

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

January 4, 2011

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

Also Present: Betty Brosius, Inland Wetlands Agent

*A Planning and Zoning Commission public hearing was held prior to the meeting.*  
At 8:47 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

There were no pending items.

**NEW ITEMS**

There were no new items.

**BOARD WALKS**

There were no site walks to be scheduled.

**REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

**CORRESPONDENCE**

There was no correspondence.

**MINUTES**

**Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of December 14, 2010. The motion passed, 7-0-1, with Dr. Autuori abstained.**

Hearing no further discussion, the Chairman adjourned the meeting at 8:48 p.m.

Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

January 4, 2011

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

Also Present: Betty Brosius, Director of Planning

*A public hearing was held prior to the meeting.*

At 8:49 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2010-112-A:** Proposed amendment to the Ridgefield Zoning Regulations, **Section 2.2** – Definitions; **Section 3.2** – Principal Uses in Residential Zones; **Section 7.2.C** – Signage; to broaden the definitions for “Agriculture” and “Farms” and confirm the intent of the regulations to be permissive for agricultural uses; and to establish requirements for as-of-right farm stands and signs for farms. *Public hearing scheduled 11/16/2010 and commenced 1/4/2011.*

**Chairman Mucchetti** noted that the public hearing has been continued to February 1, 2011, and there was no discussion.

**NEW ITEMS**

2. **#2010-119-REV(SP):** Request for Revision to the Special Permit under Sec. 9.2.A.7 to permit outside parking with temporary fencing of motor vehicles for an 18-month period on property located at **901 Ethan Allen Highway** in the CDD zone. Owner: Ridgefield Professional Office Complex, LLC. Appl: Ridgefield Waterside Motors, LLC d/b/a BMW of Ridgefield. Auth. Agent: Ed McGill, BMW of Ridgefield. 65-day action period ends 3/10/2011. *For receipt/discussion/action.*

**Chairman Mucchetti** recognized Robert Jewell, attorney appearing on behalf of the applicant, Ridgefield Waterside Motors (BMW of Ridgefield). Ed McGill, Dealer Principal for the BMW dealership, was also present.

**Attorney Jewell** referred to the Commission’s approval of the re-development of the BMW dealership site at 746 Danbury Road, and stated that now the dealer needs to

find a location to store the inventory of cars during the construction process. There was an agreement to store the cars inside at 901 Ethan Allen Highway, but there are issues with meeting the fire code on a temporary basis. The large, empty parking lot is an alternative solution.

**Mr. Walsh** noted that the application was for “temporary” use of the parking lot, and asked if there is such a thing as a temporary Special Permit. **Attorney Jewell** said that the permit would have an expiration date, which would be acceptable. Mr. Walsh is concerned that the permit for parking of cars could go on and on, and the property owner could continue the use.

**Planner Brosius** said that generally a Special Permit runs with the land in the same way that a variance does, until such time as the owner requests something different. However, there are instances evidenced in many parts of Connecticut where towns do establish time limits on particular uses.

**Mr. Katz** said that this permit could be specific to the BMW dealership and tied to the re-construction of the other site. **Attorney Jewell** agreed, and it was agreed that the permit could be drafted tightly with site-specific and user-specific conditions that would limit the use to the current applicant. The permit would be in place until the Certificate of Occupancy was received by BMW for construction of the new facility.

**Mr. Chipouras** asked if there was a chance that the fire code requirements could be modified by the state, for inside storage. Mr. McGill said they had applied for modifications to the code, but an exception was not likely to be granted.

**Mr. Katz motioned, seconded by Mr. Fossi, to approve the request for revision to the Special Permit, with conditions specific to the applicant’s temporary use of the parking spaces during the time of re-development of the business property at 746 Danbury Road. The temporary parking use at 901 Ethan Allen Highway is to cease at the time that the Certificate of Occupancy is issued for the new construction of the BMW facility at 746 Danbury Road. The motion passed, 8-0.**

3. Question re building height restrictions in the CDD Zone. Owner: Boehringer-Ingelheim. c/o PD. *For discussion.* (see memo dated December 29, 2010)

**Planner Brosius** explained the memo, and a question from Boehringer about the “appurtenances” on the top of a proposed new building, where various mechanical equipment devices would be enclosed within walls and a roof, for aesthetic and sound-proofing purposes. The memo explains the Commission’s ability to allow this structure to be exempt from the height restrictions for the building. The applicant just requests clarification of the regulation, so that they know whether or not a variance would be required.

**Mr. Mische** read from the regulations and argued that the mechanical equipment may be “necessary,” but the enclosure may not. He asked if they demonstrated that there will be a substantial reduction in cuts and fills for the building.

**Planner Brosius** said that the enclosure is necessary for sound-proofing. Mr. Katz said that the Commission has difficulty with the request without knowing where the building can be seen and how it will appear to neighboring properties. He said that the regulation does not necessarily contemplate the housing for the appurtenances.

**Dr. Gelfman** acknowledged that the building is on a slope, based on observations at an earlier site walk. Mr. Walsh said that the applicant must demonstrate the cuts and fills and feels that the regulations allow the applicant to come forward, and for the Commission to deal with the issue legitimately under the Special Permit.

The Planner explained that this proposed building is interior to the site, and it is built on a slope. It is shielded from neighboring residences by other existing buildings.

**Dr. Autuori** says that the sound-proofing walls and roof over the mechanical devices is indeed part of the “appurtenances” and the matter can be dealt with under the regulations. Mr. Fossi agreed that the regulations address the concerns.

**Mr. Mische** again expressed concern over not having specific plans to look at. The Planner said that if there is a consensus of concern, then the applicant should apply for the variance. The Planner said that the Commission has the ability, under the regulations, to determine that the “room” around the mechanical devices is part of the allowed “appurtenances” specified in the regulations. Mr. Walsh agreed, and stated again that the Special Permit criteria allow the Commission to make the decision to allow the height exception, without a variance.

**Following this discussion, and with knowledge of the location of the proposed building, the consensus of the Commission is that the height of the mechanical equipment and enclosures on top of the proposed new facility (as described by the Planner) can be addressed under the Special Permit regulations, and that no variance would be required.**

4. **#2009-074-SP:** request for a one-year extension of time to complete work as required by Special Permit condition #12. Property located at: **72 Revere Drive**. Owners/Appls.: Desmond & Lynda McGoey. *For discussion/action.*

**Mr. Katz motioned, seconded by Dr. Autuori, to approve the request for a one-year extension of time to complete the work, through December 31, 2011.**

**Mr. Mische** asked how much of the work had been completed. The Planner explained that the site is probably more than half done, and it has been seeded, with grass growing on a large portion of the flat area behind the house. There has been no erosion observed on the slopes.

**The motion to approve the extension passed, 8-0.**

**Chairman Mucchetti** asked for a vote to add an item to the agenda. Dr. Autuori motioned, seconded by Mr. Fossi, to add the item. The motion passed, 8-0.

5. **#2010-114-PRE:** Pre-Submission Concept under Section 9.2.E of the Ridgefield Zoning regulations to relocate business (**Bone Jour Dog Grooming and Day Care**) from a B-3 Zone to a mixed-use building at **221 Danbury Road** in the RAA zone. Owner: Nicole Wickstrum Extance. Auth. Agent: Robert R. Jewell, Esq.

**Chairman Mucchetti** reminded the Commission of its commitment to visit the existing facility for **Bone Jour Dog Grooming and Day Care** at **159 Danbury Road**, and the proposed relocation of the business to **221 Danbury Road**. The Chairman asked for a date to schedule a continuation of the pre-submission discussion with the business owner.

**The consensus of the Commission is to continue the pre-submission discussion on January 11, 2011.**

#### **COMMISSION WALKS**

There were no site walks to be scheduled.

#### **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

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

- Special Meeting Notice, for Commission attendance at the Board of Selectmen's meeting on January 5, 2011, where potential candidates for the PZC/IWP/APA vacancy will be interviewed.

#### **MINUTES**

**Mr. Fossi motioned, seconded by Mr. Mische, to approve the minutes of December 14, 2010. The motion passed, 7-0-1, with Dr. Autuori abstained.**

Hearing no further discussion, the Chairman adjourned the meeting at 9:17 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning