

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

January 6, 2009

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

Absent: Phil Mische

Also Present: Linda Caponetti, Recording Secretary
Richard Baldelli, Zoning Enforcement Officer

A public hearing was held prior to the meeting.

At 9:50 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-119-PR:** Plenary Ruling application pursuant to Section 7.6 of the IWWR to conduct regulated activities within wetlands and upland review areas in conjunction with construction of a two (2) bedroom single family residence on .936 acres of property located on **Wilton Road East** (Assessor's map #F18-0039) in the RA zone. Owner/Appl.: Earl A. Burchard. Auth. Agent: Gregory and Adams, P.C. *Received 10/7/2008. Public hearing commenced 11/12/2008. Walk scheduled for 11/16/2008. Intervention under 22a-19 of the CGS acknowledged 11/18/2008, further study to move proposed driveway to the north of its current location requested 11/18/2008 and additional information requested under 7.6(i) of the IWWR re stream water quality. Public hearing continuation date set for 12/9/2008. 12/9/2008 extension granted to continue public hearing 1/6/2009. P.H. Closed on 1/6/2009. (20 days of 65-day extension period used) 35-day action period ends 2/10/2009. For action.*

Chairman Mucchetti noted that the public hearing had been closed. The item was tabled, to be scheduled for discussion on 1/13/09.

2. **#2006-103-SR:** Discussion c/o Inland Wetlands Agent, re compliance with permit issued for Summary Ruling approval to conduct regulated activities in conjunction with single family lot development at **20 Peaceable Street**. Permit issued 10/24/2006 to Owner/Applicant: AMD Homes, LLC. *Discussed 11/18/2008 and 12/2/2008. 12/16/2008 per applicant's request, continue discussion on 1/6/2009. Request*

*received from Attorney Campbell to move item to January 13, 2009 agenda.
Acknowledge request.*

The attorney's request to move the item to the 1/13/09 agenda was acknowledged.

NEW ITEMS

3. CL&P vegetation control in rights-of-way, Northeast Utilities letter of 12/22/08. For discussion c/o Comm. Autuori.

The item was added to the agenda at the request of Dr. Autuori, Chairman Mucchetti stated. The discussion pertained to work proposed for the Rail Trail.

Dr. Autuori explained some of the history leading to the approval of the Rails to Trails project. One of the concessions made to gain the support of the abutting neighbors was the assurance that no herbicides or pesticides would be used along the trail. Subsequent to the approval, he said, CL&P on several occasions "approached neighbors, approached the Town with plans to cut, trim and spray herbicides and pesticides...". Dr. Autuori, being one of the neighbors notified, took the matter to the Board of Selectmen, the Planning and Zoning Commission, and Tree Warden John Pinchbeck. Through these efforts, CL&P was reminded of its original promise to use no pesticides or herbicides along the trail. Unfortunately, this scenario keeps repeating itself, Dr. Autuori said, resulting in the most recent application by the utility. He estimated that this was "at least the fourth time, if not the fifth," that the same problem has resurfaced.

Dr. Autuori's intention was to alert the Board to this most recent attempt by the utility to violate the terms of the original agreement. The company states that they would be using DEP approved treatments, he said. But, Dr. Autuori said that the DEP makes every effort to find a balance that will be good for business as well as the environment. In so doing, they may eventually allow the spraying of poisonous materials by finding an "allowable toxicity." Dr. Autuori cited an amphibian decline, which the Norwalk Maritime Aquarium links to pesticide and herbicide use.

Dr. Autuori stated that CL&P's use of these chemicals is strictly based on cost. He asked that a letter be sent to CL&P, stating the Board's disapproval of any spraying, and that, "there is no evidence in the record that [they] have mapped or charted the wetlands or watercourses that abut this right of way." Dr. Autuori asked how much jurisdiction the IWB or PZC would actually have with a public utility, such as CL&P.

The Chairman said that the Agent/Planner could draft a letter to the Board of Selectmen asking them to remind CL&P of the original agreement that there would be no spraying of herbicides or pesticides along the Rail Trail.

Dr. Gelfman echoed Dr. Autuori's concern, saying that Wood Turtles have been seen crossing the trail, and they are a species of special concern.

Mr. Katz also supported these concerns, adding his own concern that the utility goes far beyond what's necessary in their trimming of trees and vegetation. He hoped the letter to the utility could try to ameliorate this additional problem.

Dr. Autuori stated that CL&P has historically been cooperative, once they have been contacted by the Town.

Mr. Katz added that private property owners do not have to allow the utility to do the proposed work on their property.

Dave Cronin, of the Conservation Commission, said that he concurred with the Board member's comments.

The Chairman said that she would notify Agent/Planner Brosius of the request for a letter to be drafted.

BOARD WALKS

There were no site walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the follow correspondence:

- Memo from Wetlands Inspector, Aimee Pardee, with issues relating to the **11 Old Stagecoach** proposal.

MINUTES

Mrs. Willis motioned, seconded by Mr. Chipouras, to approve the minutes of 12/9/08. The motion passed, 7-0-1, with Mr. Fossi abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:03 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

January 6, 2009

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

Absent: Phil Mische

Also Present: Linda Caponetti, Recording Secretary
Richard Baldelli, Zoning Enforcement Officer

Public hearings were held prior to the meeting.

At 10:04 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-125-SP:** Special Permit Application under Section 9.2 as required by Section 3.3.D.2 of the Ridgefield Zoning Regulations for a major home occupation to operate an online bookselling business on property located at **135 Keeler Drive** in the RAAA zone. Owner: Gilbert Mott and Marilyn Carroll. Appl.: Gilbert Mott. *Received 11/5/2008. Walked 12/14/2008. Public hearing commenced 1/6/2009.*

Chairman Mucchetti noted for the record that the hearing had been continued to 1/20/09, as requested by the applicant, who was unable to appear due to illness.

2. **#2008-130-A:** Proposed amendment to **Section 8.1.C (1)-Nonconforming lots** under Section 9.2.B of the zoning regulations, re change in definition of legally non-conforming lots. Appl.: Robert A. Fuller, Esq. *Received 11/12/2008. 65- day action period ends 3/12/2009.*

Chairman Mucchetti noted that the public hearing had been continued to 1/20/09 and there was no discussion.

3. **Revised VDC By-laws** *for distribution.*

The by-laws were distributed, along with a cover memo from the Planner.

NEW ITEMS

4. **#2008-141-REV(SP)-VDC:** Revision to Special Permit under Section 9.2.A.7.e. and Village District Application under Section 8.3 of the Ridgefield Zoning Regulations to permit minor exterior façade renovations to the existing building on property located at **467 Main Street** (CVS) in the CBD zone. Owner: EAL Associates. Appl.: CVS Realty Co. Auth. Agent: Cuddy & Feder LLP. 65-day action period for revision ends 3/12/2009, 35 days to receive VDC report ends 2/10/2009. *For receipt, schedule walk if necessary, refer to VDC.*

Mr. Katz motioned, seconded by Mr. Fossi, to receive the application and to refer it to the VDC. The motion passed, 8-0. The consensus was that a site walk is unnecessary.

5. **#2009-003-REV(SP)-VDC:** Revision to Special Permit under Section 9.2.A.7.e and Village District Application under Section 8.3 required by Section 8.4 of the Ridgefield Zoning Regulations to place a dry freight storage container on the Ridgefield Library property located at **25 Prospect Street** in the CBD zone. Owner: Ridgefield Library Association. Appl./Auth. Agent: Friends of the Ridgefield Library. 65-day action period for revision ends 3/12/2009, 35 days to receive VDC report ends 2/10/2009. *For receipt, schedule walk if necessary, refer to VDC.*

Mr. Katz motioned, seconded by Mr. Chipouras, to receive the application, to refer it to the VDC, and to schedule a site walk for 1/11/09. The motion passed, 8-0.

6. **#2008-134-S-SP:** Special Permit application under Section 9.2 as required by Section 3.2.C.5 of the Ridgefield Zoning Regulations for an accessway serving three lots in conjunction with a subdivision application on property located at **19 and 25 Sunset Lane** in the R-75 zone. Owners/Appls.: Gary and Chester Zawacki. Auth. Agent: Matthew Ranelli, Shipman & Goodwin LLP. *65-days to commence public hearing ends 3/12/2009. For receipt and schedule public hearing.*

Chairman Mucchetti suggested a public hearing for 2/10/09, to allow time for the publishing of required legal notices prior to the hearing.

Dr. Autuori motioned, seconded by Mr. Fossi, to receive the application and to schedule the public hearing as suggested by the Chairman. The motion passed, 8-0.

7. **#2006-031-SP: 66 Grove Street.** Architectural design changes, townhouse buildings. *Discussion c/o P.D.*

Chairman Mucchetti explained that the developer had replaced “flat windows” with bay windows on several of the middle units in the townhouse complex, including two of the seven units in each of the three separate buildings. The dimensions of the windows have not changed, the Chairman said. The change was approved by staff, and was brought to the attention of the Commission. There was no Commission objection or comment regarding the change.

COMMISSION WALKS

Previously scheduled for **January 11, 2009:**

- **#2008-138-S:** Subdivision **11 Old Stagecoach Road**, Harrison
- **#2008-139-SP-REV(S):** Special Permit, Rev. to Subdivision, **Arnolds Way, Lot #2**, Yanity

As noted above, the following walk was added to the schedule for **January 11, 2009:**

- **#2009-003-REV(SP)-VDC:** Revision to Special Permit, **25 Prospect Street**, Ridgefield Public Library

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2007-045-SP-SR:** request for release of \$12,500.00 bond posted for driveway construction and site work at **140 Wilton Road West**, Price. *PD recommends retention of \$1,000 and release of \$11,500. (See December 18, 2008 mem.o)*

Mr. Katz motioned, seconded by Dr. Autuori, to approve the reduction of the bond as recommended by the Planner. The motion passed, 8-0.

- **#2004-166-A-REV:** request for release of bonds totaling \$7,205 for the **531 Main Street Subdivision and Special Permit** (Yanity), Country Club Development, LLC. *PD recommends full release. (See December 22, 2008 mem.o)*

Mr. Katz motioned, seconded by Mr. Chipouras, to approve the release of the bonds as recommended by the Planner. The motion passed, 8-0.

- **#2007-113-SP:** request for release of bond posted for site work at **9 Ethan Allen Highway**, Erin Properties, LLC (Fossi). *PD recommends retention of \$1,000.00 and release of \$23,000.00. (See January 5, 2009 memo.)*

Mr. Walsh motioned, seconded by Mr. Chipouras, to approve the reduction of the bond as recommended by the Planner. The motion passed, 7-0-1, with Mr. Fossi recused.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Revised plans for the proposed activities at **105 Danbury Rd.**
- Connecticut Bar Association flyer about Land Use Law course to be offered at Wesleyan University in March
- Revision to Town of Ridgefield Sexual Harassment Policy, for distribution

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of 12/9/08. Chairman Mucchetti made a small change on page 6. The motion, with amendments, passed 7-0-1, with Mr. Fossi abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary