

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD
SPECIAL MEETING

February 24, 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

At 7:30 p.m. Chairman Mucchetti called the meeting to order. [Mr. Chipouras arrived at 7:35 p.m., in the middle of the discussion on item #2.]

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, 2/10/2009 and 2/17/2009. For discussion.*

The Chairman asked the Agent to give a status report on the item.

The Agent said that she had been advised by the attorney for the property owner that they have not been able to get the easements necessary from the adjoining property owners to install the gravity drainage plan, to pipe runoff from 20 Peaceable Street to High Ridge. An alternate drainage plan is being developed by project engineer, Steven Trinkaus, P.E., with review by Town Engineer, Charlie Fisher, which will be presented 3/10/09. The Agent reported that Mr. Trinkaus has reported the plan is to direct the sheet flow at the front of the house towards Peaceable Street, while using an infiltration system at the base of the slope in the back of the property (on the north side). Plans will be available within the week for the Board's review, she said, noting that there needs to be enough time for the neighbor's engineer to review the new plans, as well.

The attorney requested that the item be included on the 3/10/09 agenda, and said he is hopeful that the Board can make a final decision on the revised plan on that date.

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. Public hearing commenced and closed 2/17/2009. Draft Resolution of Approval request 2/17/2009. 35-day action period ends 3/24/2009. For action.*

Chairman Mucchetti noted that office staff had prepared a draft resolution of approval, and asked for discussion.

Mr. Katz suggested a minor change to condition #4(a), and asked that the language in condition #7 be revised, as follows: “There shall be no heavy machinery in the wetlands,” striking the word “permitted.”

Mr. Mische suggested that the language should indicate that no machinery of any kind should be permitted in the wetlands.

There was discussion as to the definitions of machinery vs. heavy machinery.

Mr. Walsh asked for clarification of exactly where the wetland is in relation to the stone wall.

Following a brief discussion, **Chairman Mucchetti** summarized the changes, noting modifications to condition #7 to strike the words “heavy” and “permitted” and the minor change to condition #4.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the resolution, as modified. The motion passed, 8-0-1, with Mr. Chipouras abstained.

NEW ITEMS

3. **#2009-014-SR:** Summary ruling application under Sec. 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to replace 60 linear feet of an existing 10” Town sanitary sewer line within a meadow wetland area on property located at **74 & 78 Prospect Ridge** in the RAA zone. Owners: Bruce and Susan Ruehl and Thomas and Jeannine Carr. Auth. Agent: JFM Engineering, Inc. 65-day action period ends 4/30/2009. *For receipt and schedule walk.*

The Chairman explained that, at the request of the WPCA, the Town has requested the replacement of 60 linear feet of sanitary sewer line on the property of 74 & 78 Prospect Ridge. She pointed out that the application has been brought forward by 76 Governor Street LLC, (the 16-unit affordable housing development), at the request of the WPCA.

The Agent explained the request, saying that the repairs must be made to this old sewer line in order for 76 Governor Street LLC to connect. She suggested the Board consider approving the preparation of a draft resolution of approval.

The Chairman commented on the poor condition of the old clay pipe sewer lines in the area, citing her personal experience as a former resident on East Ridge.

Mr. Katz motioned, seconded by Mr. Chipouras, to request that the Agent draft a resolution of approval for consideration at the 3/10/09 meeting. The motion passed with a vote of 9-0.

The Board will review the application materials and documentation prior to the final vote.

BOARD WALKS

There were no site walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti asked the Board members to individually review correspondence in the packet.

MINUTES

Mr. Mische motioned, seconded by Dr. Autuori, to approve the minutes of February 10, 2009. The motion passed, 8-0-1, with Mr. Katz abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION
SPECIAL MEETING

February 24, 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

At 7:40 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#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. Public hearing closed 2/17/2009 and Draft Resolution of Approval requested. 65-day action period ends 4/23/2009. For action.*

Chairman Mucchetti pointed out the draft resolution of approval prepared by the Planner.

Mr. Katz felt that mention should be made in the “Reasons” section of the vehicular connection issue which, he said, the Commission had spent a great deal of time deliberating. He suggested a modification to the wording in the last paragraph on page 4 to include the following: “...and that, while a vehicular connection is a consideration in the [Copps Hill] Mini-Plan, it was not deemed in the Town’s interest at this time.”

Mr. Chipouras agreed with the language proposed by Mr. Katz.

The Chairman felt the wording did not accurately reflect the discussion which had taken place. She felt that the vehicular connection to the west (103 Danbury Road)

would be in the Town's interest. She said that, if there had been an agreement between the applicant and the abutting property owner, there would be a connection.

Mr. Katz reported that several commissioners had spent several hours at the site observing the flow of traffic. They determined, according to Mr. Katz, that "the nature of the exit" (to Danbury Road from the Talbot's parking lot) "was not conducive to a higher impact of traffic," which would have been the result of a connection to the north, he said.

The Chairman agreed, but, stated that the applicant's offer to allow the vehicular connection to the west was objected to by the abutting property owner.

Mr. Katz stressed that the impact to Danbury Road is all the mini-plan considers.

Planner Brosius said that the vehicular connection the applicant referred to (re an easement) is shown in the Copps Hill Area mini-plan.

Mr. Walsh agreed with Mr. Katz, saying that discussion of the vehicular connection needs to be part of the record. He noted the first of seven goals and objectives of the mini plan was the elimination of unwarranted curb cuts to Danbury Road. The plan does not eliminate this curb cut, he said, and the application complies with the intent of the Copps Hill Mini-Plan. Mr. Walsh referred to the original map on page 3 of the Mini-Plan, saying that it clearly shows the right of way from 7 to 6b to 6a. But, throughout the rest of the plan, he said, the easement is not delineated. Also, the plan has no provision for the building on this lot to be expanded, he said, which Mr. Walsh felt was a major oversight. As pertains to pedestrian activity, he noted that the applicant's plan adds two more means of pedestrian movement. This clearly addresses the goals of the Mini-Plan, page 8, subparagraph 4, he said, and he would support the application, as presented. He said the ease of vehicular movement might be best in the Copps Hill Mini-Plan layout, but, the applicant has a right to develop his property.

Mr. Katz said that former Town Planner, Ozzie Inglese, had hoped that the ease of vehicular movement throughout the lots in question would "trump the town and/or the developer's desire to expand the building in a westerly way." However, there was never any mandate to incorporate the Mini-Plan, Mr. Katz added, in an effort to separate the Mini-Plan from the application. There would be no impact to Danbury Road (for better or worse) with the approval of this plan, Mr. Katz said. No additional road cuts were being proposed, and he would support the application, he said.

Dr. Autuori said he would support Mr. Katz' modification to the language, because the caveat, "at this time," leaves the door open for future changes.

The Chairman said she would support the comments that were made and the application as a whole.

Mr. Mische noted that it had been decided by the Commission that any mention of the rear facing doors (condition #4 in the resolution of approval) was not to be included.

The Chairman agreed that it should be stricken, since the Commission had decided to remain silent on the issue of the north facing doors.

Mr. Fossi motioned, seconded by Dr. Autuori, to approve the resolution with the modified “Reasons” section, and the elimination of condition #4. The motion passed, 8-1, with Dr. Gelfman opposed.

2. **#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 and closed 2/17/2009. 65-day action period ends 4/23/2009. For action.*

Mr. Katz motioned, seconded by Dr. Autuori, to adopt the resolution of approval drafted by office staff. The motion passed by a unanimous vote of 9-0.

3. **#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 and closed 2/17/2009. Draft Resolution of Approval requested 2/17/2009. 65-day action period ends 4/23/2009. For action.*

The Chairman noted that the language in condition #5 is specific to Section 8.5(e) of the zoning regulations, (requirements for compliance), and she encouraged the Commission to review it, as it was extremely interesting and informative.

Mr. Katz noted that this was the only section of the regulations that requires maintenance of the structures approved under the Special Permit.

Mr. Katz motioned, seconded by Mr. Mische, to adopt the resolution of approval, as drafted by the Planner. There was unanimous support of the motion, with a vote of 9-0.

NEW ITEMS

4. **#2009-013-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e. of the Ridgefield Zoning Regulations for façade updates, 2 new entry porticos and relocation of the eastern site entrance on property located at **100B Danbury Road** in the B-3 zone. Owner: Taylor Zemo LLC. Auth. Agent: Jeffrey D. Mose, AIA. *65-day action period ends 4/30/2009. For receipt/discussion/action*

Chairman Mucchetti noted that the application was detailed in its rendering of the proposed aesthetic improvements to the building, and that the Architectural Advisory Committee had approved the design. The discussion centered on the proposed relocation of the driveway opening on the by-pass road.

Mr. McChesney supported changing the location of the site entrance on the easterly side of the site facing the bypass road. He commented that it was most likely “cut in” before the bypass road was constructed, and he felt it was not appropriate or functional where currently situated. He was agreeable to the architectural changes proposed.

The Chairman said that the minutes from the AAC indicate their support of the project.

The Planner stated that a memo from Town Engineer, Charles Fisher endorses the movement of the driveway.

The Planner reported meeting with a highway department official, who was also supportive of the change. However, the dumpster location was noted to be problematic, and the dumpster will have to be aligned parallel to the road. There are large trees screening the dumpster, she said, which will have to be removed. There may be problems with the new screening, “because of the sight lines on the road,” she added. The replacement trees may need to be “very narrow arborvitae” or some similar plantings, she said.

Dr. Autuori asked if the dumpster could be moved further into the property.

The Planner said that a parking space would then be lost, and also there is a catch basin in the parking area. She was asked where the basin was located on the map.

Mr. McChesney suggested that the office express some concern about the dumpster location. The loss of a parking space may be agreeable in light of the problems, he said.

Dr. Gelfman suggested that a site walk of the property would be appropriate.

The Planner said that the Commission could visit the site before the next scheduled discussion, 3/10/09, and she would draft a tentative approval for review before then. There was agreement from all. Several commissioners commented on sight line problems at the site. The Planner said she would provide a copy of the site plan showing where the catch basins are.

The Chairman summarized that commissioners would visit the site individually (as opposed to scheduling an official site walk), and a draft approval would be prepared by the Planner for action on 3/10/09.

Dr. Autuori motioned, seconded by Mr. Mische, to request that the Planner draft a resolution of approval. The Commission was unanimously in favor, with a vote of 9-0.

5. **“Westport Now” article on proposed Affordable Housing legislation. *For distribution.***

The Chairman explained the article submitted by Commissioner Chipouras regarding Representative Boucher’s proposed bills on the Affordable Housing law. She reported that the Planner had investigated the issue and would explain.

The Planner noted her attempts to contact the legislature’s Committee on Housing. She had determined that none of the bills were acted upon as yet, and none had been forwarded out of that committee. She was in doubt as to how to interpret that. If, in fact, the bills were going forward, it would be advisable to lend support.

Mr. Walsh said that, if a bill doesn’t come out of committee, then it’s dead.

The Planner said that she would continue to check the status of the bills.

Mr. Walsh suggested she call Congressman, John Frey, which she said she would.

COMMISSION WALKS

There were no site walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti asked the Commission members to review the correspondence individually.

MINUTES

Dr. Autuori motioned, seconded by Mr. Mische, to approve the minutes of February 10, 2009. The motion passed, 8-0-1, with Mr. Katz abstained.

Respectfully submitted,

Linda Caponetti
Recording Secretary