

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

February 9, 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

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

At 8:00 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 and 1/12/2010. For discussion.*

Chairman Mucchetti recognized Michael Read of Pools by Murphy, representing the applicant. The homeowner, Mr. Forero, was also present for the discussion.

Mr. Read explained the permit application process to install the custom in-ground gunite pool and spa combo with paver patio in the upland review area of the adjacent wetland. He noted a report from a soil scientist.

Chairman Mucchetti referenced letters at the table from both the Conservation Commission and Wetlands Agent/Inspector, Aimee Pardee. She asked Mr. Read to concentrate on addressing the specific concerns raised in the letters. She suggested addressing the points of concern, one by one, and noted the presence in the audience of Mr. Alan Pilch, a representative from the Conservation Commission.

Mr. Read went through the points delineated in Ms. Pardee's memorandum of 12/6/09, noting the first area of concern - the septic area and access to the pool area. Ms. Pardee requested that the septic area be clearly marked during construction because it is in close proximity to the wetlands. Mr. Read indicated that access would be provided by creating a temporary driveway off Silver Spring Road, and not off the accessway serving the house and the neighbors.

Mr. Read said they will comply with Ms. Pardee's request and fully mark the boundaries of the septic fields.

He indicated on the map where additional CTDEP standard silt fencing will be installed near the stockpile location, extending around the entire pool area and the yard area towards the accessway. "Any additional silt fencing that is required, we'll be happy to comply with whatever is necessary in that regard," Mr. Read said.

Mr. Read said that stockpiling will be minimal. Most of what is excavated will be removed from the site on the day of excavation, and the small amount of stockpile left will be covered and enclosed by silt fencing. Also, the sand for the compaction of the stone pavers for the patio will be delivered on the day of usage. There will be no stockpiling of sand prior to that date, he said.

He discussed the pool equipment. He stated that the poured concrete equipment pad is directly off the existing deck and patio area, and the equipment itself is very low profile, with the highest element being about 36 in. high.

Mr. Read did not have all the details for the propane tank, but said it would be located 10 ft. off the property line.

Agent Brosius explained that the tank is not considered a permanent structure, so there is no zoning regulation governing it.

Mr. Read said that the soil scientist indicated the possibility of a high water table in the area, so they have indicated a proposed dry well area just inside the silt fence, approximately 20 ft. from the proposed stockpile area.

No chemically treated water will be discharged anywhere on the property, Mr. Read said. It will remain self-contained within the filtering system for the pool. Any water drained down to winterize the pool will be handled through a reclamation tank. The company uses an in-house holding tank truck on the property for the winterization process, he said. Mr. Katz confirmed that the water is being removed from the property, for winterization.

Mr. Fossi remarked that a dry well is shown on the plans where a pumping/settling station was requested and described by Agent Pardee. "I think you ought to re-label that as a settling basin," Mr. Fossi said. Mr. Read agreed to do so.

The Chairman asked for a description of the pumping/settling station. Mr. Fossi said it is constructed of hay bales and stone. The Chairman reiterated the Wetland Agent's request that the dry well be replaced by a pumping/settling station. All were in agreement.

Mr. Mische asked Mr. Read if he had done pool installations where they were likely to hit the water table. Mr. Read said they had, and explained their installation process. There is stone placed in the bottom of the excavated area before the steel rebar is constructed and all drain lines are re-circulatory, with no overflow drain lines discharging onto the property. He asked Mr. Mische if that answered his concern. It had, Mr. Mische said.

The Agent noted, when the hole is excavated, it will fill up with ground water from underneath. The settling basin requested by Agent Pardee would be for this water. Mr. Read understood, saying "that's fairly common. We usually drop a 1.5 hp pump" which stays in the ground. There are pop-off valves in both of the main drains of the pool and the spa, with a hydrostatic relief valve system to equalize water pressure, so as not to "compromise the water table rising up through there."

Mr. Katz was shocked and greatly concerned at the liability of a pool with a depth of only 5 ft. A discussion followed regarding the popularity of this type of sports/recreation pool.

Mr. Chipouras asked how the constant dewatering system works. Mr. Read said he did not have the technical expertise to answer that, but would get the information.

The Chairman asked about the water being pumped up. Mr. Read explained that it would be pumped into the pumping station, where it would sit and slowly re-filter back down as the water level drops. The Chairman was concerned about contamination of groundwater. Mr. Read explained that the water being pumped is not pool water. It has nothing to do with any chemically treated water, he said.

Mr. Fossi asked if the de-watering operation was only during the construction phase, until the pool was completed. Mr. Read said that was correct.

Dr. Autuori confirmed with Mr. Read that the pump will be buried during the construction process and then left there. Mr. Read said, "It will actually operate until it burns itself out." "That's how it's done," he added. Dr. Autuori asked if there was any risk of contamination when the pump burns out. There was not, Mr. Read answered.

Chairman Mucchetti directed the discussion to the letter from the Conservation Commission and the concerns raised therein. She noted their concern re potential impact on the wetlands from the pool and the runoff from the new impervious paved surface. Mr. Read said that silt fence would be installed to contain the area during and throughout construction.

The other listed concerns, (the dewatering of the excavation, potential buoyancy of the pool, and access to the construction site), had been addressed previously in the discussion. The Chairman confirmed with Mr. Read that the relocation of the access would not have any impact on the wetlands during the construction process. She asked Agent Brosius to explain the recommendations from the Conservation Commission, including the installation of a “dirtbag” filtering system, which the Agent did.

Mr. Pilch agreed that most of Conservation’s concerns had been adequately addressed, however, they felt the existing stone wall between the house and the property line should be extended at the lawn/wood boundary to establish a specific barrier to the more natural area, he said. There was also a reference to plantings, which were not shown on the plan at the table. Plantings would help to treat the runoff before it gets to the wetland, he said.

It was established that orange construction fencing will be used to denote the area. This fencing was in addition to the silt fence.

Mr. Katz initiated a discussion about the pavers being used to construct the patio, suggesting that since they were “pervious,” it may eliminate the need for the stone wall. Mr. Mische asked, and it was confirmed that the pavers are pervious.

Mr. Read said, “there still is value to having some type of barrier there to prevent further intrusion into the wetland.”

Mr. Pilch again stated that the rest of Conservation’s comments had been addressed.

A discussion about the pump and the settling basin was initiated by Mr. Mische. There was some confusion.

Agent Brosius clarified what Ms. Pardee was concerned about. When excavation is done for the pool, there will be dirty water in the bottom of the hole from groundwater seepage. When that water is pumped out, Ms. Pardee was recommending that there be a settling basin to filter the water before it goes into the wetlands.

Mr. Read said that this is not his area of expertise. His construction engineer normally is responsible to answer such questions. He assured the Board that his company would comply with whatever standards the Town required.

The Chairman noted that the discussion was not a public hearing. The Board was permitted to act on the application or continue to deliberate, she said.

The Agent confirmed with Mr. Read that the construction access would be in place solely for the construction, and would later be removed. She noted that the Highway Department would need to approve that.

The Chairman mentioned the need for a tracking pad when going from the site onto a town road.

Mr. Katz asked if the Town would have any liability with regard to any injury resulting from the shallow 5 ft. depth of the pool. The Agent said there is no liability for the Town. In addition, the Board is not approving a permit to construct the pool, which falls under the purview of the Building Department, but rather the activity around the construction, she said.

Mr. McChesney motioned, seconded by Mr. Fossi, to request the Agent to draft a resolution of approval with conditions pertaining to the points discussed, including comments and recommendations from Wetlands Agent Aimee Pardee and from Alan Pilch representing the Conservation Commission. The motion passed, 8-0-1, with Dr. Autuori abstained. The resolution will be finalized at the meeting on February 16, 2010.

NEW ITEMS

2. **#2009-119-PR:** Order to Remedy and Show Cause; property located at **235 Wilton Road East** a.k.a. Lot 39, Wilton Road East in the RAA zone. Owner: Colonial Road Associates, LLC. *For discussion.*

Owner/contractor John (Jack) Richardson was present for the discussion, and he offered explanation of his position. His consultant, Richard Kent, was not in attendance.

Chairman Mucchetti asked Agent Brosius to explain the issues with the site. Photographs were distributed around the table.

Agent Brosius said the Order to Show Cause was issued as a result of a failure to maintain the erosion and sedimentation controls on the site, which were part of the original approval. It was acknowledged that a significant storm had occurred which exacerbated the problems, however it was the opinion of Wetlands Agent Pardee and Zoning Enforcement Officer Baldelli that “some drastic measures needed to be taken to fix the situation as quickly as possible.”

Agent Brosius noted an email from Richard Kent, (the designing landscape architect on the project), citing a new erosion and sedimentation control plan, which the Agent displayed for the Board to see. She described the new plan, including coconut “tubes,” a swale, a berm, and woodchips.

She said that the photographs distributed the previous week had shown the erosion depositing sediment throughout the site as a result of the significant storm of Jan. 25th. Much of the sediment wound up in the wetland area, which she illustrated on the map. The Agent said the builder constructed a small swale across the top of the property intending to intercept water coming down through the site. A berm of woodchips in front of the swale was also installed. Mr. Kent believed these measures were adequate. However, Ms. Pardee and Mr. Baldelli felt the depth of the swale was inadequate and the swale would prove ineffective in a rainstorm event, Agent Brosius said. The swale also ends in mid-slope which means that water may end up directed toward the neighbor in a significant storm event.

The Agent described the frustrations of staff with the ongoing and perpetual problems in maintaining proper erosion control on the site, the amount of time spent by staff for inspections, and the inability of the contractor's professional consultant to facilitate sufficient progress toward compliance.

Mr. Walsh asked if inspections and supervision by Mr. Kent were specified and required as part of the approval. They were, the Agent said. She indicated that there had been some supervision, but that it had not been very effective.

Mr. Katz said the Agent was being "overly charitable," in that whatever supervision there had been had not been at all effective. He said that staff had been to the site more than Mr. Kent had.

The Chairman noted a memo from Mr. Kent at the table, in which he attempted to address some of the Board's concerns. She asked Agent Brosius to read it into the record.

The Agent read the memo, addressed to Ms. Pardee, Mr. Baldelli, and herself. It stated that Mr. Kent had visited the site on Feb. 3rd and was "very disappointed" with the fact that the "existing erosion fencing had not been repaired." He had Mr. Richardson come into the office for a discussion of this and other issues raised by the "show cause" notice. He also noted the Zoning Enforcement Officer's request for an updated erosion control plan. In his memo, Mr. Kent described the swale/berm constructed across the rear of the site as "not very pretty, as the soil is frozen," but, "it will work... and redirect any surface runoff from above to the stabilized swale and away from the opened portion of the site." Mr. Kent said that he requested that Mr. Richardson continue the swale/berm slightly further to the north, and stated that the remaining erosion controls would be resolved by Mr. Richardson. He specified additional erosion controls that would be implemented, including the installation of wood chips over the berm and over the opened area of the site, to slow down any surface runoff that could result from additional rain. Mr. Kent hoped "some headway" would result from his discussion with the builder.

The Chairman noted Mr. Kent's effort to help.

Mr. Mische was infuriated by the situation and asked if the original plan was followed. The Agent said that it was. This is a very sensitive site, she said, and came with a lot of instructions. Were the instructions followed, Mr. Mische asked, adding that it was a “horrible lot to try and develop. Only if everything was perfect [would] it have any chance of success.” Mr. Mische noted the problems caused by the development of the site now fall to the Board to try and fix. He asked what measures might be taken to insure more supervision by a third party on the job.

The Agent said the wetlands regulations permit the Board to charge the applicant fees “at any time during the application and construction process” in order to hire consultants. She did not know Mr. Kent’s qualifications for more complex erosion control design, (and he was not present to provide that). The Agent noted that the certified professional in erosion and sedimentation control (CPESC) qualification might be warranted by this site. Such experts have experience in alternate methods of S and E control, and this site may require the services of such expert supervision.

Mr. Mische asked how to move that process forward. Agent Brosius said that the Board would charge the applicant fees to hire the experts, who would work for the Wetland Board to analyze the situation and supervise its remedy. The Board would impose the fees to pay the professional consultant and suspend the permit until the fees are received and the site is stabilized.

Mr. Katz said that the office and enforcement agents had spent an inordinate amount of time on this job, and he cited Sec. 13 of the regulations (enforcement), giving the Board the authority to “shut the...job down until they are in compliance with a suitable set of erosion and sedimentation controls...”.

Mr. Richardson objected to the fact that he had not been informed of the possibility that Mr. Kent was not qualified to handle the job, if in fact that was the case.

Mr. Katz said the site had been visited repeatedly by staff. “More than might be warranted in a professionally executed operation,” he said. His recommendation was to shut the site down “until it meets the standard of our Inland Wetland Agent.” He noted Mr. Kent’s letter about extending the swale. Mr. Katz and Mr. Richardson were in disagreement as to whether or not the swale had been extended far enough. Mr. Katz, once again, recommended using the enforcement powers of Sec. 13 to shut the site down.

Mr. Fossi agreed with Mr. Katz and Mr. Mische, and suggested suspending any activity on the property. Further, he wanted a determination of whether or not Mr. Kent was certified in sedimentation and erosion control and, therefore, qualified to manage this job. If he was certified, Mr. Fossi wanted a letter stating such. If not, Mr. Fossi supported imposing a fee on the applicant for the cost of a qualified expert in the field of erosion and sedimentation control.

Agent Brosius said that her mention of the CPESC certification was not to discredit the credentials of Mr. Kent or his ability to supervise E and S control. It was because this particular site is so difficult to maintain and control (for various stated reasons), that a higher level of expertise may be needed. Staff has not been satisfied with the management of this site, she said.

Dr. Autuori questioned Mr. Richardson about the extended swale and where water would be directed based on its location. Dr. Autuori said, if water could potentially flow into neighboring properties, that condition would have to be corrected before the site was shut down. He asked Mr. Richardson his opinion about the effectiveness of wood chips as an erosion control measure, suggesting that perhaps 1 ½ - 3 in. crushed stone would be more effective. Mr. Richardson mentioned extending the rip rap to where the woodchips are, based on the fact that the site was getting muddy again. He felt the swale at the top of the hill “will push [the water] to the right.” He also agreed that crushed stone “for another 75 – 80 ft. where the dirt is in the swale would be helpful. This discussion continued.

Mr. Mische said that neither Dr. Autuori nor Mr. Richardson are experts in this field. “This site needs a fixer, and needs it now,” he said.

Mr. McChesney stressed that the Board must be very clear about what shutting down the job means, specifying what work cannot be done and what work must continue.

The Agent said that shutting the job down means that all work on the house construction ceases until the erosion control is taken care of and the site is stabilized. Erosion control measures must continue to move forward. The Agent agreed with Mr. Mische that an expert was needed, and that trying different methods to see what may work is not an acceptable approach. “We need to have someone with the expertise who understands this kind of situation to analyze it and recommend proper measures to fix it,” she said.

The Agent said that the swale may be correct in principal, but it is constructed in a way that will wash dirt down.

The Chairman summarized the discussion, explaining to Mr. Richardson that, because the site is sensitive, difficult and compromised, he needs to halt any activity until the E and S is stabilized.

Mr. Richardson asked if she was sure she wanted the job shut down as it stands. He said they had just dug the 40 ft. well line the day before, and he was going to backfill it in the next day or two, depending on the impending snowstorm.

The Chairman said that was important information to consider.

Mr. Chipouras engaged in a lengthy questioning of Mr. Richardson. He asked what his title and expertise were. Mr. Richardson said he was in the drywall business, and

“familiar with construction because he’s been at it for fifty years.” Mr. Chipouras asked him if he is proficient in site excavation. He said he is not. He has an experienced excavator on the job. Mr. Chipouras asked Mr. Richardson if he had been following the plans and specifications in building the house and providing the site. Mr. Richardson said he thought he had been. However, there were problems, he said. For instance, he had been supplied with 1 inch stakes for the silt fence when Mr. Kent indicated that 1-5/8 in. is required. He said that he had 150 bales of hay on the site that could not be driven into the ground because of ledge.

Mr. Chipouras asked Mr. Richardson if he was trying to follow the plans and advising Mr. Kent if he was unable to do so because of problems that arose along the way. Mr. Richardson named an incident in which he went to Mr. Kent’s office with a problem. Mr. Chipouras asked if Mr. Kent had been to the site often. Mr. Richardson said he had been.

The Chairman pointed out that the office is not getting weekly or bi-weekly inspection reports, as is typical with other difficult sites that require constant monitoring.

It was determined through Mr. Chipouras’ questioning that Mr. Richardson owns the site. Mr. Chipouras asked if he was “cutting corners” to save expense. Mr. Richardson cited an example of how he improved the well installation by adding cost in the form of sleeving.

Mr. Chipouras said he had been to the site that day and that everything looked “horrendous.” He said he was not impressed with the work.

The Chairman asked for focus on a solution.

Mr. Katz motioned to suspend the wetlands permit in accordance with the authority granted to the Board in Section 13 of the Inland Wetlands and Watercourses Regulations, citing the 13.3.1(a) which permits the Board to issue an order to cease activity and to order correction of conditions on the site, and 13.3.2(a) which permits the Board to suspend the permit “if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit.” He added that the permission should be granted to staff to retain an expert in sedimentation and erosion control as may be necessary, and to ascertain the qualifications of Mr. Kent to continue that responsibility on behalf of the applicant. He also moved that permission be granted to the office to order such work as such professional may recommend. The motion was seconded by Mr. Chipouras.

Dr. Gelfman determined through questioning Mr. Richardson that the well sleeve was uncovered. Mr. Katz said his motion provided for that type of corrective work.

Mr. Mische said he took issue with Mr. Kent being considered for the job at all, because he had demonstrated that his original work and the follow-up were lacking.

Mr. Katz said he would modify his motion to exclude Mr. Kent from consideration, if the Agent felt that was appropriate. She agreed that it was. She explained that Mr. Kent works for the applicant. The intent is to hire someone “who works for us.”

The Agent reminded the Board that a \$4,000 bond remains in place for erosion and sedimentation control, and a portion of that may be used at this time, if needed.

The Chairman told Mr. Richardson that the office maintains a list of professionals who would be appropriate to manage the site. She suggested a fee of approximately \$5,000 would be assessed, which would be returned if not used.

Dr. Autuori was concerned that it might take some time to get the erosion specialist on the site. He felt Mr. Richardson should have permission to attend to things needing immediate attention, (if the specialist is not immediately available), such as the backfilling of open trenches and stabilization of the swale.

The Chairman asked that Agent Brosius be allowed to explain the process.

Agent Brosius summarized the details of the proposed action of the Board, including:

- Suspension of the wetlands permit until such time as the site has been properly protected and stabilized according to the conditions set forth in the wetlands permit.
- Permitted activity shall be limited to work required to achieve proper stabilization of the site, with an exception to allow the contractor to backfill the trench dug for the water line to the well.
- The contractor will provide a fee in the amount of \$5,000 to the Town of Ridgefield, to set up an account for the Board to hire its own professional consultant to assess the site and to instruct the contractor in proper methods for installation and maintenance of erosion control measures, to secure the site in the immediate future and going forward with the construction of the residence on the property. [Note: The account must be replenished as needed, and any balance will be returned to the contractor when the work is complete.]
- The Board will request reports from its consultant, including notification of the time when the site has been properly stabilized so that the wetlands permit suspension may be lifted, and work on the residence may resume.

Mr. Richardson acknowledged his understanding of the proposed actions.

Chairman Mucchetti called for a vote on the motion and second made earlier, referencing the summary of the proposed actions outlined by the Agent. The motion passed by a vote of 9-0.

A notice of the suspension of the permit and the conditions attached to that action will be sent by certified mail to the contractor/permittee, in accordance with Sec. 13.3.2(c) of the IWWR.

BOARD WALKS

There were not 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 the Nature Conservancy and information about programs.

MINUTES

There were no minutes approved. The January 26th and February 2nd minutes will be listed for approval at the February 16, 2010 meeting.

Hearing no further discussion, the Chairman adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

February 9, 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

Public hearings were held prior to the meeting.

At 9:08 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-115-SP:** Special Permit application under Section 9.2 as required by Section 3.3.D of the Ridgefield Zoning Regulations to permit an accessory dwelling unit above a three car garage (currently under construction) on property located at **342 Farmingville Road** in the RAA zone. Owners/Appls.: Sean and Hilary Flanagan. Auth. Agent: Silvia F. Erskine Associates, LLC. *Received 1/5/2010 and walked 1/10/2010. 65-day action period ends 4/15/2010. For action.*

Chairman Mucchetti noted that the public hearing had been closed and asked for discussion on the application.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the application as presented. In addition to standard conditions, Dr. Autuori asked for a condition referencing exterior lighting, and it was agreed that lighting should be installed in a manner that does not produce light trespass outside of the property lines.

The motion to approve the application passed by a vote of 9-0. This is a final vote.

2. **#2009-116-SP:** Special Permit application under Section 9.2 as required by Section 3.2.C.9 (Multi-family Conversion) of the Ridgefield Zoning Regulations to permit use of residence as a two-family dwelling on property located at **105 New Street** in the R-20 zone. Owners: Biao Cai & Weiqin Li. Appl.: Weiqin Li. *Received 1/5/2010 and walked 1/10/2010. 65-day action period ends 4/15/2010. For action.*

Chairman Mucchetti noted that the public hearing had been closed and asked for discussion on the application.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the application as presented. There was general comment that the applicant had made a clear and detailed explanation of the history of the property, and the circumstances and reasons for the request for Special Permit.

The motion to approve the application passed, 9-0. This is a final vote.

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. *65-day action period ends 3/11/2010. Received 1/5/2010. Tabled 1/12/2010. VDC report received 1/14/2010. Tabled 1/26/2010. For discussion/action. (tentative)*

Chairman Mucchetti explained that the applicant was in disagreement with the VDC's recommendations for the proposed sign. The applicant wants his sign on the soffit to stand out from the other signs in the plaza. The VDC wants it hanging below and blending in with the other signs. The VDC minutes were distributed. The Planner noted that there are no signs on the soffits in the plaza. The item was not scheduled for a site walk and Chairman Mucchetti asked Commissioners to drive by and observe the site in preparation for future discussion.

Planner Brosius emphasized the need for the Commission to note the size, color and location of other signs in the shopping plaza. The VDC is looking for some consistency in signage, she said.

The item will appear for discussion on the 2/16/10 agenda.

NEW ITEMS

4. *Discuss* snow date for Public Information Meeting re: **#2009-016-POCD, PLAN OF CONSERVATION AND DEVELOPMENT Update**, Town of Ridgefield.

Chairman Mucchetti asked the Commission to consider an alternate date for the public meeting, in the event that inclement weather might cause the need for re-scheduling. March 4th (Thursday) was selected as a "snow date."

There were many favorable comments on the new cover design (the fountain).

Mr. Chipouras suggested that the cover identify Ridgefield, Connecticut, as opposed to simply Ridgefield. The Chairman noted the change.

Mr. Katz moved to approve the alternate date. His motion was seconded by Mr. Fossi. The motion passed, 9-0.

5. **#2010-008-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e as required by Section 5.1 of the Ridgefield Zoning Regulations to create an outdoor (patio) seating area on property located at **24 Prospect Street (Piccolo Pizza)** in the CBD zone. Owner: Pretty LLC. Appl.: Matthew Criscuolo. *65-day action period ends 4/15/2010. For receipt, schedule walk if necessary, discussion/action.*

Chairman Mucchetti asked the Planner to explain the need for the Revision to the Special Permit.

The Planner noted that the State Liquor Permit for patio dining and service requires that bollards and fencing be installed for outdoor seating for protection of diners at tables situated adjacent to parking lots. The Revision was needed for the exterior changes to the site related to the restaurant's expansion. The restaurant owner says that there will be no outdoor music.

Mr. Katz motioned, seconded by Mr. Fossi, to approve the request for Revision to the Special Permit as presented. The Chairman cautioned against acting too quickly. Mr. Katz noted that the activity did not involve "street side" alterations. The motion passed, 8-1. Mr. Mische objected to the proceedings, saying that he had just motioned to receive the item. The Chairman suggested he could vote against the motion. He voted against the motion because he had not been offered the opportunity to visit the site.

6. **#2008-032-RCC:** discussion of final **Ridgefield Center Study**.

Chairman Mucchetti referenced a memo from the Planner noting that final edits were made to the Ridgefield Center Study following the Commission meeting on May 19, 2009, but the Plan (which was revised and finalized by the consultant and the Planner about a month later) was never brought back to the agenda in July or September as an item for final vote.

The Planner suggested the item be added to the Agenda for the following week, Feb. 16th, when the Plan could be formally adopted. The Town's website includes the plan, the Planner said, with all the changes from the May 19th meeting incorporated, including improvements to the maps. She asked the Commissioners to review the Plan in preparation for the following meeting.

The Commissioners chose to accept the Plan as modified by the Planner without further review. Mr. McChesney motioned, seconded by Mr. Mische, to accept the Plan, as revised, and move its incorporation into the POCD. There was unanimous approval of the motion.

7. **#2009-110-A-APA:** Aquifer Protection Agency requirements for **amendment** of the zoning map and regulations c/o PD.

Chairman Mucchetti asked the Planner to explain her memo and distribution of materials about Aquifer Protection regulations.

Planner Brosius requested that the Commission review the Aquifer Protection materials she'd distributed. The Aquifer Protection Agency, identified as the Planning and Zoning Commission in 1990, is a land-use governing body. The Planner explained the need for them to adopt State-mandated regulations for protection of the aquifer in the Oscaleta/West Mountain Road area, which had been identified as being owned by a private water company serving 1000 customers or more – the Oscaleta Well Fields.

First, the Commission needs to adopt this "Level A" aquifer area and show it on the zoning map. She suggested the area also be shown on the aquifer districts map, because it overlaps the West Mountain Aquifer (also shown on the map). If the Commission needed to regulate anything falling in the overlap area, the State regulations would supersede the local ones, the Planner said.

Second, the Commission needs to amend the existing zoning regulations for the Aquifer Protection Zone so that they only pertain to the locally defined aquifers. The stratified drift aquifers on the Aquifer Protection District map are regulated under Sec. 6.2 by the Planning and Zoning Commission; the Commission cannot regulate the "Level A" area through its zoning regulations.

Third, a new set of regulations must be adopted by the Aquifer Protection Agency to govern the Level A defined area. It is small, and primarily a residential area. The Commission, acting as the APA, may be involved in the regulation of underground oil tanks and a propane tank belonging to Ridgefield Academy once the new regulations are adopted. The Planner said the sequence of public hearing dates and notification dates for the APA regulations is different from anything the Commission has dealt with previously, but must be followed to the letter.

The Planner asked the Commission to schedule the needed actions for public hearings on March 23, 2010. Because of statutory timetables for notification and scheduling of the hearings, the March 9th regularly scheduled Aquifer Protection Agency meeting should be cancelled and rescheduled for the March 23rd date.

Mr. Katz motioned, seconded by Mr. Chipouras, to schedule the hearings (as listed in the Planner's memo) for March 23, 2010. The motion passed, 9-0.

8. **#2010-009-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for a change of use from retail to restaurant requiring additional parking located at **107-109 Danbury Road** in the B-1 zone. Owner/Apppl.:

Copps Hill Common, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C.
65-day action period ends 4/15/2010. For receipt.

Chairman Mucchetti asked for acknowledgement of receipt of the application for Revision to the Special Permit, and noted that the item will be scheduled for discussion on February 16, 2010.

Mr. Mische motioned, seconded by Mr. Fossi, to acknowledge receipt of the application. The motion passed, 9-0.

COMMISSION WALKS

The following site walks were previously scheduled for **February 21, 2010:**

- **#2010-002-SP:** Special Permit **180 Barlow Mountain Road**, Morris
- **#2010-006-SP:** Special Permit 196 North Salem Road, Engstrom

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Chapter from the Westport POCD, re Sustainability
- Article about Ridgefield Building Inspector being chosen Building Inspector of the Year by the Fairfield County Home Builder's Association

MINUTES

There were no minutes approved. The January 26th and February 2nd minutes will be listed for approval at the February 16, 2010 meeting.

Prior to adjournment of the meeting, **Chairman Mucchetti** recognized Mary D'Addario, Ridgefield resident, who had requested permission to address the Commission. In honor of President's Day and the 201st birthday of President Abraham Lincoln, Mrs. D'Addario then recited Lincoln's Gettysburg Address, adding her own comment that Ridgefield's government is also "of the people, by the people and for the people." Mrs. D'Addario received many thanks and appreciation for her moving recitation.

Hearing no further discussion, the Chairman adjourned the meeting at 9:32 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary