

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

September 22, 2009

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

Absent: Joseph Fossi

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

Public hearings were held prior to the meeting. The Planning and Zoning Commission meeting was convened prior to the Inland Wetlands Board meeting.

At 9:51 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-047-PR:** Plenary Ruling application as required by Section 7.6 of the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield for regulated activities within the wetlands and upland review areas for piping and reconstruction of watercourses in conjunction with the development of a single family residence on property located on **Second and Third Lanes** in the RA zone. Owner: Wayne E. Wood and The Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy, VII, P.E. *Received 6/16/2009. Public hearing commenced 7/21/2009, Extension granted thru 9/22/2009. Continued public hearing 9/1/2009 and 9/8/2009. (28 of 65 days of extension used thru 9/22/2009).*

Chairman Mucchetti noted that the applicant had suggested a new site walk, the Board had scheduled the site walk for September 27, 2009, and the applicant requested further continuation of the public hearing because revised plans were still being prepared.

The public hearing was continued to October 13, 2009.

2. **#2009-056-SP-PR:** Plenary Ruling Application under Section 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for bridge installation crossing the Silvermine River for residential development on Lot #6 in the Shafer Subdivision, **Spectacle Lane and Wilton Road East**. Applicant/Owner:

Pyramid Luxury Homes Joint Venture. Auth. Agent: JFM Engineering, Inc. *Received 6/30/2009. Walked 7/12/2009 and 9/13/2009. Public hearing commenced 9/1/2009 and continued to 9/22/2009. 35- day action period ends 10/27/2009. For action.*

Chairman Mucchetti noted that the hearing had been closed.

Mr. Katz motioned, seconded by Dr. Autuori, to request a draft resolution of approval for the application, with a condition requiring bridge abutments to be no closer than the extreme outer edge of the stream channel.

Chairman Mucchetti asked for clarification on the exact location – in the channel or out of the channel. Dr. Gelfman said that, in testimony, it was learned that the bridge recommended by the engineer only comes in 24 foot lengths. There was some disagreement, but the planner agreed that this particular bridge comes in 24 and 48 foot lengths.

Dr. Gelfman suggested that, if Mr. Katz insisted on those specifics, it would need to be a different type of bridge.

Mr. Katz felt that, based on testimony heard from neighbors at the public hearing, any constriction of the channel by abutments could contribute to flooding.

Dr. Gelfman disagreed, and said that Mr. Katz' motion does not reflect the limited sizes in the prefabricated bridge proposed. The proposed bridge could be only 24 feet wide or double that, and he was greatly opposed to a 48 foot span.

Dr. Autuori said he sees no basis for encroaching on the channel when the abutments can go on either side.

There was disagreement about whether or not 4 foot sections were presented by the engineer for this application. The Agent said they were mentioned, but, not as a part of the bridge Mr. McCoy recommended – a single, arched, concrete structure.

Mr. Mische asked how the width of the stream bed could be determined. He felt that, based on the data presented, the 24 foot bridge would suffice.

Mr. McChesney supported the project, as presented by “an engineer who has looked at it very thoroughly.” He was impressed with Mr. McCoy's in-depth study.

Chairman Mucchetti stated that Mr. McCoy was asked during the public hearing if he would modify, and he firmly stated that his application was “as presented” with a 24 foot bridge. The option would be for Mr. McCoy to accept or reject the Board's recommendations.

The Agent said that a very well engineered plan was at the table, with detailed drawings along with a site plan. If the Board wanted a different size bridge, she felt

they would have to deny the application. Then, the applicant would have to come back with a new application.

Mr. Katz defended his position, saying that engineers provide the plans, and the public, which is impacted by the plans, factors in at a public hearing. He said the comments and information provided by the public is very valuable.

Mr. McChesney said that he is also highly in favor of public hearings, and he took the public's comments into consideration when making his recommendation.

Mr. Mische said that Mr. McCoy presented data about a hundred year flood plain that would be higher than anyone had ever seen through the channel. Mr. McCoy stated that the bridge he is proposing could “flow that,” Mr. Mische said.

Dr. Autuori said that Mr. McCoy is an excellent engineer, but could not provide measurements of how much extra capacity was needed to contain the overflow when the upper culvert flooded. It was an unknown, even from an engineering perspective, Dr. Autuori said. Taking that into account, along with the testimony of the public, he felt it was imperative that the bridge abutments not intrude into the channel, even if that meant denying the application.

The Agent said the flood plain discussion was more appropriate for the Special Permit application than the wetlands one. She stressed Mr. McCoy's proven integrity before this Board, and acknowledged that the Board had not hired an outside expert to review his work. Now, there is a good deal of data and expert testimony from a Connecticut licensed professional engineer, stating that this bridge is an adequate design for the proposed purposes, with no other professional testimony to debate that.

Mr. Katz withdrew his motion and Dr. Autuori his second.

Dr. Gelfman said that the only testimony that cast any doubt on the capability of the proposed bridge was that of the closest neighbors. However, under questioning by the Board on the site walk, the neighbors agreed that the two times they were flooded, it was from above. Dr. Gelfman felt that Mr. McCoy adequately explained how that happened. In addition, “the channel changes completely after it leaves their property,” he said. Where the bridge is located, it is a very gentle bowl, Dr. Gelfman said. He fully accepts Mr. McCoy's expertise and assessment.

Dr. Gelfman motioned, seconded by Mr. McChesney, to request a draft resolution of approval for the application, according to the plan shown on the latest revised drawings presented to the Board at the hearing.

The Agent clarified the reason for an approval is because the temporary disturbance to the wetlands for the construction of the abutments under the plenary ruling application is justified, and agrees that the engineer has provided plans which will minimize the impact to the watercourse.

Mr. Walsh stressed the short term of the disturbance to the wetlands and watercourse, and cited the standards and criteria in Sec. 10.2 of the Inland Wetlands and Watercourses Regulations, noting that the application was in compliance with the regulations.

The motion to draft the approval passed by a vote of 7-1-0, with Dr. Autuori opposed.

There was some ongoing discussion related to the relevance of certain issues as wetlands issues, and others as strictly related to the Special Permit application. The Agent clarified any remaining questions.

3. **#2009-073-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for installation of trenches for a GeoThermal heating and cooling system on property located at **81 Lakeside Drive** in the RA zone. Owners: Christopher Froehlich and Grace D’Onofrio. Appl.: Christopher Froehlich. *65-day action period ends 11/12/2009. Received 9/8/2009. Walked 9/13/2009. Draft Resolution of Approval requested 9/15/2009. For action.*

Chairman Mucchetti referenced the resolution of approval drafted by the Agent.

Mr. Katz motioned, seconded by Mr. Chipouras, to approve the resolution, as drafted.

Chairman Mucchetti recognized Alan Pilch of the Conservation Commission in the audience, who requested consideration for certain conditions.

Mr. Pilch asked if Conservation Commission’s letter of 9/15/09 had been received. The Planner said it had, and noted that their comments had been incorporated into the resolution. Mr. Pilch asked that the resolution address the potential need for pumping groundwater from the trenches during the installation process, and the issue of where that water would be discharged.

Mr. Katz said that, in testimony, it was said that “the preponderance of groundwater would be a plus to the system,” and that it would not be pumped unless it caused a collapse of the trench.

Dr. Autuori said that the small backhoe, specified in #5 of the resolution, will actually create more soil compaction than a small wide track excavator, because of low ground pressure, which would be the better choice for the site, in his view.

Agent Brosius said that both concerns could be addressed with modifications to the resolution. In addition, she said that, if groundwater were to be pumped, it could be done so under the direction of wetlands staff.

The motion was amended to include the recommendations by Mr. Pilch and Dr. Autuori. The motion passed, 7-0-1, with Chairman Mucchetti recused.

NEW ITEMS

4. **#2009-084-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for drainage and discharge into wetlands on property located at **161 Spectacle Lane** in the RAA zone. Owner/Appl.: Tom Sturges. *65-day action period ends 11/26/2009. For receipt and schedule walk.*

Chairman Mucchetti noted two letters of violation sent to the Board on this matter, and asked for acknowledgment of receipt of the application. She suggested a site walk for 9/27/09 and scheduling of discussion on 10/13/09.

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk as suggested. The motion passed, 8-0.

BOARD WALKS

As noted above, the Board scheduled site walks for September 27, 2009, for the following applications:

- **#2009-047-PR:** Plenary Ruling, **Second and Third Lane, Wood**
 - **#2009-084-SR:** Summary Ruling **161 Spectacle Lane, Sturges**
- The following item had been previously scheduled for site walk on **September 27, 2009:**
- **#2009-080-SR:** Summary Ruling **6 Ivy Hill Road, St. Andrew's Evangelical Lutheran Church.**

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. McChesney motioned, seconded by Mr. Mische, to approve the minutes of September 8, 2009. The motion passed, 6-0-2, with Chairman Mucchetti and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:22 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

September 22, 2009

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

Absent: Joseph Fossi

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

Public hearings were held prior to the meeting. The Commission addressed items #3, 4, 6, 7, 8, and 5 and then adjourned temporarily at 9:50 p.m. to convene the Inland Wetlands Board Agenda. The Commission reconvened the meeting at 10:23 p.m. to address items #1, 2, and the remainder of the agenda.

At 8:53 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-051-SP:** Special Permit under Section 9.2 as required by Section 7.8 of the Ridgefield Zoning Regulations to provide pole lighting for tennis courts in the recreation area on property located at **126 Eleven Levels Road** in the RAA zone. Owner: West Mountain Estates Homeowner Association. Appl.: Scott Baughman. *Received 6/23/2009. 35 days to close public hearing ends 8/25/2009. Public hearing commenced 7/21/2009. Extension granted thru 9/22/2009. Continued public hearing 9/8/2009. Continued to 9/22/2009. (28 of 65 days extension used thru 9/22/2009).*

Chairman Mucchetti noted that the applicant had granted an extension and requested a further continuation of the hearing to 10/20/09. There was no discussion.

2. **#2009-056-SP-PR:** Special Permit Application under Section 9.2 required by Section 6.1.E of the Ridgefield Zoning Regulations for bridge installation over the Silvermine River in a 100-year flood zone, for residential development on Lot #6, Shafer Subdivision, **Spectacle Lane and Wilton Road East**, in the RAA zone. Applicant/Owner: Pyramid Luxury Homes Joint Venture. Auth. Agent: JFM Engineering, Inc. *Received 6/30/2009. Walked 7/12/2009 and 9/13/2009. Public*

hearing commenced 9/1/2009 and continued to 9/22/2009. 65- day action period ends 11/26/2009. For action.

Chairman Mucchetti noted that the hearing had been closed and the Inland Wetlands Board had requested a draft resolution of approval for the associated Plenary Ruling Application for this item.

Mr. McChesney motioned, seconded by Mr. Mische, to request a draft resolution of approval for the application, according to the latest revised plans reviewed earlier at the public hearing.

The Planner requested that the Commission incorporate the comments of the Inland Wetlands Board discussion into this discussion, because there was significant comment about the 100-year flood plain and the construction of the bridge in the flood area. The Commission agreed by unanimous consent.

Dr. Autuori said he would vote against the resolution because the bridge, as presented, has a 24 foot span and abutments encroaching into the stream bed itself. An unknown amount of water came down from above in a flooding event in the not too distant past, suggesting that the bridge span should be constructed with no encroachment into the stream channel, Dr. Autuori felt.

Mr. Katz said he was prepared to back the motion because all testimony indicated that the flooding was from above.

Dr. Gelfman asked the Planner why the application falls under Special Permit regulation. The Planner said that any construction within a flood plain requires a Special Permit under Sec. 6.1 in the zoning regulations.

The motion to draft an approval resolution passed by a vote of 7-1-0, with Dr. Autuori opposed.

3. **#2009-067-VDC:** Village District Application under Section 8.3 required by Section 7.2.E.11 of the Ridgefield Zoning Regulations to permit wall signage for beauty 360 on existing retail building located at **467 Main Street (CVS)** in the CBD zone. Owner: EAL Associates. Appl./Auth. Agent: Lorence Signworks. *35 days to receive VDC report ends 10/6/2009. Received 9/1/2009. For action.*

Chairman Mucchetti recognized Paul Lorence of Lorence Signworks, present for the application. Mr. Lorence presented the Commission with the minutes of the Village District Consultant review, from a meeting with the VDC earlier in the evening.

The Planner read the minutes and the VDC's recommendation that the sign be approved as shown on the drawing showing the size at 2 feet tall by 7 feet 8-1/2 inches in length.

The Chairman questioned whether or not the VDC had had a quorum. It was decided that there had been enough members present to reach a quorum.

Jeff Mose, architect and member of the AAC/VDC, was present in the audience and stated that he had reviewed the application in previous meetings and was in agreement with the requested revisions, shown on the applicant's current plans.

Mr. Walsh motioned, seconded by Mr. Chipouras, to approve the design and the size of the sign, as recommended by the VDC. The motion passed, 8-0.

4. **#2009-078-REV(SP)**: Revision to Special Permit under Section 9.2.A.7.e. of the Ridgefield Zoning Regulations for wall signage on building located at **467 Main Street (CVS)** in the CBD zone. Owner: EAL Associates. Appl./Auth. Agent: Lorence Signworks. *65-day action period ends 11/19/2009. Received 9/15/2009. For discussion/action.*

Chairman Mucchetti noted that item #3 (Village District application) also requires a Revision to the Special Permit.

The Planner explained that the revision was needed to accommodate the second wall sign on the CVS building.

Mr. Katz motioned, seconded by Mr. Chipouras, to approve the second wall sign as requested. The motion passed, 8-0.

5. **#2009-071-A**: Proposed Amendment to the Ridgefield Zoning Regulations, **Section 3.5.F and 3.5.G.**, Bulk Requirements for Residential Lot Coverage and Floor Area. *For discussion with Jeff Mose.*

Chairman Mucchetti recognized Mr. Jeff Mose, architect, present and participating in the discussion. Mrs. Mucchetti asked the Planner to explain information that had been distributed to the Commission, and to summarize the issues.

Planner Brosius attempted to explain the new, simplified tables representing 1) Ridgefield existing regulations, 2) Jeff Mose's proposed revisions, and 3) Ridgefield proposed revisions, prepared by the Planner.

There was some confusion on the part of several commissioners. Mr. Walsh attempted to simplify the discussion by stating that there were essentially no changes proposed for lots below 1.5 acres. Mr. Mische introduced his own version of the tables (an ExCel spreadsheet) in an effort to clarify. He said his graph showed no difference in numbers, just presentation.

The Planner continued to explain. She noted Mr. Mose's change to "floor area only" at the 1.5 acre lot size, at which point he proposed an increase. She said that her

numbers don't change (increase) until the 2 acre lot size. She said that Mr. Mose was proposing to “incrementally increase lot coverage and floor area allowances” starting with the 1.5 acre lot (with floor area only), and two acres and up, (with both lot coverage and floor area), while eliminating the “140% rule” Special Permit exception stated in Sec. 3.6 of the regulations.

Mr. Katz questioned Mr. Mose's reasoning for not increasing the allowed lot coverage at the two acre level. Mr. Mose said his numbers reflect a straight-line increase in coverage. The Planner's proposed numbers created a “dip” in the line plotted on the graph. The Planner agreed that Mr. Mose's numbers would result in a continuous straight line progression.

The Planner continued explaining the chart, saying that the Ridgefield proposed numbers are somewhat less than what Mr. Mose proposed. She said she had compared them to New Canaan's and Wilton's, and tried to come up with a “balanced approach going forward,” she said. She noted that, if the 140% rule is eliminated for the larger lots, there needs to be an adjustment of the lot coverage to floor area ratio for the smaller lots.

Mr. Katz asked if the office foresaw Mr. Mose's proposal forcing applicants to the Zoning Board of Appeals. “The Special Permit attitude we had was to get out from under that,” he added. “Will this undo that?” he asked.

The Planner said she didn't think so. It may affect a small percentage, she felt, but overall it would not. She said that the new regulations of May 2007, “actually penalized the larger lots.” What Mr. Mose is proposing is a positive progression of the evolution of the regulations, she said. Three prominent Ridgefield architects have been applying the new regulations to actual lot developments, and have highlighted several problems discovered within the new regulations. Adopting the numbers Mr. Mose has proposed “would probably eliminate the need for variances in many cases,” the Planner said.

Mr. Katz said he favored the figures that supplant the need for the 140% exception because, in each of the instances applying under that regulation, none of the proposed increases in lot coverage have been found objectionable.

Dr. Autuori felt that the graph was an elegant presentation of what's proposed, which he felt was fair. However, he was still concerned about the lack of attention to setbacks.

Mr. Mische said that the goal had been to increase the space around houses and eliminate “giant houses.” This may be a “march in the wrong direction.” We are allowing houses to occupy more of the space, he said, and asked why.

There was some discussion as to what would make up the lot coverage. Would it be all house or house plus attendant structures?

Mr. Mose said that, with the old regulations, there wasn't a floor area requirement to check the volume consideration. A floor area requirement should be implemented to prevent the bulk from exceeding a certain number, he said.

Mr. Mische noted increasing floor area numbers from 7% (old regulations), to 7.5% (new regulations), to Mr. Mose's proposed 8.5%. He said that, after attempting to understand how these numbers were arrived at, he concluded that PZC is "just allowing more development on the same lot. Period."

Discussion continued, with a closer examination of specific numbers and situations, led by Mr. Mische. He offered a correction to the Planner's statement that Mr. Mose's floor area numbers diverge from Ridgefield's existing numbers at the 1.5 acre lot size, when it is actually at the one acre lot level. The Planner agreed.

The Planner explained how, under the current regulations, the lot coverage to floor area ratios became unbalanced as the lot size increased.

Mr. Mose added that the floor area did not previously include accessory structures.

Debate continued, with various commissioners presenting specific questions and/or positions.

Mr. Walsh finally summarized by saying, "You're either going to look at this analysis based on square footage or percentage." He said that he personally finds it easier to compare square footage. Mr. Katz agreed. Mr. Mische said he can create a spread sheet that does just that.

Mr. Katz did not want to "limit in an arbitrary fashion" the right of owners of large pieces of property to exercise their right to use that property for family use.

Mr. Mische said there are many ways to look at the topic of land use. He said he chose to include in his analysis the legacy of the town's zoning laws as they've evolved over time. He felt that was important.

The Planner said that the old regulations dealt with straight percentages in a zone, regardless of actual lot size. That sent many applicants to the Zoning Board of Appeals, she said, because undersized lots in large-lot zones always needed variances. In the new regulations, (enacted in 2007), there was an attempt to make the size of the home (and the lot coverage and the floor area) proportional to the lot size, eliminating from consideration what zone the lot was in. That simplified the process, she said.

However, at the time of the adoption of the new regulations, the Commission was not comfortable with the straight line progression for allowing increased lot coverage and floor area for the larger lots. That could have been a mistake, she said. Since then,

activity in the office has shown that the larger lots are now being forced into the 140% rule, where before they were forced into the ZBA for variances. What this proposed amendment represents, she said, is one more step to try to refine further and improve the regulations relating to proportional use of land, in an effort to accomplish Planning and Zoning's goal of consistency and fairness.

Mr. Katz asked what the office was looking for from the Commission.

The Planner referred him to the revised amendment, which includes the original with hand-written notes indicating the additional revisions proposed by Mr. Mose. The Planner said she would incorporate those changes and suggested taking the final result to a public hearing.

Mr. Katz motioned, seconded by Dr. Autuori, to bring the proposed amendment to a public.

Mr. McChesney felt that all the various numbers presented are, by nature, arbitrary. He was in favor, however, of the straight line progression. He felt the Planner's numbers were the best compromise.

The Planner reminded him that she is in favor of Mr. Mose's numbers, because they eliminate the 140% rule exception for the larger lots, and also are within a few hundred square feet of what she had proposed.

Discussion continued about the goals and the fairness and the effectiveness of the proposed amendment.

Mr. Mische thought the correct numbers should fall somewhere between the black line and the red line on the graph prepared by Mr. Mose.

The Chairman noted for the record that Mr. Mose had brought this problem to the attention of the office several times and a subcommittee was formed of Chairman Mucchetti, former Commissioner Slavin, and Mr. Mose. Discussions began, but the issue was never resolved, she said.

The Chairman noted the motion and second on the table to take the proposed amendment to a public hearing.

The Planner clarified that the amendment would incorporate the suggested revisions proposed by Mr. Mose, and also amend Sec. 3.6.C of the zoning regulations, ("Lot Coverage Exceptions"), to permit the 140% increase in lot coverage exception for lots of less than two acres only.

Dr. Autuori was concerned with the "chasm" which will exist between lots of 1.99 acres and those of two acres if the 140% exception is eliminated for 2 acre lots and above.

The Planner suggested bringing that issue to the public hearing with some specific examples for discussion. Dr. Autuori was in agreement.

The public hearing was scheduled for 11/4/09. The motion passed, 8-0. Mr. Mische noted that he voted in favor of the public hearing, but, was not necessarily supporting the numbers proposed.

NEW ITEMS

6. **#2009-082-VDC:** Village District Application under Section 8.3 for installation of an awning with signage on the building located at **454 Main Street** (former French Market Space) in the CBD zone. Owner: Sam Bell, Compano, LLC. Appl.: Butterflies and Zebras, Laura Schwartz. *35 days to receive VDC report ends 10/27/2009. For receipt/discussion/action.*

Chairman Mucchetti recognized Laura Schwartz and Shari Horowitz, present for the review of the application. Ms. Schwartz submitted hand-written minutes from the Village District Consultant's review offered by that agency earlier in the evening.

The Planner noted the location of the store and said that the VDC recommended approval of the awning and signage, as presented.

The applicant confirmed that the awning color is to be black background with white design and lettering, and a small pink accent.

Mr. Katz motioned, seconded by Mr. Chipouras, to approve the awning, as presented and reviewed by the VDC. The motion passed, 8-0.

7. **#2009-083-A:** Proposed Amendment to the Ridgefield Zoning Regulations, **Section 3.2.C.2** to clarify that certain uses require a Special Permit in the Residential zones. *For discussion c/o PD.*

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

Chairman Mucchetti pointed out a memo written by the Planner on this item, and asked her to explain the purpose of the proposed amendment.

Planner Brosius made a small correction to the memo and stated that there are situations involving non-residential uses in residential zones which are not clearly defined in the zoning regulations. She explained that the amendment would clarify that museums and other facilities operated on town-owned or town-leased properties are subject to Special Permit review. She listed as examples the Senior Center, the Artist's Guild, the Theater Barn and the Community Center.

The Planner suggested a public hearing date of 11/4/09. She noted that adoption of the amendment would allow for the Community Center (operating since 1958 under only a variance that applies to the Antiques Fair) to approach the commission for a Special Permit, which would provide clear guidelines for permitted uses on the site.

Dr. Autuori asked what had precipitated the proposed amendment.

The Planner said that questions had come up over the years relating to permitted uses at the Community Center. With new Executive Director Di Masters taking over, it was a fitting time to determine specific guidelines for the Center and other similar facilities.

Mr. Katz motioned, seconded by Mr. Chipouras, to schedule the amendment for a public hearing on 11/4/09. The motion passed, 7-0-1, with Mr. Walsh recused.

8. Proposal to permit Special Event banners at **Ridgefield Community Center, 316 Main Street** under Sec. 7.2.C.10 and 7.2.C.11 of the Zoning Regulations *c/o P.D.*

Note: Mr. Katz and Mr. Walsh recused themselves from discussion and participation on this item.]

Chairman Mucchetti asked the Planner to explain the proposal for permitting “community event” signs at the Community Center.

Discussion included Di Masters, new Executive Director of the Community Center, who was present in the audience.

The Planner said that community organizations have repeatedly approached the Community Center and the Zoning Enforcement Officer for permission to hang banners and signs outside the Community Center to advertise community events. Under the Community Sign Board regulations, the Commission can designate the areas and manner in which these signs may be posted. The Planner suggested an agreement with the Community Center allowing the posting of one sign at a time, upon request and upon approval by the Executive Director, with guidelines governing size, placement, and length of time posted. This would give a presence on Main Street for other community events and organizations, without compromising the Community Center's ability to regulate the signage and also advertise its own events. The Planner stressed that this permitted signage would be for events intended for the enjoyment of the general public, and not used for any other purpose, such as political statements.

Mr. McChesney asked the Planner to explain the difference between this and the discussion regarding signage in front of the library. The Planner said the sign regulations allow the Commission to establish, with conditions, exactly what could be in front of the library or elsewhere in town. She said, while there has been talk about community sign boards, but “no one has actually come forward with a proposal.”

Mr. McChesney questioned the boundaries for permitted signs with regard to the State right-of-way. The Planner said it would not be within the right-of-way. The fence is on the Community Center property. The property line is somewhere close to the edge of the sidewalk and the fence. “What we have allowed at the Community Center is for them to put a sandwich board behind the sidewalk and in front of the fence, or to hang a banner on the fence.” This has been for events held at the Community Center, and not off-site.

Mr. McChesney asked if an approval would be precedent setting for similar signs, for example, in front of the library.

The Planner said that it could set precedent. She also mentioned concern on the part of Parks and Recreation, (brought to her attention by Parks and Recreation Director, Paul Roche), that this might impact the Veteran's Memorial Garden in front of the Community Center. In the past, some veterans have found it “quite disturbing” when things were placed in front of the memorial. Mr. Roche would contact the veterans and let them know that the signage would be placed at the northernmost end of the property and would not interfere with the memorial. She suggested that a draft be drawn up, to allow time for Mr. Roche to speak with the veterans and get back to her.

Mrs. Masters said that she favors sandwich boards, but space is limited between the sidewalk and the fence, and, therefore, she will permit only one sign at a time for a non-sponsored off site event. Mrs. Masters reported getting many calls from organizations which claimed to have received permission from the prior Executive Director to post their signs in front of the center. She said that her goal was to restore the Community Center to its former role as “the heartbeat of the community,” however, she will refer sign applicants to Planning and Zoning regulations. “If they don't meet [zoning] regulations, they just can't be on the fence, whether they have prior approval or not,” she said.

Mr. McChesney asked how she would choose between applications. Ms. Masters said it would be “first come, first served,” but, top priority would go to people who are paying to have an event at the Center.

Mr. McChesney noted that the proposal named events off site of the Community Center. Mrs. Maters said that was true, however, it would be at her discretion if there were conflicts with paying customers, (such as a wedding with a request for the removal of signage for photo taking).

Dr. Autuori motioned, seconded by Mr. McChesney, to draft an approval of a Community Sign Board provision, with conditions suggested by the Planner and the Executive Director of the Community Center. The motion passed, 6-0-2, with Mr. Walsh and Mr. Katz recused. The decision will be finalized on 9/29/09, following receipt of comment from Parks & Recreation Director Paul Roche, who says that he has authority over the Veteran's Memorial Gardens “park” in front of the Center.

COMMISSION WALKS

The following items had been previously scheduled for site walk on **September 27, 2009**:

- **#2009-074-SP**: Special Permit **72 Revere Drive**, McGoey
- **#2009-081-SP**: Special Permit **26 Pond Road**, Fields.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- New chapters of the proposed update to the Plan of Conservation and Development, received from consultant Planimetrics, and in preparation for discussion on 9/29/09

MINUTES

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of September 8, 2009. The motion passed, 6-0-2, with Chairman Mucchetti and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary