



TOWN OF RIDGEFIELD

Planning and Zoning Commission

APPROVED/REVISED
MINUTES
PLANNING AND ZONING COMMISSION
Zoom Webinar Meeting
Public Hearing

These minutes are a general summary of the meeting and are not a verbatim transcription.

July 13, 2021 Present: Susan Consentino (Joined at: 7:04 p.m.)
Joseph Dowdell
Joseph Fossi
George Hanlon
Robert Hendrick
John Katz
Rebecca Mucchetti, Chair
Ben Nneji
Charles Robbins, Vice Chair

Also Present: Richard Baldelli, Director, Planning and Zoning, ZEO
Karen Martin, Town Planner
Eileen White, Recording Secretary

I. Call to Order

Chair Mucchetti called the Public Hearing to Order at 7:00 p.m. via Zoom Webinar. She gave an overview of the Agenda and the aspects of Zoom Webinar procedures.

Ms. Consentino motioned, Mr. Fossi seconded, to raise two items to the Agenda proposed by Mr. Hendrick. Motion carried 9-0.

The two items were: outdoor dining and statistical recording on Departmental activities.

Under Discussions, Item Number 5 was discussed before Zoning Legislative Changes Under Item Number 4.



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II: Public Hearing:

- 1. A-21-3(Contd.):** Regulation amendment Application per Section 9.2.B to add a Section 7.16 Renewable Energy Regulations and Section 2.2 – Definitions. Commission initiated.

Since the Legal Notice was read at the May 11, 2021 Public Hearing, it did not need to be read again.

Ms. Martin gave an overview of revisions made to the proposed regulations since the Commission's previous discussion.

There was much discussion and questions by Commissioners about when to require Special Permit applications, including how to set standards without current knowledge of wind systems pertaining to Ridgefield.

A consensus was reached by the Commissioners that the height regulations are sufficient, as written, with the exception of wind systems.

Mr. Baldelli suggested that the current regulations be amended with future general specifics being made for wind systems.

Chair Mucchetti asked about removing references to small, medium and large-scale systems and about properties of less than 20,000 square feet and appropriate parameters.

Commissioner Katz stated that the applicants will be able to gain more knowledge starting out with the Special Permit process and the Commissioners will be able to adjust regulations in the future.

There were no comments or questions from the public.

The Chair summarized the discussion as follows:

- Roof-mounted solar systems: as of right with no Zoning or Special Permit;
- Ground-mounted solar systems: 4 feet and under for lots 20,000 square feet or less with Zoning Permit;
- Maximum of 6 feet for solar systems for all other properties, with a Zoning Permit;
- Ground and pole mounted solar systems: over 6 feet by Special Permit.
- All wind systems by Special Permit.

Commissioner Fossi affirmed that geothermal systems are as of right with a Building permit.



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Mr. Baldelli said that Ms. Martin also re-worked the definitions. Any renewable energy system has to comply with the stormwater regulations and the definition has to exist inside of the impervious surface definition.

The consensus was reached that the Public Hearing be continued to July 27, 2021 to allow Ms. Martin to edit the wording for the proposed regulations.

The Public Hearing is continued to July 27, 2021.

Hearing no further discussion, the Chair adjourned the Public Hearing at: 8:02 p.m.

The Chair called the Public Hearing to Order at: 8:02 p.m.

2. **SP-21-10:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per section 5.3.D.27 for used car dealership and auto repair shop at a property located at **626 Danbury Road**. *Owner: Mulvaney Properties LLC. Applicant: Franklin Montesdeoca.*

Mr. Robbins was recused and left the Public Hearing at: 8:03 p.m.

Mr. Baldelli read the Legal Notice.

Mr. David White, representing the applicant, attended the Architectural Advisory Committee ("AAC"), which just recommended approval of the site application and the sign, presented the Application.

Ms. Martin screen-shared the latest materials for Commission review because of a technology problem with Mr. White's electronic device.

Mr. White's presentation included the fact that there would be no changes to the existing building and that 15-30 cars would be on the lot at one time either for sale or repair. The five (5) year lease was being extended to 10 years.

Commissioner Hendrick asked whether the double-sided advertising truck would be removed and about the storage of fluids. Mr. White stated that the truck would be removed and that the fluids on site would be stored in above-ground containers.

Commissioner Hendrick asked that it be stated that there be no more than 30 cars on site. Commissioner Consentino recommended that there be no loud noise before 7 a.m. The Chair responded that the Applicant needs to be in compliance with the Town's noise ordinance.



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Under Technical Correspondence, Mr. Baldelli reported that both the Fire Marshall and Police Chief Kreitz have no issues with this Application.

Ms. Martin stated that the Staff Report was supportive of this use, and recommended that some parking lot striping needed to be added.

Mr. Baldelli furthered that there be clear entrance and exit signs, that, as a condition of approval, the truck be removed, lights must be in compliance with current regulations, and he agrees with Ms. Martin's Staff Report.

Commissioner Consentino asked about a sidewalk requirement. Mr. Baldelli answered that it was up to the State of Connecticut Department of Transportation to determine if a side walk was appropriate and the site did not seem to be an ideal location.

There were no public comments or questions.

The Public Hearing closed at: 8:33 p.m.

Hearing no further discussion, the Chair adjourned the Public Hearing at: 8:33 p.m.

Mr. Robbins rejoined the Public Hearing at: 8:34 p.m.

3. **SP-21-12:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations to construct a two stall horse barn in the front yard at a property located at **4 Old Oscaleta Road**. *Owner/Applicant: Megan Terry.*

The Legal Notice was read by Mr. Baldelli.

Ms. Terry, Applicant, gave an overview of the Application, which included a 24 feet x 36 feet barn and sheltered manure storage for the two horses.

Ms. Terry stated that all accommodations for the horses would be good for not only them, but for the environment.

Commissioner Hendrick asked about the formal letter of complaint by the applicant's neighbor to the Inland Wetlands Board about ground water safety concerns. Ms. Terry responded that she believed that the neighbors' concerns had to do with "hoof impact" and water runoff. She furthered that a soil scientist had reviewed the area and determined that the neighbors' environment would not be hampered.



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The Chair stated that the Inland Wetlands Agent had reviewed the Application and stated in writing that no further inland wetland review would be required.

Mr. Baldelli read the Inland Wetland Agent's letter into the Record, which stated that no further inland wetland review was required.

Due to a technical glitch, the Recording of the Public Hearing stopped at: 8:53 p.m. and resumed at: 8:54 p.m.

Mr. Thomas Ahneman of Ahneman and Kirby Engineering had some initial technological difficulty in joining the Webinar. Ms. Ida Gheibi, of Ahneman and Kirby, presented the engineering details, which included the proposed 864 square feet of impervious area for the barn.

Ms. Gheibi continued that because a pasture was being created for the two horses by re-grading the existing area, there would actually be less runoff, as shown in the drainage report. The decreasing slope would slow down the water so that it would have more time to penetrate the earth. She screenshared the topography survey.

Mr. Thomas Ahneman stated that the proposed barn would be 200 feet from the road and 200 feet from the main house. The riding paddock would be 40 feet x 60 feet. He stated that the water quality would be improved.

Mr. Ahneman said that his firm had reviewed the Staff Report and the proposed draft of conditions and that they had no issue with the conditions.

Commissioner Consentino asked if the storm water management system was analyzed for a 100-year storm. Ms. Gheibi stated that the 100-year storm analysis had been done.

The Chair asked Mr. Baldelli if there had been any Technological Correspondence. Mr. Baldelli said that, in addition to the Inland Wetlands Agent's letter, the head of Health Department said he was "all set" and the Architectural Advisory Committee ("AAC") had approved the design.

Under public comments, the following were heard:

- Ms. Vanessa Odenbach
- Mr. Matt Peckham

The concern of the wetlands area and drainage was stated. The Chair said that the Inland Wetlands Agent had stated in writing that there were no wetland concerns.

Mr. Baldelli re-read the Inland Wetlands Agent's letter into the Record.



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The Chair asked Ms. Gheibi to address the neighbors' concerns. Ms. Gheibi stated that there were no concerns with the wetlands and the levels of storms, including the 100-year storm.

Commissioner Hendrick asked if the Applicant was fine with a cap of two horses. The Applicant said yes.

Commissioner Hanlon asked the engineers if they had shown the neighbors how and why the proposed drainage systems work. Mr. Ahneman said they would be happy to do that.

Commissioner Consentino asked Mr. Baldelli if he knew how to address the neighbors' concerns about underground pipes on their property. Mr. Baldelli stated that that was not within the jurisdiction of the Planning and Zoning Commission.

The Public Hearing closed at: 9:27 p.m.

Hearing no further discussion, the Chair adjourned the Public Hearing at: 9:27 p.m.

III: Discussions:

1. **A-21-3:** Regulation amendment Application per Section 9.2.B to add a Section 7.16 Renewable Energy Regulations and Section 2.2 – Definitions. Commission initiated.

The Public Hearing is continued to July 27, 2021.

2. **SP-21-10:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations per section 5.3.D.27 for used car dealership and auto repair shop at a property located at **626 Danbury Road**. *Owner: Mulvaney Properties LLC. Applicant: Franklin Montesdeoca.*

Mr. Katz motioned, Mr. Hendrick seconded, to approve with conditions. Effective Date: July 23, 2021. Motion carried 8-0-1. Mr. Robbins was recused.

3. **SP-21-12:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations to construct a two stall horse barn in the front yard at a property located at **4 Old Oscaleta Road**. *Owner/Applicant: Megan Terry.*

Mr. Katz motioned, Mr. Robbins seconded, to approve with conditions. Effective Date: July 23, 2021. Motion carried 9-0.



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4. Subcommittees-
 - Business Zones

The Chair stated that Attorney Thomas Beecher had advised the Planning and Zoning Commission how to reconstitute the Business Zones Subcommittee, recommending no more than four Commissioners.

Mr. Katz motioned, Mr. Hanlon seconded, to appoint Mr. Fossi, Mr. Hendrick and Mr. Nneji to the Business Zones Subcommittee. Motion carried 9-0.

- Discussion on Outdoor Dining

As per Commissioner Hendrick's request, the Planning and Zoning Commission discussed Outdoor dining, for which there are no present Town regulations. The Commission suggested the Business Zones Subcommittee could look into this topic when it reconvenes.

- POCD Implementation Task Force

The Chair stated that due to the unique nature of the Plan of Conservation and Development, Attorney Thomas Beecher advised that Ms. Martin could be Chair. Ms. Mucchetti recommended that the following POCD Implementation Task Force members be appointed:

Ms. Karen Martin, Chair, Town Planner
Hon. Bob Hebert, Selectman
Mr. Eric Keller, Conservation Commission
Ms. Susan Consentino, Planning & Zoning Commission
Dr. Ben Oko, RACE and Energy Task Force
Mr. Dave Goldenberg, Affordable Housing Commission
Ms. Susan Gessner, Economic Community Development Commission
Mr. Dan O'Brien, Historic District Commission
Mr. John Kinear, Architectural Advisory Committee

Mr. Katz motioned, Mr. Fossi seconded, to appoint the updated list of members of the POCD Implementation Task Force. Motion carried 9-0.



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- Zoning Legislative Changes

The Chair recommended that as the Zoning Legislative Changes Subcommittee's task had been completed, and that the Legislative session was over, that the Subcommittee should, thereby, be disbanded.

Mr. Katz motioned, Mr. Fossi seconded, to disband the Zoning Legislative Changes Subcommittee. Motion carried 9-0.

5. House Bill 6107/PA 21-29.

Ms. Martin stated that she had distributed a memo about the legislation and comparing the legislation's new requirements for municipalities to Ridgefield's current zoning regulations to address any disparities. Ms. Martin stated that most of the Bill was about Accessory Dwelling Units ("ADU's") and that she will return to the Commission in September with any proposed zoning amendments needed to ensure Ridgefield's zoning regulations are in compliance with the bill.

6. Marijuana Legislation.

The Chair stated that the Commission was being given a heads up for a discussion scheduled for July 27, 2021. A number of Towns, including Greenwich and New Canaan have banned the sale of marijuana.

The Chair continued that Ms. Martin and Mr. Baldelli have reached out to various departments to invite them to the discussion and Ms. Martin will provide a memo.

7. Remote PZC meetings: Discussion/Vote

At the request of First Selectman Rudy Marconi, the Planning and Zoning Commission was asked to formally vote on whether to continue with Zoom Meetings.

Mr. Katz motioned, Mr. Robbins seconded, to continue Zoom Meetings. Motion carried 9-0.

IV: New Submissions:

1. **SP-21-14:** Special Permit Application per Section 9.2 of the Town of Ridgefield Zoning Regulations to install two wall signs – "Jaipore" on the front elevation at



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19 Bailey Avenue. *Owner: Jeannette Laforte. Applicant: Malvyn Paulino. For receiving and scheduling a sitewalk and Public Hearing.*

The Chair suggested individual Site Walks due to the drive-by accessibility.

Mr. Katz motioned, Mr. Hendrick seconded, to Receive, Schedule a Public Hearing for September 14, 2021. Motion carried 9-0.

2. **VDC-21-5:** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall signs –“Jaipore” at **19 Bailey Avenue.** *Owner: Jeannette Laforte. Applicant: Malvyn Paulino. For receiving and scheduling a discussion.*

Mr. Katz motioned, Mr. Hendrick seconded, to Receive, and Schedule a Discussion for July 27, 2021. Motion carried 9-0.

3. **REF-21-2:** 8-24 Referral Application for acceptance of land at the intersection of Turner Road and Barnum Place. *Town of Ridgefield. For acknowledgement and review.*

Mr. Hanlon motioned, Mr. Fossi seconded to forward a Positive Referral. Motion carried 9-0.

4. **VDC-21-6:** Village District Application per Section 8.3 and Sec.5.1.B. of the Town of Ridgefield Zoning Regulations for wall sign “Cross Logo” at **381 Main Street.** *Owner: 381-383 Main street LLC. Applicant: Karen Stark. For receiving and scheduling a discussion.*

Mr. Katz motioned, Mr. Hendrick seconded, to Receive, and Schedule a Discussion for July 27, 2021. Motion carried 9-0.

5. **REF-21-3:** Referral Application from City of Danbury for Moratorium on acceptance of Applications, Amendments, Petitions or Issuance of Zoning permits for or related to Cannabis Establishments; new definitions. *City of Danbury. For acknowledgement and review.*

Mr. Katz motioned, Mr. Dowdell seconded, to Acknowledge with No Comment. Motion carried 9-0.

- Discussion on Statistical Data, Activity of Staff



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Commissioner Hendrick asked if the Staff had certain data available that it could present to the Commission for a better understanding of permit trends.

Commissioner Fossi stated that the Building Inspector could provide the history of the building permits.

Ms. Martin stated that via the View Permit System, Staff can generate reports and could provide an update in September on this type of data.

V: Correspondence:
None.

VI: Approval of Minutes:

- **PZC Meeting-June 22, 2021**

Mr. Katz motioned, Mr. Hendrick seconded, to approve as amended. Motion carried 8-0-1. Mr. Nneji abstained.

VII: Adjourn

Hearing no further discussion, the Chair adjourned the Meeting at 10:14 p.m.

Respectfully Submitted,

Eileen White