

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

January 12, 2010

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

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

*A Planning and Zoning Commission public hearing was scheduled prior to the meeting.*

At 7:32 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#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 12/13/2009. Discussion re outside consultant held 12/15/2009. Tabled 1/5/2010. For discussion.*

**Chairman Mucchetti** noted that there was no one present for the applicant to address the Board, and the item was tabled. The application will not appear on an agenda until confirmation is received that the applicant/agent or the homeowner will be available to discuss the matter with the Board.

**Agent Brosius** informed the Board that a letter was sent to the pool company (the applicant) and the homeowner requesting their presence at the meeting, and copies of the Conservation Commission comments and a memo from Wetlands Agent Pardee were forwarded with that letter.

**Mr. Walsh** suggested a second letter, emphasizing the limited timetable for review and action, and the need for the pool company to provide additional information

before the Board can approve the application. The Agent agreed to send a follow up letter stressing the need for additional information and representation at a meeting.

The item was tabled and there was no further discussion.

### **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**

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

- Letter from Joe Egan of High Ridge, informing the Board that there are unresolved drainage issues and property damage in his backyard, resulting from the construction of a new home at **20 Peaceable Street**. [Note: Commissioner Walsh recused himself from participation in discussion on this item.]

**Chairman Mucchetti** suggested reading the letter into the record. The Agent asked the commissioners to read the letter individually. She said she intended to forward the letter to legal counsel to determine the best course of action before any decision can be made on procedure. There is a \$5,000 bond in place for drainage work, which must remain in place until at least April 9, 2010.

**Mr. Fossi** pointed out that the new homeowner at 20 Peaceable probably has a one-year warranty on construction, and the developer may want to fix the problem within that warranty period.

**Mr. Katz** asked about procedures for using the bond money. **The Agent** will report back to the Board after consulting with counsel and deciding on proper action.

**The Chairman** noted the letter states that landscaping was replaced, but not properly.

### **MINUTES**

**Mr. McChesney** motioned, seconded by Mr. Fossi, to approve the minutes of December 15, 2009. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

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MINUTES  
PLANNING AND ZONING COMMISSION MEETING

January 12, 2010

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

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

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

At 7:39 p.m., Chairman Mucchetti called the meeting to order.

**Chairman Mucchetti** announced the following, prior to beginning the regular agenda:

- The Planner will call the POCD update consultant, Planimetrics, to schedule the work session for January 26, 2010, to discuss revised chapters.
- The Commission should schedule the public information meeting on the POCD update for February 23, 2010.
- The Planner will be attending a Technical Advisory Committee meeting on Thursday, January 14<sup>th</sup>, for the Route 7 Corridor Study. Based on her input from the meeting, the Commission will need to make a decision about whether or not to attend the public information meeting on the study, scheduled for Feb. 2<sup>nd</sup>, which would conflict with the regularly scheduled PZC meeting. The Commission's attendance at the information meeting would require cancellation of the regular PZC meeting. Dr. Autuori spoke in favor of the Commission's attendance at the Route 7 Corridor meeting.
- If there are no agenda items of importance for the 19<sup>th</sup>, both the Inland Wetlands Board meeting and the Planning and Zoning Commission meetings will be canceled.

**PENDING ITEMS**

1. **#2009-101-SP:** Special Permit application under Section 9.2 required by Section 3.3.D.1 to permit an accessory dwelling unit within the existing residence located at **40 Ritch Drive** in the RAA zone. Owners/Appls.: Sylvie Metzner and Thomas Tuohy. *Received 11/10/2009, walked 11/22/2009. Public hearing commenced 12/8/2009 and continued to 1/12/2010, and further continued to 2/16/10.*

**Chairman Mucchetti** noted that the applicant had granted an extension to continue the public hearing. By consensus, the Commission agreed to schedule the continuation for 2/16/10, and there was no further discussion.

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. Received 1/5/2010. Walked 1/10/2010. For discussion/action. (Tentative)*

**Chairman Mucchetti** noted that the application was being reviewed concurrently by the AAC, and the review was not available. The item was tabled pending receipt of AAC comments.

3. **#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. Received 1/5/2010. For discussion/action. (Tentative)*

**Chairman Mucchetti** noted that the application was being reviewed concurrently by the VDC, and the review was not available. The item was tabled pending receipt of VDC comments.

4. **#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/Appl.: Barbara Morris. *65 days to commence public hearing ends 3/11/2010. Received 1/5/2010. Walked 1/20/2010. Schedule second walk and reschedule public hearing c/o P.D.*

**Chairman Mucchetti** noted that the Commission was unable to access the property during the site walk because no one was at home. The Chairman said that additional information would be necessary for a decision. She pointed out a draft letter prepared by the Planner, to be sent to the applicant with a new site walk date and public hearing date. It was noted that the applicant is on vacation, and the public hearing should be scheduled after she returns, so that she can be present to answer questions about the major home occupation. The Chairman suggested 2/21/10 for a site walk, and 3/2/09 for the public hearing.

**Mr. McChesney** asked the Planner if the applicant is currently conducting an illegal business. The Planner said that the type of business she is conducting can be allowed under Special Permit, but it is non-conforming until a Special Permit is granted.

**Mr. Katz** asked why the applicant would be allowed to continue operating the business without the Special Permit in place. The Planner said that zoning enforcement is put on hold if the applicant is making an effort to correct the violation. Mr. Katz questioned the logic of that.

**Mr. Katz** motioned, seconded by Mr. Fossi, to schedule the site walk for 2/21/10 and the public hearing for 3/2/10 as suggested by the Chairman. The motion passed, 9-0.

## **NEW ITEMS**

5. **#2010-003-VDC:** Village District application under Section 8.3 of the zoning regulations for an awning with signage on building located at **388 Main Street** in the CBD zone. Owner: Joseph H. and Ellen Donnelly Trust. Appl./Auth. Agent: Weichert Realtors. *35 days to receive VDC report ends 2/16/2010. For receipt.*

**Chairman Mucchetti** noted that the application was received, and is being reviewed concurrently by the VDC. The VDC minutes are not yet available. The item was tabled pending receipt of VDC comments.

6. **Discussion:** Draft Chapter 11 of the update to the Plan of Conservation and Development, (Business Development) c/o P.D.

**Chairman Mucchetti** noted that the Planner had distributed a draft re-write of Chapter 11 of the update to the Plan of Conservation and Development, and asked for comment.

**The Planner** explained to the Commission how she had indicated her proposed changes in the prepared draft. The Commission reviewed the document page-by-page and made some additional revisions.

**Chairman Mucchetti** led the discussion.

Page 1: Overview. There were no changes.

Page 2: Grand List Total. There were a few comments, especially by Dr. Gelfman, in favor of the limitations to development put forth in this section. He compared it favorably against the Economic Development Commission's Plan.

Pages 2 and 3: Locations and Types of Business Development. **Dr. Autuori** suggested that parks and open space be eliminated from the list of “municipally-owned land” that could be evaluated by the Town for potential economic development. He refined his comments to say, “parkland” or “passive open space” should not be considered as open to consideration for development.

**Mr. Walsh** felt the language was appropriate as written, saying that any plans for development would have to come before the Commission and a Town meeting. He said that open space could not be considered because it is dedicated “in perpetuity.”

There was short discussion.

**Mr. Katz** said that the Town should not be the evaluating entity; it should be the Planning Commission. **The Planner** said that, throughout the document, the term “the Town,” is used liberally to define any appropriate Town agency.

**Mr. Katz** said that this is exactly what worries him. This section in particular, he felt, should cite “the agency most responsible for evaluating the uses of municipal properties,” which is the Planning Commission. Lands under consideration would come to the Commission via an 8-24 referral from the Selectmen, he said, but the evaluation should be the purview of the Commission. Otherwise, agencies such as the newly reconfigured EDC would have a hand in evaluating the use. The Economic Development Commission, he felt, “doesn't have a role in determining the appropriateness of the selection of municipal sites and buildings for economic development.” The Planning Commission is the agency statutorially required to make that determination, he said.

**Mr. Mische** felt that the language as is was harmless, since decisions about land being considered for development will go through channels and ultimately wind up with the Planning and Zoning Commission anyway. Mr. Fossi was in agreement.

**Dr. Gelfman** asked how the EDC came into existence. They were appointed by the Board of Selectman about three years ago, the Chairman said. “Under our charter,” Dr. Gelfman asked. That was correct, the Chairman said.

The language in this section was left unchanged.

Page 4: Map

Pages 5, 6 & 7: Zoning Considerations

Route 7 Corridor discussion: **Mr. McChesney** objected to the reference to “transportation limitations” at the end of the first paragraph, saying he preferred, “traffic and parking limitations.”

It was suggested that the limitations not be spelled out and the sentence end after the words, ‘“big-box” retailers.’

**The Chairman** confirmed a period after the word “retailers,” with any further language being stricken.

**The Planner** felt the second sentence, “This has been successful,” was unnecessary.

**Mr. Walsh** questioned having a statement prohibiting “big-box” retailers without giving reasons. He felt an explanation was necessary.

**Mr. Katz** suggested, “...due to limited infrastructure,” which was agreed by all to be an excellent reason. The term was added to the language in paragraph 1.

**Dr. Autuori** objected to the terms “highest and best use” in Paragraph 2, fourth bullet. Alternate language was suggested. The term “appropriate use” was substituted, and minor language changes were made. The word “recommend” was replaced with the word “consider.”

**Dr. Autuori** objected to the comment implying that all businesses near the Metro North railroad station are on the opposite side of Route 7. There are a few businesses on the same side of the road. The word “most” was added.

Branchville discussion: **Mr. McChesney** did not like the reference to “apartment-style housing” in the second bullet. **The Chairman** said that the intent was to distinguish it from single-family housing. The consensus was that the wording implied apartment houses like the Terrar complex. **Mr. McChesney** said the wording should refer to apartments on second floors or similar uses. The wording, as proposed, is too broad, he felt.

**The Chairman** stressed the need for apartment-style housing in certain areas, such as Branchville, to meet affordable housing requirements. The Affordable Housing Committee recognizes that reaching the 10% goal and objective is “nearly impossible,” she said, so what they're looking at are smaller opportunities like apartment-style housing. **Mr. Katz** suggested substituting the word “residential” for “apartment-style housing.” Mr. Fossi concurred.

**Mr. Mische** wanted clarification on the goal of the language. A short discussion followed. Mr. Katz illustrated the many opportunities within the residential component for providing “mixed use” housing.

**Dr. Autuori** warned against making Branchville a vehicle for implementing high density housing. We don't want to have to accommodate high density with “urbanized infrastructure improvements,” he said, arguing for keeping the rural atmosphere. **The Chairman** clarified that the only change in the language was changing “apartment-style” to “residential.”

Downtown Ridgefield: There were no changes.

Route 35: There were no changes.

Adaptive Reuse: There were no changes.

Page 8, Other Considerations: There were no changes.

Page 9, Strategies for Business Development:

Maintain a Strong Non-Residential Tax Base

**The Planner** noted her addition of “...corporate, research and development, light industrial, and retail uses.” The language was reviewed and approved.

Promote Business Development in Appropriate Areas: There were no changes.

Consider Zoning Updates: **Dr. Autuori** noted that, in No. 6, the same changes as were made to Paragraph 2, bullet 4 in the Route 7 Corridor would be appropriate here.

**Dr. Gelfman** introduced a discussion related to Item No. 4 regarding the conversion of business-zoned land to residential uses. A brief discussion followed. Mr. Katz said that the original rationale for implementing this was an attempt to forestall the replacement of rateables with tax drains, i.e., residential. That is no longer the case, he said. Mr. Fossi questioned that residential would no longer be considered a tax drain. Mr. Katz said it is now a positive tax rate. More discussion followed related to what is tax positive.

**The Chairman** confirmed that the language in Item No. 4 stands, as is.

The language in Item No. 6 would be converted by the Planner to be consistent with that decided upon in the Route 7 Corridor discussion.

Item No. 8 was reviewed at the request of Mr. Mische. There was some confusion as to what was being proposed. Minor editorial changes were made.

Additional Strategies: **Mr. Katz** suggested changes to Item No. 11 eliminating the reference to attracting and retaining corporate headquarters. He said that was not the Commission's responsibility. There was agreement among the commissioners.

**The Chairman** said the revised document would be sent to the consultant, Planimetrics. She complimented the Planner on her efforts at revising the document.

The Chairman suggested that a work shop with the consultant be scheduled for 1/26/10, and a public information meeting on the draft update to the POCD be scheduled for 2/23/10.

## COMMISSION WALKS

As noted above, the Commission scheduled a site walk for **2/21/10** for the following:

- **#2010-002-SP: 180 Barlow Mountain Road**, major home occupation, Morris.

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

There was no additional correspondence.

## **MINUTES**

**Chairman Mucchetti** pointed out some revisions prepared by the Planner for the December 15<sup>th</sup> minutes, researched at the request of one Commissioner who suggested more detail on the discussion for 104 West Mountain Road.

**Mr. McChesney** motioned, seconded by Mr. Chipouras, to approve the minutes of December 15, 2009 as amended by the Planner. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary