

APPROVED / REVISED
Minutes of the Special Meeting
INLAND WETLANDS BOARD

July 28, 2009

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Phil Mische
Rebecca Mucchetti, Chairman

Absent: Peter Chipouras
Patrick Walsh, Vice Chair

Also Present: Betty Brosius, Inland Wetlands Agent

At 7:30 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

The following item was previously scheduled for site walk on **September 13, 2009**:

- **#2009-062-PR**: Plenary Ruling **Water's Edge Way**, Hearing and Hearing, Inc.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter dated 7/24/09 from Agent Brosius to S. Trinkaus, P.E., requesting additional information about the septic system for the application for **Water's Edge Way**
- Letter dated 7/24/09 from Agent Brosius to Wayne Wood, requesting legal information regarding access and use of **Second Lane**, for single home development

MINUTES

Mr. Katz motioned, seconded by Mr. Fossi, to approve the minutes of **July 21, 2009**. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:31 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
Minutes of the Special Meeting
PLANNING AND ZONING COMMISSION

July 28, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning

At 7:32 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-016-POCD: PLAN OF CONSERVATION AND DEVELOPMENT,**
Town of Ridgefield, Workshop

Chairman Mucchetti recognized Heidi Samokar of Planimetrics, present to conduct the work session discussion on the update to the Plan of Conservation and Development (POCD).

Ms. Samokar explained the Memorandum that had been distributed to the Commission on July 21st, an outline of the Key Issues and some proposed General Strategies for each of the main topics to be covered in the update to the POCD. The “strategic directions” in the outline would serve as talking points for the work session, and the consultants will prepare a first draft plan for discussion and review with the Commission at the end of September. A second draft will be prepared for a public meeting in October or November.

Under **Community Character**, Ms. Samokar said it was very clear that all of the input supports the desire to keep a small-town atmosphere, and to preserve the downtown village character. The general strategies from the 1999 plan remain valid. Planner Brosius pointed out the adoption and implementation of the Village District as carrying out a recommendation of the 1999 plan, but that further refinement is needed to accomplish character preservation while maintaining a business-friendly regulatory process.

Handi-capped accessibility to town services and businesses was identified as a priority.

Dr. Autuori asked about the source of the material used to prepare the outline in the memorandum. Ms. Samokar explained that the process involved looking at the current plan and its format with the intent to update the various sections, and then including some of the issues brought forth by the boards and commissions in June. For example, the Conservation Commission submitted a lengthy document and there are some good points that can be taken directly from its submission, but the consultants also listened to the Commission and summarized input from the boards and commissions according to comments that were made by PZ Commissioners. The first draft will be a summary of what the consultants think they heard, and it can be marked up, changed and edited prior to putting the second draft out for further comment from others.

Dr. Autuori had several concerns about the input from the Conservation Commission for the section on *Natural Resources Protection*, and he provided the Commission with a summary of his thoughts. He had also marked up a copy of the Conservation Commission document with some of his concerns, and also Chapter 6 on Open Space, which had been edited and updated by Dr. Oko of the Conservation Commission. Dr. Autuori emphasized that he was in favor of preservation and protection of natural resources but feels strongly that the property rights of landowners need to be protected from an economic perspective; he does not favor the position that sensitive lands need to be subtracted from “developable land” areas, resulting in a decrease on the density or potential yield of a piece of property. He feels that the Conservation Commission may be reaching for something too extreme and severe in terms of land protection.

Mr. Katz asked if Dr. Autuori was therefore against “land-based zoning”? The Conservation Commission is saying that regulations should exclude from the calculation of developable property the land that can’t be developed, and the number of units that could be developed on the total acreage is adjusted accordingly. The development then takes place in areas that are not environmentally sensitive, forcing higher density on the developable land. The Conservation Commission is saying that the number of units (yield) should be decreased by not giving credit for the land area that cannot support development. Mr. Katz believes that the Commission needs to recognize that the town can ill afford a large expansion of the population, which would require widening of roads, expanding sewers, etc.

Ms. Samokar says that she sees three issues in front of the Commission: (1) Is the Commission comfortable with the potential build-out of the vacant land? Or should the Commission consider a concept like transfer of development rights (TDR) to allow higher density in some areas provided that density or build-out is avoided in others?; (2) Should the Commission elect to reduce density as suggested by the Conservation Commission, by permitting yield and development of a property based on the “buildable land” area?; and (3) Should the Commission focus on site-specific planning, requiring that density (at the current build-out calculation) be only allowed on the buildable land? The question is whether there should be a reduction, or just management of what buildable land is left.

Dr. Gelfman asked Planner Brosius why the Commission's regulation limiting density according to slopes and wetlands was thrown out by the courts. The response was that the Commission failed to include the restriction consistently in both the subdivision regulations and the zoning regulations. Since then, many towns have successfully developed regulations that accomplish what Ridgefield wanted. It may be easier, with the revised zoning regulations, for Ridgefield to again consider this regulation and incorporate it into both zoning and subdivision laws.

Dr. Gelfman cited specific examples of lots (reviewed by the Inland Wetlands Board) that should not be developed because they are largely wetlands. A buildable land regulation might appropriately eliminate these lots from development.

Dr. Autuori feels that a "subtraction" law, that eliminates slopes and wetlands from the calculation of yield effectively "steals" land from the property owner without compensation. He strongly supports the idea of clustering homes on buildable land, producing smaller units. You can put more units in a tight cluster.

Ms. Samokar said she is hearing very different opinions on this issue and will need to understand some resolution in order to draft the POCD chapter appropriately.

Mr. Katz says that the Commission needs to examine the changes in the land and the town between 1999 and the current update for 2010. There is currently a decreased supply of developable land. Dr. Autuori feels that a change in the regulations would deprive property owners of the yield on their land, representing an unjust distribution of wealth; those who could afford to develop in the past decade reaped the benefits of the existing regulations, and those with undeveloped land now will be deprived of potential yield. Mr. Katz pointed out that market supply and demand determines value, and that yield and return on property value is dependent on supply and demand.

Mr. Mische added that, as the amount of developable land shrinks, only the marginal lands are left. He does not believe in idea of the "intrinsic value" of land, and that environmentally sensitive lands should be "taken off the table".

Mr. Fossi contributed his opinion that the days of very large homes ("McMansions") on large lots are over. In the foreseeable future, people will want smaller homes on smaller lots. There is a need for flexibility in the regulations, so that if there are (for example) 5 acres of good land on a parcel of 20, then the same density allowed on the 20 acres should be allowed to be concentrated in the 5-acre section. The Conservation Commission, in supporting the subtraction of steep slopes and wetlands from the calculation of yield, discourages clustering and PRDs (planned residential developments). Mr. Katz pointed out that not subtracting out wetlands and steep slopes would then be the incentive to cluster at higher density.

Chairman Mucchetti points out the Conservation Commission made the same arguments earlier, when the P&Z Commission was revising its zoning regulations. The Conservation Commission's current position for the POCD is the precursor of a request

(again) for changes in the zoning regulations. Their position is to limit development by supporting a long list of restrictions on the use of property.

[Note: Mr. Katz left the meeting at this point, at 8:10 p.m.]

Mr. McChesney pointed out that homes built on sensitive lands are harder to sell, citing the Ledges Road home on steep slopes as an example. It did not sell even when the market was good. He feels that landowners need to understand that steep slopes and wetlands are limiting to the potential yield for development, and that homes built on sensitive lands, like the Ledges Road house, may not be marketable.

Ms. Samokar will summarize the various points raised by the Commissioners, understanding that there is agreement about protecting sensitive lands from development, but that there are varying ideas about how development should be limited on those lands.

She also pointed out that the Commission needs to decide how to use the Natural Resources Inventory when it is developed by the Conservation Commission. The document can be a valuable tool in identifying areas that are particularly sensitive, and it can pinpoint areas that need to be protected.

She also referenced comments made by many who would like to see the town adopt policies about “green” building practices, energy conservation and alternative energy sources. The consultants would recommend that the Commission consider regulations that would allow appropriate energy conservation methods and alternative energy sources.

Regarding Open Space, **Dr. Autuori** said that there is a need to distinguish between “perceived” open space and real, protected open space. There was agreement that there is a need to define “passive” open space (walking trails) and “active” open space (ball fields, golf courses, etc.), and to discuss the quality as well as the quantity of open space that would be desirable. Acquisition of more open space should continue; Dr. Autuori mentioned new State legislation that would provide the opportunity for acquisition of the former “Super 7” lands owned by the Connecticut Department of Transportation, and that these lands should be pursued by the town.

Dr. Gelfman feels that “high and dry” open space lands are as important as preserving wetlands and steep slopes, and cited the meadow lands at Turner Hill as an example. The Parks and Recreation Center on Danbury Road is built on some of the high and dry land, but there is constant pressure to use more of that land for parking lots and ball fields. Only the wetlands remain undisturbed.

Ms. Samokar pointed out that the Historical and Cultural Resources section is a work in progress, as further input is expected from the Historical Society.

Under *Community Structure*, Ms. Samokar passed out a color map of the town, showing the commercial “nodes” in the town center, at Routes 7/35, and in Branchville.

Chairman Mucchetti mentioned that she attended almost all of the EDC meetings, and the EDC recommendation to develop better “gateway” appearances was a valid goal.

Ms. Samokar asked about the status of the Ridgefield Center Study and how the Commission wanted to use it in reference to the Plan. Planner Brosius pointed out the final draft had been prepared and it would be on the town’s website soon. The Commission would need to officially adopt it at a meeting in September. All agreed that it should be referenced as a source of information in the POCD, but that it did not need to be re-created in the Plan. The Branchville Study would be referenced in a similar fashion.

Ms. Samokar asked about Bailey Avenue, and what the vision of the Commission is for that area. Should it be an extension of Main Street? All agreed that the road needed improvement if it was to be changed to two-way, and that development of the large parcel owned by Ridgefield Supply would be an important consideration in shaping that area as an extension of the downtown business center.

Regarding Branchville, there was discussion about amending zoning regulations to allow more flexibility of development. There were differing opinions on whether the extension of sewers into Branchville would be a benefit. The threat of inappropriate high-density development (with the introduction of sewers) is a concern. Mr. Fossi felt that the gravel-type soils in the Branchville area support adequate septic systems on most of the properties. Planner Brosius pointed out that the EDC is focused on Branchville and has interest in sewers and development of that area as a Transportation Oriented Development (TOD) zone, allowing residences and businesses in close proximity to the train station. There was agreement that a parking garage at the train station would be desirable.

Under *Housing and Residential Areas*, Ms. Samokar said that the overall strategies in the current (1999) plan hold true. At public participation meetings, there were two suggestions: (1) allow more housing density within the village boundaries, with apartments above stores, or apartment buildings, and (2) allow more high-density housing around the perimeter of the village. Others wanted multi-family development town-wide to be more carefully controlled.

The Commission reviewed Planimetrics list of “approaches” to housing and identified current approaches as “intermediate,” with existing regulations to encourage the preservation of existing housing, and regulatory approaches to encourage or permit other types of housing.

Chairman Mucchetti suggested a more pro-active approach to affordable housing, rather than looking at only developer-proposed high-density housing. The HomeCT legislation was mentioned as one way to do that. Planner Brosius noted that the Affordable Housing Committee supports the creation of a Housing Trust Fund.

Ms. Samokar pointed out that inclusionary zoning is quite common in some communities and particularly in other parts of the country. Requiring set-asides with every residential development works in a good economy, but is harder to administer when the market is weak.

The goal of 10% affordable housing was recognized as in-achievable, but should remain in conformance with existing state law.

Under *Economic Development*, Ms. Samokar noted that she had incorporated some of the Economic Development Commission's recommendations into the outline, including the 13-18% total of the Grand List for non-residential tax base, improvement of the "gateway" entrances to town, and a recognition that study is needed for the Route 7 corridor.

There was some discussion about what should be done on Route 7. Allowing retail is not popular with the Commission, and has been prohibited there for years. The Planner noted that there are areas where limited retail might be warranted, with regulations to prohibit big-box development. Mr. Fossi said the area around the Route 35/7 intersection would be logical for retail, because it already exists. The area north of the existing B-1 zone in Branchville might also be a place to allow some retail.

Under *Infrastructure*, Ms. Samokar said that there was still information coming in from some town agents and agencies, but that she had spoken to the highway department and the school superintendent. The fire department input has not been received.

The question about finding alternate routes around Ridgebury (in the 1999 plan) was seen as difficult to achieve, and improvements to Route 7, when complete, should keep "detour" traffic out of Ridgebury.

There may be some merit to combining fire and police services in one location, if a suitable site and funding became available. There were recommendations from some town agents (in the surveys) and from the public about combining town services in general, by putting all town offices in the Old High School.

Handi-capped accessibility was identified as a priority when constructing sidewalks and public spaces.

For *Utilities*, there was brief discussion about the Route 7 sewage treatment plant, and making expanded capacity available to existing businesses. The plant is currently at

capacity and even existing sites are under-served. Ultimately, the WPCA will be identified in the plan as having jurisdiction over the sewer service area.

Mr. McChesney would like to see the utility poles on Main Street eliminated, with utilities underground.

Ms. Samokar mentioned that the Town Engineer felt a town-wide drainage study (mentioned in the 1999 plan) was still a valid concern.

The Commission commended Ms. Samokar on her hard work and the completeness of the presentation. The next work session will be scheduled for the end of September.

NEW ITEMS

There were no new items.

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Distributed by mail to the Commission:

- Letter dated 7/23/09 from Planner Brosius to West Mountain Estates HOA, re understanding about installation of light shields at HOA tennis courts, **126 Eleven Levels Road.**

MINUTES

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of **July 21, 2009**. The motion passed, 6-0. [Mr. Katz was not present for the vote.]

Hearing no further discussion, the Chairman adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning