

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

February 10, 2009

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

The Planning and Zoning Commission public hearings and its regular meeting were held prior to the Inland Wetlands Board meeting.

At 10:48 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-103-SR:** Discussion c/o Inland Wetlands Agent, re compliance with permit issued for Summary Ruling approval to conduct regulated activities in conjunction with single family lot development at **20 Peaceable Street**. Permit issued 10/24/2006 to Owner/Applicant: AMD Homes, LLC. *Discussed 11/18/2008 and 12/2/2008. 12/16/2008 per applicant's request, continue discussion on 1/6/2009. Request from Attorney Campbell to move item to January 13, 2009 agenda. Tabled 1/13/2009. Tabled 1/20/2009. For discussion.*

Chairman Mucchetti noted that the attorney for the property owner was not prepared for further discussion, and the item was tabled.

NEW ITEMS

2. **#2009-011-REV(IW):** Revision to Summary Ruling application approval under Section 7.8 of the IWWR for the Town of Ridgefield to replace the proposed retaining wall along the proposed driveway with an earthen bank in conjunction with construction of a new residence on property located at **167 Silver Spring Road** in the RAA zone. Owners/Appls.: Jack McAuley and Sherry Kennedy. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 4/16/2009. For receipt/discussion/action.*

Chairman Mucchetti pointed out a memorandum from Wetlands Inspector/Agent, Aimee Pardee, recommending that the modified plan be approved, as shown on

drawings prepared by John McCoy, P.E. Agent Brosius gave a brief description of the project, noting the Wetland Inspector's recommendation to approve the proposed changes.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the request for revision to the wetlands permit, according to the plans, with an added condition requiring preservation of the existing low fieldstone wall at the base of the slope, (with the exception of the area where it must be removed for driveway construction), as recommended by Ms. Pardee. The motion passed, 9-0.

3. **#2009-012-SR:** Summary Ruling application under Section 7.5 of the IWWR for the Town of Ridgefield for stream crossing for emergency septic repair on property located at **15 Tenth Lane** in the RA zone. Owners: James S. Scesa and Danielle D. Duris. Appl.: James S. Scesa. *65-day action period ends 4/16/2009. For receipt/discussion c/o IWA.*

Chairman Mucchetti referenced the plans in the packet at the table, and asked the Agent to explain the request for wetlands permit.

Agent Brosius referenced drawings by engineer Frank Fowler, and described the small lot with a failing septic next to the house. There is a deep stream in the back, and the only place to install a septic system is on the other side of the stream. Town Engineer, Charlie Fisher said that a qualified engineer should design the crossing based on the significance of the drainage area and the outfall of the stream into Mamasasco Lake. Mr. Fowler analyzed the watershed and sized the pipes accordingly. The Agent requested that Board members walk the site individually and got the owner's approval.

Mr. Fossi asked if the Wetlands Inspector had reviewed this application. The Agent said that Ms. Pardee had looked at it briefly, but, her comments would be requested for the following meeting's agenda, at next week's meeting.

Dr. Gelfman asked what other options the applicant might have. The Agent said, "there is really nothing that they can do. That is the only piece of property that is good enough for a septic system."

The Agent stated the Board's purview over the stream crossing, and requested their changes, comments, or recommendations.

The Board acknowledged that the application was for an emergency septic repair and that immediate action would be prudent.

Chairman Mucchetti summarized that the Board was satisfied that the stream crossing would be handled appropriately by the Town Engineer and Wetlands Agent/Inspector Pardee.

Mr. Fossi motioned to approve the application for the stream crossing, as presented, agreeing to add specific conditions, recommended by the Town Engineer and Wetlands Agent/Inspector Aimee Pardee.

The motion was seconded by Dr. Autuori and passed, 9-0.

BOARD WALKS

There were no walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out a letter from a soils scientist pertaining to the pending application for **11 Old Stagecoach Road**.

MINUTES

Mr. Katz motioned, seconded by Mr. Mische, to approve the minutes of January 13, 2009. The motion passed, 8-0-1, with Mr. McChesney abstained.

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of January 20, 2009. The motion passed, 7-0-2, with Mr. McChesney and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:55 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(using audio tapes)

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

February 10, 2009

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

Public hearings were held prior to the meeting.

At 10:22 p.m., Chairman Mucchetti called the meeting to order. Item #4 and then item #3 were discussed first.

PENDING ITEMS

1. **#2008-130-A:** Proposed amendment to **Section 8.1.C (1)-Nonconforming lots** under Section 9.2.B of the zoning regulations, re change in definition of legally non-conforming lots. Appl.: Robert A. Fuller, Esq. *Received 11/12/2008. Public hearing commenced 1/6/2009. Continuation date-2/3/2009 postponed to 2/10/2009. 65- day action period ends 4/16/2009. For action.*

Chairman Mucchetti noted that the application for zoning amendment had been withdrawn by the applicant during the public hearing, and the hearing had been closed.

2. **#2008-139-SP-REV(S):** Request for Revision to the Subdivision under Section 8.2 of the Subdivision Regulations for the Town of Ridgefield to permit re-location of a driveway and Special Permit under Section 9.2 and 3.2.C.10 of the Zoning Regulations for the Town of Ridgefield for (1) development of a new residence on an existing building lot in the SD R-20 zone and (2) lot coverage exception under Section 3.6.C of the Ridgefield Zoning Regulations on **Lot #2, Arnolds Way**. Owner: Elizabeth A. Yanity. Appl.: RJR Builders. Auth. Agent: MacMillan Architects. *Received 12/16/2008. Walked 1/25/2009. Public hearing commenced 2/10/2009. 65-day action period ends 4/16/2009. For action.*

Chairman Mucchetti noted that the public hearing on the application was closed.

Mr. Mische complimented the quality and accuracy of the drawing, noting that he had carefully checked every number.

Mr. Katz questioned the word “relocation” relating to the driveway, and the Planner explained the reason for it. The wording was discussed, and the Planner said she would revise it in any resolution of approval to clearly convey that this application represented “an approval to access lot 2 in the subdivision from a location other than the one that was shown on the original subdivision map.”

Mr. Walsh stressed that the easement was not being revised. Lot 2 was not included in the original subdivision, the Planner said.

Mr. Katz motioned, seconded by Mr. Fossi, to request that the Planner draft an approval of the application, as submitted. The Planner explained that the request to amend the subdivision would need a separate resolution, and also added that she would like the Commission to retain the right for staff to refer detailed drainage plans to the Commission for further review, prior to issuance of the zoning permit.

The motion to draft the resolutions of approval passed, 9-0. The item will appear for final action on the 2/17/09 agenda.

3. **#2009-003-REV(SP)-VDC:** Revision to Special Permit under Section 9.2.A.7.e and Village District Application under Section 8.3 required by Section 8.4 of the Ridgefield Zoning Regulations to place a dry freight storage container on the Ridgefield Library property located at **25 Prospect Street** in the CBD zone. Owner: Ridgefield Library Association. Appl./Auth. Agent: Friends of the Ridgefield Library. *65-day action period for revision ends 3/12/2009, 35 days to receive VDC report ends 2/10/2009. Received 1/6/2009 and referred to VDC. Draft Resolution of Approval requested 1/20/2009. Walked 1/25/2009. For discussion/action.*

Peter Coffin of the Library Board was present to represent the applicant.

Chairman Mucchetti and the Planner explained the latest revised version of the plan for the proposed storage trailer, to be located parallel to the eastern property line and south of the former gazebo location. Screening shall be a solid wood fence at least 8 ft. tall along the two most visible sides of the container, as shown on the plans. The Planner noted that a draft resolution of approval had been prepared by staff, in anticipation of the Commission’s approval, [following two site walks and two prior discussions with Mr. Bob Leavitt of the Friends of the Library].

Mr. Mische motioned, seconded by Dr. Autuori, to adopt the resolution of approval as drafted. The motion passed, 9-0.

4. **#2009-004-VDC:** Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for exterior renovations and building sign at **22B Catoonah Street** in the CBD zone. Owner: Benenson Funding Corporation. Appl./Auth. Agent: William M. Sibley. *35 days to receive VDC report ends 2/24/2009. Received and referred to VDC 1/13/2009. Tabled 1/20/2009. Postponed 2/3/2009 to 2/10/2009. Review VDC report/action.*

Chairman Mucchetti introduced Mr. Will Sibley, applicant, and pointed out that the Village District Consultant had approved the architectural design at its meeting on January 27th.

The Planner explained that a draft resolution of approval had been prepared, based on the recommendations of the Village District Consultant, and that a Site Plan Approval had been issued administratively for the change of use.

Mr. Fossi motioned, seconded by Mr. Mische, to approve the application, according to the draft resolution prepared by staff. The motion passed, 9-0.

5. **#2008-134-S:** (1) Five-lot Subdivision Application under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield and (2) request for waiver of Section 4-25 of the Ridgefield Subdivision Regulations for payment in lieu of open space on property consisting of 0.9377 acres of land located at **19 and 25 Sunset Lane** in the R-7.5 zone. Owners/Applicants: Gary and Chester Zawacki. Auth. Agent: Matthew Ranelli, Esq. *Received 12/2/2008. Walked 12/14/2008. Public hearing commenced 1/13/2009 and continued to 2/10/2009. 65-day action period ends 4/16/2009. For action.*

Chairman Mucchetti noted that the public hearing had been closed.

Dr. Autuori motioned, seconded by Mr. Chipouras, to draft an approval for the waiver and for the five-lot subdivision, according to the revised plans. The motion passed, 8-0-1, with Mr. McChesney abstained. The item will return to the 2/17/09 agenda for final action.

6. **#2008-134-S-SP:** Special Permit application under Section 9.2 as required by Section 3.2.C.5 of the Ridgefield Zoning Regulations for an accessway serving three lots in conjunction with a subdivision application on property located at **19 and 25 Sunset Lane** in the R-7.5 zone. Owners/Applicants: Gary and Chester Zawacki. Auth. Agent: Matthew Ranelli, Shipman & Goodwin LLP. *Received 1/6/2009. Public hearing commenced 2/10/2009. 65-day action period ends 4/16/2009. For action.*

Chairman Mucchetti noted that the public hearing had been closed.

Mr. Katz stressed that the mapping needs to be accurate, to clarify that the permit is not for a fourth lot on the access way.

Dr. Autuori motioned, seconded by Mr. Katz, to draft an approval for the Special Permit for the access way, according to the revised plans, but, with a condition requiring correction of the location of the driveway on the map for the fourth lot, showing that it is not part of the accessway within the boundaries of the subdivision .

The motion passed, 8-0-1, with Mr. McChesney abstained. The item will return to the 2/17/09 agenda for final action.

7. **#2008-135-SP:** Special Permit application under Section 9.2 of the Ridgefield Zoning Regulations for construction of an addition to the existing restaurant building (formerly Pizza Hut) to allow first floor retail space and office use on the second floor on property located at **105 Danbury Road** in the B-1 zone. Owner/Appl.: PST Properties, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 12/2/2008. Walked 12/14/2008. Public hearing commenced 1/13/2009 and continued to 2/10/2009. 35 days to close public hearing ends on 2/17/09.*

Chairman Mucchetti noted that the public hearing had been continued to 2/17/09, and there was no discussion.

8. **Pursuant to Sec. 8-7d. (c) of the C.G.S., the following application is considered received 2/3/3009. #2009-010-SP:** Special Permit under Section 9.2 as required by Section 3.6.C (Lot Coverage Exceptions) of the Ridgefield Zoning Regulations for alterations and additions to the existing residence located at **154 Rippowam Road** in the RAAA zone. Owner/Appl.: Paul Camarda. Auth. Agent: Jeffrey D. Mose, AIA. *65 days to commence public hearing ends 4/9/2009. Walked 2/8/2009. Schedule public hearing.*

Chairman Mucchetti noted that the Commission had walked the lot. She suggested 3/10/09 for a public hearing on the application, and pointed out that the application was officially received on 2/3/09, the regularly scheduled meeting date following the submission of the application, even though the meeting was canceled because of snow.

Mr. Fossi motioned, seconded by Mr. Mische, to schedule the public hearing, as recommended by the Chairman. The motion passed, 9-0.

NEW ITEMS

9. **Chairman Mucchetti** requested that the Commission add an item to the agenda, to discuss the Economic Development Commission and the proposed update to the Plan of Conservation and Development.

Mr. Katz motioned, seconded by Mr. Fossi, to add the item as requested. The motion passed, 9-0.

Chairman Mucchetti explained that she had attended the EDC meeting of February 9th, and at the same time the Planner attended the Board of Selectmen's meeting to discuss the Capital Budget.

She explained that the EDC was interviewing and had made a decision to retain a consultant to draft and write Sec. 10 of the POCD, (the Business and Economic Development section). They were under the mistaken impression that the Planning and Zoning Commission had requested this action. The Chairman said there is a serious misunderstanding on the part of the EDC as to its role in the update of the POCD, and that its commissioners feel it is their responsibility to rewrite Chapter 10 (Business & Economic Development) of the Plan. She said that the Planner and she agree that the Planning and Zoning Commission had asked for the EDC's input only, with the intention of consulting with them. But, the drafting and the writing of the POCD was to be done by Planimetrics, in consultation with the PZC. The EDC, however, believes this section is their responsibility, and has gone to the Bd. of Selectmen for \$25,000 in fees to accomplish this. They propose to have an executive summary draft to present to the PZC, as Section 10.

At the Selectmen's budget meeting, Selectman Andy Bodner asked the Planner if the EDC work was a duplication of the Planning and Zoning Commission's efforts, and whether some of the PZC capital budget request could be allocated for the EDC strategic plan. The Planner explained the misunderstanding and why the funds would not be moved to the EDC.

The Chairman said that, upon discussion with the interim chairman Mr. Bob Knight of the EDC, she learned that the EDC is firmly convinced that they have been directed by the Board of Selectmen to put the Economic Development Plan into the POCD. She explained that this development plan does not have a place in the POCD, which is a guiding document, not an action document.

The Commission agreed that it was not their intent to have the EDC write this section of the POCD.

There was no formal action taken at the meeting, but it was agreed that some action was needed to be taken immediately, to clarify with the EDC and the Board of Selectmen that the POCD update is the Planning and Zoning Commission's responsibility, and that input from the EDC was needed for the re-write, but the Commission's consultant would be re-writing the Plan. The anticipated level of detail of the EDC's proposed Strategic [Economic Development] Plan would not be appropriate for the POCD. The PZC funding request from the Capital Budget was the minimum required to complete the Plan update, regardless of any additional EDC input. The Chairman and the Planner will discuss the matter with its consultant (Planimetrics) and others, as needed.

COMMISSION WALKS

There were no walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

The reading of the list of correspondence was deferred because of the late hour. The following correspondence was in the Commissioners packets:

- Planner's letter re **267 Main Street** Special Permit application
- Supporting documentation from Auth. Agent for **267 Main St** Special Permit application
- Copy of approved variance for **75 New Street**, split by R-20 and RAA zones
- Article from a VT weekly paper about former Commissioner Lillian Willis and her new job at The Nature Museum at Grafton
- Notice of the 61st Annual Conference for the CT Federation of Planning and Zoning Agencies
- News letter of the CT Federation of Planning and Zoning Agencies
- Memo from the Planner to First Selectman, re 7 Hunt Court at Turner Hill

MINUTES

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of January 13, 2009. The motion passed, 8-0-1, with Mr. McChesney abstained.

Dr. Autuori motioned, seconded by Mr. Mische, to approve the minutes of January 20, 2009. The motion passed, 7-0-2, with Mr. Chipouras and Mr. McChesney abstained.

Mr. Fossi motioned, seconded by Mr. Walsh, to approve the minutes of January 27, 2009. The motion passed, 7-0-2, with Mr. Walsh and Mr. McChesney abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 10:47 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary
(from audio tapes)