

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

October 10, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

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

A public hearing was held prior to the meeting.

At 8:02 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-048-SR:** Plenary Ruling application to conduct regulated activities in upland review area for construction of a single-family two-bedroom residence. Property located on west side of **Wilton Road East**, north of intersection with Split Level Road in the RA Zone. Owner: Earl A. Burchard. Auth. Agent/Apl.: Richard E. Kent, ASLA, Environmental Design Associates, PC. *Received 5/23/06, walked 6/4/06. Raised to Plenary Ruling June 6, 2006. Public hearing commenced 7/5/06, continued to 9/5/06 with granted extension, continued to 10/3/06 with granted extension. Public hearing closed and item tabled 10/3/06. 35- day action period ends 11/7/06. For action.*

Chairman Mucchetti advised the Board that the Wetlands Agent had passed out copies of 10.2 & 10.3 of the wetlands regulations - Standards and Criteria for Decision. She asked that they refer to them and to a map of the site.

Mr. McChesney said that, while he doesn't feel comfortable approving this application, he couldn't find any reason for denial. However, he expects that, if approved, it will take constant and repetitive inspections by the Wetlands Inspector because of the potential for a lot of runoff from this site. It does, however, meet the regulations, he feels.

Dr. Gelfman disagreed. He cited parts a) and d) of 10.2. He referred to part a), citing the environmental impact aspect, maintaining that the proposed plan would wipe out a natural corridor in terms of its natural function, flow, and aesthetics. Mr. McChesney asked Dr. Gelfman to elaborate. Explaining some of his concerns, Dr. Gelfman said that it seems like a massive dislocation of what is there now. Now there is a peninsula with a few watercourses, and a low wet area. This would clear everything a third of the distance from the road to where it begins to go up the slope, changing contours. He said it's bound to change the aesthetics of the street. He then referred to some other plans which had come before the Board, including lots on Ledges Road and Dogwood Drive, saying he felt some of them needed to be voted down, and he saw this proposal in that category. He said it wouldn't be the first time the Board would deny an approved lot.

Dr. Autuori asked, in looking at individual, pre-existing lots, if there was a fundamental difference between this crossing and the one the Board had allowed on Peaceable Hill. He recalled the Board allowing a crossing there, to create two more lots, because they felt it was a reasonable sub-division. Environmentally, other than that this is a public water supply, watershed crossing, he questioned what was the fundamental difference between these two situations.

Dr. Gelfman explained that there was a much larger expanse of wetland at the Peaceable Hill site, and the crossing didn't dramatically change it. Dr. Autuori asked if it was then a proportional problem, and Dr. Gelfman said it was.

Dr. Autuori felt it was a difficult call. Referring to a new proposed federal law about "taking" of property, he said that he felt that denying this application could incur federal oversight of wetlands regulations if use of the lot is denied. He was concerned that if Wetland Boards turn down things like this and the town doesn't step up and pay for the lot, then the property owner may be legitimately aggrieved. He feels that, if a lot exists, reasonable use should be allowed or there should be compensation.

Mr. Katz did not think that this property being a pre-existing lot has anything to do with the wetland consideration whatsoever. He said that the State of Connecticut was clear in that a pre-existing lot is in no way exempt from wetland regulations. He stressed that wetland considerations are totally divorced from zoning considerations. The Legislature had the opportunity to exempt pre-existing lots from wetlands regulations, but did not. Additionally, he stated, the Legislature gave wetland boards the purview to examine the entirety of a building lot with regard to the upland review area concept, and that is what he feels this Board needs to do. That piece of legislation is particularly appropriate here. He also felt that, in addition to all the specific wetland disruption considerations, the amount of activity in the upland review area needed to be taken into account, along with the potential pollution and torpidity created downstream, and potential erosion problems downstream.

Dr. Autuori asked the Agent what the reaction of the Norwalk watershed company was. She said they had not replied.

Mr. Katz said that if the Board decided to approve this project with conditions, a condition should be that a wetlands specialist be hired by the applicant to oversee this entire project from beginning to end.

Dr. Autuori asked how many bedrooms this house was designed for, and the Chairman answered, "Two." Dr. Autuori confirmed that that was as small as it could be and still have a viable septic system. He referred to the Peaceable Hill houses, confirming that they had a five bedroom designs.

Dr. Gelfman said that the house on Ledges Road is built, and it is a large, two-bedroom house. Mr. Slavin agreed that it is very big.

Mr. Walsh confirmed that this was a plenary application, indicating that the Board obviously felt that there was a significant impact to wetlands and the watercourses. He referenced 10.3 of the wetlands regulation, stating that, in order to approve the permit, the Board would have to determine that a feasible & prudent alternative does not exist under their regulations. He said that the Board would have to state affirmatively that no feasible alternative exists.

Mr. Fossi agreed with Dr. Gelfman that this application is much more difficult than the one they approved on Dogwood, stating that the fill package for the driveway at points is almost 10' high, the width is going to exceed 20' (possibly 26'), and the whole building envelope of the house is within the upland review area. He said that it was an incredibly difficult site, with ledge. He concluded by saying that he cannot see how this can be built without doing significant damage to the wetland.

Mr. Katz said that, during the public hearing, he looked at the individual items being presented and couldn't find that any one of them alone transgressed the regulations in any serious fashion, but in totality, and when one considers the nature of the construction that has to take place in order to accomplish what the application is trying to accomplish, he felt Mr. Fossi's point seemed all the more valid. He concluded by saying that he would, on the basis of the data before the Board and on the basis of applying 10.2 and 10.3, "reluctantly" make a motion to draft a denial of this application.

The Chairman asked if there was a second to the motion.

Dr. Gelfman seconded the motion.

Mr. Katz commented that the Board is asked to not make a ruling for a permit unless a prudent and feasible alternative does not exist, adding that that doesn't mean that if the Board is going to deny an application, it shouldn't consider that possibility. He said that the applicants had gone to great lengths to present a plan that was extremely well thought through for an extremely difficult (and probably prohibitive) lot, and

that this application is most likely the feasible and prudent alternative to any other considerations.

The Chairman asked Dr. Gelfman if he wanted to speak to his second of the motion.

Dr. Gelfman felt that, in addition to the approach, the siting of the house was problematic, and that, between those two aspects, the applicant has used up about two thirds of whatever is not absolute wetlands on the site. He noted that it would distort the flow into the wetland and distort the uplands for the entire property.

Dr. Autuori referenced the “prudent and feasible alternative” aspect, and made note of the fact that the wetlands regulations do not say that, absent a prudent and feasible alternative, the Board has to approve an application. However, he noted that, while the wetlands rules do not exempt a pre-existing lot, he cannot discount the fact that this is a pre-existing lot. He continued to say that he is not convinced that a prudent and feasible alternative does not exist for this lot. He mentioned a crossing on a property on Old Branchville Road where the homeowner constructed a bridge to preserve a boulder field. He said a bridge could be built from Wilton Road East across the wetland area to the upland. This could solve much of the problem with the massive amount of fill. It might also be prudent and feasible, he felt, to reduce the footprint of the house. He concluded by saying that, because he is not convinced that a prudent and feasible alternative does not exist, he will reluctantly support the denial.

Mr. Katz wanted to clarify that, in his opinion, points a, d, & f of the Standards and Criteria for Decision (10.2) were the most important factors in this case, and resulted in his decision to deny.

Dr. Autuori made mention that a bridge, properly built, could drastically reduce the impact of a, d,& f.

After lengthy discussion, it was noted that **Mr. Katz** had made a motion to request the Agent to prepare a resolution of denial for the application, seconded by Dr. Gelfman. The discussion continued for several more minutes until the Chairman called for a vote.

The motion to draft the resolution of denial passed by a vote of 9-0.

2. **#2006-100-WV**: mitigation plan for wetlands disturbance on property located at **11 Old Stagecoach Road** in the RAAA zone. Owners: Hunter and Jeanne Harrison. Auth. Agent: Donald Longo. *Draft formal approval of mitigation plan requested 10/3/06. For action.*

The Chairman pointed out the revisions to the draft letter, added by the Agent. There was brief acknowledgement of the bond amount, and the Agent explained that the number was intended to cover the wetland mitigation plantings, and the general overall mitigation to the site.

Mr. Katz motioned to approve the letter as drafted, seconded by Dr. Autuori. The motion passed, 9-0.

NEW ITEMS

3. **#2006-106-SR:** Summary Ruling application for regulated activities within upland review areas to construct a single family-residence on property located at **Tanton Hill Road** in the RAA zone. Owner/Appl.: Gabrielle Kessler. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 12/14/06. For receipt and schedule walk to determine significance and schedule public hearing if necessary.*

The Chairman asked the Board to acknowledge receipt of the application, and to discuss dates for a site walk and possibly for a public hearing. She pointed out that there was a letter of concern submitted by a neighbor, and a request for a public hearing. The Agent reminded the Board that the same application had been submitted in June and then was withdrawn when the applicant left town for the summer, and that a public hearing had been scheduled in July.

After some discussion about dates, Mr. Katz motioned to receive the application, to schedule November 8, 2006 as a public hearing date, and to walk the property on October 22, 2006. The motion was seconded by Mr. McChesney and passed by a vote of 9-0.

BOARD WALKS

- The Board scheduled a site walk for item **#2006-106-SR:** Summary Ruling, **Tanton Hill Road**, Kessler, for October 22, 2006, as noted in #3 above.
- The Board re-scheduled the site walk for **20 Peaceable Street, #2006-103-SR**, from October 15th to October 22nd.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. Katz motioned to approve the minutes of September 12, 2006, seconded by Mr. McChesney. Mrs. Willis and Chairman Mucchetti made a few corrections and additions that were accepted by the Board. The motion to approve the minutes passed by a vote of 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

October 10, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

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

A public hearing was held prior to the meeting.

At 8:33 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-073-SP:** Special Permit Application under Sec. 312.0 required by Sec. 410.0. of the Ridgefield Zoning Regulations to construct a 99,786 s.f. building expansion (Building 10) to the existing Research & Development facility located on Boehringer Ingelheim property at **900 Ridgebury Road/Shadow Lake Road** in the CDD zone. Auth. Agent/Appl.: Wayne Jenson. Owner: Boehringer Ingelheim Pharmaceuticals, Inc. *Received 7/18/06. Public hearing commenced 9/19/06, continued and closed 10/3/06. Draft Resolution of Approval requested 10/3/06. 65-day action period ends 12/7/06. For action.*

Mr. Katz motioned to approve the resolution of approval drafted by the Planner. The motion was seconded by Mr. McChesney, and there were no corrections. The motion to approve the resolution passed by a vote of 9-0.

2. **#2006-075-A:** proposed Amendment to the Ridgefield Zoning Regulations Section 305.01.C(1) – **Exempt Signs**, to permit establishment of Community Sign Boards and posting of temporary event signs. Commission Initiated. *For discussion/action.*

Chairman Mucchetti noted that the public hearing had been continued to October 24, 2006.

3. **#2006-077-REV:** Revision to Special Permit under Section 312.0.E as required by Section 401.0 of the Ridgefield Zoning Regulations for approval of master plan for future camp structures including revisions to previous approvals at Sturges Park located in the RAAA zone at **217 Rippowam Road**. Owner: Town of Ridgefield. Appl./Auth. Agent: Philip S. Kearns, Chairman, Ridgefield Park and Recreation Commission. *Received 9/5/06, walked 9/24/06. Public hearing commenced and closed 10/3/06. Draft Resolution of Approval requested 10/3/06. 65-day action period ends 12/7/06. For action.*

The Chairman complimented the Commission for the previous, detailed discussion pertaining to the considerations for approval for the property, reflected in the draft resolution, specifically with regard to fact that there appears to be no increase in use being proposed, and this project is essentially a relocation and renovation of existing structures.

Dr. Autuori motioned to approve the draft resolution that had been drafted by the Planner. The motion was seconded by Mr. Fossi.

There was brief discussion about condition #4. Mr. Katz asked if the reference to “no running water” for the cabin structure should also be made for other structures. After brief discussion, the Commission’s consensus was that the “no running water” reference applied specifically to the cabin, as discussed at the public hearing. There is no intent to pipe running water to any structures on the site.

The motion to approve the resolution, as drafted, passed by a vote of 9-0.

4. **#2006-096-REV: 563/593 Main Street:** (1) request for revision of previously approved subdivision and (2) review of appraisal for calculation of payment in lieu of open space. Owners: Joseph R. and Eileen Coffey and Richard Mele. *65-day action period ends 11/23/06. Received 9/19/06. Tabled 10/3/06. For discussion/action.*

Chairman Mucchetti introduced a request from Mr. Mele and Mr. Coffey to once again consider a revision to condition #3 in the Subdivision Approval. After the Planner’s consultation with the Commission’s legal counsel and the applicant’s attorney, the language was revised, as noted in the Planner’s Memorandum of Oct. 10, 2006.

Specifically, the property owners, approaching a deadline of Nov. 7, 2006 for filing the subdivision map, were requesting a modification of condition #3, which states that a house located on the property must be removed prior to the filing of the subdivision map. In the revised language drawn up by legal counsel for the Commission and the applicant, the house may remain on the property while the filing of the map takes place, however, “No zoning or building permits shall be issued for any of the lots shown on the subdivision plan and no separate uses of Lots 3 and 4 shall occur until the existing house ... has been removed.”

The Planner explained that 8-13a of the Connecticut Statute states that, if a structure exists for a period of three years in violation, unless the town has taken some court action, the structure may remain. The action must be filed in court, and cannot simply be a cease and desist order from a zoning enforcement officer. Both the Commission's litigation counsel and Mr. Baldelli were concerned that, if a subdivision is granted approval with a house sitting on top of a property line, three years from now, the property owner could make a case for leaving the house standing. Consequently the second sentence in the Commission's legal counsel's recommended language for modification of condition #3 contains provision that the owner, heirs, and assigns forever waive their rights and claims under 8-13a.

Dr. Autuori wanted confirmation that the Commission's legal counsel felt that the new language was acceptable, and the Chairman stated that it was the counsel's opinion that the Zoning Commission could adopt this language. Dr. Autuori said that he would then approve.

Mr. Katz wanted confirmation that Richard Baldelli was satisfied with this language, and the Chairman stated that Mr. Baldelli agreed to it based on the fact that the Town's legal counsel was involved with the language. Mr. Katz asked if this was an isolated incident or, could this new language cause problems for the Zoning Commission going forward.

The Planner said that the Commission needs to understand that, if it adopts this condition now, it may face similar requests in the future involving buildings that need to be removed on subdivisions that it approves. She added that, in the SDR20 zone, a subdivision is subject to a special permit. Without the revised condition, the applicant can't apply for the special permit because the subdivision map can't be filed without removing the house.

The Chairman was concerned as to whether or not Mr. Coffey fully understood that he is severely limited in his ability to proceed with work on his property by whatever stipulation the Commission may make. This revision of Condition #3 allows for the subdivision maps to be filed, but no building or zoning permits can be pulled for any of the lots, not just Lots 3 and 4.

Attorney Ryan Baltrush indicated that Mr. Coffey understood the condition.

After some discussion by the Commission, **Dr. Autuori** motioned to approve the request for the revised condition #3 of the subdivision approval as drafted by legal counsel for the Commission and the applicant.

The motion was seconded by Mr. Fossi, and passed by a vote of 9-0.

Chairman Mucchetti told the Commission that they need to review the appraisal for the calculation of payment and fee of open space, (page 2 of the Planner's Memo). She then asked the Planner to explain her observations related to this appraisal.

The Planner said that the Commission had received an appraisal on the property several weeks ago. She informed the Commission that they would need to approve that appraisal in order to go forward with the liens on the lots when the subdivision is filed. The funds are collected when the property is transferred from the current owner to a new owner, she explained. The Planner then pointed out that she noticed a large discrepancy in appraised value of the lot on Main St. done by James McCallion versus a similar parcel on Bryon Avenue, appraised by Robert Petrini, even though both lots were in the same zone, and involve basically the same sizes of lots and homes.

Mr. Fossi clarified that the difference in appraised value was even larger than the Planner had noted; the lots on Main Street were appraised for about \$75,000 per lot less than those on Bryon Avenue. The Planner said that this seemed to be the reverse of what might be expected, and wanted the fact to be known by the Commission.

Mr. Fossi cautioned that the Commission probably shouldn't get involved in questioning this. The Planner said the Commission has the right to question an appraisal. It doesn't have to accept the appraisal that's been given. Mr. Walsh asked where in the regulation is the Commission given the right to reject an appraisal.

The Planner referenced 4-25b in the subdivision regulations, which states that the appraiser should be jointly selected by the Commission and the applicant. This appraiser was not jointly selected. She stressed, however, that she is just bringing this to the Commission's attention, not asking them to act on this.

Dr. Autuori asked what the zoning impact was.

The Planner answered that the impact is the amount of money the Conservation Commission receives for the open space fund.

Dr. Gelfman asked if the Commission might ask for a second appraisal. Mrs. Willis questioned the Planner as to whether the Commission could do ask for another appraisal or simply not accept this one?

The Planner said that, in reality, the Commission is faced with a Nov. 7 filing date, so time would probably not allow the requesting of a second appraisal. She then reminded the Commission that she merely wanted to bring this to their attention as a matter of interest.

Mr. Walsh said that he doesn't ever recall the Commission required an appraiser be jointly selected, and that he feels standard operation procedure was followed. The appraiser is a licensed real estate appraiser in the State of Connecticut. He stated that he thought the appraisal needed to be accepted as is. Mr. Fossi agreed.

After much discussion and agreement that the Commission lacked the expertise to challenge the appraisal, **Dr. Autuori** made a motion to accept the appraisal submitted by the applicant.

The motion was seconded by Mr. Walsh, and the motion carried by a vote of 8-1, with Dr. Gelfman opposed.

5. **#2006-101-REV:** revision to Special Permit to allow 4 temporary and portable field lighting units on practice field located in the RA zone at **10 East Ridge, East Ridge Middle School**. Owner: Town of Ridgefield. Appl.: Ridgefield Youth Football. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to schedule public hearing ends 12/7/06. Public hearing tentatively scheduled for 10/24/06. Confirm public hearing and discuss schedule site walks for 10/15/06.*

(Note: The discussion on this item also pertains to the application for lights at the East Ridge Middle School, item #6 on the agenda.)

The Chairman mentioned that, late in the discussion at the last meeting, there was a question as to whether or not the current regulations even allow this kind of light within this zone. She also noted that there hadn't been adequate discussion of the East Ridge site, and asked if the Commission had considered eliminating that location. Mr. Walsh said that Mr. Mirra said he would be satisfied with lights at only one location. The Chairman said that he would have to then withdraw Item #5.

The Planner said she met with ZEO Richard Baldelli, who said no determination can be made until they have a true cut sheet or a sample light. However, she suspects that the lights will not meet the current regulations. She felt they might be approved under the new regulations, but added that the application has come in very late and that this may not be resolved for this football season.

Mr. Walsh asked for clarification on what section of the proposed new regulations pertains to temporary lighting. The Planner said there is a section that allows the Commission to approve temporary special event lighting in the new regulations. There was some discussion as to whether or not this application would fit the term "temporary." The Chairman then said that it might be better to have Mr. Mirra present potential suppliers with the regulations governing temporary lighting so that he wasn't going to unnecessary expense and effort. Mr. Fossi agreed, adding that there was no way, he felt, that this could be resolved before the current football season is over. The Commission agreed that it would be good for Mr. Mirra to continue to research it and to try to locate a light that would meet the regulations and even have it temporarily installed. The Chairman said that the Commission could provide Mr. Mirra with a copy of the proposed regulations.

After some discussion about whether the lights would even comply with the regulations, it was decided to keep the public hearing date for October 24th and to set a walk date if the applicant is able to obtain a sample light. The Planner noted that

the hearing may have to be canceled or continued if the light is not available for inspection, and that time is running out to accomplish the request prior to the end of the football season, even if the request is approved.

6. **#2006-102-REV:** revision to Special Permit to allow 4 temporary and portable field lighting units on practice field located in the RA zone at **66 Prospect Street, (Old High School)**. Owner: Town of Ridgefield. Appl.: Ridgefield Youth Football. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to schedule public hearing ends 12/7/06. Public hearing tentatively scheduled for 10/24/06. Confirm public hearing and discuss schedule site walks for 10/15/06.*

(See discussion under #5, above. Same discussion applies to this application.)

NEW ITEMS

7. **#2006-010-SR-S:** (1) request for 30-day extension of the time in which to file seven-lot subdivision map and (2) review of appraisal to establish payment in lieu of open space. Property located on **Bryon Avenue** in the SD R-20 zone. Owner: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, Esq. For action.

(1) Mr. Katz motioned to approve the request for 30-day extension, seconded by Dr. Autuori. The motion passed, 8-0-1, with Mr. Fossi recused.

(2) Mr. Walsh motioned to approve the appraised amount for calculating payment in lieu of open space donation, seconded by Dr. Autuori. The motion passed, 8-0-1, with Mr. Fossi recused.

8. **#2006-104-REV:** revision to Special Permit under Sec. 312.0 as required by Sec. 403.0 of the Ridgefield Zoning Regulations to allow church-related activities in buildings located at **21 King Lane** (formerly Odd Fellows Hall buildings) in the RA zone. Owner: Jesse Lee Memorial United Methodist Church. Appl.: Reverend William Pfohl. *65-day action period ends 12/14/06. For receipt, discussion/action.*

The chairman noted that the Commission was being presented with a very detailed memo from the Planner, a short map, a good set of plans, and an article from the paper.

Dale Brown, President of the Board of Trustees at Jesse Lee Church, detailed the proposed activities, which had been listed by the pastor in the third paragraph.

Mr. Katz asked what kind of activities were being planned.

Mr. Brown stated that the revision would allow them to use the small back building as a small chapel and move all the junior and senior high activities to the big building, freeing up space for the Sunday School, adult classes, and the healing ministry. Assuring the Commission that they would make good use of the 7000+ sq. ft. of

space in the two buildings, Mr. Brown added that they had met with the Historic Commission, who voted to allow them to go forward.

Dr. Autuori asked, and Mr. Brown confirmed that access to the building would be through the parking lot and not through King Lane.

Mr. Katz wanted assurance that any new construction would come back to the Commission as a special permit. The Planner said that any new construction would come back to the Commission, but, as of this time, none is planned.

The Chairman mentioned a widening of the driveway entrance. Mr. Brown said that, at the Planner's suggestion, they plan to meet with the Highway Department regarding this issue.

Mr. McChesney motioned, seconded by Mrs. Willis, to approve the request for Revision to the Special Permit. Chairman Mucchetti asked that the approval contain a requirement for the applicant to seek permits as needed from the Highway Department for widening of the driveway entrance.

The motion to approve the request passed by a vote of 9-0.

9. Schedule for work sessions, proposed updates to the zoning regulations with Glenn Chalder. *For discussion.*

Chairman Mucchetti pointed out that the next work session was scheduled for Halloween, on October 31, 2006. Attempts had been made to reschedule because of the Halloween events that will cause congestion in the Annex parking lot, but no other suitable date could be found.

10. **#2006-107-REV:** revision to Special Permit under Sec. 312.02.E of the Ridgefield Zoning Regulations to permit replacement of railroad ties with masonry and stone on property located in **Girolametti Court, 15 Danbury Road**. Owner: Girolametti Realty LLC. Appl.: John Girolametti. *65- day action period ends 12/14/06. For receipt/discussion/action.*

Mr. McChesney motioned, seconded by Dr. Autuori, to approve the request for Revision to the Special Permit. The motion passed by a vote of 9-0.

COMMISSION WALKS

The Commission tentatively scheduled the following two items for walks on October 22, 2006: (*Tentative*)

- **#2006-101-REV: 10 East Ridge, East Ridge Middle School, Town of Ridgefield**
- **#2006-102-REV: 66 Prospect Street, (Old High School), Town of Ridgefield**

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2005-053-SR-SP:** Request for reduction of bond posted for site work, **Ninety Four Commerce, LLC (formerly Ninety Two Commerce, LLC)**, for commercial building located on the South Street By-Pass, aka 94 Danbury Road. *PD recommends reduce from \$400,000 to \$60,000, and acknowledge that detention basin will be completed in conjunction with property development to the south.*

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the request for bond release with the suggestions recommended by the Planner in memo dated October 10, 2006. The motion passed, 9-0.

- **#2005-031-SPA:** request for release of bond posted for landscaping at **5 Danbury Road.** *PD recommends \$2,000.00 reduction.*

Dr. Autuori motioned, seconded by Mr. Fossi, to approve the request for reduction of the bond from \$3,000 to \$1,000. The motion passed, 9-0.

CORRESPONDENCE

The Chairman pointed out the following correspondence:

- Letter from Toll Brothers requesting approval for revised wall design.
- Information from the Planner regarding establishment of a Public Notice Registry, pursuant to Public Act 06-80.
- Hand-out of information about a proposed federal law that would send local zoning issues to federal court when “takings” of land are alleged.

Item added to the agenda:

Under “Correspondence,” **Chairman Muchetti** explained that Toll Brothers was requesting a revision to their plans, to go back to the original wall design using natural stone. A previous revision allowed them to use “faux” stone for the entrance retaining walls.

Mr. McChesney motioned to add the Toll Brothers (Laurelwood, Phase III) item to the agenda, so that it could be dealt with immediately. The motion was seconded by Mr. Katz, and the vote was 9-0.

Mrs. Willis motioned to grant the request, to allow Toll Brothers to build the natural stone retaining wall at entrance to the site. The motion was seconded by Mr. Slavin, and passed by a vote of 9-0.

MINUTES

Mr. Katz motioned to approve the minutes of September 12, 2006, seconded by Mrs. Willis. The motion passed, 9-0.

Mrs. Willis motioned to approve the minutes of September 26, seconded by Mr. Slavin. The Planner noted that ZEO Richard Baldelli's name should be added as "present" at the meeting. The motion to approve the minutes passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary