

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

January 24, 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 public hearing was held prior to the meeting.

At 8:40 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 2/8/06. Draft denial requested 1/10/06. For action.*

Note: Mr. Fossi recused himself from the discussion of this item and left the room.

Chairman Mucchetti opened the discussion and noted that a draft resolution of denial, prepared by the Agent, had been distributed to the Board.

Mrs. Willis suggested additional language in three places: (1) under item #1, add the words, “although the applicant’s engineer agreed that once the modeling had been done for the 10-year storm, it was easy to plug in the formulas to calculate the effects for the larger storms requested” to the end of the paragraph; (2) under item #3, add the word, “replanting” in the sentence about improvements to the channel; and (3) under item #5, add the words, “or long-term maintenance by a variety of homeowners” at the end of the paragraph.

There was discussion about suggestion (1), with some Board members stating that it was an important statement, but repetitious. Chairman Mucchetti thought the language

was appropriate for discussion in the minutes, but not as a condition in the resolution. The consensus was to eliminate suggestion (1) and to make the other two changes.

Mr. Katz motioned, seconded by Dr. Autuori, to adopt the resolution as amended. The motion passed, 7-1-1, with seven votes in favor, one abstained, and Mr. Fossi recused.

Mr. McChesney abstained because he felt that requirement for the level of storm event (10-, 25-, etc.) should be specified in the regulations. The applicant should know the level of storm analysis prior to submitting the application. The Agent agreed that many towns specify at least the 50-year storm event as a minimum, but that the Board's consultant recommended leaving the regulations with some discretion for the Board to determine the proper level of storm analysis dependent on the specific property in question. The Board agreed that the language in the wetlands, zoning and subdivision regulations should be reviewed and revised.

2. **#2005-146-SP-SR:** Summary Ruling application for filling, grading, excavation and mitigation of wetlands to create a horse riding ring and grazing areas, in conjunction with Special Permit application on property located at **85 Spring Valley Road** in the RAA zone. Owner/Appl.: Kenneth Sturm. Auth. Agent: John F. McCoy VII, P.E. *Received 11/1/06. Walked 11/20/05. Public hearing commenced 12/13/05 and closed 1/17/06. Draft Resolution of Approval requested 1/17/06. 35-day action period ends 2/21/06. For action.*

Mr. Fossi rejoined the meeting. Chairman Mucchetti noted that the draft resolution had been distributed to the Board.

Mr. Walsh questioned condition #6, referencing the limitation on grazing of horses in the wetlands in wet weather. He asked if this was within the purview of the Board to regulate. The Agent explained that the item had come up during the discussion, and to the extent that it is meant to protect the wetlands, it can be regulated. The enforcement of the restriction, however, is impractical.

Mr. Katz agreed that the applicant is unlikely to go to the trouble of the extensive permit process and then do something to injure the wetlands, or the condition of the horses feet, by allowing grazing in the mud. The condition makes sense, but stating it may be unnecessary. Dr. Autuori agreed.

Mrs. Willis said the applicant offered the restriction; she has no problem leaving it in. Mr. Slavin didn't object to leaving it out, and Mr. Fossi stated that if it was impossible to enforce the condition, it should be left out of the resolution.

Mr. Katz said the record should reflect that the Board asked for the restriction, but understands that the applicant has an as-of-right to use the land for grazing at any time. Dr. Autuori agreed that the applicant would likely use best management practices to protect his own property and the health of the horses.

Mr. McChesney motioned to approve the resolution with item #6 deleted, seconded by Dr. Autuori. The motion passed 9-0.

3. **#2005-153-SR:** Summary Ruling Application for disturbance in wetlands and upland review area in conjunction with construction of accessway and bridge spanning wetlands. Property located on **Dogwood Drive, Lot 33** in the RAA zone. Owner/App.: Thomas Dwyer, individually and as trustee. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 11/9/05. Walked 11/20/05. Extension granted to commence hearing, hearing commenced 1/24/06. 35-day action period ends 2/28/06. For action.*

Chairman Mucchetti noted that the public hearing had been continued to February 21, 2006, and the item should be tabled. Mr. Katz motioned to table, seconded by Dr. Autuori. The motion passed 9-0.

4. **#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. *Received 1/10/06. Walk 1/22/06. 65-day action period ends 3/16/06. For determination of significance.*

The applicant has contacted the Agent and he is having his engineer look at alternative designs for the stream crossing, based on the amount of water observed in the stream on the site walk. The Board's action for tonight is to determine the significance of the proposed activity, and they have the option to raise the application to a Plenary level with a public hearing if warranted.

Chairman Mucchetti stated that her concern was also for the neighbor's property across the street, because of the slope of the site and the major wetlands on the opposite side of the road. The neighbor might have a comment on the proposed activity. The Agent reminded the Board that public comment cannot be taken except in a public hearing.

Mr. Katz pointed out that the applicant was trying to keep all disturbance for the discharge swale within the town road right-of-way. The final design has not been determined.

All agreed that the Agent should work with the applicant to determine the time for submission of new information, when a determination could be made and the need for a public hearing could be considered.

5. **#2005-180-REF:** referral from the **City of Danbury Environmental Impact Commission** to conduct regulated activities in connection with the proposal for development at the area known as The Reserve on Saw Mill Road and Old Ridgebury Road. *For comment.*

Chairman Mucchetti confirmed with the Agent that the EIC in Danbury is the equivalent of the Inland Wetlands Board in Ridgefield. She referred the Board to the

memo distributed by the Agent, with explanation of the three applications referred by Danbury. The Agent has reviewed the applications at Danbury City Hall.

All of the applications pertain to proposed activities on the former Union Carbide site, but only one of the three applications is located in close proximity to the Ridgefield border. This is Ann's Place, The Home of I Can, a proposed 15,000± office building on 4.1 acres north of Turner Hill Road and on the west side of Saw Mill Road. Regulated activities are planned 30-120 feet from wetlands, and a "Wildlife Corridor Easement" is shown as protection for the wetlands.

The Board agreed that the activities would have no affect on Ridgefield wetlands. The Agent will send a letter to the EIC in Danbury.

6. Schedule work session for proposed amendment to the IWWR, Upland Review Areas.

Chairman Mucchetti reminded the Board that the discussion on Upland Review Areas needs to be brought back to the table, ultimately for a decision. There are dates available in February. The Board agreed to schedule the item for discussion on February 14th.

NEW ITEMS

There were no new items.

BOARD WALKS

There were no Board walks scheduled.

REQUESTS FOR BOND RELEASE/REDUCTION

There were no requests for bond release or reduction.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 10th. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:59 p.m.

Respectfully Submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

January 24, 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, Director of Planning

An Inland Wetlands Board public hearing was held prior to the meeting.

At 9:00 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2005-140-REZ-S-SR:** application for 7-lot subdivision on property 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. *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, tabled 1/10/06, tabled 1/17/06. 65-day action period ends 3/10/06. For discussion.*

Note: Mr. Fossi recused himself from the discussion of this item and left the room.

Chairman Mucchetti opened the discussion. It was noted, pursuant to statutes, that since the Inland Wetlands Board has rendered its decision on the application, the Planning and Zoning Commission could then make a decision on the subdivision application.

Dr. Gelfman said that the subdivision application must be denied because of the wetlands application denial. Mr. Katz pointed out that the Commission can consider the decision of the wetlands Board, but could in fact render a totally separate decision on the subdivision application. The Planner clarified that the Commission must make a separate decision, referring to the standards in the subdivision regulations.

Dr. Autuori stated that he had two major concerns with the application. First, the location of the access road directly across from the Lowe residence on Bryon Avenue is troubling. The alternative, to make a four-way intersection with Greenfield Avenue, would mean the loss of a significant oak tree. Second, the Inland Wetlands Board

denied the wetlands permit application, which means that if the subdivision application is approved as designed, it may foreclose whatever might be designed to remedy the wetlands issues. We don't know what the wetlands design would have to do to accomplish compliance with those regulations, and it might not fit within the subdivision layout.

Dr. Gelfman motioned to draft a resolution of denial for the subdivision application, seconded by Mr. Katz.

In discussion, Mr. Katz offered comments to clarify the relation of the Commission's decision on the subdivision application to the decision of the wetlands Board. He quoted from Sec. 1-3 of the subdivision regulations:

- (a) The land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety; and
- (b) Proper provision is made for water, drainage and sewerage and, in areas contiguous to brooks, rivers and other bodies of water subject to flooding, for protective flood control measures.

Mr. Katz stated that the applicant has the ability to make the application satisfy (a) and (b) of the regulations, and failed to satisfy these basic requirements. He therefore seconded the motion to deny the application.

Mr. Walsh thought the application to be thoughtful and reasonable in many respects, but looking at the reasons for the wetlands denial, such as drainage issues, the wetlands permit is an integral part of the making the subdivision work, and it is difficult to approve the subdivision without resolving the outstanding wetlands issues.

The Chairman brought the motion to draft a resolution of denial to a vote. The motion passed, 8-0-1, with Mr. Fossi recused.

2. **#2005-146-SP-SR:** Special Permit application under Sec. 312.0 as required by Sec. 306.0 Excavation, Filling and Grading of the Ridgefield Zoning Regulations to construct a horse riding ring and adjacent pathways and paddock areas on property located at **85 Spring Valley Road** in the RAAA zone. Appl./Owner: Kenneth Sturm. Auth. Agent: John F. McCoy VII, P.E. *Received 11/1/06. Walked 11/20/05. Public hearing commenced 12/13/05, continued and closed 1/17/06. Draft Resolution of Approval requested 1/17/06. 65-day action period ends 3/23/06. For action.*

Mr. Fossi rejoined the meeting. Chairman Mucchetti noted that the draft resolution had been distributed to the Commission.

Chairman Mucchetti asked for discussion and action on the draft resolution of approval, previously distributed to the Commission.

Mr. Katz motioned, seconded by Mr. Slavin, to adopt the proposed resolution as drafted. The motion passed, 9-0.

3. **#2005-162-SP:** Special Permit application under Sec. 312.0 and Sec. 333.0 (1) of the Ridgefield Zoning Regulations to permit expansion of existing pool house located on **Mimosa Circle** in the RAA zone. Owner/App.: Mimosa Home Owners Association. Auth. Agent: MacMillan Architects. *Received 12/6/05. Walked 12/11/05. Public hearing commenced and closed 1/17/06. Draft Resolution of Approval requested 1/17/06. 65-day action period ends 3/23/06. For action.*

Chairman Mucchetti asked for discussion and action on the draft resolution of approval, previously distributed to the Commission.

Mr. McChesney motioned, seconded by Mr. Slavin, to adopt the proposed resolution as drafted. The motion passed, 9-0.

4. **#2005-174-REF:** re-development of the former **Gilbert and Bennett Wire Mill** property located at 1 North Main Street, Georgetown within 500' of Ridgefield Border. (Planning and Conservation P.H. is 1/24/06, Zoning P.H. is 2/8/06) For discussion c/o PD.

The Chairman asked for comment on the proposed plans in the Town of Redding, referred by the applicant appearing in front of the Planning Commission and the Zoning Commission in that town. The Commission had no comment on the plans except to acknowledge that there would be an increase in traffic.

Mrs. Willis stated that she had reviewed the plans and recommends that fish ladders or fish passage-ways be installed on the dams, to allow the migration of eels and other species up-river. The environmental report indicates the presence of eels and brown trout.

By consensus, the Commission agreed that the Planner could write a letter to Redding with these comments.

NEW ITEMS

5. Schedule for work sessions with Planimetrics to update Zoning Regulations. For discussion.

The Planner reminded the Commission that worksessions on revisions to the zoning regulations have been scheduled for 2/28/06 and 3/28/06. The Commission will be reviewing sections on Basic Standards, Special Provisions, and Administration (procedures). The Planner reminded the Commission that there are still some outstanding issues following the review of the Business zones, including the issue of B-1 and B-2 zones on Danbury Road, and the type and density of residential uses permitted in the B zones.

Mr. Katz stated his concern for the B zones, referencing Stone House Commons on Route 7 and 66 Grove Street as examples of where our regulations permit detached, high-density housing. He calls this an abuse of the language in the regulations which permits residences “in conjunction with” other uses permitted in the zone. We are permitting density at the R-7.5 level calculated on the entire lot area, regardless of the building envelope that remains for housing outside of the commercial area.

The philosophy of mixing residential and commercial is sound, said Mr. Katz; 35 Cops Hill Road, the new Ridgefield Bank building on South Street, and Skyview on Danbury Road are examples. The apartments are located over the businesses, and the use is clearly secondary to the commercial use. He suggested the following change in the B-2 regulations, for consideration: “That the dwelling density would not exceed the density allowed within the R-20 zone where such residential uses are free-standing, and the R-10 zone where proposed as a physical part of a commercial structure. In no instance shall more than 50% of the total acreage be used to calculate permissible [residential] density.”

Mr. Katz suggested the formation of a small committee to address this issue and other outstanding Business zone questions, for the benefit of the Commission and its consultant in furthering the completion of the revised regulations. The Chairman requested a maximum of three volunteers in addition to Mr. Katz (less than a quorum). Mr. Walsh, Dr. Gelfman, and Mr. Fossi volunteered for the committee.

6. Schedule discussion for Proposed amendment to Zoning Regulations, Turner Hill.

The Chairman suggested 2/21/06 as a date for continued discussion of the proposed amendment for the Conservation Cluster (PRD) Regulations, pertaining to the Turner Hill Subdivision. There was no objection to this schedule.

7. **#2006-001-REV:** request for Revision to Special Permit pursuant to Sec. 312.02E. of the zoning regulations to redesign parking area for the **Ridgefield Boys & Girls Club** located at **41 Governor Street** in the RA zone. Owner: Ridgefield Boys and Girls Club. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 3/10/06. Received 1/4/06. Schedule date for discussion*

The Planner will draft a memorandum for the Commission, explaining the need for the revision and changes to the plans. The item will appear for discussion and action on the 1/31/06 agenda.

8. **#2005-099-S:** Request for extension of time to file the subdivision map for property located on Hickory Lane. Owner: Bard Family Trust. Appl./Contract purchaser: Mark Ferrandino. Auth. Agent: Donnelly, McNamara and Gustafson, Esq. *For action.*

Mr. Katz recused himself from discussion and voting on this item.

Attorney Robert Jewell has requested a 90-day extension of the time to file the subdivision map for the Bard Subdivision on Hickory Lane, as permitted under 8-25 of the statutes. They are nearly ready to file, but the 90-day period expires within the next few weeks.

Mr. Slavin motioned to approve the request for extension, seconded by Dr. Autuori. The motion passed 8-0-1, with Mr. Katz recused.

COMMISSION WALKS

There were no Commission walks scheduled.

REQUESTS FOR BOND RELEASE/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

The Chairman pointed out correspondence in the packet, including (1) a newsletter about economic development in West Hartford, (2) the Planner's letter and budget request to the Board of Selectmen, and (3) a letter from Commission counsel pertaining to the Eureka application, which is on the agenda for discussion on 1/31/06.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 10th. Chairman Mucchetti noted one minor typo correction. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:30 p.m.

Respectfully Submitted,

Betty Brosius
Director of Planning