

APPROVED / REVISED
MINUTES OF THE SPECIAL MEETING
PLANNING AND ZONING COMMISSION

June 29, 2010

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

Absent: Phil Mische

Also Present: Heidi Samokar of Planimetrics, consultant for the update to the Plan of Conservation and Development. The Planner was absent due to injury.

A public hearing on the final draft of the POCD was held prior to the regular meeting. At 8:20 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-016-POCD: PLAN OF CONSERVATION AND DEVELOPMENT Update, Town of Ridgefield**, adoption of proposed Plan. *For discussion.*

Chairman Mucchetti pointed out that the Plan would not be adopted at this meeting, but the time should be used to discuss the comments from the public hearing, and to agree on changes that might be appropriate. There could be continued discussion on July 6th, when the Commission would hopefully be joined by the Planner.

Mr. Katz asked to hear Ms. Samokar's comments on the suggestions made by the Conservation Commission. He agrees that the sidebar on page 6-4 (concerning "buildable land" calculation) should be removed rather than replaced. It is better to take a neutral position than to preclude future consideration for some type of regulation that might protect natural resources.

He also commented on the fact that this is Plan of "Conservation" and "Development," and that there should be emphasis on "green" building and energy conservation, and how to achieve it. This should be encouraged throughout the Plan.

Mr. Walsh said that this was the third or fourth time that the Conservation Commission had brought up the recommendation to remove the sidebar on page 6-4, and it has consistently been the consensus of the Commission to leave it in. The language provides an historical approach to what was in the 1999 Plan [which took

the opposite position about regulation of sensitive land]. The question now, in 2010, is whether it is right to impose regulations limiting land use as a town-wide restriction. A parcel-by-parcel approach is more appropriate, and is now the Commission's intent.

Mr. Katz asks how the elimination of the sidebar would abuse the potential to take the parcel-by-parcel approach? He believes the Plan should be neutral on the issue, rather than specifically against regulation. The negative position robs the Commission of its freedom to go against the specific recommendation of the document, if language for a regulation could be agreed upon in the future. Taking the sidebar out would allow the Commission to go either way on regulation, or to continue with review on a parcel-by-parcel basis.

Mr. Walsh points out that the third paragraph of the sidebar specifically addresses that issue. **Mr. Katz** feels that the sidebar language does not allow a regulatory approach to the protection of natural resources, which are impossible to reclaim once they are gone.

Dr. Autuori reads the first paragraph of the sidebar to make a point: "Buildable land regulations require the deduction of certain natural resource areas (such as steep slopes) when calculating development potential." He says emphatically that this is stealing land. The Commission can regulate and protect land, but the language of a "buildable land" regulation makes land disappear. Eminent domain is for the taking of land, and regulation for buildable land area is not the way to do this.

Mr. Fossi says he agrees that the sidebar should remain as is. He feels the language does allow some flexibility. He appreciates the Conservation Commission's concerns, but this is a balancing act. He will not support the removal of the sidebar.

Chairman Mucchetti pointed out that this has been discussed again and again, and there has never been a majority vote to remove it. She does not find the language offensive.

Dr. Gelfman said the Commission adopted regulations to subtract steep slopes from the "buildable land" area, but the amendment was defeated on appeal only because of a technicality, not for substance. He still thinks it is appropriate.

Mr. Katz points out that PRD regulations would not be affected by any such regulation in any case; previous court decisions have dictated that the number of lots in a PRD is set by simple mathematical calculation: The total land area is divided by the minimum lot size requirement for the underlying zone.

Chairman Mucchetti asked if there should be another formal Commission decision on this issue. She took an informal poll of the Commissioners, and there were two in favor of the removal of the sidebar (Commissioners Katz and Gelfman) and all others favored leaving it in.

Mr. McChesney referenced the Conservation Commission comments pertaining to Chapter 7 (letter from Dr. Oko dated June 29, 2010), and found them to be valid. He recommended making the changes as requested.

Mr. Walsh commented on the request to add the words “deeded to the Conservation Commission” to the first bullet on page 7-2 (Protected [or Dedicated] Open Space), following the words, “Town-owned conservation land.” The Conservation Commission requests adding the words, “deeded under the jurisdiction of the Conservation Commission,” because land in the past has not always been properly deeded for conservation. Mr. Walsh felt that another bullet might be needed. Discussion continued, with the final result being agreement with the Conservation Commission recommendation.

Mr. Katz referenced the Conservation Commission request for change on page 6-8, under “Protecting Water Quality – Surface and Ground Water.” He agreed with the suggestion, and would add the following words to the end of the last sentence in the first paragraph under that section: “can contribute to water pollution...and include the risk of flooding to developed and undeveloped land.” All agreed to the change.

Dr. Gelfman referenced page 6-4, and the concern that land that is put aside for open space is often more than half water. He feels that density allowed under the PRD often results in a greater number of lots than can be supported by the buildable land. The Chairman referenced the earlier discussion on this topic, and pointed out that the majority of the Commission does not want to see a regulatory approach that would subtract sensitive lands. Dr. Autuori agreed, saying that the argument is valid, but the question is how to achieve the intended result.

In regard to other issues raised during the hearing, **Ms. Samokar** noted that references to tree regulations have been included in more detail in plans in other towns, and she could write something for the Plan, or she could add to the implementation “toolbox,” which gives the Commission some flexibility in how to deal with the issue in the future.

Mr. Katz supported the toolbox approach, agreeing that the Plan does not need to be specific. Tree Ordinances or zoning regulations are hard to enforce, and specifics would need to be worked out carefully. All agreed.

Chairman Mucchetti confirmed that the Commission was in agreement to adding the Conservation Commission changes recommended for pages 7-3 and 7-6. All agreed.

The Chairman distributed a draft letter of introduction to the Plan that she had prepared earlier in the day. It was offered that the letter could be reviewed in more detail at the next discussion, but all agreed that it was very well written. Mr. Katz

suggested substituting the word “privilege” for ‘honor.’” In continued brief discussion, it was agreed that “pleasure” would be substituted instead.

Mr. Samokar will review the marked-up copy of the Plan provided by Emma Lou Benedict (Commission for the Disabled). All agreed that, unless there were significant recommendations, there should be little more to add.

Mr. McChesney repeated Mr. Katz’s earlier comments, praising the consultant for all of her hard work in preparing the Plan. **Chairman Mucchetti** noted that the Chairs of the various regional towns (who she has met at meetings) were familiar with the Planimetrics firm, and all had high praise for their work on regulations, special plans, and Plans of Conservation and Development.

Chairman Mucchetti pointed out that an index was suggested for the Plan, but that the pagination system made it difficult to prepare an index in any simple fashion. Re-pagination might be required in order for the index to be prepared by the MSWord software program. **Ms. Samokar** suggested that she prepare a list of major topics (for instance, “sustainability”) and that the pages where discussion on this topic could be found would be listed. There might be a dozen or so such topics. All agreed.

Further discussion will continue when the compilation of recommended changes has been prepared by the consultant planner.

NEW ITEMS

There were no new items.

COMMISSION WALKS

The following site walks were previously scheduled for **July 11, 2010:**

- **#2010-058-SP-SR-FL: Special Permit 599 Branchville Road, Binn**
- **#2010-059-SP-SR: Special Permit 599 Branchville Road and 4 Stony Hill Terrace, Binn and CT DOT (under contract by Binn)**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

There were no minutes for approval.

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

Respectfully submitted,

Betty Brosius
Director of Planning (from audio tapes)