

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

January 10, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Also Present: Betty Brosius, Inland Wetlands Agent

A continued public hearing was held prior to the meeting.

At 11:15 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2005-140-REZ-S-SR:** Summary Ruling application for biofiltration, drainage and channel improvements in conjunction with (1) application for a Rezone of 4.39 ± acres of land and (2) application for a 7-lot subdivision located on the south side of **Bryon Avenue**, west of High Ridge Avenue. Owner:/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 10/5/05, walked 10/16/05, public hearing commenced 11/1/05, continued 12/6/05, continued to 1/3/06, postponed to 1/4/06, closed 1/4/06. 35-day action period ends 2/7/06 .For discussion.*

Chairman Mucchetti suggested tabling this item until after the completion of items on the Planning and Zoning Commission agenda, because Commissioner Fossi had previously recused himself from the all participation on the application and would be leaving the meeting. Dr. Autuori moved table as suggested, seconded by Mr. Katz. The motion passed 9-0.

Following the completion of the Planning and Zoning Commission meeting, Chairman Mucchetti re-convened the Inland Wetlands Board meeting for discussion of this item. (Mr. Fossi had left the meeting prior to discussion on this item, but was present earlier for the discussion of items 2 through 4 and New Items.)

Dr. Autuori began the discussion by motioning to approve the wetlands application with conditions, seconded by Mr. McChesney. Dr. Autuori suggested conditions that the plan would need to achieve zero percent increase in runoff, the drainage should be corrected to accommodate the 25-year storm event as suggested by the Town

Engineer and the Board's consultant, and there would need to be channel improvements to the drainage on the east side of the lot.

Dr. Gelfman disagreed, and recommended denial of the application because there is need for a whole new plan to address these concerns. The existing plan cannot be corrected by so many conditions.

Dr. Autuori withdrew his motion and Mr. McChesney withdrew his second. Mr. Katz made the motion to draft a resolution to deny the application, seconded by Dr. Gelfman.

In discussion, the Board noted the need to design the project for the 25-year storm event because of the potential for downstream flooding, and to consider a wetlands mitigation "common" area for management of stormwater. Dr. Gelfman said the Board's consultant questioned that the intensity of the build-out area was not consistent with the amount of mitigation required to handle the runoff, and that splitting the maintenance of the stream on the east side of the property over three private properties is impractical.

The Board also referred to the standards and criteria for decision found in section 10.2 of the wetlands regulations, and noted the following paragraphs: (a) there is the potential for environmental impact on wetlands and the watercourse from the proposed 10-year storm design; (b) there exist prudent and feasible alternatives to lessen the environmental impact of the proposed activities, as noted in the earlier discussion; (c) there is probability to affect downstream properties under the proposed design, including potential damage from erosion, turbidity, siltation; (d) there is potential for the design to affect wetlands and the watercourse outside of the area for which the activity is proposed; and (e) there are measures as noted by the Board's consultant that could mitigate the impact of the proposed activity.

Mr. Katz also cited section 10.3, that there are feasible and prudent alternatives noted in the consultant's report including a design to provide more detention to accommodate the 25-year storm, a design that would consider Barry Avenue as the "design point" for the plan rather than Bryon Avenue, and a plan that would achieve zero increase in runoff.

Mrs. Mucchetti brought the motion to draft a resolution of denial to a vote. There were five votes in favor (Katz, Autuori, Gelfman, Mucchetti and Willis), two votes against (Walsh and McChesney) and one abstained (Slavin).

2. **#2005-165-PD:** Summary Ruling application for pond dredging on property located at **31Country Club Road** in the RAA zone. Owner: Stephen and Mary Hicks. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/8/06. Received 12/6/05, tabled 1/4/06 and walked 1/8/06. For discussion/action. PD suggests table for more information.*

Dr. Autuori moved, seconded by Mr. Slavin, to table the item pending receipt of additional information. The motion passed, 9-0.

3. **#2005-166-PD:** Summary Ruling application for pond dredging and State Road drainage improvements on property located at **143 Wilton Road West** in the RAA zone. Owner: Robert MacAvoy. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/8/06. Received 12/6/05, tabled 1/4/06 and walked 1/8/06. For discussion/action. PD suggests table for more information.*

Mr. McChesney moved, seconded by Dr. Autuori, to table the item pending receipt of additional information. The motion passed, 9-0.

4. **#2005-167-PD:** Summary Ruling application for pond dredging on property located at **352 Florida Hill Road** in the RAA zone. Owner: Steven Pearson and Margaret Gair. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 2/8/06. Received 12/6/05, tabled 1/4/06 and walked 1/8/06. For discussion/action. PD suggests table for more information.*

Dr. Autuori moved, seconded by Mr. McChesney, to table the item pending receipt of additional information. The motion passed, 9-0.

NEW ITEMS

1. **#2006-002-SR:** Summary Ruling application for installation of driveway crossing intermittent watercourse in two places, property located on the south side of **Old Sib Road** in an RAA zone. Owner: Crosby R. Smith et al. Appl.: Sturges Brothers, Inc., Auth. Agent: Donnelly, McNamara and Gustafson. For receipt/schedule walk.

Mrs. Willis moved, seconded by Mr. Walsh, to acknowledge receipt of the application and to schedule a walk for 1/22/06. The motion passed, 9-0.

BOARD WALKS

The Board acknowledged the only scheduled walk, for the Old Sib Road application.

MINUTES

For approval: There were no minutes for approval.

For distribution: **January 4, 2006** The January 4, 2006 minutes were distributed.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

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Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Also Present: Betty Brosius, Director of Planning

A continued public hearing was held prior to the meeting.

At 11:20 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **IF PUBLIC HEARING CLOSED: #2005-125-REZ-A:** (1) Application to rezone ± 133 acres of land from CDD-Corporate Development District Zone to ARH-Age Restricted Housing, (2) application to amend zoning text in the Ridgefield Zoning Regulations and (3) application to amend Town Plan of Conservation and Development for the zone change and text change. Property located at **616 Bennett's Farm Road**, south of Bennett's Farm Road and west of Route 7. Owners: Eureka V LLC. Appl./Auth. Agent: J. Casey Healy, Esq. *Received 9/6/05. Public hearing commenced 11/9/05. Walked 11/20/05. Public hearing continued 11/22/05, continued to 1/10/06. 65-day action period ends 3/15/06. For action.*

Dr. Autuori moved table, seconded by Dr. Gelfman. The motion passed 9-0.

2. **#2005-140-REZ-S-SR:** (1) Application to Rezone 4.39± acres of land from R-A to SD R-20 and (2) application for 7-lot subdivision on property located on the south side of **Bryon Avenue**, west of High Ridge Avenue. Owner/App.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Public hearing commenced 11/1/05, continued 12/6/05, 1/4/06 and closed 1/4/06. Walked 10/16/05. Tabled 1/5/06. 65-day action period ends 3/9/06. For action.*

Chairman Mucchetti suggested tabling this item, to be discussed following the completion of other items on the Planning and Zoning Commission agenda, because Commissioner Fossi had previously recused himself from all participation on this

application and would be leaving the meeting. Dr. Autuori moved table to the end of the agenda as suggested, seconded by Mr. Katz. The motion passed 9-0.

Following the completion of other items on the Planning and Zoning Commission meeting agenda, Mr. Fossi left the meeting.

The Planner briefly explained the process for approval of the three applications, for rezone, subdivision, and wetlands. The rezone of the property must be accomplished and in effect prior to the Commission's decision on the subdivision application. The effective date of the zone change is the day after the date of publication of the legal notice in the Ridgefield Press, about 10 days after action is taken on the application. Mr. McChesney pointed out that the Inland Wetlands Board must render their decision on the wetlands application prior to any decision being taken by the Planning and Zoning Commission on the subdivision.

Mr. Katz started the discussion about the proposed rezone, and pointed out that the property has been under tortured review throughout the past several years for several applications, with none receiving approval by the Commission except after court order. There is a need to achieve the best protection for the neighborhood. Zoning is the public control of private land, and the zone originally developed for Main Street (SD-R20) contained the special permit component to offer the tightest control of single-family development in Ridgefield, if not in the State. The SD-R20 regulations and documentation in the file support the creation of the zone to protect Main Street, but there is nothing in the regulation that would prevent the Commission from applying it to another property for similar purposes.

Mr. Katz was concerned that the 4+ acres under the current application was being "carved out" of the RA zone, but the Plan of Conservation and Development (PCD) addresses the potential rezoning of land in proximate to downtown Ridgefield based on how it and the surrounding area is being used, and this parcel is clearly in the neighborhood of smaller-lot residential development. And this chance to "up-zone," to create smaller lots but more of them, would also be under the special permit control of the SD-R20.

For these reasons, Mr. Katz therefore supports the approval of the zone change from RA to SD-R20.

Dr. Autuori totally concurs with Mr. Katz, and notes that there was support during the public hearing for aesthetic control of what could be built on this property. The SD-R20 is an excellent zone to provide this type of control.

Mr. Slavin noted for the record that he had listened to the tapes of prior discussions on this application for meetings where he was absent, and he intends to participate in the vote.

Mr. Walsh stated that he had reviewed the history of applications for the property and thought the Commission was correct in their decision to deny the extension of the previous, court-approved subdivision. The Floor Area Ratio and Lot coverage requirements would have allowed far more development on the individual lots under that plan. The Commission would have more control under the SD-R20 zone.

Mrs. Willis is concerned with the extension of this zone beyond this property, and the likelihood that one-acre properties to the west would also request the up-zone. The house sizes allowed in the RA and SD-R20 zones are not that different.

Mr. Katz pointed out that in the present, one-acre zone there is no Commission control of what happens, unlike the SD-R20. Dr. Gelfman added that the properties to the west are really an extension of the Westmoreland development, and are not really a part of this neighborhood.

Chairman Mucchetti added her support for the proposed zone change, and noted that it is called a “Special District” for an important reason. She quoted the intent of the zone from Sec. 420.0 of the zoning regulations, Item #1 under “Intent and purpose,” as follows:

Maintain the character of the area and related streetscape by preserving, to the extent possible, existing buildings and features while allowing for development and related changes to take place.

She noted that this gives the Commission the best opportunity and much better control than the current zone over the layout of the lots.

Dr. Autuori made the formal motion to rezone the property from RA to SD-R20, seconded by Mr. McChesney. The motion passed, 8-0.

In making the decision, the Commission acknowledged that the rezone is consistent with the Plan of Conservation and Development and its recommendation to consider the potential for rezoning of RA lands to higher density residential uses based on the use of land in the surrounding downtown area, as pointed out earlier by Mr. Katz. Only the appropriate maps in the Plan would need to be amended.

3. **#2005-160-S:** 4-lot subdivision application on 2.136 acres in the SD R-20 zone. Property located at **563/593 Main Street**, ¼ mile south of intersection Route 116 and Route 35, across from Casagmo Condo Association. Owners/Applicants: Joseph R. Coffey, Eileen T. Pasko and Richard F. Mele. Auth. Agents: Michael Mazzucco, P.C. and James A. DeLalla, ASLA. *Received 11/22/05, walked 12/11/05, public hearing commenced and closed 1/4/06.*

Draft Resolution of Approval requested 1/4/06.65-day action period ends 3/9/06. For action.

Dr. Autuori moved table, seconded by Mr. Katz, because the Planner has not completed the draft resolution. The motion passed 9-0.

4. **#2005-179-REF:** Referral from HVCEO and the Town of Redding, 2-lot subdivision of land in the **Town of Redding** and accessed off **Laurel Lane** through Ridgefield. *Walked 1/8/06. For comment.*

The Planner informed the Commission that new information had been received from the developer applying for the two-lot subdivision in Redding, just east of the Ridgefield border off Laurel Lane. The developer has acquired a sliver of land in Ridgefield allowing him direct access to Laurel Lane, and it will no longer be necessary to improve the old road-bed into Redding. The driveway to the lots will access Laurel Lane with only minor improvements to the hammerhead turnaround for the benefit of Ridgefield snowplows.

Mr. McChesney moved to send a favorable letter, seconded by Mr. Walsh, with acknowledgement that the unimproved Laurel Lane would not be changed except for the hammerhead improvements. The motion passed 9-0.

NEW ITEMS - There were no new items.

COMMISSION WALKS – There were no walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION - There were no requests for bond release or reduction.

CORRESPONDENCE – Chairman Mucchetti acknowledged that there were several items distributed in reference to up-coming applications, but noted a memorandum from the Planner regarding the 2006-2007 Planning and Zoning Department budget. The item will appear on the 1/17/06 agenda for discussion and decision, so that it can be submitted to the Finance Department on the 18th.

MINUTES

For Approval: There were no minutes for approval.

For Distribution: The January 4, 2006 minutes were distributed.

Hearing no further discussion, the Chairman adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning