



TOWN OF RIDGEFIELD

Planning and Zoning Commission

APPROVED/REVISED
MINUTES
PLANNING AND ZONING COMMISSION
Zoom Webinar Meeting

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

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| June 22, 2021 | Present: | Susan Consentino (Joined at: 7:02 p.m.) Joseph Dowdell Joseph Fossi George Hanlon Robert Hendrick John Katz Rebecca Mucchetti, Chair Charles Robbins, Vice Chair |
| | Absent: | Ben Nneji |

Also Present: Richard Baldelli, Director, Planning and Zoning, ZEO
Karen Martin, Town Planner
Thomas Beecher, Esq., Commission Counsel
Eileen White, Recording Secretary

I. Call to Order

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

II: Discussions:

- 1. 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. To reschedule the public hearing.*



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The Chair stated that the Applicant asked to reschedule the Public Hearing to accommodate a revisit to the Architectural Advisory Committee (“AAC”) on June 22, 2021 at 7:30 p.m.

The Commission recommended that the Public Hearing for this matter be on July 13, 2021.

Mr. Katz motioned, Mr. Fossi seconded, to reschedule this matter to July 13, 2021. Motion carried 7-0-1. Mr. Robbins was recused.

2. Planning & Zoning Commission-Subcommittees. % PZC Counsel

The Chair stated that, due to questions that have been raised about the makeup of the membership of the Business Zones Subcommittee that the Commission created in December 2020, by a vote of 9-0, First Selectman Marconi asked for a legal opinion regarding Planning and Zoning Subcommittees from Town Counsel David Grogins.

Attorney Beecher, Commission Counsel, stated that the Business Zones Subcommittee had good intentions, but that in looking at the Commission Minutes, it was found that no one had formally been appointed by the Commission. Thus, proper procedures were not followed. Mr. Beecher said that he initially thought that the Subcommittee was an Ad Hoc Group or Task Force. Attorney Beecher furthered that a Subcommittee of the Commission could only be constituted of members of the Commission, and a maximum of four members because five members would be a quorum.

Chair Mucchetti said that she had reviewed Commission Bylaws and the Town Charter and there was no language pertaining to Subcommittees. She apologized that she had misinterpreted what she had read and how it applied to Subcommittees.

The Chair asked Attorney Beecher if the present Business Zones Subcommittee should be dissolved or a new motion put forward, therefore creating a new Subcommittee. Attorney Beecher said yes, a new Subcommittee could be formed.

Attorney Beecher also stated that the POCD (“Plan of Conservation and Development”) is under separate statute. He will review the POCD statutes and get back to the Planning and Zoning Commission with his findings regarding the POCD Implementation Task Force.

Commissioner Consentino stated that she had read the Town Charter and it said that only the Board of Selectmen can appoint a Subcommittee. Attorney Beecher said that the Commission can create subcommittee’s but only of Commission members.

Ms. Consentino asked Attorney Beecher to clarify his letter to the Commission and how it connects to Attorney Grogins’ letter. Attorney Beecher answered that he legally agrees with Attorney Grogins.



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Ms. Consentino asked Mr. Beecher about the Subcommittee of the POCD. Mr. Beecher said he would analyze the separate statute pertaining to the POCD.

Ms. Martin stated that she was fine with not serving as Chair of the Subcommittee and that she had been advised that her appointment to the Chair role was for administrative purposes. Ms. Martin continued that there will be a time to reconsider the Subcommittee for Business Zones and that the ECDC might want to form their own Subcommittee.

Commissioner Hendrick stated that he hoped that a new Subcommittee could get back to work soon to offset the new reality from the Covid-19.

Commissioner Fossi said that much hard work had been done with the Business Zones Subcommittee and because of so much misinformation, the good work had been derailed. He said he was disappointed that he had been accused of conflict of interest, when this was not true.

Commissioner Consentino said that she thought that the Business Zones Subcommittee was going to discuss certain business zones not mentioned in the POCD and that the local businesses should not be forgotten.

The Chair asked Attorney Beecher if there was a way for Ms. Martin to reach out to the current members of the Business Zones Subcommittee who were working in good faith and let them know that the Subcommittee is now moot. Mr. Beecher stated that Ms. Martin could communicate with the Subcommittee members to let them know what has transpired.

3. Hansen appeal. % PZC Counsel

The Chair stated that Attorney Beecher had an update of the appeal of the plenary ruling decision on the Winter Club, when the Commission was still functioning as the Inland Wetlands Board.

Attorney Beecher stated that he was reporting informationally about the Winter Club Application because a majority of the current Commission had also been on the Inland Wetlands Board, when that matter was decided. The jurisdiction over this matter is now solely with the Inland Wetlands Board. This case is technically ongoing because the neighboring property owner can still appeal the decision through the Appellate Court.

Mr. Beecher gave a synopsis of the legal issues of the Inland Wetland Board Special Permit Application.



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Commission Consentino asked Attorney Beecher about the last part of the Inland Wetlands Board vote because she had not been able to hear it, when she was in the audience. Ms. Consentino asked Mr. Beecher how he had advised the Inlands Wetlands Board.

Attorney Beecher said that he did not remember exactly what he advised, but that he probably asked the Inland Wetlands Board to consider the materials they had received, the testimony they had heard and their legal perimeters as a Board.

Attorney Beecher suggested that Ms. Consentino read the Minutes and the transcripts from that last meeting. Mr. Beecher asked Mr. Baldelli to clarify that Minutes and transcripts were available and Mr. Baldelli stated they were. Mr. Beecher furthered that Ms. Consentino could have the Minutes and Transcripts e-mailed to her.

The Chair stated that this was just an informational update for the Commission now as the Planning and Zoning Commission has no authority over wetland matters as they no longer functioning as the Inland Wetlands Board.

4. **REF-21-1:** Referral notice from the Town of Redding for activities and associated improvements within the regulated areas Applicant Dominick A. Pagano at 241 Ethan Allen Highway, Redding, CT.
For acknowledgement and review.

The Chair stated that the only information the Commission has on this matter is to acknowledge receipt from Town of Redding. The Planner is seeking additional information.

Mr. Katz motioned, Mr. Dowdell seconded, to acknowledge receipt of this matter. Motion carried 8-0.

There were no requests for bond releases.

III: New Submissions
None.

IV: Correspondence:

1. Email from Ms. Mazzola, distributed June 18, 2021.



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V: Approval of Minutes:

- **PZC Meeting-June 08, 2021**

Mr. Fossi motioned, Mr. Katz seconded, to approve as amended. Motion carried 8-0.

- **Site walk Meeting- June 20, 2021**

Ms. Consentino asked the Chair to clarify the names on the Site Walk Minutes, which the Chair did.

Mr. Katz motioned, Mr. Hendrick seconded, Mr. Fossi abstained, to approve as amended. Motion carried 7-0-1.

The Chair asked the Commissioners about Zoom Meeting invites and if there were problems. The Commissioners clarified what and how the invites were received by them.

VI: Adjourn

Hearing no further discussion, the Chair adjourned the meeting at: 7:40 p.m.

Respectfully Submitted,

Eileen White