Mr. Katz weighed in on the specifics. The Planner said that, if the intention is to exclude residential except for special permits, the word “non-residential” can be inserted into the wording. Dr. Autuori adjusted the wording to her satisfaction.

The Chairman asked if the Commission was clear on the language. Many commissioners were not. The item was tabled so that the language of the proposed amendment could be clarified, and discussion will continue on 5/19/09.

4. **#2009-026-SP:** Special Permit under Section 9.2 of the Ridgefield Zoning Regulations to permit signage on buildings and property located at **340 Peaceable Street** (Peaceable Farms) in the RAAA zone. Owner/Appl.: William Sabia. Auth. Agent: Timothy D. Fish. *Received 4/14/2009. Public hearing commenced 5/12/2009. 65-day action period end 7/16/2009. For action.*

Chairman Mucchetti noted that the hearing had been closed and asked for discussion on the item.

Mr. Katz motioned, seconded by Mr. McChesney, to approve the application, with conditions. He referenced the applicant's offer to turn off all lighting at close of business. He specified sign #1 on the stone/masonry building, sign #3 on the gambrel-roofed building (moving the sign to be level with the window, as suggested by the AAC), and sign #4, the street number/hours of operation on a post by the driveway. It was understood that the building signs were to be lighted with goose-neck fixtures, to be in compliance with Sec.7.8 in the zoning regulations, and that all lights would be turned off when the business is closed.

The motion to approve passed, 9-0. This is a final approval.

5. **#2009-028-SP:** Special Permit under Section 9.2 of the Ridgefield Zoning Regulations to permit a Montessori School on the first floor of an existing building located at **96 Danbury Road** in the B-3 zone. Owner/Appl.: Skylands, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 4/14/2009. Public hearing commenced 5/12/2009. 65-day action period end 7/16/2009. For action.*

Chairman Mucchetti noted that the hearing had been closed and asked for discussion on the item.

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the application as presented, noting that the use is permitted in the zone and that it is appropriate for the proposed location. The Planner suggested the standard conditions, including a note that it is the applicant's responsibility to obtain all necessary approvals from other applicable town and state agencies.

The motion to approve passed, 9-0. This is a final approval.

6. **#2009-006-MISC:** Joint meeting with VDC/AAC to discuss VDC By-Laws.

Chairman Mucchetti noted that this was not a convenient night for the AAC/VDC members to stay late for the discussion, and the item was tabled. It was tentatively re-scheduled for June 9th.

NEW ITEMS

7. **#2009-032-S-SP:** (1) Application for a 5-lot Subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **32 Hickory Lane and 164 Florida Road** consisting of 11.686 acres of land in the RAA zone and (2) Special Permit Application under Section 9.2 as required by Section 3.2.C.5 of the Ridgefield Zoning Regulations to permit an accessway off Hickory Lane to serve three new lots in conjunction with the 5-lot subdivision. Owner/Apl.: Wynmar Properties, LLC. Auth. Agent: John F. McCoy, VII, P.E. *65-days to commence public hearing ends 7/16/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested June 7 for a site walk and June 16 for the public hearing.

Mr. McChesney motioned, seconded by Mr. Mische, to acknowledge receipt and to schedule the walk and public hearing as suggested. The motion passed, 9-0.

8. **#2009-033-VDC-REV(SP):** Village District Application under Section 8.3 and Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to permit outdoor deck display on property located at **29 Prospect Street**, Ridgefield Supply Company, in the CBD zone. Owner: Louis Price. Appl./Auth. Agent: Bennett Fletcher. *65-day action period for revision ends 7/16/2009. 35-days to receive VDC report ends 6/16/2009. For receipt, discussion/action.*

Chairman Mucchetti introduced Ben Fletcher for the applicant, who addressed the Commission.

Mr. Fossi asked if the proposed location of the display meets the setback regulations. The Planner said that it does.

Mr. Fletcher said that he had been to the Village District Consultant earlier in the evening, and that they recommended moving the outdoor display to the west, on the other side of the sidewalk.

Mr. Jeffrey Mose, Vice Chair of the VDC, was in the audience and offered more detail on the VDC's reasons for this request. The applicant had been asked to come back with a sketch of the proposed new location.

The Chairman asked Mr. Mose if the VDC had a quorum on their vote at that night's meeting. Mr. Fletcher said he had not gotten their approval. They would like the location moved to the grassy area at the opposite side of the front door. He will check with the owner of Ridgefield Supply to request that area.

Mr. Mose offered a few comments about the VDC's decision. They did not like the idea of loading up the front of the building with deck elements, but preferred using the other side where down the road, if the existing train station is dismantled, there would be a large void between the two buildings, and this deck would provide a good transitional element to link the two buildings.

The item was tabled pending the new drawings and confirmation of comment from the VDC.

9. **#2009-034-SP:** Special Permit Application under Section 9.2 required by Section 7.5.D(table #6) of the Ridgefield Zoning Regulations for excavation on property located at **269 Nod Road** in the RAA zone. Owner: High Ridge Custom Homes, Inc. Appl.: Patrick McNamara. *65 days to commence public hearing ends 7/16/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and suggested June 7th for a site walk and June 9th for a public hearing.

Mr. Mische motioned, seconded by Mr. Chipouras, to acknowledge receipt and to schedule the site walk and the public hearing as suggested. The motion passed, 9-0.

10. **#2009-035-REV(SP):** Revision to Special Permit Application under Section 9.2.A.7.e to convert approx. 4,000 s.f. of space from a day care to 6 residential apartments including one restricted affordable unit under Section 8-30g of the Connecticut General Statutes located at **100 Danbury Road, Unit C** in the B-3 zone. Owner/App.: Ridgefield Apartments, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 7/16/2009. For receipt/schedule discussion.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and noted that the applicant would be present for presentation and discussion of the item on 5/19/09.

Dr. Autuori motioned, seconded by Mr. Fossi, to acknowledge receipt and to schedule for discussion as suggested. Mr. Katz asked why the application could not be approved immediately. The Planner stated that it was necessary to discuss and understand the particulars of the application on the record, to confirm the Commission's understanding of the request and to allow questioning of the applicant.

The motion to acknowledge receipt and schedule the discussion passed, 9-0.

COMMISSION WALKS

As noted above, the commission scheduled the following for site walk on **June 7, 2009:**

- **#2009-032-S-SP:** Subdivision and Special Permit **32 Hickory Lane and 164 Florida Road**, Wynmar Properties, LLC
- **#2009-034-SP:** Special Permit **269 Nod Road**, High Ridge Custom Homes, Inc

The following site walk had previously been scheduled for **June 7, 2009**:

- **#2009-030-SP**: Special Permit **40 Grove Street**, 40 Grove Street LLC

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2007-130-SP-VDC-SR**: request for \$95,000.00 bond release. Property located at **27R Catoonah Street**, (Georgetown Autobody). *PD recommends 100% release.*

Mr. Katz motioned, seconded by Mr. Chipouras, to release the bond as recommended by the Planner. The motion passed, 9-0.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter from architect Jeff Mose, re lot coverage and floor area calculations for large-lot zones, and suggestions for changing the current limitations. The item will be discussed on 5/19/09.
- Quarterly Newsletter from the CT Federation of Planning and Zoning Agencies.

MINUTES

Mr. Mische motioned, seconded by Mr. Chipouras, to approve the minutes of April 28, 2009. The motion passed, 9-0.

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

Respectfully submitted,

Linda Caponetti
Recording Secretary