

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

February 12, 2008

Present: Michael Autuori  
Joseph Fossi  
Nelson Gelfman  
John Katz  
Phil Mische  
Rebecca Mucchetti, Chairman  
Patrick Walsh, Vice Chairman  
Lillian Willis

Absent: Peter Chipouras

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

At 7:30 p.m. Chairman Mucchetti called the meeting to order.  
[Note: Dr. Autuori arrived at 7:32, after the vote was taken on item #1.]

**PENDING ITEMS**

1. **#2007-130-SP-VDC-SR:** Summary Ruling application to conduct regulated activities within the upland review area in conjunction with the Special Permit application for reconstruction and upgrade of existing auto body shop (Georgetown Autobody) on property located at **27R Catoonah Street** in the CBD zone. Owner: Ashley Holdings, LLC. Appl.: Patrick Venus. Auth. Agent: Douglas MacMillan. *65-day action period ends 2/7/2008. Received 12/4/2007, walk scheduled for 12/16/2007-canceled. Request for postponement to 2/5/2008 granted 1/15/2008. Draft Resolution of Approval requested 2/5/2008, extension granted to 2/12/2008. For action.*

**Mr. Walsh** motioned, seconded by Mr. Fossi, to adopt the resolution of approval drafted by the Agent. The motion passed, 7-0. (Dr. Autuori was not present for this vote, as noted above.)

2. **#2008-007-SR:** Summary Ruling Application for pergola construction, expanding and renovating terrace areas around existing pool and landscaping in buffer of wetlands, residence located on 5.223 acres at **110 South Salem Road** in the RAA zone. Owners: Mark and Lori Fife, Auth. Agent: James A. DeLalla, DeLalla & Associates, LLC. *65-day action period or commence public hearing ends 3/27/2008. Received 1/22/2008. Walked 2/10/2008. Determine significance.*

**Chairman Mucchetti** announced that the applicant had requested tabling of the application until 2/19/08, and the item was not discussed.

3. **ADDED TO AGENDA: #2008-004-PR: (xr-95129-SR)** Plenary Ruling application for filling and grading of 690± of wetlands and disturbance within upland review areas in conjunction with construction of single family residence. Property located on **Lots 72-75 Third Lane** in the RA zone. Owners/Apps.: Wayne E. Wood and Charles F. Dean, Jr. Auth. Agent: John F. McCoy VII, PE. *65 days to commence public hearing ends 3/20/2008. For receipt, schedule walk and public hearing. Public hearing scheduled for 2/19/08. Site walk conducted on 2/10/08.*

**Chairman Mucchetti** asked to add the item to the agenda, for brief discussion re the hiring of a consultant for a technical, “peer” review. Mr. Katz motioned, seconded by Mr. Walsh, to add the item to the agenda. The motion passed, 8-0. Dr. Gelfman motioned, seconded by Mrs. Willis, to authorize the retention of a consultant, at the applicant’s expense. The motion passed, 8-0. The Agent explained that the hearing would open on 2/19/08 week as scheduled, and then would be continued to give the consultant time to make the proper review,

#### **BOARD WALKS**

There were no walks scheduled.

#### **REQUESTS FOR BOND RELEASE / REDUCTION**

- **#2006-040-SR-S:** Summary Ruling **48 Peaceable Hill Road**, Harford. Request to reduce bond from \$190,000.00 to \$840.00. Walked 2/10/2008. *IWA recommends reduction to \$3,000.*

**Chairman Mucchetti** noted that a site walk was conducted on 2/10/08 in conjunction with the request for bond reduction. Mr. Katz motioned, seconded by Mrs. Willis, to reduce the bond from \$190,000 to \$3,000, as recommended by the Planner. The motion passed, 8-0.

#### **CORRESPONDENCE**

Chairman Mucchetti noted the following correspondence:

- Announcement from the CTDEP about 2008 training sessions for wetlands board members. She noted that the course would be helpful for new members of the Board.

#### **MINUTES**

There were no minutes for approval.

Hearing no further discussion, the Chairman adjourned the meeting at 7:34 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

February 12, 2008

Present: Michael Autuori  
Joseph Fossi  
Nelson Gelfman  
John Katz  
Phil Mische  
Rebecca Mucchetti, Chairman  
Patrick Walsh, Vice Chairman  
Lillian Willis

Absent: Peter Chipouras

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

At 7:35 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2007-042-REZ-A:** Pursuant to Sec.8-30g(h) of the Connecticut General Statutes (Affordable Housing Land Use Appeals Procedure), (1) Application for modification to Commission-approved amendment to the zoning regulations for a Housing Opportunity Development (HOD) overlay zone, (2) amendment to the zoning map to show HOD overlay zone and (3) modification of conceptual site plan, to permit residential development on 153± acres of land located at **616 Bennett's Farm Road** in the CDD zone. Owner: Eureka V, LLC. Appl./Auth. Agent: Matthew Ranelli, Esq. *Received 12/11/2007. Public hearing commenced 1/8/2008 and continued to 1/22/2008. P.H. Closed 1/22/08. Draft document by Planner requested 1/29/2008. Final Draft documents by Planner requested 2/5/2008. 65-day action period (from date of receipt) to hold public hearing and make a decision ends 2/14/2008. For discussion/ action.*

[Note: Mr. Chipouras was absent, but had previously recused himself from participation on this application.]

**Chairman Mucchetti** noted for the record that Mr. Fossi had listened to the tapes of the discussion of 2/5/08, because he was absent for that meeting. She introduced the proposed regulation and the two resolutions.

The Chairman led the Commission in a page by page review of the draft of the modified HOD regulations, and the Planner pointed out various corrections and

additions made since the last discussion, and from suggestions by counsel. The counsel's suggested changes were highlighted by shaded and boldface type, she said.

The following changes were discussed in the Lot Density section (E):

**The Planner** noted that counsel had suggested giving only the proposed dwelling units per acre, (as amended, 2.0), in the regulation itself, and eliminating the total units, (306), which were noted under the Commission Reasons and Support section. Also in the Reasons section, the last bullet is amended to read as follows: The words, "This increase is approved despite the fact..." have been eliminated and replaced with, "There has been..."

Counsel had asked that the word "prove" be stricken and replaced with "establish" in the bulleted copy referring to viability, and that this new wording be used throughout in the Reasons section. This change had been made.

**The Chairman** noted a newly added bullet in the Reasons section, which describes evidence in the record of the CTDEP withholding funding for sewer projects in municipalities where sewers extend into areas inconsistent with the Connecticut Conservation & Development Policies Plan. It states further that part of the Eureka property is shown on the plan as Conservation and Preservation land, an area not supported or recommended for sewers. The Chairman noted that counsel had recommended adding this new language in the Utilities section, as well. Mr. Katz suggested the use of the word "acknowledges" with regard to testimony from both Brian Roach of Aquarion and Lori Mathieu of the DEP. The change was approved.

**Mr. Mische** made a general comment that the words "no evidence" in the viability reference need not be underlined. That suggestion was approved.

Under the Utilities section (M), the Chairman noted the same bulleted language in the Reasons section, (regarding state funding for sewer projects), which had been added to the Lot Density section.

**The Chairman** then asked for clarification from the Planner on how the Commission should proceed in their actions on the two Resolutions.

**The Planner** explained that Resolution #1 deals with the text of the modified HOD regulations, and Resolution #2 deals with the corresponding map. By adopting Resolution #1, which references the modified HOD regulations as "attached," the revised HOD regulations would be adopted. Resolution #2 references and adopts an attached map, showing the parcels designated as eligible for application under the HOD Overlay regulations.

The Planner noted the changes suggested in number 4 of Res. #1 regarding the viability. These changes were consistent with the language in the "reasons" for justifying actions taken on the modified HOD regulations. She then noted changes to

wording in number 3, which would make the language consistent with the identification on the map in Resolution #2, referencing the parcels “designated eligible for application of the HOD Overlay regulations.”

**Dr. Autuori** was not in support of the modified regulations because he felt there was no firm availability of sewers. In his opinion, if the Commission adopts this regulation, they will be adopting “a high density 8-30g proposal in the absence of public sewer, which will be a first.” He also felt that the density proposed in the Norwalk River watershed was therefore not justified.

**Mr. Katz** said that Statute 8-30g gives very specific guidelines, and he felt that the Commission had gone to great lengths to follow and meet those guidelines. His reason for voting against the resolution was that, when the applicant was asked if he felt that they could achieve their desired density outside of the watershed area, he said, “No.” Previously, the attorney had said, “Yes,” (at the first hearing). When challenged, the applicant said he had “misspoke.” Mr. Katz felt the Commission had done everything possible to support the addition of this affordable housing to Ridgefield, but, he contended that the applicant was not cooperative. Therefore, he would not support the resolution.

**Mrs. Willis** suggested the addition of the word, “modified,” before “approval” in the Reasons under Resolution #1, number 1. The change was not made.

**Mr. Mische** said that he is in agreement with Mr. Katz’ sentiments, but, he will vote in favor of the amendment because he feels there is nothing in the record that says “you cannot build in the watershed.”

**Mr. Walsh** directed his comments to the “balancing test” required by Statute 8-30g, and clearly felt that the changes the Commission had proposed to the applicant’s resubmission were “reasonable changes” made in an attempt to protect the health and safety of the public.

Permitted lot density was shown as 2.0 units per acre. Commissioners added a few additional small changes. There was consensus for all of the changes. Mr. Katz objected to any increased density beyond the number approved by the Commission on 11/13/07.

Action was taken on Resolution #1, drafted by the Planner, to adopt the modified HOD Overlay Regulations.

**Dr. Gelfman** motioned, seconded by Mr. Fossi, to approve the draft resolution #1 prepared by the Planner, adopting the modified HOD regulations. The motion passed, 6-2. Dr. Autuori and Mr. Katz voted against.

Action was taken on Resolution #2, drafted by the Planner, to adopt a map prepared by the Town's engineering department, showing the two parcels designated as eligible for development under the HOD regulations.

**Mr. Walsh** motioned, seconded by Mr. Fossi, to adopt the resolution and the map. The motion passed, 7-1. Dr. Autuori voted against.

**The Chairman** thanked the Commission and the Planner for their hard work.

2. **#2007-130-SP-VDC-SR:** Special Permit under Section 9.2 and Village District Application under Section 8.3 for reconstruction and upgrade of existing auto body shop (Georgetown Autobody) on property located at **27R Catoonah Street** in the CBD zone. Owner: Ashley Holdings, LLC. Appl.: Patrick Venus. Auth. Agent: Douglas MacMillan. *65- day action period ends March 7, 2008. Received 12/4/2007. Walk scheduled for 12/16/2007- canceled. Public hearing commenced 1/2/2008. Postponed to 2/5/2008 by request of Auth. Agent 1/15/2008. Public hearing closed and draft Resolutions of Approval requested 2/5/2008. For action.*

Action was taken on the draft resolution to approve the application under the Village District Review.

**Mr. Katz** motioned, seconded by Mr. Walsh, to approve the application according to the resolution drafted by the Planner. The motion passed, 8-0.

Action was taken on the draft resolution to approve the Special Permit, noting the changes added by the Planner on 2/12/08, and acknowledging the need to add a condition requiring a bond for the drainage systems.

**Dr. Autuori** motioned, seconded by Mrs. Willis, to adopt the proposed resolution. The motion passed, 8-0.

3. **#2008-009-REV(SP):** Revision to Special Permit required by Section 9.2.A.7.e. for exterior modifications to existing building located at **66 Grove Street** in the B-2 zone. Owner: 66 Grove Ridgefield, LLC. Auth. Agent: Madaket Beach Developers, LLC. *Received and Tabled 2/5/2008. 65-day action period ends 4/10/2008. For action( pending receipt of AAC report).*

**Chairman Mucchetti** noted that the Commission was waiting for a report from the AAC on this application, and the item should be tabled. There was no discussion.

## **NEW ITEMS**

4. **#2008-011-REV(SP):** Revision to Special Permit required by Section 9.2.A.7.e for a free-standing subdivision sign on property located at **Lot #1, Bryon Avenue** in the SD-R20 zone. Owner: Country Club Development, LLC. Appl./Auth. Agent: Fred H.

Whipple. *65-day action period ends April 17, 2008. For receipt and schedule walk if necessary.*

**Dr. Autuori** motioned, seconded by Mrs. Willis to acknowledge receipt of the application. The motion passed, 8-0.

**Chairman Mucchetti** suggested individual visits to the site rather than a formal site walk, because the site could be observed from a “drive-by.” Further discussion on the item was tabled pending receipt of a report from the AAC.

### COMMISSION WALKS

As noted above, Commissioners will visit the site individually for the following application:

- **#2008-011-REV(SP): Lot #1, Bryon Avenue, Country Club Development, LLC.**

### REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

### CORRESPONDENCE

Chairman Mucchetti noted several pieces of correspondence:

- Revised drawings for the **313 Barrack Hill Road** garage, scheduled for public hearing on 2/19/08.
- Letter from the Planner to Willing Biddle of Urstadt Biddle, owners of retail and office properties in downtown Ridgefield, re limiting first floor uses.
- Report from the ZEO about **35 Cops Hill Road.**
- Article from the 2/10/08 NY Times about limiting first floor uses in downtown Ridgefield and Darien.
- Notification from the CT Federation of Planning and Zoning Agencies about the upcoming awards dinner. Chairman Mucchetti encouraged Dr. Gelfman and Mr. Katz to attend because of their years of service to the Commission, and suggested inviting former Commissioner McChesney as well.
- Notice from the UCONN CLEAR program, about a training session in Stamford for new Commissioners.
- E-mail communication from Glenn Chalder about a parking planning seminar 4/25/08 in West Hartford.

### MINUTES

**Mr. Katz** motioned, seconded by Mr. Fossi, to approve the minutes of 1/29/08. Mrs. Willis and Chairman Mucchetti offered some minor corrections. The motion passed, 8-0, including approval of the corrections.

Hearing no further discussion, the Chairman adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary