

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

January 20, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent

Planning and Zoning Commission public hearings and an Executive Session were held prior to the meeting.

At 10:02 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. (20 days of 65-day extension period used) Public hearing closed 1/6/2009. Draft Resolution of Approval requested 1/13/2009. 35-day action period ends 2/10/2009. For action.*

Chairman Mucchetti pointed out the draft "Findings of Fact" prepared by the Agent with responses to the Intervener's claims, and the draft resolution of approval of the application. The Findings were reviewed first.

Mr. Walsh asked whether or not direct claims should be answered, such as the intervener's claim that wetlands will be destroyed. He suggested that this impact be acknowledged, but, with the addition of the fact that the applicant has redesigned the project.

Mr. Mische suggested several modifications to the language of the Findings, with specific wording, which the Commission approved.

Mr. Walsh motioned, seconded by Mr. Mische, to adopt the Findings of Fact, as modified. The motion passed, 6-1, with Mr. Katz opposed.

The Board then addressed the draft resolution of approval for the application. There were several modifications to the language.

Mr. Walsh asked if Sec. 10.2 should be referenced, and the Agent noted that deliberations were referenced in the "Reasons". Mr. Katz suggested changing the wording, "There is no more prudent and feasible alternative," since the revised application had been presented as the prudent and feasible alternative.

Dr. Autuori motioned, seconded by Mr. Fossi, to adopt the resolution, as modified. The motion passed, 6-1, with Mr. Katz opposed.

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 from Attorney Campbell to move item to January 13, 2009 agenda. Tabled 1/13/2009. For discussion.*

Chairman Mucchetti noted that the attorney for the property owner was not ready to proceed, and the item was tabled.

NEW ITEMS

3. **#2008-138-S-SR:** Summary Ruling application under Sec. 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to conduct regulated activities in the upland review area including new construction and septic system and mitigation plans in conjunction with a 2-lot subdivision on property located at **11 Old Stagecoach Road** in the RAAA zone. Owner: E. Hunter Harrison. Appl./Auth. Agent: Don Longo. *For receipt, schedule walk if necessary and schedule public hearing.*

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application, to schedule a site walk for 1/25/09, and a public hearing for 2/17/09. The motion passed, 7-0.

BOARD WALKS

The Board scheduled the following item for site walk on **January 25, 2009:**

- **#2008-138-S-SR:** Summary Ruling **11 Old Stagecoach Road**, Harrison

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 Dr. Autuori, to approve the minutes of January 6, 2009. The motion passed, 6-0-1, with Mr. Mische abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(from audio tapes)

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

January 20, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning

Public hearings and an Executive Session were held prior to discussion of regular meeting items.

At 7:37 p.m., Chairman Mucchetti called the meeting to order.

EXECUTIVE SESSION – to discuss litigation regarding the **Bennetts Farm Property (Eureka V, LLC)**.

Chairman Mucchetti asked for a motion to go into Executive Session, to include the Commissioners, Commission Counsel Thomas Beecher, the Planner, the Board of Selectmen, and the BoS counsel Stuart Edelstein. First Selectman Rudy Marconi, Di Masters, Barbara Manners, and Andy Bodner were present for the Board of Selectmen.

Dr. Autuori motioned, seconded by Mr. Fossi, to enter Executive Session. The motion passed, 7-0.

The Board of Selectmen and its counsel, Mr. Edelstein, left the Executive Session at 9:20 p.m. The Commission and its counsel came out of Executive Session at 9:38 p.m.

Dr. Autuori motioned, seconded by Mr. Mische, to authorize Commission Counsel to pursue settlement with Eureka V, LLC in a manner consistent with the discussions held in Executive Session. The motion passed, 7-0.

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, and closed on 1/20/09. 65-day action period ends 3/26/2009. For action.*

Mr. Katz motioned, seconded by Mr. Walsh, to approve the application, as presented, with additional conditions suggested by the Planner in the staff report, including permission for a maximum of one non-resident employee. The motion passed, 7-0. (Final approval)

2. **#2008-138-S-SR:** Application for 2-lot subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **11 Old Stagecoach Road** in the RAAA zone. Owner: E. Hunter Harrison. Appl./Auth. Agent: Don Longo. *Received 12/16/2008. 1/11/2009 walk canceled. Public hearing scheduled for 2/3/2009. Applicant request withdrawal. Application resubmitted. Acknowledge withdrawal, acknowledge receipt of resubmission, re-schedule walk if necessary, schedule public hearing.*

Chairman Mucchetti noted that the original subdivision application was being withdrawn and a new application had been submitted. She suggested 1/25/09 for the site walk, and 2/17/09 for the public hearing.

Dr. Autuori motioned, seconded by Mr. Walsh, to acknowledge the withdrawal of the subdivision application. The motion passed, 7-0.

The Planner explained that the application was withdrawn because no wetlands application had been submitted. A wetlands application for grading and septic system in the upland review area was now prepared, and the application for a two-lot subdivision was being re-submitted.

Dr. Autuori motioned, seconded by Mr. Katz, to acknowledge receipt of the re-submission of the subdivision application, to reschedule the site walk for 1/25/09, and a public hearing for 2/17/09. The motion passed, 7-0.

3. **#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. Received 1/6/2009 and referred to VDC and walk scheduled for 1/11/2009. Walk canceled. For discussion/reschedule walk if necessary/action.*

Chairman Mucchetti recognized Mr. Bob Leavitt of the Friends of the Ridgefield Library, present for the application.

Mr. Leavitt was prepared to address some of the comments made by the Village District Consultant, after its review. First, he noted the diagram of the parking lot he'd previously provided did not reflect a subsequent expansion of the lot. He provided an updated and current diagram. He addressed the comments of the VDC, one by one.

- 1) To the suggestion that the library consider the vacant Webster Bank building, Mr. Leavitt said that Peter Coffin's signature on the Library Board's application indicates that the Board has not decided what they want to do with the building, and therefore would not make any commitments for its use. The Library Board supports the application for the storage container.
- 2) Mr. Leavitt noted the low cost of the storage trailer as compared to the rental of "existing storage facilities," as suggested by the VDC. Such rentals would not be economically feasible, he said.
- 3) He corrected misconceptions about the size of the container.
- 4) He acknowledged the VDC's concern with the negative aesthetic impact and their concern with setting a precedent.
- 5) He objected to certain locations suggested by the VDC, because they would involve considerable site work; grading, creating a base, removing curbing and fencing, etc. Other suggested locations took up prime parking for the library. Mr. Leavitt said he placed the container where he did, because he felt it would minimize any disruption of the parking. He acknowledged the VDC's objection to the container being too close to Prospect Street, and proposed a location on the back side of a traffic island with four trees shielding it from view. He was agreeable to the container being surrounded by wooden fencing.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the application for a storage container to be placed in the parking lot behind an island with four trees, as shown on a plan submitted to the Commission by Mr. Leavitt, and to add appropriate fencing, as suggested by the VDC and agreed to by Mr. Leavitt.

Mr. Walsh asked if Mr. Leavitt had any concerns about the effect of humidity on the stored books. He did not, based on research he'd done with other towns who were using the containers.

The Planner suggested that this item could be added to the site walk on 1/25/09, if the Commission was still uncomfortable with making a final decision on the location. She agreed with Mr. Leavitt that the alternate locations suggested by the VDC were inappropriate, and suggested an additional option near the gazebo.

There was a short discussion comparing the location choices and available color choices.

Mr. Mische requested the opportunity to inspect the location on a site walk.

Chairman Mucchetti suggested 1/25/09 for the inspection, and asked that the resolution of approval be prepared as a draft. The makers of the motion and second agreed, and the vote was 7-0 in favor.

4. **#2009-004-VDC:** Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for exterior renovations and building sign at **22B Catoonah Street** in the CBD zone. Owner: Benenson Funding Corporation. Appl./Auth. Agent: William M. Sibley. *35 days to receive VDC report ends 2/24/2009. Received and referred to VDC 1/13/2009. Review VDC report/action.*

The Planner explained that the applicant would be attending the VDC meeting on 1/27/09, and would appear in front of the Commission following that date. The item was tabled.

NEW ITEMS

5. **2009-2010 Department Budget, *for distribution.***

Chairman Mucchetti noted the department budget for the 2009-2010 fiscal year.

The Planner explained the need to decrease spending in both the current and the new fiscal periods. She said they expect to spend approximately \$1,000 less this year and \$1,150 less next year.

One proposed solution was to have the recording secretary work directly from the meeting tapes for most meetings, as opposed to being paid to sit in on meetings, Chairman Mucchetti said. In light of this change, The Planner asked Commission members to speak loudly and clearly and to avoid creating additional noise.

6. Proposed work session with Planimetrics, **re update to Plan of Conservation and Development.** Glenn Chalder and Heidi Samokar to attend.

Chairman Mucchetti informed the Commission that the consultant, Planimetrics, would be attending the Commission work session at a Special Meeting to be scheduled for 1/27/09, to begin work on the update to the Plan of Conservation and Development. She asked the Commissioners to review their notes and comments on the existing Plan, in preparation for the meeting.

COMMISSION WALKS

The Commission noted the following site walks scheduled for **January 25, 2009:**

- **#2008-138-S-SR:** Subdivision **11 Old Stagecoach Road**, Harrison

- **#2008-139-SP-REV(S):** Special Permit, Rev. to Subdivision, **Arnolds Way, Lot #2,** Yanity
- **#2009-003-REV(SP)-VDC:** Revision **25 Prospect Street,** Ridgefield Library Association

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti noted the following correspondence:

- Letter sent by the Planner to the First Selectman to transmit Lillian Willis's letter of resignation from the Commission. Mrs. Mucchetti noted that she and Mr. Walsh had attended the Republican Town Committee meeting on 1/15/09, to support former Commissioner James McChesney as the replacement for the vacant position. Mr. McChesney received unanimous support from the RTC to fill this vacancy. Mr. Katz pointed out that the RTC would be sending a letter to Mrs. Willis, to thank her for her years of service.

MINUTES

Mr. Walsh motioned, seconded by Mr. Katz, to approve the minutes of January 6, 2009, with minor corrections noted by the Chairman. The motion passed, 6-0-1, with Mr. Mische abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:01 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(from audio tapes)