

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD

November 14, 2006

Present: Michael Autuori  
Joseph Fossi  
Nelson Gelfman  
John Katz, Vice Chair/ Secretary  
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 7:30 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2006-112-A-IW:** Request for amendment to the Inland Wetlands and Watercourses Regulations, 100-foot upland review area for lakes. Requested by: Mamasasco Lake Improvement Fund, Katherine Fisher, President. *For further discussion c/o IWA.*

**Anthony Yonda** of the Mamasasco Lake Improvement Fund said that Mamasasco Lake currently has enough nutrients to sustain significant aquatic weed and algae growth. Eurasian water milfoil is of greatest concern, because it can grow as much as a foot a week under the right conditions, and it could take over the lake in a very short time. They have been treating the lake for the milfoil since the mid 90's using a chemical called Flurodone. At first, the treatments would last 2 to 3 years at an average cost of \$6,000 a year. In the spring of 2005, the treatment didn't last through the season.

At the suggestion of the manufacturer of Flurodone, the Mamasasco group began to double the amount of chemical being used and double the length of time the lake was being treated. On this regime, the treatment of the lake could now cost the association upwards of \$20,000 a year to control the milfoil using Flurodone.

**Mr. Yonda** said that chemicals are not an effective long term solution to the weed problems in Lake Mamasasco. He mentioned a study done in 1990 which identified the source of the nutrients as the sediment which was washed into the lake as a result of storm water drainage from the watershed. The study recommended that the association have a watershed management plan drawn up, which they did in 1995.

The plan identified major areas of erosion in the watershed and recommended a specific structure of BMPs that could be applied to control the erosion. The goal was to improve the water quality by reducing the nutrient loading of the lake. The plan was implemented in 1997.

**Mr. Yonda** continued, saying that the proposed program that we're proposing to you this evening, the Lake Protection Zone, is basically an adjunct to that plan. Its goal is the same, namely, to improve water quality by reducing the nutrient loading of the lake, but, rather than using structural BMPs, it relies on guidelines and some changes in the land use regulations to achieve that goal. The MLIF thinks that there are two conditions needed to save this lake: the first being the continued implementation of the watershed management plan currently underway, and, second, they feel very strongly that their proposal, the "Lake Protection Zone," should be incorporated in the Inland Wetlands Regulations for the watershed.

**Chairman Mucchetti** introduced Robert Jontos, of Land-Tech Consultants.

**Mr. Jontos** said that they are looking to implement the creation of a lake protection zone. The western side of the watershed is the largest area contributing runoff to the lake. The Bay State Environmental Study that was done several years ago indicated that over 530 pounds of phosphorous was entering the lake; 50% of that coming from storm water discharges. Their recommendation was to reduce that by 50%. It was observed that a large variety of storm water systems on the lake are draining to the lake. Also, there is a high density of development within the first 100' of the lake.

The proposed plan divides the watershed into two zones: Zone I, from the high water mark to a point approx 100' up the upland; and Zone II, from 100' up to the extent of the watershed. Zone II creates runoff, but the first 100' is the most critical. Mr. Jontos stated that the MLIF would like to see the Inland Wetlands Board extend the upland review area from its current 75' to 100'. There is a direct correlation between land use activities and the quality of the water that leaves these properties and drains down into the lake, he said. In most cases, the storm water systems drain directly into the lake without any attenuation through physical structures or through wetlands systems. Mr. Jontos said that their proposals are not simply suggestions. The MLIF would like to see anyone looking to develop their property incorporate these guidelines into their site development proposals. The reason being that the plan is a simple, efficient method that's cost effective, low maintenance, that could provide protection to the lake from surface runoff from developed properties. Many communities and the State of Connecticut have effectively used these guidelines in dealing with storm water management and sedimentation and erosion control.

**Mr. Jontos** continued, "In terms of the direct relationship between impervious areas and lake water quality, when we get over that 8 – 10% impervious area within the watershed, we start to see degradation of the water quality. Without implementing some type of best management practices, as we exceed this threshold, we see increasingly more and more nutrients and pollutants entering the system."

What they are proposing is a “straightforward guidance document that the homeowner and/or a potential developer could incorporate”. They feel it is a document which could be appropriately attached to the Inland Wetlands Regulations, specifically section 4.5 of the current regulations. Mr. Jontos concluded by saying that these guidelines would be one more step in the advancement of the lake watershed management plan.

**Dr. Gelfman** noted that the first row of houses is right on the edge of the lake, and the second row of houses is directly across the road from the first. He asked, since they all have septic systems, wouldn't that be producing a lot of phosphorous?

**Mr. Jontos** said that, typically, a properly installed septic system shouldn't be contributing phosphorous to the groundwater. However, even though Connecticut soils have a very high attenuation capacity for phosphorous, septic systems that are installed in the groundwater or are subject to seasonal inundation could contribute. Nevertheless, this proposal is directed at surface water runoff. Mr. Jontos said they were focusing on storm water runoff, which was the principal recommendation of the Lake Feasibility Study.

**Dr. Gelfman** added that a junction was installed in that sewer pipe for the future use of Lake Mamasco, and Mr. Jontos agreed that it would be a very important addition to that sewer system.

**Mr. Katz** cited Section 4.5, stating that the regulations permit a wetland agency to regulate any and all activities which are likely to impact or effect wetlands or watercourses. He said that the plan wasn't more than a list of recommendations, and asked why it wasn't a “toothier” regulation. He felt that “volunteerism” wouldn't accomplish the 50% reduction suggested by the Bay State Environmental Study.

**Mr. Jontos** said that they felt that this was the best way to approach it. They felt this was preferable to adding one more layer of regulation in an already difficult situation. They also felt that the recommendations they offered could be easily incorporated into a site development plan because of their flexibility.

**The Agent** said that one of the concerns she had in adopting these guidelines as regulations was that the Board might be going beyond the authority authorized by the state, and, secondly, since there is only one wetlands inspector who works 17 hours a week, enforcing this would be an onerous task for one individual. With the idea of incorporating them as guidelines that could be used as conditions for development within the watershed, (should the Board go forward with this as a proposal to amend the regulations), the Agent had drafted a reference to incorporating the recommendations and the operation and maintenance schedule as conditions of IWB approval in any permitting that takes place within the watershed.

**Mr. Katz** said he didn't see how anything that was not "fairly definitive" (or required) could be put into Section 4.5, because 4.5, as it relates to the statutes enabling the inland wetlands regulation, is mandatory. In a wetlands permit, he said, the Board could not make these recommendations conditions of approval because they are only suggested, and not mandated.

**The Agent** said that, under Section 4.5, Mamasasco Lake could be added to the list of water bodies named, and the upland review area could be increased to 100', and all uses listed within 100' of these water bodies would be considered within the upland review area. She gave an example of wording that could be used:

"Applicants seeking permits for regulated activities in the watershed of Mamasasco Lake shall refer to the Lake Protection area guidelines found in Appendix A of the regulations. The Inland Wetlands Board and/or its designated agents may consider the recommendations for region I and region II in these guidelines in reviewing and approving permit applications within the watershed and the 100' upland Review Area."

She also felt it would be appropriate to reference the MLIF's Operation and Maintenance Guidance for Low Impact Development, as well.

**Mr. Katz** felt that wasn't strong enough. He wanted stronger language, feeling that the words "may" and "recommendation" did not imply there was enforceability behind these guidelines. He felt that the word "may" implied the recommendation was optional, and "recommendations" are not conditions of approval.

**The Agent** said that wasn't so, saying that the words could be taken straight out of the guidelines, word for word, and imposed as conditions of approval by the Board.

There was some ongoing discussion, more about semantics than anything else.

**The Agent** then said she thought these guidelines would be appropriate for any of the lakes in Ridgefield, but, since the Mamasasco Lake people had done all the work, she felt their request should be considered first.

**Mr. McChesney** asked if this could be used, as is, for the other lakes.

**The Agent** said that it essentially could, but the downside of including the other lakes would be that they may not have the organized body of support for this change that Mamasasco does. She did not want to see this go to a public hearing on behalf of Mamasasco Lake, including all the other lakes, because this could delay or hamper the MLIF proposal's chances for approval. The MLIF has put money and time and effort into the proposed guidelines and, in her opinion, it would be best to support this effort now, and then look at the other lakes as a logical step beyond that.

**Dr. Autuori** was concerned with the regulatory aspect. He suggested the following wording instead: “The applicant shall consider the recommendations and the Board may require adherence to.....”. That way, he felt, it left a certain volunteerism to it, and yet it gave the Board the power to step in and exercise its authority if necessary. Mr. Katz and the Agent were happy with the rewording.

**Dr. Autuori** then questioned Mr. Jontos about the chemical used, specifically about Florodone, and also about the use of the “Mamasco Muncher”. Mr. Jontos said that, in his opinion, the lake appears to have developed a strain of vegetation that’s resistant to that chemical. The Muncher had not been used since the early 90’s. “That was OK for the native weeds,” Mr. Yonda said, “but, Milfoil propagates by fragmentation, and you don’t want to cut it down because you make little pieces and they grow again.”

**Mr. McChesney** asked Mr. Yonda, “Do you still do the annual drawdown?”

**Mr. Yonda** said that it was in underway “as we speak”.

**Mr. McChesney** asked, “Has that been effective at all?”

**Mr. Yonda** said that it has been effective in terms of people being able to clean up their properties and repair their docks and clean out the leaves from the lake. But, in order for a drawdown to be effective, it has to be held until there was a significant freeze. On one or two occasions, they were able to do that, and it seemed to help, but, there hasn’t been a long enough history with that method to determine its effectiveness on a long term basis.

**Mr. Jontos** said that in the deeper portions of the basin where it doesn’t freeze and there’s still a cover of water, a drawdown is not going to be effective in killing the vegetation. He also mentioned that, regarding the resistivity of the organism, there has been shown to be, in some cases, a chemical resistance developed by the plants.

**The Chairman** asked Mr. Jontos how much of the pollution comes from the town roads and how much comes from residential properties.

**Mr. Jontos** said it wasn’t differentiated in terms of the residential development versus roadways. It was differentiated by virtue of surface runoff from storm water, which would be from all non-point sources, versus subsurface through sewage disposal.

Fifty percent was attributed to storm water runoff, he said. The drainageways within the watershed are a series of storm water systems that are basically “cobbled together” to simply get the water from point A to point B. Unfortunately, they are not very efficient

at removing the total suspended solids. That is why the Mamasco group feels that their guidelines are appropriate in speaking to the residential development. The group has already implemented a series of activities within the priority grids along

Mamasasco Road, to treat road runoff and to capture the large volumes of flow from some of the major tributaries. He explained that they are now moving into the adjacent properties, both private and public, developed and undeveloped, to see if they can “manage the storm water better.

**The Chairman** asked about where the catch basins from the town roads emptied. Mr. Jontos replied that they all emptied into the lake.

**Dr. Gelfman** asked if Asian carp eat milfoil.

**Mr. Jontos** said that they were looking into this, and that there had been experiments done showing its effectiveness, the results of which he would be happy to provide.

**Dr. Autuori** said that he was hearing several problems: sediment, phosphate, and phosphate adsorbed to sediment. He asked how they would be ranked, and if there is a free phosphate issue with the surface water. He wondered where the phosphate, whether its free or adsorbed, is coming from, since Mr. Jontos said it isn't coming mainly from septic systems?"

**Mr. Jontos** explained that phosphorous is absorbed to soil naturally. When there is soil erosion taking place, there is phosphate that's absorbed, or bound phosphate, that's moving with the sediment. The free dissolved phosphorous is also a component of the system. The Bay State study showed that the sediment bound phosphorous was the principal culprit here. Removing phosphorous in solution is also approached by these recommendations, especially during the growing season, when there is active uptake by the vegetation. Mr. Jontos said they were trying to introduce competition to the algae as well as the macrophytes in the lake by substituting well developed upland areas that are well vegetated that will allow for infiltration of the groundwater, which will remove a lot of the phosphorous in solution, and move it through the cycle by physical uptake by the plants. It's a self-sustaining system. Thus, it is important to maintain the vegetative buffers directly adjacent to water bodies.

**Dr. Autuori** asked what Mr. Jontos felt was the principal source of the phosphate.

**Mr. Jontos** replied that it is likely to be fertilizers.

**Dr. Autuori** said this is about lawns and landscaping. He asked if education is a significant part of the plan.

**Mr. Jontos** said it was, and referred the Board to the general recommendations for the watershed, under the turf grass management section, where they suggested testing of topsoils from at least 40% of the developed parcels every 3 – 5 years. The goal of this would be to educate the homeowners on the excessive fertilization impact, and show them how and why to apply fertilizers or herbicides only as needed, as opposed to on a calendar basis. This, the MLIF felt, is a critical part of the homeowner education program. They also established an opportunity to do a demonstration

project along one of the shoreline communities to show how to introduce aquatic and transitional vegetation in the near shore environment.

**Dr. Autuori** asked if they found the general population of watershed amenable to these ideas.

**Mr. Jontos** replied that it had been very well received.

**Mr. Katz** asked what the next step would be.

**The Chairman** explained that the Agent had put together a packet in anticipation of the support for this discussion, and had proposed some language. (The packet was distributed.) Then, a public hearing would be scheduled.

**The Agent** mentioned that she had found nothing in the statutes that would allow someone from the outside to come in to come in and propose an amendment to the regulations, so this would have to be a Board initiated amendment. The reason the Mamasasco people were there, she explained, was to gain the Board's support to initiate the amendment.

She then reviewed what was being proposed:

- 1) the addition of Mamasasco Lake to the list of 100' review areas
- 2) the rewriting of the wording of the amendment to make it stronger in reference to the guidelines, as described in the packet

The Board reviewed the potential amendment to the inland wetlands regulations, based on recommendations of the Agent and a draft amendment distributed for review. The amendment would establish 100-foot upland review areas around Mamasasco Lake and would add the MLIF's proposed "guidelines" and "Operation And Maintenance Guidance" for development as an Appendix to the regulations. The Agent made recommendations for modifications to the draft amendment, based on the Board's discussion.

**Mr. Katz** motioned, seconded by Mr. Walsh, to propose adoption of the amendment, with modifications as noted by the Agent, and to schedule a public hearing for January 9, 2007. The motion passed, 9-0.

## **NEW ITEMS**

There were no new items.

## **BOARD WALKS**

The Board noted a walk scheduled for **November 19, 2006**, for application **#2006-116-SR: 61 South Olmstead Lane; Augustadt**

## **REQUESTS FOR BOND RELEASE / REDUCTION**

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following correspondence:

- Copy of the approved meeting schedule for 2007
- Letter dated 11/7/06 from Craig Studer, re 13 Cedar Lane

## **MINUTES**

There were no minutes for approval.

Hearing no further discussion, the Chairman adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION

November 14, 2006

Present: Michael Autuori  
Joseph Fossi  
Nelson Gelfman  
John Katz, Vice Chair/ Secretary  
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 8:08 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. Request for determination of suitability of a proposed use for the MCDD zone, c/o Planning Director. Re: Health & Wellness Center for **901 Ethan Allen Highway**. *Draft letter from Planner requested 11/8/06. Review and finalize draft letter.*

**Mr. Walsh** said that he was disappointed that he had missed the meeting at which this item was discussed. He said he remembered “tortured discussions” over the use at that facility and that the Commission was happy for it to be a medical use. What, in his opinion “flies directly in the face of how we defined a medical office in the zone,” is condition #2 in the Agent’s letter to the applicant, which says that “In the absence of available certification or licensure by the State of Connecticut for the professionals or paraprofessionals.....certification by a nationally accredited organization is acceptable.”

Not that he had a problem with what the applicants want to do, but he is concerned that the Commission is obliterating its own definition for this specific use. He didn’t think that was a proper way to handle such a wide ranging zone change, involving several other parcels that this could affect in the CDD. Mr. Walsh felt that, instead of trying to make the regulation fit this use, why doesn’t the Commission have the applicant try to fit his use into their zone. He asked why the applicant didn’t just request a simple zone change to allow the type of use that he wants to have. In other words, have a separate delegated area for the use. He summarized the problem he

saw was that, in essence, the “regulation had become the tail and their definition the dog.”

**Mr. Katz** said that he totally agreed. It should be driven by the regulation. Where he has difficulty is with the Commission’s broadcast inclusion in their definition of the “alleviation of human disease and physical or mental ailments and/or medical conditions affecting any structure or function of the human body by professionals and practitioners....” with the caveat, “certified by the State of Connecticut”. The definition should probably have read, “....certified by the State of Connecticut or equivalent,” he felt. He then noted that the CDD zone regulations included accessory uses which covers everything you could think of including employee recreation areas and clinics. These accessory uses included use by business visitors to the building(s).

Mr. Katz did not want to dispute what Mr. Walsh had said, but felt that the area of dispute was in how will the Commission “interprets the xenophobia with which they wrote the definition”.

**Mr. Walsh** disagreed. He said that the Commission has almost taken this out of statutes in Connecticut, saying that the way one can practice medicine in Connecticut is to be licensed by the State of Connecticut. The licensing procedure by the State of Connecticut provides a certain credential and a certain amount of trust, he felt. Mr. Walsh continued by saying that the Commission, in trying to allow the owners of the medical facility to lease out a portion of their premises for income, is really dismantling what they’ve defined as a medical office and a medical use in that zone. The applicant should come back and try to amend the regulations for this zone to fit his use, he felt. Otherwise, trying to enforce something like this would be “insurmountable”.

**The Chairman** said that she had spoken with Zoning Enforcement Officer Richard Baldelli about this, and he feels that this use does not conform to the regulation as it’s written, and he doesn’t know how he would enforce it. He believes that it does allow the use to something the Commission had not anticipated, she said. She agreed with Mr. Walsh, saying that having an application come in that conforms to the regulations would be the preferred scenario, but, this was like “trying to pound a square peg into a round hole. While she is not opposed to the use, she does not feel it conforms to the regulations.

**Mr. Katz**, addressing the Chairman and the Planner, said that he thought their office felt that if the Commission were able to restrict the use, that their office would be comfortable with it.

**The Planner** said they thought this was a very gray area as far as a proposed use in this zone. However, she said that she was more in doubt about it than Mr. Baldelli, who felt more strongly that it was not permitted because of the Connecticut State License. Because she had some doubt, it was brought to the Commission. She reminded the Commission that they were charged with interpreting their own

regulations, and staff was charged with enforcing the regulations created by the Commissioners. She explained that her office, having been approached by the applicant, needed to respond. They could either have said, “No,” or they could bring it to the Commission, which is what they decided to do.

**Mr. Katz** said he did not think that this should have come to the table. He felt that the office should have read the regulation which stipulated the Connecticut State license and told the applicant to return when they had that. However, since it did come to the table, Mr. Katz felt that the Commission couldn't put their office in the position of trying to enforce this. He added did not feel that the Commission could massage its writing of “permission” to circumvent its own regulations. He was ready to make a motion, if needed.

**The Chairman** said that his was just a letter, not an application. No motion was needed.

**Mr. Katz** said he thought that the office needs to advise the applicants that they should come up with a modification to the zoning commission standard for tenancy for ongoing business at that location, and see if the Commission is willing to amend its regulation, (which it probably is).

There was ongoing discussion relating to type of language that would be needed to come back to the Commission.

**The Planner** said that the office needed to respond to Mr. Lipton's question, about whether or not the use is permitted in the zone. There was universal agreement that the answer was, “No.” She added that Mr. Lipton had proposed language in a letter to the office and that he needs to come back with a proposed amendment to the regulations in order to achieve his goal.

**Mr. McChesney** asked if the Planner felt that Mr. Baldelli could act if the regulation were amended as Dr. Lipton had suggested. Would he be comfortable with that?

**The Planner** said that she would have to ask Mr. Baldelli.

**Mr. Katz** said that it would have to be worded in a way that would make it abundantly clear to anyone trying to open up a Gold's Gym that it couldn't be done there.

**The Planner** thinks there are probably better ways to accomplish this than by amending that definition. She said that, as Mr. Katz mentioned, there are accessory uses within the CDD. Perhaps, she thought, there just has to be a whole new definition for fitness centers in a corporate zone.

**The Chairman** added that, to Mr. Baldelli's point, a fitness center is a fitness center, no matter whether it's a boutique or a large chain. She noted that some of the best

facilities are in corporate locations. It's a huge amenity, she said. You get very fine quality as opposed to bargain basement facilities. The Chairman said the Commission should either agree that the use is appropriate for CDD and MCDD zones, or not. She felt that it was appropriate, and thinks the use is appropriate for the medical zone

**Mr. Katz** asked if she felt that, in that complex, a Ridgefield Fitness or a Gold's Gym would be appropriate. The Chairman said that she did.

**Mr. Katz** said that he would like it to be a little more restrictive than that

**The Chairman** said she understood, but asked how that would be done. How would they permit the use but limit those who can provide the use?

**Mr. Katz** said he thought it could be done. It needs to be done in the context of why they established the MCDD.

**The Chairman** stated that this would be a challenge, and that, in her opinion, the use is not the problem. The problem is that, with the way the regulation is currently written, the use does not comply with the regulation. The regulations need to be amended to support the use.

**Mr. McChesney** said that he felt the Commission had set the tone. He would hate to have the applicant come back with a draft and go through all of this all over again and still not be granted permission. He said that, while the Commission generally doesn't like to tell people how to make their applications, he felt it was important that the Commission get clear on what they would accept and make that known.

**The Chairman** said that she is deferring to Mr. Baldellis interpretation of the use. The use is the use.

**Mr. McChesney** said, if it's going to come back for rewording, and the tone is very restrictive, as it is now, it would mean "No Gold's Gym". He said that if the Commission wanted to have it be broader than that, which is what we would permit in a CDD zone, then this amendment should address that as well.

**The Chairman** asked if it would be appropriate for staff to work with the applicant?

**The Planner** said that they can do that, but that adding restrictions that are specific to the MCDD use may be a bit difficult.

**Dr. Autuori** said that Dr. Lipton's own words could be incorporated along with an expansion of the licensure requirement to include national or equivalent certification, and still keep it "tight". He would rather do that first, and, then, in the future, if there's a reason to expand it, the Commission can open it up. He agrees that this is an excellent use and that wellness is now a mainstream part of modern medicine, but,

there is a problem with the way the regulation is worded, admittedly. He would like to fix the problem but not open it up and make it into a Gold's Gym."

**Ms. Willis** worried that other areas that might apply to get in could be something like aroma therapy.

There was some discussion as to how to prevent this type of expansion of interpretation of medical use.

**Dr. Gelfman** asked if the Commission could review the original conversation that established the MCDD zone.

**Mr. McChesney** said he didn't think that was necessary.

**Mr. Katz** said it was driven by the fact that the treatment facilities weren't permitted in the CDD. The Chairman concurred, saying that they wanted to amend the CDD initially.

More discussion ensued relating to ancillary uses and examples of what should and shouldn't be permitted.

**Dr. Gelfman** finally said that he thought they were "torturing" this. He said the Commission came up with a definition of a medical facility, and now they were trying to monkey with it. Mr. Katz asked if Dr. Gelfman thought this was a legitimate use in the zone. Dr. Gelfman said no, not with the conditions that were proposed in the Planner's draft letter.

**The Planner** said that, talking about licensing, under the Department of Public Health, there are licenses issued by the State of Connecticut for athletic trainers and for massage therapists and nutritionists, and health clubs are licensed under the Department of Consumer Protection. The Commission agreed these were fairly complicated and gray areas, however.

**The Chairman** suggested that they give Dr. Lipton a response to his request and let him know that staff can work with him, and encourage him to come back.

**Mr. Katz** cautioned that, to some degree, the Commission was acquiescing to an applicant who could "make a case for selling health conscious deli sandwiches." He went on to say that Dr. Lipton was very good with words and an excellent businessman. He didn't feel the office should be encouraging the staff to make suggestions as to what can get passed.

**The Planner** said that they could be appropriately cautionary.

**Dr. Autuori** said that the Commission shouldn't leave the applicant with an impression that it was fairly favorable and then clam up and not contact him. He said

that, to Dr. Gelfman's point, this is not in the zone so why tweak it. But Dr. Autuori liked the idea of incorporating a measure of wellness into the zone. He asked if they should look at the zone as being fixed, static, and sacrosanct, or should they look at it as what we have now – should it evolve to something or should they modify it where it evolves to something more fitting to where health and medicine seem to be going today?"

Following lengthy discussion, it was the consensus of the Commission that the proposed use is not permitted under the definition of "medical offices" in the MCDD zone. The Chairman said that the Planner would contact Dr. Lipton and advise him of the meeting's outcome.

2. Commission discussion – proposed updates to zoning regulations.

(Note: This item was discussed at the end of the agenda, following the completion of all items. The recording secretary left the meeting at 8:44 p.m., and the notes for this item were provided by the Director of Planning, Betty Brosius.)

**Chairman Mucchetti** asked the Commission to refer to the Planner's page-by-page summary of comments and questions received from the public and other agencies, regarding the proposed zoning regulations. Discussion the previous week ended with the residence zones; discussion for this session began with the business zones. The Commission finished review of Sections 5 thru 10 in the proposed regulations, and the Planner will forward notes to the consultant, Glenn Chalder of Planimetrics, LLC.

The Commission also discussed proposed limitations for permitting commercial vehicles in residence zones, based on a proposal by Zoning Enforcement Officer Richard Baldelli. Additional information is needed from the ZEO prior to finalizing this item.

Glenn Chalder of Planimetrics will return for another work session with the Commission on Tuesday, November 28<sup>th</sup>.

## NEW ITEMS

3. **#2006-120-REZ-A:** (1) Application to amend the text of the zoning regulations to establish an Age Restricted Housing District zone ("ARHD"); (2) Application to amend the zoning map, to rezone ±11.043 acres of land currently in the RAA zone to ARHD; and, (3) Application to amend the Ridgefield Plan of Conservation and Development. Property located at **217, 221, 233 and 249 Danbury Road** (Route 35). Owners: Matty Management Company (John Pambianchi), Norma and Al Diniz, Dorothy and Ed Zandri, and Mario and Antoinetta Delmonaco. Auth. Agent: Matthew Ranelli, Esq. *For receipt / schedule walk / schedule public hearing.*

**Chairman Mucchetti** noted the three-part application and suggested a public hearing for January 9, 2007, and a site walk for 12/10/06.

**Dr. Autuori** motioned, seconded by Mr. McChesney, to acknowledge receipt of the applications, to schedule a walk for December 10<sup>th</sup>, and a public hearing for January 9<sup>th</sup>. There was some discussion about the public hearing date, but the final vote passed, 9-0, based on the recommendation of the Chairman.

#### **COMMISSION WALKS**

**The following walks had been previously scheduled for November 19, 2006**

- **#2006-113-REV:** revision to Special Permit, **33 Ethan Allen Highway**, Salzbrunn
- **#2006-114-ACC-FC:** 135 Old Branchville Road, Pember
- **#2006-115-SP:** Special Permit, **300 West Lane**, Odeen

**The following item was scheduled for a walk on December 10, 2006.**

- **#2006-120-REZ-A:** Rezone application, **217,221,233 and 249 Danbury Road**, c/o Matthew Ranelli, Esq.

**The Planner** asked the Commission to add **15 Ethan Allen Highway** to the 11/19/06 walk schedule for review of parking requirements. She explained that an application for Site Plan Approval was pending, and there is question about adequate parking.

**Dr. Autuori** motioned, seconded by Mr. Slavin, to add 15 Ethan Allen Highway to the walk schedule for 11/19/06. The motion passed, 9-0.

#### **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following:

- Memorandum from Terri Hahn of LADA, P.C., regarding inspections of the Toll Brothers project on Danbury Road.
- 2007 Meeting schedule

#### **MINUTES**

**Mr. Katz** motioned, seconded by Mr. McChesney, to approve the minutes of 10/31/06. The motion passed, 8-0-1 (Mr. Walsh abstained).

Hearing no further discussion, the Chairman adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary