

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

December 15, 2009

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

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

*A public hearing and the Planning and Zoning Commission meeting were held prior to the Inland Wetlands Board meeting.*

At 10:35 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-062-PR:** Plenary Ruling Application required by Section 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for regulated activities within the upland review area in conjunction with site development for a single family residence and septic system on property located at **Water's Edge Way** in the RA zone. Owner/Appl.: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 7/21/2009. Walked 9/13/2009. Public hearing commenced 9/15/2009 and continued to 10/20/2009. Walked 10/18/2009. Extension granted to continue public hearing on 11/10/2009 and further to 12/15/2009. 56 of 65 days of extension used thru 12/15/2009. 35-day action period ends 1/19/2010. For action.*

**Chairman Mucchetti** noted that the hearing had been closed. She said that the Agent recommended starting discussion on the application since the Board would not be meeting for two weeks (and the statutory time period for making a decision ends on 1/19/2010).

**Mr. Katz** said he was prepared to start the discussion by making a motion to request that the Agent draft a resolution of approval for the application, with conditions.

He preferred to see the site undeveloped, but, with proper conditions and a site construction monitor retained by the town at the applicant's expense, the site may be developed without offending any of the particulars of Sec. 10.2 of the wetlands regulations. Mr. Katz asked that a timetable be set for the submission of monitoring reports to the office.

**Mr. Mische** seconded Mr. Katz's motion. Most important, he felt, was rigid adherence to the construction sequence and diligent oversight by a professional. He emphasized the need for a pre-construction meeting, and establishment of a bond to ensure compliance with conditions. Mr. Mische asked the Planner how a construction monitor is selected. The Planner said that several firms are routinely used. In this case, it would probably be Land-Tech, she said, because they are familiar with the application.

**Mr. Katz** said his motion would include the requirement that any Land-Tech recommendations be part of the approval.

**Dr. Gelfman** said he would vote against approval because he does not believe the project can be carried out in the way it was described. He believes there is a risk to the lake from the driveway access construction. Dr. Gelfman said this is one of four lots in Town he can identify that he believes should never be developed.

**Mr. Chipouras** said he would vote in favor of the application, noting that Mr. Trinkaus, the engineer of record, will be onsite at all times and should be producing the field reports necessary. Mr. Chipouras believes that Land-Tech should be the outside commissioning agent. This is a sensitive site, he said, but this combination of professionals should be adequate to monitor the work.

**Mr. Walsh** agreed with Dr. Gelfman's assessment, however, he could find nothing in the record which would allow him to vote against the application. "Our own experts have indicated that this can be done, it can be done appropriately, it can be done according to plan," he said. There is nothing in the record to support a denial. Mr. Walsh thought that "a fresh set of eyes," not Land-Tech, should be brought in to oversee the job.

**Mr. Mische** said, "The person... responsible for protecting the interests of this very fragile area has to have the power to dictate any modifications to the construction sequence that they see fit." He asked if the Board could bond this. The Planner said it could. "Should things go wrong," the Board has to have the ability to move quickly to mitigate problems, Mr. Mische said.

**Mr. McChesney** thought that the professionals may determine that there is a better time of year to carry out the construction. With discussion about the overflow of the dam, he said, spring may not be the best time to begin. The Agent said that conditions frequently state that work should be done during low flow periods.

**Dr. Gelfman** felt the claim that this site would be improved post development is fallacious. The phragmites and water lilies on each side will be hard to duplicate, he said.

**Dr. Autuori** did not feel prepared to vote based on his absence from two preceding sessions where the project was discussed, even though he had listened to the tapes. He said he would abstain.

**The Chairman** agreed the application was extremely difficult. While the lot is larger than most in the area, she said, the other lots are not surrounded by water on three sides. “The margin for error here is miniscule,” but, “unfortunately” she could not find any reason for denial. She stated that she will be forced to support an application she does not approve of.

Mr. Katz’s proposal to approve the application (with reservations, and stating detailed conditions) was supported by Mr. Mische, Mr. Chipouras, Mr. Walsh and Chairman Mucchetti. Dr. Gelfman spoke against approval, and Dr. Autuori refrained from making a commitment because he had not been physically present for two of the public hearings (although he had listened to the tapes).

The motion to draft the approval was brought to a vote, and it passed, 7-1-1, with Dr. Gelfman voting against, and Dr. Autuori abstained.

The item will appear on an agenda in January.

2. **#2009-109-SR:** Summary Ruling Application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for disturbance and activity in the upland review area in conjunction with installation of an in-ground gunite swimming pool with attached spa on property located at **52 Silver Spring Road** in the RAA zone. Owner: Nubia Forero. Appl./Auth. Agent: Pools by Murphy. *65-day action period ends 2/11/2010. Received 12/8/2009, walked for 12/13/2009. For discussion re outside consultant, c/o Agent. (Will appear on 1/5/2010 for further discussion.)*

**Chairman Mucchetti** explained that the item was on the agenda to confirm that the Board did not see the need for hiring an outside consultant for technical review. There was no support to hire a consultant.

The item will appear for discussion on the 1/5/2010 agenda.

## **NEW ITEMS**

There were no new items.

## **BOARD WALKS**

There were no site walks to be scheduled.

## REQUESTS FOR BOND RELEASE/REDUCTION

- **#2005-142-SP-SR: 66 Grove Street**, request to release balance (\$10,000) of site work bond. Agent recommends full release.

**Mr. Walsh** motioned, seconded by Mr. Mische, to release the bond in full as recommended by the Agent. The motion passed, 9-0.

- **Chairman Mucchetti** asked to add another bond release to the agenda for consideration. Mr. Walsh motioned, seconded by Dr. Autuori, to add the item to the agenda. The motion passed, 9-0.

The Chairman noted a request from the owners of **110 Armand Road**, asking for release of the \$500 bond posted for plant materials in the wetlands, in conjunction with a pond dredging application.

**Mr. Walsh** motioned, seconded by Mr. Mische, to release the bond as recommended by the Agent. The motion passed, 9-0.

## CORRESPONDENCE

There was no correspondence.

## MINUTES

**Mr. Fossi** motioned, seconded by Mr. Mische, to approve the minutes of December 1, 2009. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:55 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

December 15, 2009

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

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

*An Inland Wetlands Board public hearing was held prior to the meeting.*

At 8:42 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-016-POCD:** Plan of Conservation and Development, Town of Ridgefield. Conservation Commission to address Commission re Chapters 5 and 6 (Natural Resources and Open Space). *For discussion.*

**Chairman Mucchetti** introduced the item, along with Conservation Commission members Susan Baker and Alan Pilch, who were part of a sub-committee dedicated to reviewing and updating Chapter 6 of the POCD. Their comments and concerns were forwarded to PZC and to the consultant, Planimetrics, whose comments were indicated on the draft in yellow. [Note: Chapter 7 will be reviewed by Dr. Ben Oko, Chairman of the Conservation Commission, at a later date.]

**Ms. Baker** noted that Planimetrics had very few comments.

**The Chairman** noted that the Planimetrics representative, Heidi Samokar, said that they were not concerned with “word-smithing” the document, and any changes of policy would have to be reviewed by the Planning and Zoning Commission. Planimetrics essentially deferred any response to the PZC. Chairman Mucchetti suggested going through the CC memo, point by point.

There was some discussion re the words preserve and protect, with Planimetrics noting that the words could not be used interchangeably (as CC had) since the

meaning is different. Dr. Autuori defined the difference, as he saw it, with other commissioners weighing in. It was decided to use “preserve” [in the last paragraph last sentence p. 41.]. The Chairman noted the Commission’s general agreement with the CC’s rewrite of the paragraph.

There was discussion about the CC’s comment regarding percentage of slope in the shallow or rocky soils section under “Resources for Conservation.” It was thought by the Commission that their recommendation was a policy change. However, Ms. Baker clarified that it was re-inputted from the previous POCD, since the 2009 draft last version left it out.

The words “for permit decisions” was changed to eliminate the word “permit,” at the suggestion of Mr. Mische.

A lengthy discussion ensued relating to the “Buildable Area” sidebar on p. 44, with commissioners split as to whether or not it should remain in the Plan. Dr. Autuori was vehemently opposed to this added sidebar and wanted it removed, saying “it would take private property and make some of it disappear.” Ms. Baker agreed that the sidebar should be removed, and another discussion took place about when and how the sidebar was added in the first place. There was a great deal of disagreement. Mr. Walsh felt the sidebar represented the current thinking on the Commission. He was confused as to why the Commission wanted it removed: was it because they didn’t want to regulate steep slopes or because they wanted to be able to regulate them in the future? He and Ms. Baker debated this, with Mr. Walsh saying that the sidebar allows a parcel-by-parcel approach, rather than a blanket arithmetic approach. Ms. Baker said that this is how the Commission is handling the issue now anyway, because there is no regulation. She felt the sidebar, placed in this chapter, closed the door on further debate about regulations for some important protections. She felt it might be more appropriate in another chapter.

