

APPROVED / REVISED  
MINUTES OF THE SPECIAL MEETING  
INLAND WETLANDS BOARD

January 26, 2010

Present: Michael Autuori  
Nelson Gelfman  
John Katz  
James McChesney  
Phil Mische  
Rebecca Mucchetti, Chairman

Absent: Peter Chipouras  
Joseph Fossi  
Patrick Walsh, Vice Chairman

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

[The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.] At 9:06 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

There were no pending items.

**NEW ITEMS**

There were no new items

**BOARD WALKS**

There were no Board 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 Joseph Egan of 113 High Ridge about drainage issues adjacent to the property at 20 Peaceable Street
- Letter from B.Brosius to attorney for builder/developer of 20 Peaceable Street (Note: The developer has scheduled a meeting with the Agent.)
- Email message from Kim Daley of 115 High Ridge, regarding drainage issues
- Print-out of rainfall amounts for January 25, 2010, measurements taken at stations on Pumping Station Road (3.4 inches) and Ridgebury (2.65 inches), showing concentration of storm between 10 a.m. and 3 p.m.
- *The Habitat* newsletter, from CACIWC (CT Association of Conservation and Inland Wetlands Commissioners)

- Letter from the Agent to the owners of 52 Silver Spring Road, about the need to appear at a meeting to address issues regarding their Summary Ruling Application
- Announcement of programs by CAWS (CT Association of Wetlands Scientists) scheduled for February 23<sup>rd</sup>
- Announcement of a Land Use Decisions training program offered by CCM (CT Council of Municipalities) for February 17, 2010

## **MINUTES**

**Mr. Mische** motioned, seconded by Mr. Katz, to approve the minutes of January 5, 2010. The motion passed, 5-0-1, with Dr. Autuori abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES OF THE SPECIAL MEETING  
PLANNING AND ZONING COMMISSION

January 26, 2010

Present: Michael Autuori  
Nelson Gelfman  
John Katz  
James McChesney  
Phil Mische  
Rebecca Mucchetti, Chairman

Absent: Peter Chipouras  
Joseph Fossi  
Patrick Walsh, Vice Chairman

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

[The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.] At 7:30 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-016-POCD: PLAN OF CONSERVATION AND DEVELOPMENT**, Town of Ridgefield, Workshop.

**Chairman Mucchetti** introduced Heidi Samokar of Planimetrics, consultant for the update to the Plan of Conservation and Development. The Chairman noted that comments had been received from RACE, the Ridgefield Action Committee for the Environment. The Committee asked that its comments be reviewed for possible inclusion into the update to the POCD. The consultant and the Planner felt the comments were appropriate for the public informational hearing, (scheduled for 2/23/10), and the Chairman suggested that a member of RACE present the comments at that time. She asked the Commission to review the comments before then.

The Commission reviewed the latest Draft of the Plan, from beginning to end, and made several edits.

**Ms. Samokar** said that her intention was to finalize any and all edits to the manuscript that evening, so that, within a week's time, a formal draft could be distributed for public discussion and review. She summarized the timeline for adoption of the Plan, going forward.

**Ms. Samokar** led the discussion, beginning with Chapter 6: Natural Resources. Only minor changes were made to the Plan in Chapters 1-5, specifically, to the back of the first page and pages 15, 19, and 39.

**Mr. Katz** questioned the appropriateness of Zoning Commission involvement with regard to the POCD, as he felt only the Planning Commission had a voice in its content. Planner Brosius said that Sec. 8-23 accommodates Planning as well as combined Planning and Zoning Commissions. Mr. Katz felt the commissions are not one and the same, and that, statutorily, only the Planning Commission had purview with regard to the POCD. Dr. Gelfman and the Planner defined the commissions as one and the same in name, although development of the Plan is covered in the Planning section of the statutes. Ridgefield does not have a separate “Planning Commission,” and the Planner stated that it is correct to list the Planning and Zoning Commission under acknowledgements on the Plan’s cover page. Ms. Samokar concurred.

**Mr. Mische** objected to the wording for the main introduction to the Plan and offered a complete rewrite.

**Mr. Katz** commented that there are many sections in the document where the language could be improved, but that is not the intent of the review.

**Mr. Mische** felt the Introduction is vital, and should provide clear, concise, and welcoming information for someone picking up the document. His rewrite was approved and given to Planimetrics.

**Mr. Katz** objected to the wording on p. 15 under the Socio-economic Characteristics and Diversity [demographics] section, which states that Ridgefield residents have a higher degree of education as compared to the state and neighboring Danbury. Discussion ensued.

**Ms. Samokar** defended the wording, saying that it is an important factor to point out, from an economic development perspective, and attractive to potential businesses looking to locate in Ridgefield.

**Dr. Gelfman** suggested leaving out the reference to “neighboring Danbury,” and Ms. Samokar agreed. That change was made along with minor editorial adjustments to the language.

Within the Natural Resources section, the following changes were made:

**Dr. Gelfman** suggested alternate wording for the introduction to the section.

**Ms. Samokar** confirmed the location for all the photos in the section. She explained that the map on p. 45 was very different from the one presented in the last draft. In response to requests from the Conservation Commission, “shallow and rocky soils”

we included on the map (in yellow), and the delineated slope has been reduced from 25% to 15%, (areas shown in dark brown). She said she wanted to make the commission aware that “accepting that edit” from 25% to 15% being shown on the map has changed it substantially.”

**Dr. Autuori** wasn’t totally comfortable including 15% slopes, since slope is so prevalent in Ridgefield. Planner Brosius referred him to the Resources for Conservation section on the previous page to show how this land is handled in the Plan.

**Ms. Samokar** said the sections on p. 44, (Resources for Preservation and Resources for Conservation), “do not assume” that one is more important than the other. What it means, she said, is that, if a resource is to be preserved, it is generally not to be touched. It is very strictly regulated. Resources for conservation allow for some limited activity.

The distinctions between the two categories, (i.e., regulated vs. unregulated), were discussed, as well as how to best present them. The re-placement of aquifers into the Preservation category was reviewed and discussed.

**The Chairman** noted additional corrections and comments made by the Conservation Commission subsequent to the preparation of the draft. They had been entered by hand and copies made and distributed by the Planner. These suggestions were reviewed, accepted, and adopted by the Commission.

The distinctions implied by the words “preserve” and “protect” were, once again, debated.

The addition of buffers into the last paragraph on p. 47 was discussed. Dr. Autuori felt it was too “suggestively regulatory,” and that any proposed activity would be reviewed by the Commission eventually anyway. Buffers are already protected by regulation as part of wetlands. The Planner said that, in order to protect the wetland, you must protect the buffers. Acceptance of that idea has evolved over the years, she added. Historically, upland review areas have increased and buffers are viewed differently than they had been.

Development is still allowed within the buffers, but the Commission tries to protect them “from the impact of development,” Dr. Autuori said. Mr. Mische thought buffers could be added at the start of the paragraph along with “woodlands and watersheds...”.

**Chairman Mucchetti** said that the regulations don’t provide the Commission the authority to prohibit development in buffers.

**Dr. Autuori** suggested removing the word “required.”

**Mr. Katz** said that the Commission needs to separate the Plan from the regulations, as the Plan is “a plan of recommendations.” He said the recommendations of the POCD should “stand on their own with their own integrity.” He, therefore, recommended adding buffers to the lands requiring protection, listed in the last paragraph on p. 47.

**Dr. Autuori** objected to the word “required” with regard to buffers, suggesting “encouraged” as a more appropriate word.

A final modification to the paragraph was agreed upon and implemented.

Modifications to p. 50 suggested by the Conservation Commission were reviewed and rejected. A minor editorial correction was made.

On p. 52, the language in paragraph 2 was modified and slopes to be avoided were modified from 15% to 25%.

That concluded the discussion on Chapter 6: Natural Resources.

Chapter 7: Open Space had not been reviewed previously. The Chairman asked the Planner to guide the review.

A minor change was made to the first page, but, “some fairly substantial changes” were made to the second page, the Planner said. She explained that the Plan (written in 1999) defined open space fairly liberally: passive open space, active open space, protected open space (deed restricted). She said that Conservation Commission Chairman, Benjamin Oko felt that the definition of open space needs to be clarified.

**Ms. Samokar** said the largest question concerned naming active playing fields and schools as open space. That decision would be left to the Commission, she said. She drew their attention to the category listed as “Other open space” on p. 56, and asked for direction. She said there is general disagreement as to how schools and athletic fields are perceived and defined.

**The Planner** said that the acreage presented in the Draft as Open Space best represents what is documented. Schools have not been included since the acreage of their fields has not been broken out.

**Ms. Samokar** said that some parcels do not show up on the map as Open Space because of the way the GIS system works. The Planner said she is more concerned that the quoted acreage be correct than what’s depicted on the maps. She referred to the sidebar on p. 56, which accounts for the 24% open space given in the second paragraph, p.56.

The bulleted list of lands under “Protected (or Dedicated) Open Space” was re-ordered based on amount of acreage and, secondly, on importance.

**Dr. Autuori** asked if all these lands are permanently protected.

**The Planner** said the category lists lands that the CC considers to be protected in perpetuity. She said that she and Ms. Samokar both share a common concern about listing State and Federal parklands, but they have been included.

**Mr. Mische** wanted substitute language on p. 56, Protected (or Dedicated) Open Space. He suggested, “shall” remain as open space, as opposed to “is expected to remain...”. Ms. Samokar said that no guarantees can be given with Federal and State lands, a category under the heading. She suggested, “It is the policy of the Town that these areas shall remain as open space.”

**Mr. Katz** again stated that the POCD is a document of recommendation. He felt that the Town’s policy and recommendations are inherently part the document.

The word “shall” was substituted.

The Planner’s recommendation of adding “Active and...” to the “Other open space” category was adopted.

**Mr. McChesney** asked for an approximate number as to how much land is affected. The Planner said it is mainly the school fields. Ms. Samokar thought it might amount to 100 -200 acres. The Planner felt it would be closer to 100 acres.

There was ongoing discussion on the designation of this type of land, with some disagreement among the commissioners.

It was decided to remove the category “Recreational Fields.”

**The Planner** clarified the changes and read the new wording for the second paragraph. She also drafted a paragraph on Conservation Easements, which was discussed, approved and added.

Minor changes were implemented on pages 57, 58 and 60.

A discussion took place about the Planner’s proposed addition to p. 57, paragraph 3 referencing “desirable open space,” as described in the PRD section of the zoning regulations. Defining the type of land desired is a topic of ongoing discussion with the Conservation Commission and the Planning and Zoning Commission, the Chairman stated. The question arose as to why this language should be included.

**Dr. Autuori** said the language may refer to a “pre-existing set of guidelines which may now be supplanted.” There was ongoing discussion, with no consensus.

**The Planner** said, “In your zoning regulations, you have open space standards for PRD subdivisions.” Those standards describe “meaningful additions” to the Town’s open space. The suggestion was to consider adding the same type of language in the subdivision regulations.

The Planner’s addition was accepted, along with her additional mention of the Norwalk River Valley Greenway in the section entitled, “Preserve Greenways.”

On p. 58, the Planner proposed copy stating that the Town should track DEP and DOT lands which may be released for purchase. The modification was accepted.

Minor changes to language on p. 60 were proposed and accepted.

**The Chairman** noted that this concluded the discussion on modifications that were introduced as a result of a discussion with Dr. Oko, Chairman of the Conservation Commission.

**Dr. Autuori** referred to a mention of Branchville / Georgetown on p. 89 with regard to sewers. A brief discussion took place as to Branchville being part of Georgetown, or separate from Georgetown. Dr. Autuori said there was at least one mention elsewhere in the document which conflicted with this reference.

It was determined that Branchville is not part of Georgetown, and that would be clarified and/or corrected throughout the document.

**The Planner** noted changes made to pages 70 and 71, which were incorporated.

**Mr. Katz** questioned a mention on p. 76 of rezoning Branchville, which the Planner changed to “modifying zoning,” because the potential exists for another type of zone in Branchville.

The Planner said, consistent with comments made by RACE, it may be appropriate to include sub-sections on green building and sustainability in relation to new building in the Housing and Business sections of the updated POCD. She suggested substituting a picture of the Prospect Ridge housing development for the picture of the LEED Certified project on Governor Street in the Housing section, because the former fits the description of “community driven.” The Governor Street housing would then fall under the next paragraph, as “a wonderful example” of an affordable housing and LEED certified building.

**The Chairman** noted that the Commission’s comments on Chapter 11 had been incorporated into the document.

A discussion took place on handicapped accessibility and ADA compliance, and what agency governs them.

**Mr. Katz** said that, on p. 91, last paragraph, it indicates that the Commission controls handicapped accessibility, which is actually the purview of the Building Department.

**The Planner** explained that the local building inspector only enforces federal ADA codes if they are also included in the State Building Code. She said, if the PZC imposes something as part of a Special Permit condition (such as a ramp in a particular location), based on recommendations from someone such as a representative of the Commission for the Disabled, then it must be built. This can ensure compliance for public health and safety, as opposed to leaving the matter with the Building Department, where only the requirements of the State code will be administered.

Photos were discussed and selections made for inclusion in the Plan.

On p. 107, the introductory sentence in the Transportation section was deleted. Additional editorial changes and corrections were made. **Mr. Katz** requested the addition of wording on p. 110 to include other Town bodies (along with PZC) as consistently having “reached consensus that the formerly proposed Super 7 highway is not appropriate for Ridgefield.”

That concluded the discussion on the POCD update.

**Ms. Samokar** described the format of the public information meeting. The meeting is more informal, consisting of a PowerPoint presentation by Planimetrics, followed by scripted comments. After the information meeting, she said, Planimetrics prepares “a matrix of all the comments” and makes recommendations on how to incorporate them. They then meet with the PZC to discuss possible additional amendments. The Plan is updated and then the 65 day formal review process begins, where the Plan goes to the Board of Selectmen and the regional planning agency, and then the formal public hearing is scheduled. It was estimated that the 65 day period would probably expire and the public hearing for adoption would be held at the end of June.

Details were discussed. A new photo for the cover of the document was provided to Ms. Samokar.

The public information meeting will be scheduled for Tuesday, February 23, 2010, in the large conference room at the Town Hall on Main Street. The Draft Plan will be available for public review approximately two weeks prior to the meeting.

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. Tabled 1/12/2010. AAC report received 1/14/2010. For discussion/action.*

**Chairman Mucchetti** noted that the Architectural Advisory Committee was meeting in the other room to review the application, and there were no minutes available yet for the Commission's review. The item was tabled.

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. Received 1/5/2010. Tabled 1/12/2010. VDC report received 1/14/2010. For discussion/action.

**Chairman Mucchetti** noted that the Village District Consultant was meeting in the other room to review the application, and there were no minutes available yet for the Commission's review. The item was tabled.

4. **#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. Tabled 1/12/2010. VDC report received 1/14/2010. For discussion/action.

**Chairman Mucchetti** noted that the Village District Consultant was meeting in the other room to review the application, and there were no minutes available yet for the Commission's review. The item was tabled.

#### **NEW ITEMS**

5. **#2010-005-PRE:** Pre-Submission Concept under Section 9.2.E for a proposed change of use requiring additional parking located at **107-109 Danbury Road** in the B-1 zone. Owner: Copps Hill Common, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. For receipt, discussion to be held on February 2nd or 9th.

**Chairman Mucchetti** asked for acknowledgement of receipt of the request for pre-submission concept. The item will be scheduled for review on February 2<sup>nd</sup>.

**Mr. Mische** motioned, seconded by Dr. Autuori, to acknowledge receipt of the request. The motion passed, 6-0.

#### **COMMISSION WALKS**

The Commission had previously scheduled the following site walk:

**February 21, 2010**

- **#2010-002-SP:** Special Permit **180 Barlow Mountain Road**, Morris

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

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

- Comments from the Fire Marshal regarding the application for home occupation at **180 Barlow Mountain Road**
- Letter from Anne Scott, realtor, with interesting statistics on home sales
- Letter from Jonathan Chew of HVCEO, announcing the release of the update to the Regional Plan
- Article from the *Danbury News-Times* about Brookfield's discussion to dissolve their Architectural Advisory Board
- Copy of the Decision of the case, *Tuccio v. Marconi*

## **MINUTES**

**Mr. McChesney** motioned, seconded by Mr. Mische, to approve the minutes of January 5, 2010. Chairman Mucchetti asked for a correction of a date on page 5 ("2020" should be "2010.") The motion to approve the minutes, with the amendment, passed by a vote of 5-0-1, with Dr. Autuori abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary