

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

September 30, 2008

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning

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

PENDING ITEMS

1. Work Session / Ridgefield Center Study.

Chairman Mucchetti introduced Vince McDermott, Mike Smith, and Phil Michalowski of Milone & MacBroom, consultants for the Ridgefield Center Study. The last meeting with the consultants was held in late June.

Vince McDermott said that the graphic and mapping presentation for the evening would cover two main issues: (1) proposed concept plans for parking layouts and traffic circulation patterns, and (2) street graphics for way finding (signage, benches, etc.). Phil Michalowski would speak on Municipal Special Services Districts and how such an organization might be implemented to improve the downtown area – where it's been done, how it's been done, how it can work should the town elect to do so. He recapped what had been discussed at the last meeting in June, mentioning the transportation routes, making Bailey Avenue a main road, reorganization of parking, etc., focus on parking behind the grocery store on Bailey Avenue up to a point, re-opening the ramp between upper and lower level parking lots, preserving the elm tree while aligning the street at the intersection of Prospect and Main. Dr. Gelfman presented determined opposition to any possibility that might involve the removal of the tree. Mr. McDermott was in agreement that the tree will be preserved.

Mr. McDermott briefly showed the map discussed in June, and pointed out issues with circulation in the village area. In June, the Commission focused on the CVS parking lot / Post Office area, the Donnelly properties around Balducci's, and the Main

Street / Catoonah / Bailey Avenue area in the center. He pointed out the sidewalk pattern on the map, showing connectivity and linkages to the main street.

Mr. Katz asked if these were raised sidewalks. Mr. McDermott said it would be a raised pattern, flush with vehicular access where it is part of the parking lot, and raised where it stands alone. He talked about the potential havoc which would be created by bringing Bailey Ave. traffic out into the westbound traffic lanes at the intersection of Main St. and Catoonah St., and did not recommend that change.

Mr. McDermott spoke of the problems with three driveways coming out onto Governor Street from the same Balducci's lot, and, additionally, the Fairfield County Bank lanes, in and out. Their plan would have a major driveway in, which could connect all the way to Bailey Ave. The current driveway which could serve that purpose is the easterly most one. It's not a street but acts as a street. If you stripe it properly, and give proper widths to parking spaces, he said, you will lose some parking in the lot as a whole. This will need to be replaced. They are hoping to get people and vehicles down into the Town's municipal lot further east on Governor.

They had supplied many reasons why the municipal lot is not being used, mainly that it is a dead end. Their goal is to bring life to the lot by connecting it through to Bailey Avenue, with additional municipal parking added beyond what is already there.

A concept plan introduced by the First Selectman and the Town Engineer to dead-end Grove Street was dismissed as problematic, because it would cut off properties that currently exist at the end of Grove Street.

Mr. McDermott felt that the concept he presented is a scheme that addresses the issues that we had identified in June. As for the loading zone issue on Main Street, there has been some movement to resolve that, but nothing conclusive. Mike Smith of M&M said that, after the June presentation by Tom Borden from the DOT, he followed up with Mr. Borden. The loading zone which had been the only unresolved issue at the time was moving forward in some way. There was agreement that "a loading zone would be 'off-street' and it would be somewhere along Catoonah Street. The uncertainty that Mr. McDermott referred to is related to the fact that Mr. Borden would not discuss the specific location on Catoonah Street where this zone would be. He said that the DOT wants to have their own "public information meeting, where they break the news and ... put their own spin on it." Mr. McDermott said that this is why the M&M plan is vague in this area.

Mr. Mische noted that none of the parking spaces were striped in front of the Addressi building and asked if they were talking about getting rid of all the parking there. Mr. McDermott said, "Yes."

Mr. Katz asked for further clarification of the plan for connecting the municipal lot and the Balducci's lot. Mr. McDermott explained the traffic, parking, and pedestrian

walk ways. Mr. Katz asked if people would actually use the pedestrian system, “or would we just feel good about having built it?”

Mr. McDermott said, “short of eliminating the head-in parking in front of Balducci’s,” they needed to find some alternative to the present pedestrian access. Mr. Mische said that there is a sidewalk in front of the buildings there now. Mr. McDermott said it is not wide enough.

He also suggested that new parking spaces could be created on the land owned by Donnelly. The Chairman interjected that the Town has been working with the property owner and there is no interest from the property owner in selling or participating. The same family owns the proposed access way between the municipal lot and the Balducci’s lot. Mr. McDermott said he was aware of that, but, if the Town wants to be active in the process, it may have to consider eminent domain.

Mr. Katz said he didn’t think the Town would ever do that. Mr. McDermott asked if they should be taking that off the plan. The Chairman said she saw no problem with presenting something to show the Donnelly’s the viability and the benefits of the plan to try to persuade them.

Mr. Walsh asked who owns the new lot just to the north of the Casey Fuel lot. The Planner said that the Town owns the property, which is an extension of the municipal lot. The Chairman said the Town hopes to put the Ridgefield Music and Arts Center there. A short discussion ensued. The Planner mentioned that there are wetlands in the area, and additional parking there is not likely. There was discussion of the various areas around Casey Fuel and the Boys and Girls Club. Mr. McDermott asked Planner Brosius for the RMAC plans, so that they could patch them in.

Mr. McDermott said that they are flexible with the type of benches and street furniture they will suggest, but they would like them to be durable and in keeping with the image of the Town. The lights are attractive. They will be suggesting planters that go with the lights. The information kiosks will have consistent signage to be used for information, direction, etc. Stop signs can be decorative. Speed limit signs, parking signs should have nice, simple features at a relatively low cost.

Mr. Katz said these signs are obviously for people who don’t know the Town. “What do people do?” he asked. Do they drive in, park, and then come look at the maps and signs? Mr. McDermott explained that they see the sign that shows them where parking is. Then, within the parking area there are signs identifying the merchants and places of business.

Mr. Mische asked how many kiosks they envision. They only are planning for four, he said. Potential locations were discussed. He said you could even have message signs, events, etc. He showed signs depicting M&M’s vision of what Ridgefield is. They see it as late Victorian or Arts and Crafts era.

Mr. Katz complimented them on the sign design, saying, “I think you pegged it.”

Chairman Mucchetti asked what the blue dots on the map represented. He said they were possible acquisitions for downtown development, i.e., the small houses on Bailey. Potential sites for future redevelopment were suggested.

There was an animated discussion on the traffic patterns for Bailey Ave., as to where it would turn from a two-way to a one-way street (at Town Hall). Mr. Mische asked if it was wide enough to handle two way traffic. It was mentioned that Bailey Ave. would stop being one way at the Town Hall parking lot, and would begin two-way from there to Prospect Street.

Chairman Mucchetti said that it seemed that everything on the Commission’s list of topics for discussion had been covered, except the loading zone in front of the Addressi building. Mr. McDermott re-iterated that it was in the hands of the DOT at present. He said, “If the State has its druthers, it’s gone,” referring to the current loading zone.

The parking area next to and behind the bicycle shop on Catoonah Street was reviewed. Mr. McDermott. said that the little white house and the gravel area could be potential acquisitions, and that this would be an opportunity “to really do something right.”

He referred to the First Selectman’s thoughts about putting some parking behind the CVS building. This would be intended for employee parking, and not as a through road.

Plans for expanding the post office parking were discussed. This has a much better chance of coming to fruition than the condemnation of either the Donnelly property or the Benenson property, “neither one of which I think the Town would have an appetite for,” Mr. Katz said, “unless there were mutual agreement at the outset that the property was for sale. We know the Donnelly property is not,” he added.

Mr. McDermott said that these ideas can be shown as future possibilities.

Chairman Mucchetti confirmed with Mr. McDermott that they have taken three access points in the Donnelly parking lot and combined them into one. Mr. McDermott said, “One good one.” The Chairman asked if parking would be gained by this, and Mr. McDermott could not say for sure. He said there has to be a good reason to do it, and additional parking is only reason. Having three uncontrolled drives is not good, Mr. McDermott said. The one significant driveway makes better sense, he said.

Talking about the Donnelly lot and the area in front of Bissell’s, the Chairman and the Planner both pointed out that Bissell’s is a difficult entrance because of people backing out of parking spaces. They cited a lot of activity connected with Veteran’s Park School. Mr. Mische agreed that a lot of activity would not be good in front of Bissell’s or the school.

Mr. McDermott said that the merchants don't mind directing their employees to park a little further away, provided there's sufficient lighting and signage. Mr. Katz said that the whole area from the Donnelly property and going down to Bailey Avenue becomes increasingly important because he believes the Price's (who own Ridgefield Supply) have "substantial plans for developing that into a retail complex. The Planner said that the concept plan showed the building off the road with sidewalks next to the street.

Mr. Walsh asked about the area behind the professional building on Governor St. He asked if the driveway connected to the municipal lot below, and was told that only a pedestrian walkway connects the two areas, but it is unimproved and poorly defined. It is a dangerous place to walk.

Mr. Mische asked if there is a reason M & M left off the existing lot by the professional building. Mr. McDermott said that they have only shown where they have reorganized parking. Phil said it would be helpful to see it all – for perspective. Mr. McDermott agreed and said they can show all of the parking, using two different colors to designate what's new and what's not.

Mr. McDermott said the Municipal Special Services District (MSSD) is a taxing district. It is a self-governing feature, with a board of commissioners. There is a referendum of holders of taxable interest in the real property, to form the district, and if you own property in the area designated, you get to vote. You need a majority vote for decision-making – the combined assessed value that they represent has to be a majority. If those tests can be made, the MSSD vehicles can be put into place. Special events can be determined by the "affected people" and what they decide to raise money for. They have an annual budget and the Town adds it to the property tax bill every year. It represents a fraction of a mil, applies to everyone in the district, and has the leverage of a tax levy obligation. The group decides how the money is to be spent. It is usually not for capital expenses, but more for the operational and organizational expenses. A MSSD will have a "housekeeping function," i.e., keeping the flowers watered, snow plowed, parking spaces striped, cleaning up trash, etc.

Some asked if the Town, property owners, or the Chamber would take responsibility? Is there an organizational structure that would take responsibility for organizing the MSSD?

Mr. Katz recapped what he believed to have heard. "It starts with 51% approval among owners of property within the district. Of that group a majority of the assessed value has to be within that 51%," That is correct, Mr. McDermott said. For example, one very large holder could not be forced to be involved if all the other small property owners wanted that. That is just a test that the statute has put in place. You have to put in process a campaign to the affected parties. This is a self-help vehicle which provides the members with a long term ability to do the kinds of things they feel will help them from a business and property value perspective. He handed out a copy of the statute authorizing MSSDs, and a copy of a municipal ordinance that put one in place in Bridgeport.

Chairman Mucchetti clarified that Bridgeport is a city, while Ridgefield is just a Town. She asked if there were other similar towns which have implemented the statute. Mr. McDermott gave Manchester as an example.

Mr. Katz asked if Mr. McDermott would see the MSSD as encompassing the “entire geography within that compendium there,” or smaller than that. “That is a political judgment,” Mr. McDermott said. It would depend on the area in which you feel you could get the support. It would certainly have to encompass the parking, he said. Manchester did “basically, the same kinds of things you’re doing, trying to make agreements with private property owners to incorporate their land into a more manageable system.” Manchester incorporated a parking management plan within the MSSD and it became part of the program for the downtown.

Mr. Michalowski asked about Ridgefield’s Historic District. “When you adopted the district....did you ascribe the boundaries based on who you knew you could or couldn’t get in?” The Commission responded that they had not. “Because of that, we lost the north end of Main Street,” Mr. Katz said.

The areas in question were discussed from the standpoint of which ones “would fly,” and which ones would not. If it’s known that certain areas “won’t fly,” then you can carve them out. M & M is not going to dictate where the MSSD line needs to be, Mr. McDermott said.

Mr. Walsh said that the project is dealing with private property owners for the most part. He named the five key players (property owners) in the downtown area. Mr. McDermott said that if their tenants are driving this, the owners can recoup costs on a pass-through as part of the lease.

Mr. Katz said the sales job would first be to the tenants and, after that, the landlords. Mr. McDermott agreed, saying the alternative is to restructure the plan toward property owners. It’s a vehicle to deal with boundaries or lack of boundaries, the Chairman said.

Mr. Michalowski said, “You want it to function as it should function from a physical perspective, but, you’ve got these invisible lines that carry liability.” You have an opportunity to assign the legal/risk allocation. The district could have the insurance package for the entire thing, which provides the risk management for the property owner to allow his property to be used for parking, etc. You can have a big enough package to cover everything.

Mr. Katz asked why the liability would be different from what it is now. Mr. McDermott said it would allow one kind of organized coverage as opposed to segmented coverage.

Mr. Katz said that makes it too onerous. If this thing is agreed to internally by the government part of it, he said, a presentation has to be made to the tenants, the

Chamber, and others. Mr. McDermott said the Commission asked them to look into it and this what they came up with.

How does it work in terms of management, the Chairman asked. Is it an overlay? The design features, are they part of this MSSD?

Mr. McDermott asked Phil Michalowski to answer. He said this is more of an implementation vehicle. For example, he said, “The way-finding signage could come out of the district. You would probably have a capitol package on the front end as part of the municipal inducement.” The important element of the MSSD is the ongoing event planning, common promotion, common web site, etc.

Mr. McDermott said it is not a zoning district over which the members have controls. The Commission still has that zoning function, the land use control, building standards, etc. The zoning structure needs to be flexible enough so that it looks at the district as a whole. If you try to break down parking, for example, it is better to view the district as a whole. The parking is all over the place, as opposed to “Where is this store’s parking and that building’s parking.” If you’re going to the Zoning Board of Appeals all the time, there is something wrong, Mr. McDermott said. There is so little vacant land remaining in this district, he doesn’t foresee a problem with the implementation.

Dr. Autuori asked the Planner if the Commission has the ability to be as flexible as necessary under the current regulations. The Planner said the Commission relaxed the parking standards so that the downtown area is at 60% of what normal parking standards are for a stand-alone building. Dr. Autuori asked if she felt that would allow for the fluidity that this MSSD would entail. The Planner said she thought it would. She agreed with Mr. McDermott that there is not enough room in the downtown area to create a use that would require, for instance, 50 more parking spaces. “Businesses come and go, but the parking requirements remain fairly standard,” she said. She felt that a benefit of this type of district is that you could have one garbage contractor, one snow plow contractor, etc. You create a uniformity of cleanliness and aesthetics, she added.

Mr. McDermott noted that, presently, there is no uniformity in the parking rules in town. Time limits range from 30 minutes to 2 hours, and in some places with a “grudge line” drawn between one business and the other. He said Mr. Marconi pointed out that the town needs the money from the parking fines. Mr. McDermott thought that was not a good enough reason to keep this system.

Mr. Mische said that there were no property lines shown on the maps, and that is an essential piece of information, he feels. He compared the implementation of this MSSD as turning Middle Ages England into a modern society. “We have fiefdoms. We have kingdoms. We have to broker or form alliances between adjoining property owners for their mutual benefit.” Mr. McDermott said that has been done already. Parts of the process can be accomplished right now, it was agreed. Signage could be done, the Chairman said. Mr. McDermott said that certain things can be done without agreement.

Mr. McDermott said they have the property lines, but didn't include them, because in a mutually beneficial parking scheme, "Who cares?"

Dr. Autuori said they are going to care. "You don't want to incite the ire of those people who have to get together and make this work. The people who wanted us to pursue this are the ones who, ultimately, are going to have to make a case and bring the other owners together to buy into the idea of shared parking.

Planner Brosius talked about the Copps Hill Mini Plan adopted by the Commission several years ago, and said that the whole area melds together, and it is unclear as to where the individual property lines are. This is proposed in the same manner. Property lines are not an issue in the MSSD.

Mr. McDermott said they would meet with the same group they'd met with in early June – the business folks and the Chamber of Commerce – before this plan goes to the public.

Chairman Mucchetti said they are going to want a short list of talking points. "What do we get for our money; what is the benefit to us if we do this?" She said that these people have been "somewhat aggrieved" by the Town's inaction, and bringing a plan to them with explanations and answers would help things a lot.

Mrs. Willis asked, "Who approves the plan if we have a concept? Who elects the Board of Commissioners? Is it the property owners? What if the Board of Commissioners doesn't like parts of the plan?"

Mr. McDermott stated that the Commission had wanted to get this study out of the way before attacking the POCD. He suggested that it be presented as part of the Plan of Development, as a special area, with some recommendations. Namely, that the Town should consider the establishment of a MSSD for the implementation section," he said. By incorporating the downtown plan into the POCD, the approach could be, "We're doing this for you. You adopt the plan." As part of the implementation, the Planning and Zoning Commission may need to adopt appropriate regulations. This becomes the guide for how the downtown should look, and it becomes part of the Plan of Development. If you need to amend your regulations, they would follow the recommendations in the Plan of Development. If the recommendation is to form a MSSD, then the leadership of the Town begins to work very specifically toward that adoption. The district elects from themselves their own management.

Chairman Mucchetti asked if the town would have a seat within that organization. Mr. Michalowski said it does, and there is provision on an ex officio basis for non profits to sit. The town is also a property owner within the district.

Mr. Katz asked if the Village District overlay, with its requirement for aesthetic and architectural review, would continue to have input. Mr. McDermott said that it would.

Chairman Mucchetti asked if this is essentially a property management tool, and the answer was yes, but it can also act as an organization to sponsor special events within the district. There is a need for fundraising in the long term to run the activities, for advertising, promotion, all those things that should happen in a central business district. The Village District is part of this. There may be very specific activities for them to foster in the plan.

Mr. Mische asked if this wouldn't constitute the town developing private property? He wondered how there could be no capital improvements as part of the Special District. Mr. Michalowski said there could be, but, typically there's not. These budgets are generally \$150 - 175,000. With capital improvements, you're talking many hundreds of thousands of dollars.

Mr. Mische again asked if they were not collecting tax payer money to improve someone's private property. There was a question about the current regulation that permits payment in lieu of parking.

Planner Brosius said that the state statute is specific as to how "payment in lieu" money is to be used, and the statute says that it is to be used for the development of parking and parking facilities.

Mr. McDermott said that under the MSSD, there is an opportunity to secure STEAP (Small Town Economic Assistance Program) grant money, for instance to extend the town parking lot, and opportunity for capital development by the Town. There are a lot of avenues for securing money and making improvements, but it starts with the plan and the recommendations that come from your POCD

Chairman Mucchetti asked if the Municipal SSD is adopted by the Planning and Zoning Commission or by the Town. The Planner said that it is authorized by ordinance of the Board of Selectman.

Mr. Michalowski said that the town runs a referendum for the affected parties

Mr. Walsh said that MSSD, according to the statute, has power to do almost anything but run a school system.

They can levy taxes against themselves, Mr. McDermott said. The district parties have the ability to limit themselves as to what they can do. The Planner said the district is established by an ordinance that the Board of Selectmen adopts, and the parameters are outlined in the ordinance, so they don't have the ability to expand their powers unless the Board of Selectmen changes the ordinance.

Mr. Walsh, reading from Statute 7-839a, said the ordinance to establish such a district "shall confer" the ability to sue and be sued, to acquire and hold, to contract, to borrow money, to recommend, etc. The ordinance has got to confer these things, he said.

Mr. Fossi said that it seems to him that some of the steps are within the Town's authority immediately, for example, making Bailey Ave. two-way, revamping the municipal parking lots, etc. Other parts will take time. As people come in for permits, he said, "...if we have a master plan, we can pull it out."

Chairman Mucchetti asked for guidance as to how to move forward. She asked if another public hearing would be next. Mr. McDermott thought that was reasonable.

There was general discussion.

Mr. Mische questioned whether the PZC has a good enough relationship with the CT DOT that they could put signage and kiosks in their right of way. Mr. McDermott said that should not be a problem.

Mrs. Willis asked if they were going to wait to find out what's happening with the issue of the loading zone and the reconfiguration of the Main Street / Catoonah Street intersection. Chairman Mucchetti agreed that is going to be a question. Mr. McDermott said that, "As soon as we know, the town will know, and you'll know." The First Selectman may know when the plan is coming out, but Tom Borden at the CT DOT wasn't committing to a date yet.

Mr. Michalowski's impression was that Mr. Borden was waiting to get a level of commitment from the Town, although he didn't say that directly. He is looking toward setting up a public information meeting. He thinks Mr. Borden is ready, and is just waiting for confirmation "that there's buy-in" from the town.

Scheduling for a public hearing on the Center Study was discussed, and the Planner asked if the intention was to meet with the stake holders (business and property owners) first. Mr. McDermott said that can be done within the next couple of weeks.

Mr. Katz asked what would be expected at the next public hearing. The Chairman said they would go forward with a Center Study report, with recommendations. Mr. Katz asked if the concept of a taxing district would come up as one of the conditions, and the thought was that it should. He asked if there was a need for input from Mr. Garzi's office as to the implication of the assessments that this might imply. The professionals and officials responsible for answering the questions that will come up should be at the public hearing, he added. Charlie Fisher (the Town Engineer), the Selectmen, Al Garzi (Assessor). The Chairman doubted that there could be consent from all these people in a month's time. Mr. Katz said that, at a public meeting, somebody is sure to ask, "What does this mean? How much is it going to cost?" How do we interpret the State enabling legislation, and translate that into a taxable entity?"

Mr. Walsh said, "Everyone is going to get hit – their fractional share – based upon the amount of land they own within that district. Is that accurate?" Mr. Michalowski said that was right. Basically, they provide the amount of money they want to the town, and when the Town sets the mil rate, whatever the assessment is against that, that will

create the mil rate needed to raise the amount of money requested, he said. You write the check, it goes to the Town, the Town segregates it, puts it in an account, and then they can draw upon that, Mr. Michalowski explained.

Chairman Mucchetti summed up, saying that the plan brought to the Commission that evening really hinges on the special taxing district. Mr. Katz disagreed. Mr. McDermott said that gives them the long term control. “I’m going to pay more, but, I’m going to have something to say directly on how the dollars I pay get spent.” Mr. McDermott said, “Without it [the MSSD], you are then going to be relying on implementation only as development opportunities and site plan review and special permits come before your board for conformance.”

Chairman Mucchetti thought it sounded like they ought to have a series of meetings and then meet again before they go to public hearing. “There are too many loose ends, at this point.” All agreed.

Chairman Mucchetti asked Mr. Michalowski about how long it took to set up the district in Manchester. He said that he worked on the plan in the late 1970s or early 80s and it was implemented within a year of its formation, and it still functions today. It is seen as a valuable piece for the town and functions as a sort of “rallying point” for the downtown area. The group gains a consensus about a project or improvement, and then the town pays more attention to it. They are willing to pay for some of the work themselves. This may be its greatest value. For instance, they have installed flowers for beautification, and they have an annual balloon festival.

Mr. McDermott said the interesting thing about the plan is that the downtown 4-block area was in terrible shape before the district was formed. It now has been greatly transformed. Chairman Mucchetti said that it would be interesting to have more information about that for meeting with the Ridgfield stakeholders, and the ability to see some of this on a website would be even better. Phil Michalowski said that Stamford downtown district was established a long time ago, but is a good example of a strong district that functions well.

Planner Brosius said she thought setting up the assessment at the beginning of the formation of the group would be the hardest part, but it was explained that the portion for each property would be based on a percentage of the established assessment in the tax roles. It is a simple mathematical calculation.

Chairman Mucchetti wrapped up the discussion by agreeing to have an informal meeting with the Planner, consultants and the stakeholders prior to scheduling another public meeting.

2. **Discussion: Village District Consultant c/o Commissioner Walsh.**

Chairman Mucchetti started the discussion by explaining that the SubCommittee for review of the Village District Consultant (VDC) appointments was chaired by

Commissioner Walsh, and he had a report on the committee's activities and findings based on their work over the summer. Commissioners Katz and Fossi were also members of the subcommittee.

Commissioner Walsh said that the committee's work started in June, and they sought interest in the idea that a separate VDC could be formed. The Architectural Advisory Committee (AAC) had functioned as the VDC since its creation following the adoption of the new zoning regulations in May of 2007.

Mr. Walsh noted that the office had received multiple complaints about the process of AAC and VDC reviews, and that several applicants often expressed frustration with how they were treated and what they were being asked to do. An article was put in the Ridgefield Press to solicit interest in candidates for a separate VDC, and the committee set up interviews with six people. Mr. Walsh says they were all extremely qualified.

- Elizabeth Zeimann, Connecticut registered architect
- David Scott, Connecticut registered architect
- Jim Sandy, former City Planner for the Town of Greenwich
- Joseph Heyman, planner
- John Olson, resident for 25 years with a Masters in architecture, formerly in charge of IBM plant development
- Dan Divito, builder who specializes in old house and historic renovation

The committee also talked to AAC Chairman John Kinnear and Vice Chairman Jeff Mose.

Mr. Walsh said that he voiced his opposition to re-appointing the AAC as the VDC, and thought that a separate group appointed by the Commission to serve as the VDC would provide a fresh perspective. Most important was accountability. The Commission does not have appointment power for the AAC (members are appointed by the Board of Selectmen). The Planning and Zoning Commission appointment of a separate VDC might provide more accountability and more control of how the group conducts its business and reviews. Some very qualified people were discovered in the interview process conducted over the summer.

But the meeting with the AAC Chairman and Vice Chairman changed Mr. Walsh's position on how that board works. He feels now that if the AAC were to remain as the VDC, there might be tools implemented on the VDC side that could serve to provide some better control and stability to both groups. For instance, they have no by-laws and he is working on a draft. The meetings could then be run in a more formal way. One of the complaints from applicants is that they are dealing with different members of the AAC on multiple trips for review: one set of members is present at the first review, and there are new people at the second review who have entirely different ideas. This causes frustration and confusion.

Another important thing taken away from the meeting with the AAC Chairman and Vice Chairman is the human element; Mr. Walsh felt that they would be personally

offended if the VDC responsibilities were taken away from the AAC, as if they were not doing a good job. There would be a lot of resentment on the AAC as a whole, and it's possible that many of the members would resign. There would then be additional problems, because we would have two boards with a deficit in membership.

Mr. Walsh feels that if a more formal scheme could be adopted for the VDC, it would carry over to the AAC. The re-appointment is due by the end of October, so there is time to discuss the issues.

Commissioner Fossi said that Mr. Walsh did an excellent job of summarizing the subcommittee's activities and thoughts. Mr. Fossi was also influenced by the meeting with Mr. Kinnear and Mr. Mose. He thinks they understand that there have been some issues, and there is a willingness on their part to address them. It is hard to drive through town without realizing that the AAC has had some very positive input on many projects that have been constructed or improved in the past several years. They have done a great job. If there is an issue, it is probably a structural issue with the conduct of the AAC's meetings. They have had some attendance problems with certain members who may be removed from the committee, and the interview process for the VDC has produced some very good candidates to fill vacancies that may become available. He sees no need to create a separate VDC at this time, and thinks it would create more problems than it would solve.

Commissioner Katz thinks the subcommittee is unanimous on that point. He does feel that there needs to be a unanimity of reporting of recommendations from the AAC, and there should be no "minority reports". That is confusing to the applicant and does not represent the consensus of the AAC/VDC opinion. It needs to be structured. He has been remarkably impressed with the AAC Chairman's effectiveness in stating his opinion, and he has served the town for many, many years. He is not in a frame of mind to offend or insult a group that is willing to serve the town, and separating the group would be an insult that would do more harm than good.

Chairman Mucchetti said that is fine, but there is still the issue of the reasons that the subcommittee was formed in the first place. There were many calls (complaints) made to the office about how applicants were treated, and there were issues of perceived conflict of interest of some of the AAC members with specific projects that were being reviewed. The office had to intervene on many occasions to resolve these issues.

Mr. Katz says that the group consists in the majority of persons whose position by profession is one of artistic expression. There will always be differences of opinion, and the calls to the office need to be addressed generically. We need to focus on the process, not the person. Applicants in front of a board that is appointed rather than elected may feel that "there is more room for opprobrium and discourse about how they were treated." Add to that since it is an advisory board, and applicants know that it is not controlling; they are more polite in front of the elected P&Z Commission where permits are issued. He thinks John Kinnear has a handle on it and knows what to do.

Chairman Mucchetti points out that the AAC Chairman has argued the point and defended the committee's actions every time the Planner gets a phone call of complaint. She is not objecting because she knows that the AAC consists of competent, capable people, but they are appointed by the Town to serve the public, and when the public comes back and thinks they are poorly served, they are arguing with the office about the interpretation of being treated poorly. She asked directly about how many complaints the office has received about the AAC, and how many complaints were received about the PZC where there are very strong personalities and more stringent reviews. There were no complaints about the PZC, and there were at least six complaints about AAC applications and reviews in the past year or so. This is a very good group of people, but there is a need for some parameters. The issue of minority reports should be addressed, and there should be votes on the recommendations that are sent forward.

Mr. Fossi says he doesn't disagree that there haven't been complaints and there are some issues where members probably should have recused themselves from participation on certain applications. But he feels that Mr. Kinnear and Mr. Mose were sincere in their willingness to address those issues. He suggested that Mr. Walsh and he sit down with Mr. Kinnear and Mr. Mose when a draft of by-laws is put together, and the other issues could also be addressed. This whole process has brought attention to the issues, if nothing else.

Mrs. Willis says that if the by-laws cannot be followed, then there is justification to do something different, such as forming a separate VDC.

Planner Brosius likes the idea of better formality, especially the idea that votes should be taken on the consensus of the group. The thing to keep in mind is that there is no secretary for the group, and Mr. Kinnear's secretary is the one who types up the minutes. The process would be better formalized, but it should be simple. Chairman Mucchetti says the minutes form could be simply modified to include a space for votes. And the group needs to be sure that there is a quorum for voting.

Mr. Fossi says he is concerned with consistency from one review to the next. If the applicant is coming back for multiple visits, then there should not be conditions added by AAC members who were not present for the first review. The group should operate similar to the ZBA, where the same members comment on applications for multiple reviews. The Planner is concerned that formalizing that as a requirement would be complicated, but the concept is sound.

Dr. Autuori feels that the group has generally done an excellent job. He feels that Mr. Kinnear and Mr. Mose have heard the concerns. He recommends that the AAC be allowed to continue as the VDC for another year.

Chairman Mucchetti says that action can be taken before the end of the month of October. She says that by-laws that may be adopted by the VDC could be forwarded to the Board of Selectmen to be formally adopted by the AAC, eventually. The Planner

pointed out that there are 2-year terms, and at least three of the current members have attendance issues and may be replaced by the Board of Selectmen. Mr. Katz feels that at least three of the interviewed candidates might be willing to serve. These people could be appointed to the AAC by the Board of Selectmen, and would then become members of the VDC automatically.

Mr. Katz clarifies that the subcommittee would be charged with drafting a set of by-laws, they would recommend candidates to the Board of Selectmen to fill vacancies on the AAC. Mrs. Willis asked if the entire Commission should talk to these candidates. Mr. Fossi said it would be a good idea, but ultimately it would be the Board of Selectmen who has the power to appoint.

The official re-appointment of the AAC as the VDC for the period following October 31, 2008 will appear for action on an agenda in October.

NEW ITEMS

There were no new items.

Hearing no further discussion, the Chairman adjourned the meeting at 9:32 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning

and

Linda Caponetti
Recording Secretary