

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

January 5, 2010

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

Absent: Michael Autuori

Also Present: Betty Brosius, Inland Wetlands Agent  
Linda Caponetti, Recording Secretary

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-062-PR:** Plenary Ruling Application required by Section 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for regulated activities within the upland review area in conjunction with site development for a single family residence and septic system on property located at **Water's Edge Way** in the RA zone. Owner/Appl.: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 7/21/2009. Walked 9/13/2009. Public hearing commenced 9/15/2009 and continued to 10/20/2009. Walked 10/18/2009. Extension granted to continue public hearing on 11/10/2009 and further to 12/15/2009. 56 of 65 days of extension used thru 12/15/2009. Public hearing closed 12/15/2009 and draft resolution of approval requested. 35-day action period ends 1/19/2010. For action.*

**Chairman Mucchetti** described the application and pointed out that the original draft had been previously mailed to the Board, and the revised, draft resolution was at the table. She pointed out specific changes added by the Agent on 1/4/2010.

**Mr. Katz** referenced item 10(a) regarding paving of the driveway, and suggested language to prevent any future paving. Agent Brosius said that Wetlands Agent, Aimee Pardee had suggested the specific wording in parenthetical (a) because homeowners pave and then claim to have not known about the restriction.

**Chairman Mucchetti** referenced language in 13(a), which states that the driveway shall remain unpaved in perpetuity. Mr. Katz felt repeating the same restriction in

item 10 was advisable, and suggested changes to Ms. Pardee's language to eliminate any suggestion of future flexibility in the Board's position. Mr. McChesney disagreed, saying he preferred Ms. Pardee's wording. Mr. Walsh said that the Terms and Conditions of the Maintenance Plan might be the best place for mention of the restriction in perpetuity.

**The Agent** defended Ms. Pardee's use of the term "surface treatment," because a homeowner may plan to use Uniloc pavers, which are "slightly pervious because water can go down in between the bricks." That case would have to come back to the Board for review, she said. Ms. Pardee's wording is used "as a further explanation of the limitation" more emphatically stated at the beginning of No. 10, the Agent said.

**Mr. Walsh** said there are two different issues. One, whether or not the driveway may be paved, and two, whether or not other surface materials may satisfy the Board's conditions. He also said that "the cleanest way" to handle item No. 1 is to put it on the land records as part of the Declaration of Restriction and Covenants. Mr. Walsh said, if the Board wants flexibility, the current wording would suffice. If the Board wants notice, the best place for that is in the Maintenance Agreement and as part of the land records.

**The Agent** noted that the Declaration attaches the Plenary Ruling approval (the resolution) and the Maintenance Plan, as per 13(d).

**Mr. Katz** said that he appreciated the points Mr. Walsh made re the Maintenance Agreement, which he had overlooked in opening up the discussion.

Discussion continued as to whether or not to leave parenthetical (a) in condition No. 10.

**The Agent** said that spelling it out shows homeowners that they can't proceed with any changes to the driveway without coming through the Wetlands Board first. If the amendment is then filed on the land records, there is no room for error or misunderstanding, and makes it much easier to enforce. Mr. Fossi agreed completely.

**Mr. Mische** suggested changing 10(a) to read: "Any future request for change..."

Through discussion with the Board, the Chairman determined the consensus was that parenthetical (a) would remain and would be amended to add the word "future."

**Mr. Mische** asked about condition 4(d) allowing encroachment into the wetlands.

**Agent Brosius** said that [they] had been working under the assumption that there would be no encroachment into the wetlands. This condition verifies the Board's knowledge that there may be a minor encroachment.

**Mr. Mische** suggested using the work “slightly,” since there was no mention of the degree of encroachment.

**Mr. Chipouras** asked who would determine what was minor. The staff would determine that, Agent Brosius said.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to approve the resolution as drafted and amended. The motion passed, 6-1-1, with Dr. Gelfman opposed, and Mr. Katz abstained.

2. **#2009-109-SR:** Summary Ruling Application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for disturbance and activity in the upland review area in conjunction with installation of an in-ground gunite swimming pool with attached spa on property located at **52 Silver Spring Road** in the RAA zone. Owner: Nubia Forero. Appl./Auth. Agent: Pools by Murphy. *65-day action period ends 2/11/2010. Received 12/8/2009, walked for 12/13/2009. Discussion re outside consultant held 12/15/2009. For discussion.*

The item was tabled because neither the owner nor the applicant/authorized agent were present to represent the application. The specific date was not determined. Agent Brosius noted the 65 day deadline, and said that comments from the Inland Wetland Agent and the Conservation Commission had recently been received and would be mailed to the homeowner, along with notification that someone must appear to represent the application.

#### NEW ITEMS

3. **2010-2011 Department Budget.** For discussion c/o IWA

**Chairman Mucchetti** made reference to the Agent/Planner’s draft letter to the Board of Selectmen and the annual budget request for department expenses.

**The Agent** gave a brief explanation of the budget numbers, and reasons for changes from the previous year. The budget for minutes was the only reduction, cut from \$2,800 to \$2,400 in both the PZC and IWB categories, based on the decreased inflow of applications. If more money is needed, she said, it can be requested later on. Other items stayed the same, but had been reduced the prior year, resulting in a reduced budget for two years in a row, partly because of the decreased workload, but also because the reductions are necessary.

**The Chairman** asked how much had been cut from the budget in “09 – ’10. The Agent said that they budgeted \$1000 less and actually spent close to \$2000 less. She predicted the same scenario for this budget year, with a “goal of using as little as possible.” Mr. Katz commended that policy.

**Mr. Katz** motioned, seconded by Mr. Fossi, to approve the department budget as presented. [It was acknowledged that the budget included Planning and Zoning Department expenses, and that Board was also acting in its capacity as the Planning and Zoning Commission in supporting the budget proposal.]

**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. Katz** motioned, seconded by Mr. Fossi, to approve the minutes of December 8, 2009. The motion passed, 6-0-2, with Mr. Chipouras and Mr. Walsh abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

January 5, 2010

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

Absent: Michael Autuori

Also Present: Betty Brosius, Director of Planning  
Linda Caponetti, Recording Secretary.

At 7:54 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-106-REV(SP)**: Revision to Special Permit under Section 9.2.A.7.e of the Ridgfield Zoning Regulations to reface existing Getty signs to “BP” on building located at **242 South Salem Road** in the RAA zone. Owner: Getty Petroleum Marketing. Appl./Auth. Agent: Core States Group. *65- day action period ends 1/21/2010. Received 11/17/2009. PZC agreed to walk site individually. Draft resolution of approval requested 12/8/2009. Tabled 12/15/2009. For discussion.*

**Chairman Mucchetti** referenced the draft resolution at the table, and reminded the Commission that the item had been tabled on 12/15/09 pending resolution of a zoning violation on the property. The zoning compliance issues had been rectified, she reported.

**The Planner** explained that the matter of unauthorized storage of construction vehicles and trucks had been resolved.

**Mr. McChesney** motioned, seconded by Mr. Chipouras, to adopt the resolution as drafted. The motion passed, 8-0.

**NEW ITEMS**

2. **#2009-108-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to allow a 2<sup>nd</sup> free standing sign to identify tenants located at **635 Danbury Road** (Stonehouse Commons Building #1) in the B-2 zone. Owner/Appl.: Roland Hagman. *65-day action period ends 3/11/2010. For receipt, schedule walk.*

**Chairman Mucchetti** noted that the application was a request for a second sign on the property, because there are two separate commercial buildings on the site. She described the “pull through driveway that serves two buildings, as well as the condominiums behind.” She suggested acknowledgement of receipt of the application, and a site inspection for January 10, 2010. The Planner said that this would go to the AAC for review.

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

3. **#2009-115-SP:** Special Permit application under Section 9.2 as required by Section 3.3.D of the Ridgefield Zoning Regulations to permit an accessory dwelling unit above a three car garage (currently under construction) on property located at **342 Farmingville Road** in the RAA zone. Owners/Apps.: Sean and Hilary Flanagan. Auth. Agent: Silvia F. Erskine Associates, LLC. *65-day to commence public hearing ends 3/11/2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** explained that the application was for an accessory apartment to be constructed within a 3-car garage that has recently been built on the property. She noted that the owners have made other significant improvements to the historic house. She suggested a site walk for 1/10/10, and a public hearing for 2/9/10.

**Mr. Fossi** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and public hearing as recommended by the Chairman. The motion passed, 8-0.

4. **#2009-116-SP:** Special Permit application under Section 9.2 as required by Section 3.2.C.9 (Multi-family Conversion) of the Ridgefield Zoning Regulations to permit use of residence as a two-family dwelling on property located at **105 New Street** in the R-20 zone. Owners: Biao Cai & Weiqin Li. Appl.: Weiqin Li. *65-day to commence public hearing ends 3/11/2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** noted that this was an existing two-family residence, and that the Special Permit is needed in order to bring it into compliance with zoning regulations because of a letter that was filed by the previous owner.

**Mr. Katz** asked if there wasn't a variance. The variance was to allow the multi-family conversion, the Planner stated, even though the property isn't sewerred (as required by the zoning regulations).

The reason for the Special Permit was described by the Planner, who gave the supporting details. She reported that legal counsel had recommended the Special Permit process to “legally declare” the property as a multi-family dwelling.

**Mr. Katz** questioned the need for the process. The Planner said that the Special Permit, including a public hearing, was legally required in order to have clear title on the property.

A site walk was suggested for January 10<sup>th</sup> and a public hearing for February 9<sup>th</sup>.

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

5. **2010-2011 Department Budget.** *For discussion c/o P.D.*

[Note the discussion under item #3 of the Inland Wetlands Board agenda, including approval of the Planning and Zoning portion of the budget proposal.]

6. **#2010-001-VDC:** Village District application under Section 8.3 of the zoning regulations for signage on building located at **17 Governor Street** in the CBD zone. Owner: Joseph Gavin Donnelly Trust. Appl.: Results Personal Training, LLC. 35 days to receive VDC report ends 2/9/2010. *For receipt.*

**Chairman Mucchetti** explained that the Village District sign application is for the space formerly occupied by the carpet store, in the plaza formerly occupied by Balducci’s. The Planner explained that the business is relocating from Yankee Ridge, at the corner of Prospect Street and Bailey Avenue. [The VDC will review the application on 1/12/10.]

**Mr. Mische** motioned, seconded by Mr. Chipouras, to acknowledge receipt of the application. The motion passed, 8-0.

7. **#2010-002-SP:** Special Permit application under Section 9.2 as required by Section 3.3.D.2 of the Ridgefield Zoning Regulations to conduct a major home occupation in the single-family residence located at **180 Barlow Mountain Road** in the RAA zone. Owner/App.: Barbara Morris. *65 days to commence public hearing ends 3/11/2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for acknowledgement of receipt of the application and suggested a site walk for 1/10/10 and a public hearing for 2/9/10.

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

**Chairman Mucchetti** asked to have an item added to the agenda, to discuss a Route 7 Corridor Study public information meeting scheduled in Wilton on February 2nd. **Mr. Katz** motioned, seconded by Mr. Fossi, to add the item to the agenda. The motion passed, 8-0. The Chairman stated that the meeting will conflict with a regularly scheduled IWB/PZC meeting. She reported the Planner's suggestion that it may be important enough to cancel the IWB-PZC meeting to attend.

8. The Planner explained the purpose of the meeting and it was noted that it would be held on a Tuesday, the same night as a regularly scheduled Board/Commission meeting in Ridgefield. She mentioned having been advised that it would not be necessary for all Board/Commission members to attend, because all the information will be available at the Technical Advisory Committee meeting on 1/14/10, which she will attend. However, the Planner felt there was merit for members to attend the meeting to hear the questions from the public and the answers by the consultant, especially in light of the fact that Ridgefield is currently revising its Plan of Conservation and Development. The Planner was asked for a description of the meeting, which she gave to the best of her ability, listing curb cuts and transportation centers as main topics of discussion. Mr. Katz asked if the data was available on the website, and the Planner said it was, but recommended attendance at the meeting citing the value of questions and answers.

It was decided by consensus that any final decision on the matter would be postponed until after the Planner had attended the Technical Advisory Committee meeting on the 14<sup>th</sup>.

### **COMMISSION WALKS**

The Commission scheduled the following items for site walk on **January 10, 2010**:

- **#2009-108-REV(SP):** Revision **635 Danbury Road**, Hagman
- **#2009-115-SP:** Special Permit **342 Farmingville Road**, Flanagan
- **#2009-116-SP:** Special Permit **105 New Street**, Cai/ Li
- **#2010-002-SP:** Special Permit **180 Barlow Mountain Road**, Morris

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

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

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

- Letter from legal counsel Thomas Beecher re the signed Stipulation submitted to the Court for settlement of the appeal on the matter of 23 McKeon Place (Martinelli).  
[The Chairman noted an email of 1/4/10 from legal counsel, indicating that the judge had accepted the Stipulation and settlement.]
- Copy of grammar information from the Planner, re the use of “that” and “which.”
- Proposed editing of the Business Chapter from the POCD, prepared by the Planner.

It was distributed and Commission members were asked to review it “with a critical eye.” [This will appear on a future agenda for discussion.]

- Memo dated 1/5/2010 from the Planner, listing major Planning and Zoning Commission projects that need to be completed prior to the end of July, 2010.

The Planner reported having received word from the DEP and the Federal Government that Sec. 325 in the old zoning regulations should be substituted for the flood plain overlay information presented in the current regulations adopted in May of 2007. She gave a brief history of the changes that had been made, but said that the regulations have to be changed back to something similar to the former version. She stressed the urgency of meeting the deadlines in order to preserve and protect the FEMA program for the Town of Ridgefield. She will be working with the FEMA representative at the DEP to present a revised section for approval by the Commission ASAP. Other projects were briefly mentioned, including the return of record for the Eureka appeal, amendments needed for the Aquifer Protection Regulations, and the continuing project for update of the POCD.

## **MINUTES**

**Mr. Fossi** motioned, seconded by Mr. McChesney, to approve the minutes of December 8, 2009. The motion passed, 6-0-2, with Mr. Chipouras and Mr. Walsh abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary