

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

February 6, 2007

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

Absent: Joseph Fossi

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

A public hearing was held prior to the meeting.

At 8:10 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-129-REV-SR:** Revision to previously approved Summary Ruling, modification to accessway for single-family lot development. Property located on **Lot 33, Dogwood Drive** in the RAA zone. Owner/Appl.: Thomas Dwyer. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 12/19/06. 35- day action period ends 3/13/07. For action.*

Chairman Mucchetti noted that the hearing was continued to 2/20/07. Dr. Autuori motioned to table the item, seconded by Mr. Slavin. The motion passed, 8-0.

2. **#2007-002-SR:** Summary Ruling Application for piping of drainage into wetlands and disturbance in upland review areas, in conjunction with residential lot improvements on property located at **10 Dawn Lane** in the RAA zone. Owners: David & Joan Huntley. Applicant: Abigail Adams, RLA, of CCA, LLC. *Received 1/16/2007. walked 1/21/2007. 65-day action period ends 3/22/2007. For action.*

Chairman Mucchetti introduced Abigail Adams, a landscape architect representing the applicant, who had come out to meet Board members when they walked the property on Jan. 21st.

The Agent stated that a revised site plan had been submitted by the applicant. The plan addressed the relatively minor problems concerning pipes and landscaping which had been noted by the Board.

Abigail Adams she said that they would be realigning the driveway and installing a retaining wall. There was also a plan to install yard drains, with 12' pipe. One of the changes suggested by the Board and included in the new plan was the moving of the pipe 15' from its original location near the town drainage pipe. She noted a rip rap splash pad designed to dissipate the discharge into the drainage ditch. Also there had been a suggestion to install some rip rap at the 4" footing drain.

Mr. Katz asked Ms. Adams if she had seen the memo from the Conservation Commission, sent out earlier that day. She said that she had seen it but had not proposed any changes based on the memo.

Dr. Gelfman asked if the Agent could read the memo from the Conservation Commission.

The Agent read the memo dated Feb. 6, 2007. It stated that, in response to the referral issued by the Inland Wetlands Board, the Commission had reviewed the application and makes the following recommendations:

- 1) The applicant should not discharge storm water directly to the onsite brook, but rather take advantage of "the other onsite resource - the wetland". The Commission recommended that the discharge point be moved back from the watercourse at least 15' off the top of the bank, allowing it to "discharge onto a level spreader or other planted feature that disperses the flow". This would cause the water to move through the vegetation, "allowing for cooling of the water, pollutant attenuation and infiltration at some times of the year. The diffused discharge will also protect the integrity of the receiving watercourse's banks," the memo stated.
- 2) The footing drain discharge point, as with the storm drain, should be pulled back to discharge well away from the brook, utilizing the wetland in the front yard.
- 3) The plantings should be expanded to a depth of 15' minimum along the brook to protect it from normal residential threats, such as pet waste and fertilizers that would otherwise be washed into the watercourse. Plantings should encompass the wetlands at least 20' back from the top of the stream bank. "These plantings... can enhance both the aesthetic appeal and functionality of the regulated resources."
- 4) To help insure that the intent of the proposal is met, a bond should be collected and held for two years.

Dr. Gelfman asked the applicant if she felt there were any problems with the Commission's recommendations.

Ms. Adams said that she felt that it would be more detrimental to cut the discharge pipe back, explaining that, the way it is designed now, it is at minimum pitch. The current discharge point is where it would have to stay in order to keep that minimum pitch. If the pipe were cut back, they would have to trench in the wetlands area.

Dr. Gelfman asked why they would have to trench it. **Ms. Adams** explained that they would have to trench to get the grade needed for the proper pitch. She said that they would be digging out part of the wetland, as opposed to simply doing the minor trenching, putting in the pipe, and covering back over and then planting.

Mrs. Willis asked Ms. Adams how far the rip rap that they were proposing would go, for the large drainage pipe. Ms. Adams said that it is a 4 X 4. Mrs. Willis asked if that was the same for the other drainage pipe (footing drain. Ms. Adams said that it was a 2 x 2 rip rap area since that was a smaller pipe, (only 4”).

Mr. Katz wished to confirm that this would address recommendation #2.

Mr. Walsh asked Ms. Adams what kind of flow they anticipated going through the first pipe.

Ms. Adams said that there would be some runoff coming from the hillside, and, also, a small footing drain behind the retaining wall will pipe into the yard drain. The plans also call for pitching away from both garages and the driveway, resulting in some of that water piping into the yard drain, as well. However, Ms. Adams stated that, overall, it would be a minor amount of water.

Mr. McChesney added that it would also be intermittent, because it would only occur when there is rain. Ms. Adams said that was correct.

Mrs. Willis asked if they weren't going to install a small storm drain up near the garage. Ms. Adams said that there would be a small catch basin.

Mrs. Willis asked if there could be a maintenance agreement. Ms. Adams said that she had a prepared an agreement for the Board's approval. The Agent read the Long Term Maintenance Procedure & Schedule provided.

Mrs. Willis asked if they could address point #3, the planting.

Ms. Adams said she could talk to the client about adding some more planting, noting that they did not want to increase the buffer too much, as it would decrease the client's lawn area. She felt the buffer could be increased somewhat, however.

Mrs. Willis asked what the present width of the buffer was. Ms. Adams said it was about 10', adding that they could probably add another layer of plants.

The Chairman added that, at maturity, these plants could provide the 20' buffer recommended by the Conservation Commission. She said that #4, the bond issue, was something that the IWB would handle administratively. She then noted that the maintenance agreement was “just language,” and doesn't say who will inspect, or

who will maintain, or who will enforce. It's all at the discretion of the property owner.

Ms. Adams said that it would not be to the homeowner's advantage to not maintain the system, because it consists of "small yard drains, so if you get any kind of leaf debris or build-up within that yard drain, it's going to overtop and it's going to be coming on their driveway". She felt this would be enough incentive to support the maintenance requirements. Ms. Adams confirmed that whatever was being installed would be able to be maintained by a "handy homeowner".

The Agent suggested that the Maintenance Agreement could be prefaced by the wording, "As agreed to by the applicant, the following Maintenance Schedule will be followed." This is only enforceable for the length of time of the permit, she said.

Mr. Katz motioned to approve the application, with conditions noted in an "advanced draft" resolution prepared by staff. He added a condition to require more mitigation plantings at the stream edge, and a bond for landscaping. Reference to the "Planning and Zoning Office" was changed to the "Wetlands Inspector." Mr. Walsh seconded the motion, and the vote was 7-0-1 in favor, with Dr. Gelfman abstaining because he had not walked the site.

NEW ITEMS

3. **#2007-006-PR-SP:** Plenary Ruling application for regulated activities in and/or adjacent to wetlands for drainage, access drive improvements and stream channel restoration in conjunction with application for Special Permit to construct a 15,000 s.f. medical office building located at **21 South Street** in the B-3 zone on 2.42± acres of land. Owner: South Medical, LLC. Appl./Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 4/12/2007. For receipt, schedule walk and public hearing.*

Mr. Katz motioned, seconded by Mr. McChesney, to acknowledge receipt of the application and to set a walk date for 2/11/07 and a public hearing for 3/6/07.

During the Planning and Zoning Commission meeting, it was decided to set the public hearing date for the PZC portion of the application to 3/13/07. The Inland Wetlands Board re-convened briefly after the close of the Planning and Zoning Commission meeting, and Mr. Katz motioned, seconded by Dr. Autuori, to change the public hearing date for this application to 3/13/07, concurrent with the PZC application for the same project. The motion passed, 8-0.

BOARD WALKS

The Board scheduled the following site walk for 2/11/07, as noted above:

- **#2007-006-PR-SP:** Plenary Ruling, **21 South Street**, South Medical, LLC.,

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mrs. Willis motioned, seconded by Dr. Autuori, to approve the minutes of January 9, 2006. There were some corrections made to the language on page 2. The motion to amend the draft and adopt the minutes passed, 8-0.

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 16, 2006. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:28 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

February 6, 2007

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

Absent: Joseph Fossi

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

A public hearing was held prior to the meeting.

At 8:29 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

1. **Proposed Increase in Planning and Zoning Commission fees.** Proposed increase in fees for applications, permits and other actions of the Planning and Zoning Commission and designated agents, in accordance with an ordinance in the Town Code, Sec. 3-7, and Sec. 8-1c of the Connecticut General Statutes, giving the Commission authority to “establish a schedule of reasonable fees for the processing of applications...” *For discussion / action.*

The Planner said that there were a few changes. Gayle Baldelli had gone over the regulations “with a fine tooth comb,” and pointed out items that had been overlooked, and these corrections were made. The Planner added that there were also some minor typographical changes.

Mr. McChesney asked for clarification on the term “temporary sign”.

The Planner gave as an example of a temporary sign requiring permit fees, sandwich board signs that a commercial business might put out in front of their place of business. These signs, by the new regulation, may remain up for a period of two weeks, four times a year. The Planner went on to say that the term “temporary sign”

does not apply to signs for the Craft Fair or the Artist's Guild, for example (for non-residential uses in the residence zones). Mr. McChesney said that this was his concern, and added that he felt that the distinction was not clear in the regulation. The Planner said that the temporary signs for non-residential uses in residential zones are listed as Exempt.

Mr. Katz asked for an explanation of the columns titled "+20" and "+30".

The Planner explained that this indicates the amount of increase over the current fees. She added that this information would not be part of the actual fee schedule, but is provided here just for the benefit of the Commission. She also mentioned that it had been suggested by Zoning Enforcement Officer Richard Baldelli that a statement be added to the fee schedule to the effect that no fees would be charged for Town properties or Town projects. "They are exempt from application fees. We don't charge for Parks & Recreation and Highway and Little League and a lot of the others that use Town properties," she explained.

There was some discussion relating to various exceptions to the rule, as in the case of leasing commercial space in Town buildings to businesses. The Planner explained that an exemption clearly would not apply here, and pointed out the difficulty in creating wording that will effectively communicate the intention of the Commission with regard to exemptions. Mr. Walsh brought up Tiger Hollow, and applications for lighting of Town fields. He mentioned "profit driven" situations, and the Planner thought that perhaps that was a good distinction. Many situations were discussed which created confusion as to how to define the exempt status. The term Town entity was suggested. The Planner was to meet further with Mr. Baldelli on developing this language.

Dr. Autuori motioned to approve the proposed fee schedule, seconded by Mr. Slavin. There was some discussion about adding language to clarify that applications by Town agencies would not be required to submit application fees. Private entities on Town property, however, would not be exempt. The motion to pass the fee schedule passed, 7-0-1, with Dr. Autuori abstaining. The legal notice will be published on Thursday, 2/8/07, and the fees will be in effect on Friday 2/9/07.

2. **#2007-003-REV:** Revision to Special Permit under Sec. 312.02.E of the Ridgefield Zoning Regulations to construct a roof cricket connecting Ridgefield Hardware and the Addressi Jewelers building located at **385 and 387 Main Street** in the CBD zone. Owners: Sandra Rabin Trustee and Addressi Square LLC. Auth. Agent: Caldwell & Walsh Building Construction, Inc. *65-day action period ends 4/12/2007. For receipt / action.*

Dr. Gelfman asked what a "roof cricket" was.

The Planner explained that it is channel on top of the roof that directs run off in a certain direction.

Mr. Katz motioned, seconded by Mr. Walsh, to approve the application as submitted. The motion passed, 8-0.

3. **Discussion re Proposed Senate Bill No. 423**, “An Act Concerning the Super 7 Highway,” c/o Michael Autuori.

Dr. Autuori detailed how he had come to hear that this bill was pending, and how he had responded with calls to the Wilton representative, Representative John Frey, First Selectman Rudi Marconi, and others, and also wrote a letter (as a private citizen) referencing the Ridgefield Plan of Conservation and Development. He also attached materials from the Planning and Zoning Commission which were pertinent to this topic. He requested that the Commission reaffirm its past opposition to the extension or completion of the Rte. 7 expressway, confirming its position that the project would be inconsistent with smart growth, sustainable development, and Governor Jodi Rell’s new transportation initiatives.

Chairman Mucchetti asked if Dr. Autuori was requesting a letter to be drafted by the Commission restating its opposition to the Super 7 expansion and its support of the greenbelt. He confirmed that this was his intent.

There was some discussion as to when this bill was to come up and how urgent it may be to get this letter out. Dr. Autuori mentioned that Mr. Marconi and the First Selectmen of Wilton and Redding plan to testify against this bill, and that, as yet, there had been no word as to when it would be coming before the Senate. He requested that the Commission prepare the letter as soon as possible.

Ms. Willis offered the following suggested additions and/or changes to Dr. Autuori’s letter:

- (1) Add a second sentence, “It would appear contrary to Gov. Rell’s varied initiatives to encourage conservation and public transportation.”
- (2) Add: “It would introduce cars and trucks, with the potential for polluted runoff and hazardous spills - documented in regular accidents along I-95 - to an area where businesses and residences are served by private wells and, therefore, would threaten public health and property values.”
- (3) Add: “It would disrupt open space corridors that are vital protectors of natural resources and providers of important recreational opportunities in a highly developed area of CT.”
- (4) Add: “Extension of the Route 7 Expressway would have a negative impact on water quality, wetlands, and riparian habitats, and counteract a decade of intense regional efforts to safeguard and improve the Norwalk River Watershed and Long Island Sound by local governments, and public and private groups such as the Norwalk River Watershed Association and Norwalk River Watershed Initiative.”

Dr. Autuori thanked Ms. Willis for her contributions.

Mr. Katz expressed that he didn't think there was anything imminent about this, nor did he anticipate that the bill would go very far, particularly under Governor Rell, who is a smart growth governor. Also, he mentioned that it is his understanding that the state has already begun selling off some of the property it condemned when this project was first conceived.

Dr. Autuori related a discussion he'd had with Representative John Frey, who explained that the state **wanted** to sell off this property, but had not yet been legally empowered to do so.

The Chairman added that she had also spoken with Mr. Frey and requested that he look into this bill and, if he felt it would be helpful, come and speak to the Commission about it.

After discussion led by Dr. Autuori, the Commission decided by consensus to draft a letter to the Transportation Committee, with language provided by Dr. Autuori and Mrs. Willis, re-stating the Commission's objection to extensive "Super 7" highway improvements. The Planner will prepare a draft of the letter for signature by the Chairman, to be reviewed by Dr. Autuori and the Chairman and sent out as soon as possible upon their approval.

4. **#2007-004-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 411.0B of the Ridgefield Zoning Regulations, (1) to demolish an existing office/residential structure and replace with new 7,756 s.f. commercial structure at **35/37 Danbury Road**, and (2) construct new 10,026 s.f. commercial structure on adjoining property at **16 Roberts Lane**, on properties located in the B-1 zone. Owner: Eppoliti Realty Corporation. Auth. Agent: Douglas MacMillan, Architect. *65 days to schedule public hearing ends 4/12/2007. For receipt /schedule walk / schedule public hearing.*

The Planner noted that the Eppoliti application had come in prior to the 21 South Street application, so she suggested that, if the Commission should decide to split these discussions up into two separate meetings for public hearings, the Eppoliti application should come first.

Mr. Katz asked if the Eppoliti application would actually raise any concerns with regard to Roberts Lane.

The Planner said that it might. She was unsure as to whether or not the Highway Department or the Police Department will comment on the actual site plan as it is finally proposed. Also, she said, the details regarding interior circulation and recommendations for directional signage on the interior were not yet available. The intent would be to direct traffic away from Roberts Lane and out to the main intersection, and part of the plan involves improvements to this four-way intersection.

Mr. Katz expressed concern that the Commission would be caught up in the battles between the Town and the parties involved, and stressed that the Commission's time should not be taken up in these matters.

The Planner said that these issues are understood to be settled.

The Chairman asked the Commission if they felt that these two applications (Eppoliti and 21 South Street) needed to be dealt with separately, on two different nights.

Mr. Katz said that he thought the Roberts Lane project would have a lot of neighbor interest.

There was some discussion regarding the advisability of separating the public hearings. The Planner said that she would feel more comfortable splitting the applications up into two nights.

The Chairman brought the discussion to a close, saying that the calendar would permit a dedicated meeting for each of the applications to be handled separately. She then instructed the Commission to finish its business with Planning and Zoning, and then go back to Item #3 in Inland Wetlands and move the public hearing date for 21 South Street to 3/13/07.

Mr. Katz motioned, seconded by Mr. McChesney, to acknowledge receipt of the application and to set a walk date for 2/11/07 and a public hearing for 3/6/07, as suggested by the Chairman.

5. **#2007-006-PR-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 413.0 of the Ridgefield Zoning regulations to construct a 15,000 s.f. medical office building located at **21 South Street** in the B-3 zone on 2.42± acres of land. Owner: South Medical, LLC. Appl./Auth Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends 4/12/2007. For receipt, schedule walk and public hearing.*

Mr. Walsh motioned, seconded by Mr. Slavin, to acknowledge receipt of the application and to set a walk date for 2/11/07, as suggested by the Chairman. As noted, there had been some discussion about the public hearing date, and it was decided to schedule this application for 3/13/07 to avoid having two lengthy hearings on one night. The motion was revised, and the vote was 8-0 in favor.

COMMISSION WALKS

The Commission scheduled the following site walks for 2/11/07:

- **#2007-004-SP:** Commercial structures at **35/37 Danbury Road** and **16 Roberts Lane**. Eppoliti Realty Corp.
- **#2007-006-PR-SP:** Special Permit **21 South Street**, South Medical, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Variance issued by the Zoning Board of Appeals for a proposed residence on Tanton Hill Road, and a variance for a bank to be located on Danbury Road, south of the Shell station.
- Quarterly newsletter from the CT Federation of Planning and Zoning Agencies
- Information about the Annual Meeting of the CT Federation of Planning and Zoning Agencies, to be held at the Aquaturf Center in Bristol. There was some discussion about Commissioners who could be honored at the meeting for their length of service, but no one was interested in attending.
- NY Times news article about a Darien property owner proposing affordable housing on a small lot near the coast.
- NY Times news article about a Mayan Temple built too close to a neighboring property line, and attempts by the homeowner to use RUILUPA to allow it to remain in violation of zoning setbacks.
- Discussion from the CT Planner's on-line forum, regarding community sewage systems.
- Proposed Senate Bill #6424, stating that Commissions should be allowed to consider the past record of a developer in considering new applications.
- Letter from a property owner about the new zoning regulations, requesting consideration for zone lines that bisect property lines.
- Package of revised zoning maps prepared by Assistant Engineer Jake Muller for the public hearing on 2/13/07. There were numerous favorable compliments about the quality of the maps. Chairman Mucchetti suggested that the Commission set aside 2/27/07 as a potential date for continuation of the hearing on the proposed zoning regulations, if needed.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 9, 2006. The motion to approve the minutes passed, 8-0.

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of January 16, 2006. The motion passed, 8-0.

At 9:04 p.m., **Chairman Mucchetti** asked the Commission to briefly adjourn the meeting, to reconvene the Inland Wetlands Board meeting for re-scheduling of the public hearing date for the 21 South Street application. Dr. Autuori motioned, seconded by Mr. McChesney, to adjourn briefly. The Commission returned to its meeting at 9:05.

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

Respectfully submitted,

Linda Caponetti
Recording Secretary