**The Planner** said that Dr. Oko has asked repeatedly when the Commission might resurrect the buildable land regulation they adopted in 2000. She said these regulations were common throughout the State. Ridgefield “once had such a regulation [to eliminate steep slopes and wetlands from the calculation of the number of lots in a subdivision], it went to court, the court overturned it, and it has never been replaced.” Dr. Autuori said, “Thank God it was overturned.”

Discussion continued as to where to put the sidebar in the Plan if it wasn’t appropriate in this chapter. Eventually, the Chairman called a vote to determine whether it should remain in the Plan at all. There were four Commissioners in favor of leaving it in and three in favor of leaving it out. Mr. Katz and Mr. McChesney did not vote.

**Ms. Baker** said she hoped the Board would reconsider, because, “as a Commission, we [the Conservation Commission] were very upset with that. In fact, that’s the most upsetting thing we found in this whole draft plan.” Chairman Mucchetti asked, “The

sidebar?” Ms. Baker said, “Yes. We just felt it was out of place in the chapter on protecting natural resources.”

**The Chairman** suggested moving the sidebar to chapter 10, so as to “lessen the offense” to CC. Ms. Baker concurred. Mr. Mische said that his objection to it was its placement in chapter 6.

**The Planner** said it has to do with protecting natural resources and belongs in chapter 6. She said that, personally, she does not agree with the sidebar, but, this is a Commission policy decision. She sympathized with the position of the CC, and said the best compromise might be to just take it out entirely.

**Mr. Walsh** called the discussion, “a skirmish” worthy of a public hearing on the topic.

**Mr. Mische** thought the sidebar should be re-written if it were going to remain.

**The Chairman** said that any revisions made that evening would expand the timeline a month.

After continued discussion, it was decided that the sidebar would remain on page 44 and the Planner would forward the proposed edits of the chapter to the consultant.

Changes to the comments from CC from this point forward were benign changes to language or minor revisions.

2. **#2009-075-PRE:** request to re-subdivide a lot restricted from subdivision by a 1969 Court-stipulated judgment on property located at **104 West Mountain Road** in the RAA zone. Owner: Lawrence Bossidy. *Walked 11/22/2009. Discussion commenced 11/24/2009. Per request by applicant discussion to be held 12/15/2009. For continued discussion with Attorney Jewell.*

**Chairman Mucchetti** recognized Attorney Jewell for the applicant, and asked the Planner to review the maps that she had distributed earlier.

**Planner Brosius** reported her findings after reviewing the original subdivision maps, with the assistance of Commissioner McChesney. Lots 65 and 66 essentially still remain, although reconfigured in size, she said. The lot line was changed per map #5804, provided by Attorney Jewell.

Essentially, there were two lots covering a defined area with a defined perimeter, which was bisected by a lot line. Map #5804 moved that interior lot line, making one of the lots a lot smaller, and the other much bigger. In addition, there was “a tiny triangle of land that was added” as part of the Turtle Ridge subdivision, making the acreage slightly larger than it was originally. At no time was there a subdivision or re-

subdivision of the land, she said. **Mr. Jewell** agreed that it was “quite unusual for a lot line revision to that extent to be made.”

Lot 65 (which has a house on it) is 5.645 acres. Lot 66 is 11.817 acres plus the small triangle, for a total of about 12.314 acres. There are still two lots; the sizes of the lots have changed. The question is whether or not to allow the larger of the two lots to be subdivided into two 6-acre lots.

**Mr. McChesney** noted on Map #5804 the same wording prohibiting subdivision, which “was put on there as a result of this court order.”

**Mr. Jewell** said that was correct, because “the lots ...are still the same land mass, for the most part, that were subject to that stipulated judgment.”

**Mr. McChesney** asked Attorney Jewell to what degree a stipulated judgment holds up in court, as opposed to a note on a map that the land is “not to be subdivided.” “That may be the only thing that makes it enforceable,” Mr. Jewell said, referring to the fact that the restriction is part of a Court-approved stipulation for judgment, adding that he had not found “a case on point on that.”

**Mr. Katz** said that a commission cannot condition a lot against being subdivided, but, the owner can deed restrict it as such. He said that the stipulation is a matter of fact, and a matter of record. The stipulation does not say that “neither 65 nor 66 shall be subdivided. It says that lot 65 and 66 shall never herein after be subdivided.” He said that if there was an intention for any future viewer of this map and this agreement to see that either of these two distinct lots should be treated differently, they would have talked differently about each of the lots. This says “neither 65 nor 66” should be changed. Mr. Katz said, “It would be renegade for us to undo that.”

**Mr. McChesney** asked if it wouldn't be the responsibility of an attorney to point this restriction out to a potential buyer. Mr. Jewell acknowledged that an attorney representing a buyer would do a title search to find all the restrictions that pertain to the lot.

**Mr. McChesney** asked if it wouldn't be reasonable to assume that the current owner had been informed of this restriction at the time of purchase. Mr. Jewell said he definitely would have been aware of it “if he had competent counsel.”

**Attorney Jewell** said he was not there to argue about the stipulated judgment or the restriction. Forty years later, he is here to represent the current owner with a request. He surmised that the original argument could have been the result of hot tempers resulting from an “up-zone” and three different subdivision applications. Now, maybe cooler heads would prevail, he said. You may now look at different circumstances. The twelve acre lot in a two and three acre zone is fully developed and looks like two separate lots. This does not seem to be an unreasonable request, Mr. Jewell said. Judgments are agreements of the parties and are re-opened all the time. The parties

are always free to change their minds if circumstances change. The current owner would like to cut this piece of property in half, he would be happy to make a donation in lieu of open space, and “he’d be happy to make it worth the town’s while.”

**Chairman Mucchetti** acknowledged Mr. Jewell’s frustration and noted that the Commission is just trying to work through whether there is support to go forward.

**Mr. Mische** noted that the restriction from further subdivision of the land was a condition that was imposed by the Court, and that when the current owner purchased the property, he must have been aware of this. **Mr. Mische** said, all things considered, he would welcome more discussion, but he was prepared to move to deny the request.

**Mr. Mische** motioned, seconded by Mr. Katz, to deny the request to modify the stipulated judgment restricting the re-subdivision of property at 104 West Mountain Road.

**Mr. Walsh** said that the language is very clear, but, it is part of a much larger development, with perhaps 100 houses on it. The intent may have been to ensure that “twelve more houses” weren’t built on the land. He “almost felt as though” the Commission was now acting punitively, he said. There is no question that the current owner would have had to been made aware of the restriction when he bought the property, but He felt the request for two lots of six acres as opposed to one lot of 12 acres was reasonable, and he couldn’t see how not allowing it would “frustrate the intent of the stipulated judgment.” Clearly there would be two lots instead of one, but is allowing two six-acre lots from a twelve-acre parcel a frustration of the original judgment? He suggested that parameters be set to prevent further subdivision, should the Commission allow the stipulated judgment to be opened. He feels that the Commission is taking a 40 year-old judgment and inserting it into a situation where it doesn’t really need to be right now.

**Dr. Autuori** disagreed. He said it is rare to have a piece of land which is not subject to subdivision. He felt the Town was basically handed a gift on behalf of the future, and it would be crazy to undo it. He did not feel an action to deny the request was punitive. The Commission’s decision should not be about the individual, he said. We rarely have the opportunity to preserve a large lot like this. There is an opportunity to preserve 12 acres as 12 acres, he said, as opposed to subdividing and paving the way for further subdivision in the future. He will support the motion to deny.

**Mr. Katz** said that no one knows what motivated the original decision for the stipulated judgment. “Serious, deliberative people spent a great deal of time on this subdivision,” he said. The applicant at the time was someone who was particularly hard to deal with, and extremely demanding. This particular stipulation was deliberated over a great deal of time, he added. He felt it was wrong to second guess the judgment that went into the particulars of this agreement. It was hard won for the town. This developer got a great deal in his request for subdivision. The Commission

can't undo this and then expect to further prevent the same thing that it would be allowing to happen, Mr. Katz said. This document is a "mechanization of the Court. It is a living body that was breathed life into by a Court." It needs to be undone only for "meritous cause." He also felt that there was no merit to the request brought now by "one of the most savvy businesspersons..." who clearly knew what he was dealing with.

**Dr. Gelfman** agreed, saying that, the big difference in this case is the court stipulation. If the Commission allows this, then it would be wide open for future subdivision and/or development.

**Mr. Jewell** asked if the Commission could approve a two-lot subdivision, and, as part of that subdivision, there would be a condition encumbering it with open space or conservation easements that would make further subdivision impossible. A conveyance of open space or conservation easement to the Town cannot be undone.

**The Chairman** said she would vote against the motion to deny the request. She did not object to the creation of two 6-acre lots.

The motion to deny the request passed, 6-3, with Chairman Mucchetti, Mr. Fossi and Mr. Walsh opposed to the denial of the request.

3. **#2009-102-SP:** Special Permit application under Section 9.2 required by Section 7.5.D.1 of the Ridgefield Zoning Regulations for excavation, grading and filling on property located at **76 Minuteman Road** in the RAAA zone. Owner: Peter Gasparo. Appl.: Peter Gasparo/Alexandra Stone. Auth. Agent: Evan Skibo. *Received 11/10/2009, walked 11/22/2009. Public hearing commenced and closed 12/8/2009. Draft resolution of approval requested 12/8/2009. 65-day action period ends 2/11/2010. For action.*

**Mr. Katz** motioned, seconded by Mr. McChesney, to adopt the resolution of approval drafted by the Planner.

**Mr. Chipouras** questioned the time allowed for construction activity, noting that condition #8 specified Monday through Saturday, and no work on legal holidays. **The Planner** suggested the hours be in conformance with the noise ordinance. Mr. Chipouras suggested the schedule be Monday through Friday. All agreed by consensus.

The motion to adopt the resolution, with the amended condition #8, was approved by a vote of 9-0.

4. **#2009-106-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to reface existing Getty signs to "BP" on building located at **242 South Salem Road** in the RAA zone. Owner: Getty Petroleum Marketing. Appl./Auth. Agent: Core States Group. *65-day action period ends*

*1/21/2010. Received 11/17/2009. PZC agreed to walk site individually. Draft resolution of approval requested 12/8/2009. For discussion. P.D. recommends table for decision.*

**Chairman Mucchetti** noted that the Planner had discovered what appear to be violations of the Special Permit on the subject property, and there is a recommendation to table the discussion.

**The Planner** reported seeing large commercial vehicles stored at the back of the site, and stated that the Zoning Enforcement Officer and the Wetlands Inspector/Agent would be inspecting the site during the week.

The item was tabled and will reappear on an agenda in January.

5. **#2009-112-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e as required by Section 3.2.C of the Ridgefield Zoning Regulations to rent the Keeler Tavern Museum's Garden House facility for sale of art and antique products to third-party vendors four times a year on property located at **132 Main Street** in the RA zone. Owner/App.: Keeler Tavern Preservation Society. *Received 12/8/2009. 65-day action period ends 2/11/2010. For discussion/action.*

[**Note: Mr. McChesney** recused himself from discussion and participation on this item and left the room.]

**Chairman Mucchetti** recognized Mary Ann Connors, Associate Director, and Cheryl Crowl, President of the Board of Trustees of the Keeler Tavern Museum, representing the application.

**The Planner** said that this property is under a Special Permit. Applicants asked for permission to host the sale of fine art by a third party vendor at the facility. The Zoning Enforcement Officer reviewed the terms and conditions of the Special Permit and determined that the existing permit would not cover the current request because the facility would be rented to an outside party. The applicants were advised to come before the commission with their request and the reason for it.

**Mr. Katz** asked about their intention to allow the sale of rugs, and noted that this did not seem to fit the stated intention.

**Ms. Crowl** said that the potential renters deal in fine art, (paintings), and carpets. They have only requested one date and the event would be scheduled in February, daytime hours on the weekend. Mr. Katz asked why permission for four events was requested, and Ms. Crowl said that this was an estimated yearly number.

**Ms. Connors** added that the museum always hires an onsite supervisor and parking attendant for events. They have about 40 parking spaces and also have an arrangement with the First Congregational Church for use of their parking lot for

overflow. She said the museum is usually very slow January through mid-April. This sale event could be very helpful in building revenue in February.

**Mr. Katz** compared this use to Garden of Ideas on North Salem Road, calling it “an expanded retail use in a residential zone.”

**Mr. Mische** said that the museum is in the middle of a residential area near a very dangerous intersection. He questioned how many activities generally take place on the weekends during the year.

**Ms. Connors** said that they generally have about 8 - 10 weddings. This year, they had one rehearsal dinner, 9 parties, 5 memorial receptions, 5 seminars. She said they also do many community events, for which they charge very little, if anything at all. Some of these events take place during the week.

**Mr. Mische** asked if the events would take place indoors only or also outside. Ms. Crowl said the events would be held within the building.

**Ms. Crowl** said they anticipate less traffic with this event than, for example a Garden Club meeting or a Christmas luncheon. The vendor expects about 25 people at most at any given time.

**Mr. Walsh** completely supported the application, saying that the museum is the perfect location for this type of event and it will bring attention to “that fine museum.” He did not agree that there was a similarity with the Garden of Ideas use, because that was for the owner’s livelihood and personal business, while the funds from this sale would be used to restore the museum.

**Mr. Katz** motioned, seconded by Mr. Walsh, to approve the application with conditions, including limiting the activity to four times a year, Saturdays and Sundays, from 9 a.m. to 5 p.m. The motion passed, 8-0-1, with Mr. McChesney recused.

## **NEW ITEMS**

**Chairman Mucchetti** recognized the Planner, who requested that a short discussion about **424R Main Street** (the Urstadt Biddle building) be added to the agenda. Mr. Mische motioned, seconded by Dr. Autuori, to add the item to the agenda. Mr. Walsh recused himself from the discussion.

**The Planner** explained that the project architect for the reconstruction of the building had submitted sketches for a parapet edge on the building (similar to the Carnall Insurance building, and the new “Bissell’s” building on Main Street). The suggestion was to incorporate the parapet design with a cornice as a substitute for the mansard roof. The porch would be modified to be compatible with the Federal design. She requested the authority to handle the item administratively.

**Mr. Katz** motioned, seconded by Dr. Autuori, to allow the Planner to work administratively with the property owner and its architect on the details, and to approve the modification of the roof design. The motion passed, 9-0.

### COMMISSION WALKS

There were no site walks to be scheduled.

### REQUESTS FOR BOND RELEASE/REDUCTION

- **#2008-017-SP:** request to release bond in the amount of \$25,000.00, **603 Danbury Road**, Seven Ridgefield Realty Corp.

**The Planner** explained that the bond primarily covered the site work, including drainage piping and paving for the parking lot. There remains a question about the lights under the canopy, and whether or not they are acceptable to the Commission. Diffusion shields (metal cones) have been placed inside the light fixtures, but the light source is still visible from the side view. She suggested releasing the bond in full if the Commission is satisfied that the lights are acceptable (since they are similar to other canopies at other gas stations in town). Alternatively, she suggested retaining \$3,500 of the bond if the lights need to be further modified.

**Mr. Walsh** asked if the lights meet the regulations. The Planner said that the fact that you can still see the fixture may make the lights non-conforming. The lights are not fully shielded. Mr. Walsh did not want to release anything on the bond until the lights were brought into compliance. The Planner did not agree, saying that \$25,000 is far more than you need for the lights.

**Mr. Chipouras** said that the light fixtures are the same type as those at two other gas stations in town. The problem is the type of lamp used at this site. He suggested the applicant discuss with the lighting consultant a change in the lamps themselves.

**Mr. Mische** said the other gas stations had not come before the Commission, so that information was irrelevant.

**The Planner** said that the applicant has been extremely cooperative and has come into the office several times.

**Mr. Katz** motioned, seconded by Mr. Mische, to retain \$3,500 of the bond until the lights are brought into compliance with the regulations. The motion passed, 8-0-1, with Dr. Autuori not in the room for the vote.

- **#2007-116-SPA:** request to release bond in the amount of \$3,500.00, **25 Flat Rock Drive**, Linekin

**The Planner** explained that the bond had been posted for evergreen screening between residential property lines, and that the trees had been planted successfully. A full release of the bond is recommended.

**Mr. Katz** motioned, seconded by Mr. Mische, to release the bond in full. The motion passed, 8-0-1, with Dr. Autuori not in the room for the vote.

#### **CORRESPONDENCE**

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

- Letter from the Planner and memo from the Fire Marshal re **40 Ritch Drive**, accessory apartment application
- Hartford Courant article about Attorney Blumenthal's support of a ban on Outdoor Wood burning Furnaces

#### **MINUTES**

**Mr. Fossi** motioned, seconded by Mr. Mische, to approve the minutes of December 1, 2009. The motion passed, 8-0-1, with Dr. Autuori not in the room for the vote.

Hearing no further discussion, the Chairman adjourned the meeting at 10:34 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary