

APPROVED / REVISED
SPECIAL MEETING MINUTES
PLANNING AND ZONING COMMISSION

November 28, 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
Richard Baldelli, Zoning Enforcement Officer

Note: Architect and AAC member Jeff Mose was also in attendance. Mr. Mose has been involved with staff and the consultant in previous meetings for discussion on lot coverage, setbacks and floor area ratios pertaining to residential design.

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

PENDING ITEMS

Special Meeting: Work session on Proposed Revisions to the Zoning Regulations, with planning consultant Glenn Chalder of Planimetrics, LLC.

Chairman Mucchetti opened the work session and noted that the Commission had scheduled work sessions at the end of the previous regular meetings in November, where the proposed regulations were discussed. She asked the Planner to begin the work session with questions and outstanding items for review by consultant Glenn Chalder.

The Planner suggested discussing a few of the items covered in the November work sessions, and then moving on to the discussion of Mr. Chalder's hand-out entitled, "Proposed Alternative Language," dated 11/22/06. The first item for discussion involved proposed language for the Planned Residential Development (PRD), which would require a special permit under the "zoning" role of the Commission, followed by review of the subdivision under the Subdivision Regulations (the "planning" part of Planning and Zoning). Current regulations require the Commission to "determine suitability" of a parcel for a proposed PRD; the regulation would replace this "determination" with a special permit requirement.

Dr. Autuori said that he was not in favor of the special permit requirement because it would be too onerous a process, and it would discourage developers from application for PRDs. As an environmental concept, the PRD is beneficial for the preservation of large open spaces and it is important not to complicate the process.

Dr. Gelfman disagreed and felt the special permit was a better process, because the “suitability” of the land could better be determined when examined under the special permit criteria. He is disappointed with some existing PRDs, where the town received open spaces that are largely wetlands and unusable. Mrs. Willis agreed, and noted several “bad” PRDs, and only one good one (Norran’s Ridge) where the developer cooperated with the Town and the result was some valuable and useable open space and trail systems.

Mr. Chalder pointed out that there may be legal and technical reasons for the special permit process, because “determination of suitability” in the absence of a special permit (under the Commission’s “zoning” responsibility) is really an administrative act. Mr. Chalder also emphasized that the criteria for determining “suitability” are essentially the same as the special permit criteria.

The Planner agreed with Mr. Chalder, that the decision to approve a property suitable for PRD should be a decision made under the authority granted to the P&Z Commission under the statutes pertaining to zoning. She suggested that the Commission postpone its final acceptance of the proposed language for PRD pending a review by the Commission’s counsel, to clarify authority and responsibility under zoning vs. planning statutes. The Commission agreed.

The Commission continued the work session with discussion of Mr. Chalder’s hand-out, “Proposed Alternative Language,” dated 11/22/06.

Under page 1 of the document, “Yard Setbacks,” the Commission discussed the suggestion for graduated/proportional side yard setbacks, versus a fixed number. It was noted that the proposed language provided some extra relief to smaller lots located in large-lot zones. The complexity of explaining and implementing the proposed regulation was discussed, as well as the benefits to the individual homeowner. The conclusion was that the complexity of the administrative implementation of the regulation would be problematic, and that the Zoning Board of Appeals could provide relief (as it has in the past) where appropriate.

Under page 2 of the document, “Average Grade,” the Commission discussed the method to calculate average grade. After much discussion, the proposed language was found to be acceptable. Lengthier discussion centered on the need (or not) to require “pre-construction” as well as “post-construction” grades. The consultant recommended requiring both, since problems arise with lots where developers fill or excavate lots in order to circumvent the building height regulations. If height is measured from “pre-construction” grade, then abuse of the regulation can be prevented.

The difficulty, as noted by the Planner, the ZEO, and some of the Commissioners, is the inconvenience and expense to the homeowner who may want to do a small addition to an

existing structure. The extra requirement for measuring pre-construction grade may be onerous. It was finally decided that pre-construction grades and a grading plan should be required for new construction (including tear-downs). This can be accomplished in the Appendix, where the requirements for submission for a zoning permit will be listed. Once building height is established under the new construction, then additional changes should not drastically change grades.

There was considerable discussion about the need (or not) to regulate height according to measurement as well as by limiting numbers of storeys. The consensus was that height limitation was more important. The consultant would also like to suggest a regulation that addresses the number of storeys that can be seen from the street, and will draft some language for the Commission's consideration.

On page 4, "Floor Area Related Terms," the Commission discussed the proposed definitions for floor area, gross floor area, and building area. The Planner made some suggestions to clarify the definitions. The Chairman suggested adding an exclusion for parking structures, and Mr. Katz cautioned that the reference should be specific to commercial parking structures. The Planner pointed out that the idea of excluding commercial parking structures would encourage the use of these structures over the construction of large, impervious parking lots, and therefore preserve more open space.

There was discussion about including all accessory structures in the floor area calculation. Architect Jeff Mose objected to counting all structures, because it would be onerous for the homeowner. The Planner noted that the exclusion of accessory structures has encouraged the construction of detached garages, to provide more floor area for the homes on the lot. There seems to be no other way to discourage detached structures except to require that they be counted in the FAR.

The ZEO recommended that a definition for "open porch" be added to the regulations, to clarify that screens and windows are not permitted for "open" porches.

Under pages 5 and 6, graphs for calculating "Lot Coverage" and "Floor area," the consultant explained that numbers had been increased to accommodate garage spaces. There is also an adjustment for adding space to compensate for measurements taken from the outside wall of the structure rather than inside walls. The Commission agreed that the adjusted numbers seemed to work.

Pages 7, 8 and 9 pertain to a new regulation aimed at permitting the preservation of historic structures under a special permit, to discourage owners from demolition of these significant structures. The Planner noted that the regulation had been forwarded to the president of the Ridgefield Historical Society for comment. The suggestion for "75 years" as a structure's age for inclusion under this regulation was debated briefly; the Commission will wait for comment from the Ridgefield Historical Society before changing this number.

The proposed new regulation for "Minor Accessory Structures" will be discussed at a later date, and will not be included in the current proposed changes.

The Commission agreed to include the recommendations made by Commission counsel Thomas Beecher, for Section 9 in the proposed regulations.

Glenn Chalder will prepare a summary of the changes and a draft will be forwarded to the Commission so that it can be reviewed at the December 19th regular meeting. The Commission agreed that Mr. Chalder did not need to be present for that meeting. Provided that the draft meets with the Commission's approval, the document may be presented as the version to be used for the public hearing in January or February.

The work session was adjourned at 9:55 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning