

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

February 17, 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
Linda Caponetti, Recording Secretary

A public hearing was held prior to the meeting.

At 10:10 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. Tabled 2/10/2009. For discussion.*

Chairman Mucchetti noted that the property owner was not prepared to continue the discussion, and the item was tabled.

2. **#2008-138-S-SR:** Summary Ruling application under Sec. 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to conduct regulated activities in the upland review area including new construction and septic system and mitigation plans in conjunction with a 2-lot subdivision on property located at **11 Old Stagecoach Road** in the RAAA zone. Owner: E. Hunter Harrison. Appl./Auth. Agent: Don Longo. *Received 1/20/2009. Walked 1/25/2009. 35-day action period ends 3/24/2009. For action.*

Mr. Katz motioned, seconded by Mr. Fossi, to request that the Agent draft an approval of the wetlands application for regulated activities in the upland review area,

according to the plans as presented. The motion passed, 9-0. The draft resolution will be prepared for action and final decision on 2/24/09.

NEW ITEMS

3. **#2008-093-REZ-SP-S-PR:** 213 High Ridge Avenue; Polverari. Discussion c/o Inland Wetlands Agent.

Chairman Mucchetti recommended that the discussion include the same item on the Planning and Zoning agenda as well as the Inland Wetland issues. She referenced memos from the Wetlands Agent/Planner and a Land-tech consultant monitoring the maintenance requirements.

Agent Brosius explained the difficulties that enforcement staff has had in seeking the applicant's compliance with the approved wetlands permit and accompanying plans for the 213 High Ridge Avenue subdivision. Builders, Jim and Don Sturges were present for the discussion, and offered explanation and comment.

Agent Brosius said, when the Commission approved the subdivision several months ago, there was a wetlands application in conjunction with the subdivision application. She stated that Don Sturges met with Chris Carroll (contractor), Charlie Fisher (Town Engineer), Pete Hill (Highway Dept.), Aimee Pardee (Wetlands Inspector), and Richard Baldelli (ZEO), regarding procedures. Permits were issued to start the work, but the work had not been done in accordance with the sequence that had been discussed and approved by the Commission. Wetlands Inspector Aimee Pardee requested compliance with the schedule. "Promises were made" but the situation was not rectified as quickly as it should have been, according to the Agent. She stated that the plans from Land-tech had been "very professionally done," and they were not followed. The Agent gave examples.

The Chairman and **Mr. Katz** questioned the Agent about specifically what was said on site, and when. Mr. Jim Sturges was invited to comment.

Mr. Sturges said that his first visit to the site had been the prior Wednesday, and Zoning Enforcement Officer, Richard Baldelli and he had walked the site. Mr. Baldelli presented him with a list of requirements. Mr. Sturges did not follow the direction of Mr. Baldelli in a timely manner. He stated that he was in the middle of putting drainage pipe in, and did not understand the urgency of Mr. Baldelli's directives. He said he felt it was more important to fill the ditches in and get the catch basins sealed so that there were no hazardous conditions on site. He later completed all of Mr. Baldelli's requirements. Mr. Sturges took full responsibility for the fact that they had not been completed previously.

The Chairman said the Commission and the professionals involved took part in much "deliberation about a construction sequence." What staff saw on site, she said, was evidence that the sequencing had not been implemented in the way it was

approved and agreed to as part of the permit. She said concerns from the neighboring property owners and the Commission pertained to what they saw as areas of vulnerability.

Don Sturges was surprised at the Commission's reaction. He said that it was extremely cold when the original meeting took place. He stated that he had advised Wetlands Inspector Aimee Pardee that they were not going to stake off all the infiltration areas. Their activity would be restricted to the access way where there were two infiltration areas. These were put in. A berm was built between the Popp's property and the construction site, on which 16' – 18' tall evergreen trees were planted. This was the area where the silt fence was to go. The silt fence could not go in until that area was stabilized, Mr. Sturges said. He stated that Land-tech was completely satisfied with the way the project was progressing. He felt he might contact the office more often. He said he would keep in touch with staff as the project moves forward. He encouraged visits to the site, saying that he is very pleased with how it is coming along.

The Agent said she had not been to the site, and could only report problems she was advised of. She had been told by Richard Baldelli and Aimee Pardee that there had been machinery running over the areas where the infiltration systems were supposed to be, and there was a stockpile in one of them.

Jim Sturges said there is a stockpile close to one of the infiltration areas, but, definitely not in it. The areas are staked off now, he reported, and invited inspection.

The Agent explained that the department has been trying to improve the way the sites are managed and developed by requiring the applicant's consultants to be on site to supervise, as inspectors. She acknowledged the experience of the Sturges brothers and understood that they may feel they know their business and how it should be managed. However, she stressed the importance of working with their consultant and following the sequence prescribed. Mr. Sturges said he understood.

There was no formal action taken by the Board or the Planning and Zoning Commission on this item, but a clear message was sent to the developers that adherence to the approved plans is mandated.

BOARD WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

There were no minutes to be approved.

Hearing no further discussion, the Chairman adjourned the meeting at 10:23 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

February 17, 2009

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
James McChesney
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 10:24 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#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. Public hearing closed 2/10/2009 and Draft Resolution of Approval requested. 65-day action period ends 4/16/2009. For action.*

Chairman Mucchetti relayed the instructions she had received from the Planner, on the correct order of the approvals for the application. First, the Commission would vote on the Request for Waiver of open space requirements, second, the Special Permit application for the accessway would be decided, and third, the Commission should take action on the Subdivision.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the Request for Waiver (with reasons), according to the resolution drafted by the Planner. The motion passed, 8-0-1, with Mr. McChesney abstained.

The Commission moved to item #2 on the agenda to make a decision on the Special Permit Application.

Returning to item #1, **Mr. Fossi** motioned, seconded by Dr. Autuori, to approve the 5-lot subdivision according to the conditions in the resolution drafted by the Planner.

The motion passed, 8-0-1, with Mr. McChesney abstained.

2. **#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/Appls.: Gary and Chester Zawacki. Auth. Agent: Matthew Ranelli, Shipman & Goodwin LLP. *Received 1/6/2009. Public hearing commenced and closed 2/10/2009. Draft Resolution of Approval request 2/10/2009. 65-day action period ends 4/16/2009. For action.*

Dr. Autuori motioned, seconded by Mr. Walsh, to approve the Special Permit for the accessway for the proposed subdivision, with the conditions shown in the resolution drafted by the Planner.

Mr. Katz said that the record should reflect that the Commission is making the motions and approving because “it makes sense for the layout of the subdivision as it was presented to the Commission.”

The motion passed, 8-0-1, with Mr. McChesney abstained.

3. **#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. 2/10/2009 continued to 2/17/2009. 65-day action period ends 4/23/2009. For action.*

Dr. Autuori motioned, seconded by Mr. Fossi, to request that the Planner draft a resolution to approve the application with conditions.

There was lengthy discussion on the application and the conditions that should be imposed.

Dr. Autuori proposed that a sidewalk of at least 4 (four) feet in width along the entire boundary for pedestrian access between the properties be added, along with a stairway at the northwest corner of the building, within the boundaries of the applicant’s property. This might require that the building be shortened by about one foot. This option had been discussed during the public hearing with the applicant.

Dr. Gelfman asked that the building be shortened and a green strip be added along the proposed walkway. The Chairman noted that a landscaped area had not been discussed during the public hearing, so it was not open for discussion at that time. The Agent said that was correct. “The property owner to the north clearly does not want the connection,” she added. However, the applicant was willing to shorten the building, Dr. Gelfman said.

The landscaped area suggested by Dr. Gelfman was briefly discussed.

Mr. McChesney said it was impractical, given the surrounding restrictions. Unless the greenery could be meaningful, it should not be a condition, he said, and he would not support that condition.

The Planner noted that the applicants are saving a large tree on the property line next to the sidewalk.

Dr. Autuori suggested planters with flowers.

Mr. Chipouras said that the applicant has met all their obligations, as of right. He said it was unfortunate that the Copp’s Hill mini plan was not a master plan, formalized and mandated, and also unfortunate that Mr. Steven Zemo had not been able to purchase the property himself to further develop his vision for the Copp’s Hill complex. Mr. Chipouras complimented the Sturges brothers on their work. He favored the addition of the four foot walkway and asked for the addition of “proper safety lighting in that area.” He asked for incorporation of the elements from the newest plan submitted by architect Peter Coffin, which included moving of the rear doors to the east to be accessed at grade. Mr. Chipouras was opposed to a planting strip in the area stated, since it would be difficult to maintain if foot traffic was to be encouraged.

Mr. Katz noted that the Copp’s Hill mini plan references the use of multi-convenience parking. Internal walkways were a part of this. The planners at the time wanted to discourage continual vehicular traffic within the complex, he said. It was their intention to have visitors to the site park their cars and walk to their various destinations. To include the walk path in this application would fulfill the “guidance obligation” to the Copp’s Hill mini plan and the master Plan of Conservation and Development. Mr. Katz also stated that the mini plan sought to reduce additional road cuts and the enlargement of existing ones. This plan does not offend either, he said, and the neighboring property’s proposal (to connect the parking lots between the properties) does nothing to enhance either access or egress to Danbury Rd.

Mr. McChesney asked that the rear doors that open from the center hallway in the proposed building be constructed as emergency doors with no handles to open from the outside (north side of the building), but that the construction allow an easy conversion of the doors to rear entrance doors in the future, should the opportunity

present itself. There was much discussion on this, but the condition remained on the table. Mr. McChesney also asked that steps be added from the pedestrian walkway at the side of the building to the front porch of the building (on the southwest side of the structure), as per the discussion at the hearing.

Mr. Mische suggested that the doors, leading as they would to the pedestrian accessway, should be installed as rear entrance doors which open both ways.

Dr. Autuori felt that the access between Lots 105 and 103 should be opened up, since the applicant had offered to do that. It would be beneficial to the applicant, both neighbors, and the overall area if the opportunity were there for access, he said. He was not, however, proposing this as a condition of approval, and he acknowledged that the ramp could be opened at a later time.

There was a short discussion on this topic.

Mr. Fossi thought the applicant's offer to open the ramp was made to the neighbor; "if the neighbor wanted it." At this point, the neighbor clearly doesn't want it opened up, nor does the applicant, he said.

Mr. Katz saw no point in the discussion, saying that, at the present time, the easement goes to the south and doesn't include the ramp at 103. The easement would have to be reconfigured and shifted to the north. Then, hopefully, it could include some access and egress from 105 through 103.

Mr. Mische thought the applicant had said the easement could be considered as part of the application, and said "it's their easement to open." Mr. Walsh agreed, saying that the applicant is "the dominant estate," and has the right to "open that up tomorrow... and obliterate all twelve spaces" [on the 103 property].

The Chairman called for a vote on the motion to approve, as presented, with the modification of a 4-foot sidewalk between the two properties (105 and 107).

Dr. Autuori also wanted to add a condition that the doors on the north side of the building be functional rear entrance doors, as per Mr. Mische's suggestion.

Mr. McChesney felt it could "jeopardize the project" if the neighbor felt that customers were being encouraged to walk across his property. He felt that the neighbor's wishes should be respected and the building should not offer rear access, except for emergency exit, until such time as the neighbor agreed to it. Mr. Katz concurred.

There was considerable disagreement among the commissioners on the topic of the north facing doors, with some feeling that the installation of a sidewalk and steps already implies rear entrance, and others feeling that construction of a formal and

functioning rear entrance would incite the neighbor. Concerns were raised about what actions the adjacent neighbor could take.

The Planner said that, if a condition of approval were written stating that the doors exiting to the north shall be for emergency exit only, then it would involve a revision to the special permit to change that.

Mr. Walsh wanted the approval to be “hard wired for pedestrian connectivity.” He said “set it up this way, and then if the neighbors don’t want people passing back and forth, then people won’t pass back and forth, but that would defeat the goal of pedestrian connectivity.”

Mr. Katz felt including the rear entrance doors would “force the fence issue.” The Planner and the Chairman agreed.

It was decided that the Commission would remain silent on the issue of the north facing doors.

The motion to draft an approval, with conditions as stated (the 4-foot walkway, emergency exit only on the north-facing doors, and a set of stairs from the walkway to the front of the building), passed, 8-1, with Dr. Gelfman opposed.

Mr. McChesney also insisted that the setbacks be in accordance with the zoning regulations. The resolution will come back to the table for final decision at the next meeting.

4. **#2008-138-S-SR:** Application for 2-lot subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **11 Old Stagecoach Road** in the RAAA zone. Owner: E. Hunter Harrison. Appl./Auth. Agent: Don Longo. *Received 1/20/2009. Walked 1/25/2009. Public hearing commenced 2/17/2009. 65-day action period ends 4/23/2009. For action.*

Dr. Autuori motioned, seconded by Mr. Chipouras, to draft a resolution of approval for the subdivision, as per the plans presented. The motion passed, 9-0.

5. **#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, closed and Draft Resolution of Approval requested 2/10/2009. 65-day action period ends 4/16/2009. For action.*

Chairman Mucchetti pointed out two resolutions prepared by the Planner, for action.

Mr. Mische motioned to approve the request for driveway location, allowing an easement over the existing driveway at 531 Main Street. This is a modification of the previously approved subdivision plan which called for the driveway to come off the private road, Arnold's Way. Mr. Chipouras seconded the motion, and the vote was 9-0, in favor.

Dr. Autuori motioned, seconded by Mr. Mische, to approve the resolution granting the Special Permit for (1) lot coverage exception under Sec. 3.6 of the regulations, and (2) approval of the development plan under the criteria for the SD R-20 zone. The motion passed, 9-0.

6. **#2009-009-SP:** Special Permit Application under Section 9.2 required by Section 8.5 of the Ridgefield Zoning Regulations (Exception for Character Resource Preservation) to permit construction of a greenhouse on property located at **267 Main Street** in the RA zone. Appl./Owner: Daniel and Annette O'Brien. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 1/27/2009. Walked 2/8/2009. Public hearing commenced 2/17/2009. 65-day action period ends 4/23/2009. For action.*

Mr. Fossi motioned, seconded by Dr. Autuori, to request the Planner to draft a resolution of approval for the addition of a greenhouse to the property, under the lot coverage exception permitted for historical properties. The motion passed, 9-0. A draft resolution will be prepared for final action on 2/24/09.

NEW ITEMS

7. **#2008-093-REZ-SP-S-PR:** 213 High Ridge Avenue; Polverari. *Discussion c/o PD.*

[Note: This discussion was combined with the discussion under the Inland Wetlands Board agenda, item #3. See those minutes for a record of the discussion.]

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

There were no minutes to be approved.

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

Respectfully submitted,

Linda Caponetti
Recording Secretary