

**TOWN OF RIDGEFIELD**

**PLANNING AND ZONING COMMISSION**

Town Hall Annex

First Floor Conference Room,

 66 Prospect Street, Ridgefield, CT

 *https://us02web.zoom.us/webinar/register/WN\_WPeQXK2aSCGKHLtuBnwVXQr*

This will be a hybrid meeting, held in accordance with PA 21-2, JSS, Sec 149. Participants may choose to attend in person at the venue noted above, or via Zoom webinar.

**APPROVED/REVISED MOTIONS AND
MINUTES FOR PLANNING & ZONING**

These minutes and motions (votes) and are a general summary of the meeting. This is not a verbatim transcription.

Wednesday, October 25, 2022 Present: Robert Hendrick (Chair)

 Joseph Dowdell (Vice Chair)

 John Katz

 Christopher Molyneaux

 Joseph Sorena

 Elizabeth DiSalvo

Susan Consentino (recused for all proceedings for SP-22-14)

Absent: Ben Nneji

 Mariah Okrongly

Also Present: Alice Dew, Director of Planning & Zoning

1. **CALL TO ORDER**

Chair Hendrick called the Public Hearing to Order of the Planning and Zoning Commission (“Commission”) via Zoom and in person at 7:01 p.m. A quorum was established.

The Chair stated that Ms. Consentino was recused from the Public Hearing on SP-22-14, 19 Great Pond Road due to her employment with the Parks and Recreation Department.

* 1. **Distribution of agenda & previous minutes:** [**Correspondence | Ridgefield CT**](https://www.ridgefieldct.org/planning-and-zoning-commission/pages/correspondence)

1.1.1. 2022.10.19- 19 Great Pond Rd- Letter from P&R

1.1.1.2 2022.10.24 – 19 Great Pond Letter from P. Olson

1. **PUBLIC HEARINGS**

2.1. **(Contd.) SP-22-14; 19 Great Pond Road.** Special Permit Application (RZR 9.2) and per (RZR

3.4.C.1) for the approval of four (4) pickle Ball courts in the front yard at Martin Park. *Owner: Town of Ridgefield. Applicant: Dennis Dipinto; Parks & Recreation.*

 <https://ridgefieldct.viewpointcloud.com/records/87953>

The Legal Notice had been read at the September 13, 2022, Public Hearing.

Speakers:

Barry Wyerman and Bob Unetich, sound experts, presented their findings which are included in their report. Bob Unetich summarized the findings stating, “If you measure pickle ball sound at the property line, even with an 8 ft barrier, you are still going to have pickle ball sound that’s audible.” Bob Unetich went on to say elevation is just as important, if you measure pickle ball sound from the resident’s property, that barrier will do very little because of the elevation. Bob Unetich went on to discuss elevation and what it would take to block the sound.

Carl Cascio – Sound Engineer for Parks & Recreation- commented from the acoustic study is that they consider the noise to be continuous and that they agree with his calculations for transmission laws for the 8’ and 10’ fence. Mr. Casio spoke about peak measurements and continuous noise. He stated that the police department measured noise using the slow method and were in the 55-60 db range. He added that standard is above the 55 dba limits and that noise level is still audible. Mr. Cascio concluded that even if you go more than 300 ft away, you can’t make that noise go away.

Peter Olson – Attorney for Sulzinskys at 23 Great Pond Rd- Atty. Olson said the standard is whether it is audible at the house and the expectation is whether it would be audible where you can hear it not at a level that is inappropriate, referring to the police department report.

Patricia Sullivan from Cohen & Wolf for Parks & Recreation led a lengthy discussion with the commission regarding Martin Park and use as a recreational facility. The fence as a resolution was also discussed and not completely dismissed. Atty Olson asked for the commission to take into consideration all residents who live near other recreational facilities in the town and must consider all the residents not just one person who feel they are affected adversely and are vocal. R. Hendricks also added that it’s a tricky balance and people who live in a high-density area are more tolerant to noise. He added from a PZC perspective, he hopes these projects are suitable to the environment and what residents expect.

Patricia Sullivan – reviewed the POCD Chapter 13.

Dennis DiPinto, Director of Parks & Recreation – stated he did get a measure himself with decibel readers of 55. Police confirmed a reading of 55-60 with the loudest noises they heard. He added the 8’ fence would provide 8-12 decibel drop. He added an ambient noise with no pickle ball play going on was in the high 40’s to low 50’s. He feels that the fence is a clear alternative.

Ms. Sulzinsky stated that she was the only person in the room that knows what pickle ball sounds like in every room in her house with all the windows open and closed. She doesn’t feel it’s right for Attorney Sullivan to characterize their issues which are life altering when you can’t use the outdoors or open windows when you want to. She stated she has an attorney and two engineers because it’s destructive and disruptive and affects her family and takes value off her home that she has lived in for the last 25 years. She feels they should not be asked to compromise and limiting the hours does not work, nor does putting up the fence. She added just because it’s ok to have recreational use doesn’t mean it should be this recreational use. She said it is not acceptable in their quiet and formally treelined neighborhood. She feels this is not some theoretical exercise. She feels it was a mistake made without proper research, planning and it destroys their peaceful existence and property value.

Phil Kearns spoke as resident at 54 Parley Road- He wanted to speak to the 90 and 100 decibels. He commented about the sound information he has. He said at 100 decibels is inside a subway train, at 1000 feet, or a farm tractor at 50 feet, or a power mower at 3 feet. He stated at 110 decibels is at a jet taking off. He said he has been around pickle ball, and he does not want people thinking 90 or 100 decibels is what pickle ball is being compared to.

***MOVED TO CLOSE THE PUBLIC HEARING AT 8:40pm (Maker: J. Katz; Second: E. DiSalvo). Motion carried – unanimous.***

S. Constantino joined the meeting at 8:44.

2.2. **A-22-4:** Regulation Text Amendment (per PZR 9.2.B) for Section 7.13- Cannabis Establishments and Section 8.6-Uses Subject to Moratorium. ℅ Commission

<https://ridgefieldct.viewpointcloud.com/records/89000>

Ms. Dew read the Legal Notice received on October 6, 2022, and legally noticed on October 13, 2022, and October 20, 2022. She spoke with Tom Beecher about his suggestions for a regulation change. She said it was suggested to create 7.13 with intent and purpose, and standards, then 8.6 for intent and purpose, to use as a placeholder for any other moratorium applications.

R. Hendrick said it makes sense to hold this as a place holder, instead of continuing to hold Section 8.6.

J. Katz asked if the attorney asked why, we need a regulation when there is a town ordinance forbidding it? R. Hendrick said in previous discussions it was decided it was not necessary, and there is no need for this regulation in the zoning regulations. R. Hendrick said there was a discussion, and it was decided it would be helpful to have a short and simple regulation which points back to the town ordinance to make it clear that it is banned and to go check the town ordinance.

J. Dowdell asked what would happen if there were a regulation that conflicted with the office of the ordinance? R. Hendrick said the town ordinance would trump it. J. Dowdell stated it wouldn’t be illegal and it could be set up, with certain zones to do certain things that aren’t allowed and for it to be a plan until the ordinance changes. J. Katz stated that is wrong they wouldn’t set up something to go forward that was prohibited in the regulations. R. Hendricks said they wouldn’t want to have regulations that are misleading to certain people and then they find out that there is an ordinance in place that trumps those regulations.

Kirk Carr, 62 Prospect Ridge- Mr. Carr spoke of the regulations 9.2; page 9-11, 9-12, you are not to hear a petition relating to the same changes more than once in a period of 12 months and shouldn’t be doing this at this time. He wanted to point out under decision considerations, he feels the commissions decided to make it a consideration which is arbitrary and capricious. He noted that on the viewpoint side, there are a couple of empty items. He stated there was an appeal received on A-22-1. This is a friendly appeal that updated an outdated amendment which would get the commission out of the 12-month cul-de-sac by reopening A-22-1. Ms. Dew said the written memorandums are suggestions, there are some required and some suggested.

***MOVED TO CLOSE THE PUBLIC HEARING AT 8:40pm (Maker: J. Katz; Second: E. DiSalvo). Motion carried – unanimous.***

2.3. **MISC-22-6: Opt-Out Public Act 21-29.℅ Commission**

<https://ridgefieldct.viewpointcloud.com/records/88279>

Ms. Dew read the Legal Notice, received on October 6, 2022, and noticed on October 13, 2022, and October 20, 2022. She stated it was suggested by WestCOG amongst other people, for the commission to do an opt out, so that if anything changes on the state PA 21-29 and the town would retain its ability to make their own changes. R. Hendricks stated that if the commission believes that the regulations are regulations that we want to follow, instead of following the state regulations which could change, this would be the reason for the opt out that needs to be done sooner than later for timing considerations.

Kirk Carr spoke saying he feels the commission should do this opt out, stating the commission knows what is best for Ridgefield opposed to the state.

***MOVED TO CLOSE THE PUBLIC HEARING AT 8:40pm (Maker: J. Katz; Second: S. Consentino). Motion carried – unanimous.***

1. **OLD/CONTINUED BUSINESS**

3.1. **If Public Hearing is Closed: SP-22-14;** **19 Great Pond Road.** Special Permit Application (RZR 9.2)

and per (RZR 3.4.C.1) for the approval of four (4) pickle Ball courts in the front yard at Martin Park.

Owner: Town of Ridgefield. Applicant: Dennis Dipinto; Parks & Recreation.

<https://ridgefieldct.viewpointcloud.com/records/87953>

There was some discussion regarding the special permit application RZR 9.2)

and per (RZR 3.4.C.1). J. Katz stated that the application fails to meet standards of a SP, suitable location. J. Dowdell and E. DiSalvo agreed with J. Katz. C. Molyneaux added that he feels it is not appropriate for the location. J. Sorena said that the noise is not relevant and he would vote to approve the special permit application. R. Hendrick would vote to deny this application. He does not see any possible compromise and the burden of proof was not met. He feels this is not in harmony with neighborhood. R. Hendricks would like to take a motion to table this discussion until November 9, 2022.

***MOVED TO TABLE the discussion on November 09, 2022 (Maker: J. Katz; Second: C. Molyneaux). Motion carried 6-0- unanimous.***

S. Consentino joined the meeting at 9:40.

3.2**. If Public Hearing is Closed: A-22-4:** Regulation Text Amendment (per PZR 9.2.B) proposing for

Section 7.13- Cannabis Establishments and Section 8.6-Uses Subject to Moratorium.℅ Commission

<https://ridgefieldct.viewpointcloud.com/records/89000>

There was some discussion with the commission regarding clarification to Section 8.6, suggestions were to have a heading; Uses Subject to Moratorium, and this will make it easier for people to see it in the regulations.

***MOVED TO ADOPT THE AMENDMENT (Maker: E. Disalvo; Second: C. Molyneaux). Mr. Dowdell and Mr. Katz voted Nay. Motion carried- 5-2-0.***

3.3. **If Public Hearing is Closed: MISC-22-6:** Opt-Out Public Act 21-29.℅ Commission

<https://ridgefieldct.viewpointcloud.com/records/88279>

***MOVED TO OPT OUT Public Act 21-29 (Maker J. Sorena; Second: E. DiSalvo). Motion Carried- 7-0***

3.4. **VDC-22-10: 409 Main Street.** Village District Application (RZR 8.3 and Sec.5.1.B.) for installing

building and window signs “Deborah Ann Sweets” . Owner: 409 Main Street LLC. Applicant: Michael

Grissmer.

<https://ridgefieldct.viewpointcloud.com/records/89036>

***MOVED TO APPROVE VILLAGE DISTRICT APPLICATION. (Maker: J. Katz; Second: J. Sorena). S. Constantino voted nay. Motion carried – 6-1-0.***

Jeff Mose of Mose Assoc. Architects, PC at 38C Grove Street made his presentation regarding **VDC-22-10: 409 Main Street.** Village District Application (RZR 8.3 and Sec.5.1.B.) for installing building and window signs “Deborah Ann Sweets” and **SP-22-19; 409 Main Street.** Revision to Special Permit (RZR 9.2) to install second sign on the building “Deborah Ann Sweets”. There was a brief discussion with the commission regarding the signs and the pictures that were submitted were viewed.

3.5. **SP-22-19; 409 Main Street.** Revision to Special Permit (RZR 9.2) to install second sign on the building “Deborah Ann Sweets”. Owner: 409 Main Street LLC. Applicant: Michael Grissmer.

<https://ridgefieldct.viewpointcloud.com/records/89073>

***MOVED TO APPROVE REVISION TO SPECIAL PERMIT. (Maker: J. Katz; Second: J. Sorena). Motion carried– 7-0.***

1. **NEW BUSINESS**

4.1. **SP-22-20, 0 Danbury Road:** Revision to Special Permit (RZR 9.2) for the prior approval of accessway

and to allow the premise to be served by existing accessway to Great Hill Rd. Owner: Reid Nancy.

Applicant: Robert Jewell. For receipt and scheduling a site walk and discussion.

***MOTION TO RECEIVE APPLICATION AND SITEWALK SCHEDULED ON NOVEMBER 06, 2022 (Maker: J. Sorena; Second: J. Dowdell). Motion carried- 7-0.***

4.2. **REF-22-4: 8 -24** Referral Application for proposed use of unimproved portion of Spectacle Lane

adjacent to Lot 6 Witon Rd East. The purpose is to relocate a brook crossing to a narrower section of

the brook. For receipt and acknowledgement.

<https://ridgefieldct.viewpointcloud.com/records/89298>

***MOTION TO ACKNOWLEDGE AGREEMENT WITH THE REFERRAL APPLICATION. (Maker: J. Katz; Second: C. Molyneaux). Motion carried – 7-0.***

4.3. **REF-22-5: 8-24** Referral Application for Declaration of Open space for various parcels totaling 1,059

acres to be managed under the jurisdiction of the Ridgefield Conservation Commission.

For receipt and acknowledgement.

<https://ridgefieldct.viewpointcloud.com/records/89299>

***MOVED TO ACKNOWLEDGE AGREEMENT WITH THE REFERRAL APPLICATION. (Maker: J. Katz; Second: E. DiSalvo). Motion carried – 7-0.***

4.4. **REF-22-6: 8-24** Referral Application for Declaration of Conservation Easement pertaining to Parcel of

land C08-0034 consisting of 27.34 acres on North Salem Road. For receipt and acknowledgement

<https://ridgefieldct.viewpointcloud.com/records/89300>

***MOVED TO ACKNOWLEDGE THE REFERRAL APPLICATION. (Maker: J. Katz; Second: E. DiSalvo). Motion carried – 7-0.***

4.5. Approval of Minutes.

4.5.1. Regular Meeting – October 11, 2022

4.5.2. Special Meeting- October 06, 2022

***MOVED TO APPROVE THE MINUTES FOR REGULAR MEETING AND SPECIAL MEETING. (Maker: J. Katz; Second: J. Dowdell). Motion carried – 7-0.***

**5. ADJOURN**

 Hearing no further discussion, the Chair adjourned the Meeting at: 9:59 p.m.

Respectfully Submitted,

**Meg Martins**

 **Recording Secretary**

FOOTNOTES:

RZR = Town of Ridgefield Zoning Regulations

CGS = Connecticut General Statutes