

UNAPPROVED / UNREVISED
MINUTES
INLAND WETLANDS BOARD MEETING

December 16, 2008

Present: Michael Autuori
Peter Chipouras
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Absent: Joseph Fossi

Also Present: Betty Brosius, Inland Wetlands Agent

A brief continued public hearing was held prior to the meeting.

At 7:35 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2002-72-SR/PD:** Letter from Thomas and Jacqueline Beck re wetlands permit for pond dredging. Property located at **2 West Mountain Road**. *Discussed 11/18/2009. Walked 12/14/2008. For further discussion.*

Thomas and Jacqueline Beck were present for the discussion.

Commissioner Walsh recused himself from the discussion.

Chairman Mucchetti asked the Agent to read the Beck's letter (received 10/23/08) into the record. The letter explains that, after the pond dredging in 2003, it took close to a year for the land to dry out enough to attempt any planting. The letter states that the Board had had concerns over the impact of the dredging on the amphibian life in the pond. The Beck's report that the wildlife in the pond – frogs, newts, fish, turtles, etc. – “appears to be in even greater quantity than before the dredging...”. The letter details the measures that the Beck's have taken to improve the area around the pond, and states their desire to close out the wetlands permit.

Agent Brosius summarized the conditions imposed by the Board in April of 2003 for the permit; a 20 foot planting buffer was to be created around the pond, a native planting plan was to be submitted and reviewed by the designated Board member, Lillian Willis, for approval, soil was to be pulled back from around the trees, and a gentle slope was to be created to the shoreline that flattens at the buffer.

Agent Brosius noted that the Board observed during its site walk of 12/14/08 that the 20 ft., planted mitigation buffer was not installed as required at the edge of the pond next to the boulder wall. The area currently appears to be lawn, mowed to the edge of the rocks.

Mr. Katz asked what the intended purpose of the buffer was. Dr. Gelfman said it was to prevent pesticides and fertilizers from running into the water. Mrs. Willis said that it was also to discourage geese from fouling the water. Mr. Katz noted that the Beck's letter states that they do not use pesticides or fertilizers and, therefore, the buffer would not be necessary. He asked if the Board would consider modifying the requirements of the permit.

The Chairman felt that compliance hinged solely on the 20 ft. buffer.

The Agent clarified that the Board was, in fact, being asked by the Beck's to modify the permit, eliminating the condition requiring the 20 ft. planting buffer.

There was discussion between Mr. Katz and Dr. Gelfman regarding the reliability of the Beck's claim (in their letter) that they do not use pesticides. Mr. Katz agreed that it could not only be considered testimony, but, it was written documentation. He would support the removal of the condition requiring the buffer.

Dr. Autuori stated that he had observed this pond for many decades, and is gratified to see it in its current "rejuvenated" state.

Mrs. Willis predicted, based on geese being present at the site walk and algae being observed, "that water's going to be over-enriched [with nutrients], so it's going to encourage the very plantings they worked to eliminate." Mrs. Willis favored the continuation of the condition requiring the 20 feet of buffer plantings, saying that such buffers are being required of all individuals having ponds or streams and are recommended across the board by the DEP and "a host of other professionals." She said that a buffer could be created which would enhance the property and not block the view of the pond. For that reason, she would be willing to consider a smaller buffer (possibly 10 ft.), but, she felt it was important to support the original condition, which was placed for good reason.

There was a short discussion about exactly where Mrs. Willis felt the buffer was needed. Mrs. Willis was referring mostly to the lawn area at the base of the slope below the house.

Dr. Gelfman felt that the intent was to establish "viable wetlands forever." He was concerned about the eventual use of pesticides.

Mrs. Beck said that they have lived at this residence for eighteen years, and have no plans for selling the home. She noted her efforts to plant ground cover along the rock edging. She reported having tried several grasses. She explained that her efforts to

plant the area have been frustrated by deer “annihilating” everything she puts in, even the plants that are supposedly deer-resistant.

Mr. Beck explained that the “natural growth” which extends around the pond is also in front of the house. They have simply cut it back in that location. He also explained some reasons for the lack of lily pads, saying, “the deeper the pond, the less chance of growth.” Also, the Beck’s have supplied the pond with Carp (with DEP permits), which inhibit the growth of lily pads and other plants.

Mrs. Beck explained that the soil taken from the pond to create the gentle slope took almost a year to be dry enough to plant. She asked Mrs. Willis about the presence of geese and the use of buffers to deter them.

Mrs. Willis explained that the excrement from the geese washes down into the water, over-enriching it. It also carries coliform and other bacteria. Mrs. Willis offered planting suggestions.

Mr. Mische said the mitigation buffer is required of every applicant with a pond. No one is permitted to build their lawn right up to the water’s edge, he said.

Mr. Beck said that the growth around the pond is simply natural growth, cut back. He pointed out that they have done everything possible to achieve the aesthetics they wanted, but, they tried to do it correctly, with respect for the environment.

Mrs. Beck stressed that they did not create the lawn; it was always there.

Mr. Mische said the mitigation buffer was never put in. He asked if the Beck’s had attempted to meet this requirement. Mrs. Beck said they let the area go back to what it had been: natural wetland vegetation. The size and scope of the property, and also the condition of the ground, being “very wet and muddy all year long,” have made planting extremely challenging, she said.

Dr. Gelfman suggested not cutting the natural growth back as much.

Mr. Mische said that “it looks like it’s mown all the way down to the wall. There’s certainly a difference in the vegetation in back of the residence, as opposed to around the rest of the pond. “We’re trying to discourage people from bringing their lawns right up to the edge of their ponds, and that’s what [this] looked like to me,” he said.

Dr. Autuori suggested allowing the Beck’s to keep their vegetative area unmowed, as “a natural buffer, un-cut,” but, to create a mowed access area to the pond; a specified width, (he suggested ten to twenty feet), at a selected area.

The Chairman noted for Dr. Autuori's benefit, (since he had not been on the site walk), that the area under discussion is the lawn area visible from the driveway looking toward the pond.

Dr. Gelfman suggested reducing the width of the buffer to ten feet and requiring that those ten feet between the wall and the lawn be unmowed. The Chairman asked, "In perpetuity or once or twice a year?" She noted the Beck's desire for an area reserved for family photographs to be taken. Dr. Gelfman said it would be good for the buffer area to be mowed once a year.

Mrs. Willis asked that the access be no wider than six feet and angled so as to prevent any direct runoff, contaminated from the geese, from entering the pond.

Dr. Gelfman motioned, seconded by Mr. Mische, to modify the condition for the 20-foot planted buffer, to require a minimum 10-foot buffer next to the rock wall, where the area should not be mowed more than once a year. A 6-foot opening to the pond, at an angle to the downhill slope, may be mowed for clean access to the pond edge. Bulb plantings, including blue flag iris and daffodils, were suggested as deer-resistant plants that may survive in the buffer, in addition to the natural grasses.

The motion passed 8-0-1, with Mr. Walsh recused.

The Chairman instructed the Beck's to contact the office with any questions and for further instruction.

2. **#2008-098-SP-PR:** Plenary Ruling Application for filling and grading of 690± of wetlands and disturbance within upland review areas in conjunction with construction of single-family residence and piped diversion of a boulder watercourse. Property located on **Lots 72-75 Third Lane** in the RA zone. Owners/Appls.: Wayne E. Wood and the Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy VII, P.E. *Received 9/2/2008. Public hearing re-scheduled 10/7/2008. Walked 9/7/2008. Public hearing commenced 11/5/2008 and continued to 12/9/2008. 12/9/2008 Auth. Agent request to continue public hearing on 12/16/2008. (6 days of 65-day extension period used)*

During the continued hearing, the Board acknowledged the applicant's withdrawal of the application, and a request for waiver of application fees if a new application is re-submitted within 60 days. The Board agreed that fees may be waived through the end of February 2009.

3. **#2006-103-SR:** Discussion c/o Inland Wetlands Agent, re compliance with permit issued for Summary Ruling approval to conduct regulated activities in conjunction with single family lot development at **20 Peaceable Street**. Permit issued 10/24/2006 to Owner/Applicant: AMD Homes, LLC. *Discussed 11/18/2008 and 12/2/2008. 12/16/2008 per applicant's request, continue discussion on 1/6/2009.*

Chairman Mucchetti noted the applicant's request to continue the discussion on 1/6/09 and there was no further discussion at the table.

NEW ITEMS

There were no new items.

BOARD WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2004-145-SR:** request for release of \$2000, **64 Branchville Road**, Whipple. IWA recommends 100% release.

Mr. Katz motioned, seconded by Mr. Chipouras, to release the bond in full as recommend by Agent Pardee. The motion passed, 7-0-1, with Mr. Walsh not present for the vote.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Agent re construction sequence at **167 Silver Spring Road**
- Proposed, advanced resolution for modification of the permit at **20 Peaceable Street**
- Agent's response to the Intervener's letter re application for **Lot 39, Wilton Road East**

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of December 2, 2008. The motion passed, 7-0-1, with Mr. Mische abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(minutes compiled from audio tapes)

UNAPPROVED / UNREVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

December 16, 2008

Present: Michael Autuori
Peter Chipouras
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

Absent: Joseph Fossi

Also Present: Betty Brosius, Director of Planning

A brief, continued public hearing was held prior to the meeting.

At 8:03 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-098-SP-PR:** Special Permit Application under Section 9.2 as required by Section 7.9 – to permit a driveway in excess of 14% grade. Property located on **Lots 72-75 Third Lane** in the RA zone. Owners/Appls.: Wayne E. Wood and the Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy VII, P.E. *Received 9/2/2008. Walked 9/7/2008. Public hearing re-scheduled 10/7/2008. Public hearing commenced 11/5/2008 and continued to 12/9/2008. 12/9/2008 request by Auth. Agent to continue public hearing on 12/16/2008. (6 days of 65-day extension period used)*

During the continued hearing, the Commission acknowledged the applicant's withdrawal of the application, and a request for waiver of application fees if a new application is re-submitted within 60 days. The Commission agreed that fees may be waived through the end of February 2009.

2. **#2008-129-PRE:** Pre-submission Concept under Section 9.2.E of the zoning regulations to correct and provide relief from zoning district boundaries on property located in a split-zone. Prospective Appl.: Robert R. Jewell, Esq., Donnelly, McNamara and Gustafson, P.C. *Walked 12/14/2008 (75 New Street, Morena) For discussion.*

Attorney Robert Jewell was present for the discussion.

Chairman Mucchetti noted the Commission site walk of 12/14/08, facilitated by Mr. Jewell's client, Pauline Morena, homeowner at 75 New Street. The Commission observed the general conditions of the area.

The Planner showed a map of the sewer area around Pound Street and New Street, noting that the property at 75 New Street was not in proximity to the edge of the sewer district boundary (which ends near Gilbert Street and at Silver Birch Lane). Therefore, the subject property at 74 New Street is not in the sewer district, nor are there any plans for it to be added in the foreseeable future, according to the WPCA.

The request is to re-zone the property to R-20, and the State Health Department recommends no less than one acre for a property with septic system and well.

Mr. Katz noted (and Mr. Jewell confirmed) that this property is on a public water supply, but it has a septic system. Mr. Katz asked if the area was served by Aquarion Water Supply. The Planner said it was.

Mr. Jewell said that the public water access would obviate the need for the 75 ft. spread between the septic and a well. He said that they were not applying for any type of variance, but, rather to move the zone line approximately 50 ft. in the back of the 500 ft. deep property, so that it follows the property line. In the case of other similarly affected properties, Mr. Jewell offered to point out areas in town which have zone lines splitting lots, and help draft language that may provide relief to such lots where it wouldn't be practical for the Commission to move the zone line.

The Chairman questioned Mr. Jewell as to why this property wasn't simply a candidate for a variance. It seemed that no other properties in the area would be eligible for a first division.

Mr. Jewell said he was "flabbergasted" that the Zoning Board of Appeals took the position they did in not granting a variance. He guessed that nine of the ten similar lots in the neighborhood had already been granted variances.

The Chairman asked Mr. Jewell if he felt that the property was a good candidate for a variance. He said he could not believe the variance hadn't been granted.

Mr. Katz felt that the ZBA was created to deal with precisely this kind of situation. "This lot is not circumstanced as are other lots in the neighborhood. It is very dissimilar from other lots in the neighborhood in that our zoning regulations when applied to it after a split would decrease all the other lots to a size that would not entitle them to the same kind of treatment that would be being applied for under the variance that is not being sought because they were told not to do it." he said. "If there were, in my thirty years on this Commission, an instance where it was not appropriate to refer the incident to us, this would be it."

Dr. Gelfman asked if an appeal were possible.

Mr. Jewell said the application was withdrawn, at the request of the ZBA, (based on a lack of votes to grant), and it was brought to the zoning board, also based on ZBA suggestion. So, there actually was no denial, he said.

The Planner reported having had some general conversations with the ZBA administrator about recent positions they have taken which result in the applications winding up back with the Commission. They seem to be rejecting what they see as “repetitive” requests for variances, she said, in the belief that there must be something in the zoning regulations that needs to be changed. “That’s not necessarily true [in this case],” the Planner said. PZC tends to look at things more globally, she said, with an eye to what potential problems may result from any action. Zoning Enforcement Officer Richard Baldelli, has reported that, when changes are made to zoning regulations, there are frequently unforeseen problems, unexpected circumstances, and consequences you didn’t expect. Any changes to zoning lines or regulations need to be taken very seriously, she said.

If, in the case of the subject property, the applicant was to return to the ZBA, having already come to the PZC and failing to persuade the need for a change in the regulations, this should support the position of hardship and qualify for a variance, the Planner felt. The Commission agreed.

The Chairman and the Planner summarized the deliberations, that it was the consensus of the Commission that a zone change of this area might benefit this lot, but could create unintended consequences and a potentially undesirable precedent for the division of other properties in the general area. A request for variance was seen as a better alternative than re-zone for this lot because it is larger than surrounding lots in the neighborhood and seems to be singularly more affected by the split zone.

3. (1) Re-appoint AAC as VDC and (2) For continued discussion VDC By-Laws c/o Patrick Walsh. PD requests table, by-laws.

Re VDC By-laws: Chairman Mucchetti explained that the Planner had done some research on creating by-laws for the agency, and had suggested some re-organization of the format for the revised draft. She felt that starting “from scratch” may be a better approach, especially reorganizing the paragraphs. Also, with regard to the removal of VDC members, the Planner felt that the Code of Conduct which had been suggested at the prior meeting was an excellent idea, and would provide an ideal way to control the conduct of the committee members. The code, presented in a positive way, could also dictate the consequences for failure to adhere to the code. These failures, or others, such as poor attendance, could become cause for consideration for removal from the committee.

The Planner referred to a large section in Robert’s Rules of Order regarding the writing of by-laws. Her revised document, based in part on the information provided,

was not ready for continued discussion, but will be distributed for further discussion in January 2009.

Re Re-appointment of AAC as VDC: **Chairman Mucchetti** acknowledged the need to appoint the Village District Consultant for the year 2009, and expressed her concern that the re-appointment of the AAC as VDC was occurring in increments. When the new by-laws are adopted, a more formal procedure and term-limit for appointment should be defined.

The Chairman was concerned that handling the decision in increments could eventually turn out to result in a full new term for the current members. The Planner said that two alternate members have virtually no attendance, and one member is in Florida for half the year, with a 38% attendance rate. A fourth member resigned, leaving four alternate positions needing replacements. Mr. Katz felt this situation was a priority and should be dealt with. The Chairman said members are currently sitting whether they are needed or not, because the Committee needs at least 3 out of 5 members for a quorum and attendance has been an issue.

The Planner said that the Commission should have some suggestions in mind before the office would contact the Board of Selectmen about the reappointments.

The Chairman felt that the Commission should not hinge its decision to re-appoint the AAC as the VDC on Board of Selectmen action. She felt the Commission should make a decision based on the information they currently have.

If the AAC is going to comprise the VDC board, then the Planning and Zoning by-laws and recommended code of conduct for the VDC could actually govern one group's behavior, but, not the other's, on the same night.

Mr. Mische said we can only control the VDC. He suggested extending for sixty days, until the new by-laws are worked out.

Mr. Katz wanted the Commission to make it very clear how they expected clients to be treated.

The Planner said that the Commission should take care not to create a whole other meeting date system if the AAC were not to continue to act as the VDC.

Mr. Mische motioned, seconded by Mr. Chipouras, to re-appoint the AAC as the VDC through the end of February, 2009. The motion passed, 6-1-0, with Chairman Mucchetti voting against, and Mr. Katz out of the room.

4. **#2008-136-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e as required by Section 5.3.D and Section 7.2.E.11 of the Ridgely Zoning Regulations to (1) erect a temporary 40 x 60 open-air canvas tent and (2) to permit attachment of a 2' x 36' temporary banner on the front of the metal building located at **746-748 Danbury**

Road (BMW of Ridgefield) in the B-2 zone. Owner/Appl.: Ridgefield Waterside Properties, LLC. Auth. Agent: Philip Clark. *65-day action period ends 2/12/2009. Received 12/9/2008. For discussion/action.*

Ed McGill was present for the dealership/property owner, Ridgefield Waterside Properties, and **Phil Clark** was present as the architect.

The Chairman confirmed with Mr. McGill that the banner would be installed on the metal building for a temporary period of time (of undisclosed length), until the construction on the new building began. She asked about the purpose of the tent. Mr. McGill said the purpose was to provide shelter for people coming into and around the dealership in the cold weather.

The Planner explained a letter sent from attorneys McNamara and Gustafson. She said that, when the dealership changed owners, the Commission was asked to approve the change of dealership license. As part of that licensing, the DMV required a map n to be signed by the Commission Chairman. The map indicates the boundaries of the property subject to that license. The property subject to the license is the property where the tent is proposed to be erected. Attorney Gustafson is proposing that, even though the sign is to be on the separate property to the north, the sale of the cars will actually take place on the south property which already has the license from the DMV for the sale of cars.

Mr. Katz asked Mr. McGill about the “remarkably bright light” in front of the dealership. There was some discussion. It was thought the light was removed when Route 7 was widened.

The Planner said that it has been determined through discussion with legal counsel that lighting may be addressed (and required to be made compliant) if an application comes in with a request for a special permit that involves a significant portion of the site and affects lighting. What counsel cautioned against would be the Commission’s considering applications, (such as this one), as opportunities to review all lighting on the site, and require any necessary updates or modifications to bring into compliance any lighting which doesn’t meet the new regulatory standards. The Planner said that this would be an over-extension of the Commission’s authority and responsibility.

Mr. McGill said that the dealership intends to start construction on the new building as soon as possible, and would be coming before the Commission with any future applications.

Chairman Mucchetti asked him to inspect his lighting and make sure any lighting is pointed down so that it does not blind drivers along Route 7.

With regard to the banner, **Mr. Mische** asked why the drawings submitted were not to scale. The Planner said that the office felt that the representation would be sufficient, but, if it is not, they can require to-scale drawings.

Dr. Autuori said any lighting around the tent needs to be brought into full conformance with the new regulations, requiring full cutoff lights. He hoped there would be no objection to asking that all site lighting be brought into conformance at the time the new construction takes place. Mr. McGill said that would be no problem.

Mr. McGill said he would be agreeable to putting a six month time frame on the temporary sign, with the understanding that it may need to be extended. The Chairman confirmed that this would satisfy the office's standard for the temporary designation.

The tent will most likely be removed by the end of April, Mr. McGill said.

Mr. Walsh asked about the new construction. Mr. McGill said their intention is to tear down the tin building, build the new building on that footprint, move into the new building, and then tear down the existing one.

Mr. Katz asked if the permanent sign would be 2 ft. x 36 ft., as well. It would be designed according to the regulations, Mr. McGill said. Mr. Katz asked why the Commission would approve such an oversized temporary banner – a size that would not be permitted on a permanent sign. The Planner said that, under a special permit, the applicant can ask for something which would not ordinarily be permitted.

Mr. McGill said that the banner is one which had been up at the Bridgeport dealership for many years. The Ridgefield dealership sold very few Certified Pre-owned vehicles, and the new ownership wants to make sure that customers are now aware that this is a major part of the business, especially in this economy.

Mr. Katz was not comfortable with the size of the banner, feeling that it is not appropriate for Ridgefield. The justification presented was that it is temporary and there is no other signage on the building.

Mr. Walsh motioned, seconded by Dr. Autuori, (1) to approve the posting of the 2' X 36' banner on the metal building on the northern lot for a period of six months, at which time the applicant will re-apply for an extended period if needed, (2) to allow the tent to be used during the winter months, from December through April, and (3) to require that all exterior lights within proximity of the tent and at the front of the property be brought into compliance with the lighting regulations. (The discussion noted in particular some flood lights at the front of the property that could be seen by cars on Route 7, if they have not already been removed.) The motion passed, 7-1-0, with Mr. Mische voting against. (Mr. Mische noted that he agreed with approval for the tent, but disagreed with approval of the banner.)

NEW ITEMS

5. **#2008-137-Misc.:** AAC comments on application for Business Sign at Georgetown Cake Shoppe, **1 Ethan Allen Hwy.** (Keough's Plaza). Auth. Agent: John Vitti. Owner: Ed Keough. *For discussion.*

Chairman Mucchetti pointed out the photographs showing the proposed sign, and the regulations regarding interior-illuminated signs. The Planner further explained the location of the building on the lot, and the reasons for the request for a light background for the sign.

Chairman Mucchetti explained that the request is for black lettering on a light background. The regulations call for white lettering on the opaque background. She noted that the Commission has the authority to approve what the AAC does not.

Planner Brosius read the minutes from the AAC meeting at which this sign was discussed. She explained that the reason the applicants are asking for the black lettering on the opaque background was to match the sign on the adjacent business, as requested by Mr. Keough, owner of the property.

Mr. Katz was not in favor of creating a precedent for the illuminated background with the reverse color lettering, and said that conforming to the sign regulations as they stand makes for a much better looking sign.

The Planner said that she wished the applicant was there to defend the sign. She explained that the sign will now sit under the soffit of a building which is set back off the road. The darker background signs are a harder to see from Route 7.

Mr. Chipouras felt that, on the primarily dark building at its higher elevation, the white letters will show up more clearly against the dark background.

Dr. Autuori also preferred the dark background with the white lettering. "It would be nice for consistency to make the two signs the same," he said, but, visually, the dark background is preferable. And, he agreed with Mr. Katz that the adjoining business sign should not be used as a basis for comparison, because that business may not be there for the long term.

Mr. Katz motioned, seconded by Mr. Mische, to require the dark background for the sign with light-colored lettering, in accordance with the requirements in the regulations. The motion passed, 6-2-0, with Mr. Walsh and Mrs. Mucchetti opposed.

6. **#2008-138-S:** Application for 2-lot subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **11 Old Stagecoach**

Road in the RAAA zone. Owner: E. Hunter Harrison. Appl./Auth. Agent: Don Longo. *65-day to schedule public hearing ends 2/19/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti suggested a site walk for January 11, 2009, and a public hearing for February 3rd.

Mr. Mische motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

7. **#2008-139-SP-REV(S):** Special Permit for (1) development of a new residence on an existing building lot in the SD R-20 zone under Section 9.2 and 3.2.C.10 and (2) lot coverage exception under Section 3.6.C of the Ridgefield Zoning Regulations and request for Revision to the Subdivision under Section 8.2 of the Subdivision Regulations for the Town of Ridgefield to permit the driveway re-location on **Lot #2, Arnolds Way**. Owner: Elizabeth A. Yanity. Appl.: RJR Builders. Auth. Agent: MacMillan Architects. . *65-day to commence public hearing ends 2/19/2009. For receipt, schedule walk and public hearing*

Chairman Mucchetti suggested a site walk for January 11, 2009, and a public hearing for February 3rd.

Dr. Autuori motioned, seconded by Mr. Chipouras, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

COMMISSION WALKS

As noted above, the following site walks were scheduled for **January 11, 2009:**

- **#2008-138-S:** subdivision **11 Old Stagecoach Road**, Harrison.
- **#2008-139-SP-REV(S):** Special Permit and Revision to Subdivision **Lot #2, Arnolds Way**, Yanity.

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2003-074-REV:** release of \$1,000 balance on bond posted for **Ridgefield Car Wash, 6 Farmingville Road**, Ferm. *PD recommends 100% release.*

Dr. Gelfman motioned, seconded by Dr. Autuori, to release the bond in full as recommended by the Planner. The motion passed, 8-0.

- **#9979-S:** Release of \$2,500 balance on bond posted for accessway, Hoyt Subdivision/**Silver Spring Road** (Heritage Homes). *PD Recommends 100% release.*

Mr. Katz motioned, seconded by Dr. Autuori, to release the bond in full as recommended by the Planner. The motion passed, 8-0.

- **#9692-PRD:** Release of \$2,000 balance on bonds posted for accessway and drainage, 2-lot PRD Subdivision at **118 Stonecrest Drive**, Reed Whipple. *PD Recommends 100% release.*

Mr. Mische motioned, seconded by Dr. Autuori, to release the bond in full as recommended by the Planner. The motion passed, 8-0.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Planner's **letter regarding the 5-year Capital Budget** request. The Planner noted that the second half installment for the update to the Plan of Conservation and Development was being requested (letter distributed 12/4/08). She also noted a Draft Scope of Services provided by the consultant, Planimetrics, and asked that any comments regarding the schedule be directed to her. The goal is to finish the plan by the spring of 2010 in order to have it adopted and ready to go by the deadline date of 7/1/10, which would keep the Town eligible for discretionary funding from the State of Connecticut.
- List of Open Space calculations provided by the Conservation Commission
- Notice letter sent to the Town Clerk, re Election of Officers for 2009
- AAC/VDC minutes of the December 9th meeting for several projects
- Notes from the Planner re a presentation by a representative of the State's Freedom of Information Commission, from meeting held 12/15/08

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of December 2, 2008. The motion passed, 7-0-1, with Mr. Mische abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(minutes compiled from audio tapes)