

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

April 10, 2007

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

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

A Planning and Zoning Commission public hearing and a portion of the Planning and Zoning Regular Meeting were held prior to the Inland Wetlands Board meeting.

At 8:15 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-006-PR-SP:** Plenary Ruling application for regulated activities in and/or adjacent to wetlands for drainage, access drive improvements and stream channel restoration in conjunction with application for Special Permit to construct a 15,000 s.f. medical office building located at **21 South Street** in the B-3 zone on 2.42± acres of land. Owner: South Medical, LLC. Appl./Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 2/6/2007, walked 2/11/2007, public hearing commenced 3/13/2007, continued to April 10, 2007. 35-day action period ends 5/15/2007. For action.*

Dr. Autuori felt that, all things considered, this was a good plan for this site and for this facility, and also felt that it will not be damaging to the adjacent wetlands and will not back up any water off property.

Dr. Gelfman suggested stocking the stream with Brook Trout and the Agent said that is not possible because it is dry a good part of the year, and will not support fish.

There was a short discussion about the watercourses in the area.

Mr. Fossi said he was impressed that the applicant had gone through the effort of adding rain gardens, and felt that they had done a very nice job with the plan.

Dr. Autuori motioned, seconded by Mr. Fossi, to request the Agent draft a resolution of approval for the application. The motion passed, 8-0-1. Mr. McChesney abstained. The item will return for a final vote pending completion of the draft resolution.

BOARD WALKS

There were no walks to be scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- Review of information about the **Clean Water Authority Restoration Act of 2007**, and short discussion about support of the proposed bill in Congress to clarify and restore the “regulatory status quo” of the Clean Water Act.

Ms. Willis said that, in her position on the Norwalk River Watershed Authority, she received an alert about an upcoming hearing where there would be an attempt to restore some regulatory authority originally given by the Clean Water Act of 1972.

Dr. Autuori clarified that this bill would not create any new protective authority, but only restore the authority originally granted by the Clean Water Act concerning waters that have already been covered by federal safeguards under the act.

By consensus, it was decided that a letter in support will be sent to Connecticut Congressmen from the Inland Wetlands Board.

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of March 20, 2007. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

April 10, 2007

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

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

A public hearing was held prior to the meeting.

At 7:59 p.m., Chairman Mucchetti called the meeting to order. The Commission discussed item #3 with the Ridgefield 300th Anniversary Committee and then adjourned at 8:14 p.m. to convene the Inland Wetlands Board meeting. The Commission reconvened at 8:21 p.m. to complete the Planning and Zoning agenda.

PENDING ITEMS

1. **#2007-004-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 411.0B of the Ridgefield Zoning Regulations, (1) to demolish an existing office/residential structure and replace with new 7,756 s.f. commercial structure at **35/37 Danbury Road**, and (2) construct new 10,026 s.f. commercial structure on adjoining property at **16 Roberts Lane**, on properties located in the B-1 zone. Owner: Eppoliti Realty Corporation. Auth. Agent: Douglas MacMillan, Architect. *Received 2/6/2007, walked 2/11/2007, public hearing commenced 3/6/2007, continued and closed 3/20/2007. Draft Resolution of Approval requested 3/20/2007. Tabled 4/4/2007. 65-day action period ends 5/24/2007. For action.*

The proposed draft resolution of approval remains on the table. **Chairman Mucchetti** noted that the issue of the agreement for shared parking is still unresolved, and the item was tabled.

2. **#2007-006-PR-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 413.0 of the Ridgefield Zoning regulations to construct a 15,000 s.f. medical office building located at **21 South Street** in the B-3 zone on 2.42± acres of land. Owner: South Medical, LLC. Appl./Auth Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends 4/12/2007. Received*

2/6/2007, walked 2/11/2007. Public hearing commenced 3/13/2007, continued to April 10, 2007. 65-day action period ends 6/14/2007. For action.

Mr. Katz motioned, seconded by Mr. Fossi, to request the Planner draft a resolution of approval for the application.

Mr. Katz said that the only condition he would want to impose was that the landscaped island to the northwest of the property be dealt with before the final map is filed. He noted that the applicants had agreed to take care of this. He asked Ms. Willis what exactly she had requested they do on the island.

Ms. Willis said that the grassy strip created by the changed property line needed to have some plantings. She said that the applicants have to come back with a plan which would be worked out with the adjacent property owner.

Mr. Fossi thought that they needed to get permission from the adjacent property owner, and that they either get that permission or come back with a letter saying that the property owner won't agree to it.

Mr. Katz said that every indication was that they expected full cooperation.

Planner Brosius added that the condition can be written in such a way as to make it contingent on permission being granted by the other property owner.

Mr. Walsh said that he was in agreement that this was an appropriate condition, except that he is uncomfortable asking an applicant to do something that the Commission does not have the authority to regulate or control, namely asking the adjacent property owner to agree to something. This conveys the implication, he felt, that the Commission can condition an approval based on cooperation by an adjacent property owner. He felt that the Commission does not have the authority to mandate activities related to adjacent properties, and that it would be reaching beyond the Commission's authority to request that an applicant agree to make changes to a neighbor's property.

Ms. Willis was under the impression that the two parcels were owned by the same group. Mr. Walsh said there were two different owners.

The Planner said that, while the adjacent property is currently owned by the applicant, it is in the process of being transferred over to the property owner next door.

Ms. Willis said that, in this case, she felt it was different than asking a homeowner to request some action by a neighbor.

Mr. Katz did not think it should be a condition as a mandate.

There was some discussion as to how this should be approached. Mr. Katz felt that the wording should reflect what the applicant had agreed to.

Mr. Walsh questioned whether or not the applicant actually owned the adjacent property. He cited an application showing a different owner. The Planner checked and said she stood corrected. There was general agreement that this condition of approval should not be mandated.

The motion passed, 8-0-1. Mr. McChesney abstained. The item will return for a final vote pending completion of the draft resolution.

NEW ITEMS

3. **2007-030-MISC:** Placement of historic markers for the Town of Ridgefield's 300th anniversary celebration, "Museum in the Streets." c/o 300th Anniversary Commission. Presentation by Sue Manning, Chair, Tom Belote and Kay Abels, committee members. *For review and comment.*

Planner Brosius explained that the reason this was coming before the Commission was because she and Zoning Enforcement Officer Richard Baldelli felt that the signs being created for this celebration should not be treated as signs, but as historic markers, and therefore should not be regulated as signs. She sought the Commission's agreement, following the presentation.

Members of The Ridgefield 300th Anniversary Committee were invited to speak before the Commission.

Ms. Sue Manning described how the committee was appointed in May of 2006 by the Board of Selectmen to plan a 300th anniversary celebration for Ridgefield. The celebration will take place in 2008, with the schedule of events beginning on Jan. 6th and concluding on Sept. 30th. Ms. Manning proceeded to describe the many things that the committee is planning for the nine month period, including events, publications, happenings and exhibits. One of the events will be "The Museum in the Streets," which is a national program usually implemented by a town's historical society. It involves the placement of signs, (commemorative, historical markers), which are designed to remain in place permanently.

Chairman Mucchetti asked what the signs would look like.

Mr. Thomas Belote displayed a typical plaque, which will have multiple pictures and historic information on it, and described how these signs will be placed around the town. The committee had chosen to mount them on a 45 degree angle on one pole - podium style - as is typical in national historic sites. They are to be installed downtown (in the state right of way), starting at Titicus and Settler's Rock and running down to West Lane, with locations on Catoonah St., Market St., Prospect St., and Bailey Ave.

A great deal of care has been taken to limit visual interference from these signs, and also to mount them at a height which would allow children to read them. The signs are said to be graffiti proof, bullet proof, and virtually indestructible.

There was continuing discussion about the signs and how they will be installed. Ms. Manning said that they will all be uniform, and explained that, in front of Town Hall, there will be two master markers, which will have a description and the location of all the other markers around town. Inside Town Hall, there will be pamphlets and information on “The Museum in the Streets” program.

Dr. Autuori asked if the mounting poles would be set in concrete. Mr. Belote said they would.

The Chairman asked where the photographs for the markers would come from.

Ms. Kay Ables said that some would be from the Historical Society, some from the Keeler Tavern, and some have been found in people’s attics.

The Chairman asked when the official installation of the markers would be.

Mr. Belote anticipated it would be around November, before the ground freezes.

Ms. Manning explained that each sign would be sold to a sponsor.

Mrs. Willis asked if the signs would be in both English and Spanish as the example because that would take up a lot of room that might be otherwise used for information. Mrs. Manning said the European designer typically made them like that. Mr. Belote said they would not be in Spanish, only English.

There was no decision required on this application, and no votes were taken. It was the consensus of the Commission that the historic markers are not “signs” as defined in the zoning regulations, and would require no permits from Planning and Zoning. There was enthusiastic support for the program.

4. Discussion Village District Review Board c/o Chairman and Planner.

Chairman Mucchetti explained that with the adoption of the new regulations there will be a new village district overlay zone for the CBD. As part of that, there needs to be a village district committee in place to review applications. The Village District Guidelines offer suggestions as to what type of people should be sought for these positions.

The Planner read from the State regulations, which state that applications must be reviewed by “an architect or architectural firm, a landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the Commission...”. Alternatively, the Commission may designate an architectural

review board, whose members will have the same qualifications. The Village District Consultant can be an individual or a group.

The Chairman said that she and the Planner felt that, with the time constraint of May 1st looming, it would be appropriate to appoint the AAC as a temporary review board.

Mr. Katz asked if the AAC was willing, and said he did not see the need for the temporary status.

The Chairman said that this suggestion was being brought to the Commission for input before approaching the AAC. Additionally, she said, there have been some problems with the AAC reaching beyond their authority, and she didn't feel a permanent appointment was in order. The Chairman was also opposed to adding an additional layer of bureaucracy to the review process, making things more difficult for applicants.

There was discussion about the problems created by having the same people serving on different committees in different capacities.

Ms. Willis said that she thought the idea of appointing the AAC in a temporary capacity as the Village District Consultant was a good idea. Mr. Fossi agreed.

The Planner explained that, when an application comes to the village district committee, it does not also go before the AAC and the Historic Commission. She thought the Commission should meet with the AAC, if appointed as the Village District Consultant, to explain what the Commission's goals for the village district are. She reminded the Commission that the village district consultants are being hired to represent the Commission in the aesthetic review of applications that occur within the village district. She explained the procedure for handling applications in the village district. She also noted that there are applications which will be appearing for review immediately after the May 1st adoption of the new regulations, especially with regard to signage.

Mr. Walsh asked what the length of the appointments would be. There was no time frame specified, the Planner said. She suggested that the Commission specify a time limit in its appointment decision. Mr. Walsh also wanted clarity on whether the appointment could be for one single individual. The Planner said that it could. Mr. Walsh then questioned the Planner as to who determines the By-Laws. The Planner said that she was going to consult with the Planner in Madison Ct., where the design guidelines were done by a Yale University study team, and their system is fairly sophisticated.

The Chairman said that the selection of the AAC would avoid the complication of having people with special agendas vying for positions on the new committee. She said that the AAC has recently been reappointed by the Board of Selectmen, with five full time members instead of six, so that a quorum of only three people is needed. She

again mentioned her concern for the applicants in trying to eliminate over regulation. She requested that the Planner go ahead with her plan to contact the Madison Planner, and report back on this at the next meeting.

Following the discussion on the options for appointment of a “Village District Consultant” under Section 8.3 of the newly adopted zoning regulations, the Commission agreed to table the item and will discuss the matter further at its meeting on 4/17/07.

5. **Dr. Autuori** requested permission to add an item to the agenda, to present his copy of the Sugar Hollow Greenway in Ridgefield, created in the early 1990’s, with his intention to pass the map along to Jonathan Chew of HVCEO (Housatonic Valley Council of Elected Officials), who will create a regional map of the Greenway. A list of Assessor numbers for the properties in Ridgefield was included. By unanimous consent of the Commission, the item was added to the agenda.

Dr. Autuori said that he had created a list of all the properties on the map. This list could be kept on file and consulted when applications come in, so that they might be flagged as Greenway parcels in case there is an Open Space contribution that has to be made or some set aside. In this way, applications could be consistent with the goals of the Greenway plan.

There was no decision required on this item, and no votes were taken.

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

- Two letters from Patrick Venus, owner of Georgetown Auto Body on Catoonah Street, re the fence constructed at **27 Catoonah Street**.

The fence which was erected on the property has caused a hardship to Mr. Venus’ business. His trucks are unable to get through the 12’ opening and his customers don’t know where to park. The Planner corrected her previous impression that the fence could not be regulated, noting that this was a Special Permit, and in that case may be regulated. Dr. Gelfman asked why the fence was put up. It was unclear, but the Planner assumed it was for aesthetics. The Chairman recalled the original discussion for the Special Permit, when there was great consideration given to the impact on the existing auto body business which relies on access through this property. The fence was not part of that discussion. The Planner said that the fence needs to be removed or it needs to be a revision to the Special Permit.

- Copy of an article from the “Law Report” on Zoning review of development activities by U.S. Post Office facilities, submitted by attorney Robert Jewell, for the Commission’s interest.
- Notice of the Arbor Day Celebration to be held at the Parks & Recreation Center on April 19th.
- E-mail correspondence from the Legislative Committee of the Connecticut Chapter of the American Planning Association to the Planner, highlighting two important bills (numbered 7040 and 7041) currently in front of the General Assembly.

The Planner reported that Zoning Enforcement Officer Richard Baldelli is interested in creating a citation ordinance in the Town, and has not done so as yet because of this treble damages clause in the State statutes. The Chairman mentioned an act which is being considered which states that any subdivision under 25 lots does not need to go to a public hearing. The Planner said it would actually be prohibited from going to the public. This act also makes public hearings on resubdivisions optional, Mr. Katz added. The Chairman explained that the Connecticut Planning Association is giving its input on these bills and their analysis and assessment of the impact they would have.

- Memo from Fire Marshal Dave Lathrop re the pending application for Walgreen’s at 42-50 Danbury Road.
- E-mail correspondence forwarded to the Planner by Jonathan Chew of HVCEO (Housatonic Valley Council of Elected Officials) re proposed mapping for the Sugar Hollow Greenway.

MINUTES

Mr. Katz motioned, seconded by Mrs. Willis, to approve the minutes of March 20, 2007. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary