

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

April 11, 2006

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

Public hearings were held prior to the meeting.

At 11:12 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-026-SR:** Summary Ruling Application to construct an in-ground swimming pool, retaining wall, patio and pool house and relocate existing tank & pump chamber in the upland review area on property located at **345 Wilton Road West** in the RA zone. Owner/Apl.: Thomas O. & Jennifer M. Trillo. Auth. Agent: Matthew Scully, P.E. *Received 3/21/06 and walked 4/2/06. 65-day action period ends 5/25/06. Draft Resolution of Approval requested 4/4/06. For action.*

Mr. Katz motioned, seconded by Dr. Autuori, to adopt the resolution of approval drafted by the Inland Wetlands Agent. The Agent explained that a new planting plan was received after the previous meeting, showing additional plantings along the wetlands border, in response to the Board's comments. A condition has been included to require construction fencing to prevent vehicles from intruding into the wetlands, and any wetlands disturbed in the construction process must be replanted and restored.

The motion to adopt the resolution of approval passed, 9-0.

NEW ITEMS

2. **#2006-036-SR:** Summary Ruling application for disturbance of wetlands and upland review area for grading and filling in conjunction with re-development of an existing single-family residence. Property located at **79 Bayberry Hill Road** in the RAA zone. Owner/Apl.: Andrea Bagg. Auth. Agent: John F. McCoy, VII, P.E. *65-day*

action period or to schedule public hearing ends 6/15/06. For receipt and schedule walk to determine significance.

Dr. Gelfman motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a walk for 4/23/06, to determine significance. The motion passed, 9-0.

BOARD WALKS

The application for summary ruling at **79 Bayberry Hill Road** was added to the walk schedule for 4/23/06, as noted above.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- Copy of article from the CT APA (American Planning Assoc.) newsletter about the need for expert testimony and substantial evidence to support decisions for wetlands permit applications.

MINUTES

Mrs. Willis motioned, seconded by Mr. Katz, to approve the minutes of 3/21/06 with some minor corrections. The motion passed, 9-0.

The minutes of 4/4/06 were distributed.

Hearing no further discussion, the Chairman adjourned the meeting at 11:18 p.m.

Respectfully submitted,

Betty Brosius

Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

April 11, 2006

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

Public hearings were held prior to the meeting.

At 11:20 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-013-AH:** Application under Sec. 8-30g of the Connecticut General Statutes for a 20-unit, all affordable, housing project on property located at **Prospect Ridge Road and Halpin Lane** in the CAH zone. Owner/Appl.: Ridgefield Housing Authority, Philip Bergquist, Chairman. Auth. Agent: John F. McCoy VII, P.E. *Received 2/21/06. Walked 3/12/06. Public hearing commenced 4/11/06. 65-day action period ends 6/15/06.*

Mr. McChesney motioned to request a Draft resolution of approval from the Planner, including a condition to save at least one of the two deciduous trees at the southern end of the parking area in front of the proposed new residences. The motion was seconded by Mr. Walsh, and passed 9-0.

After some continued discussion and reconsideration of conditions, a motion was made by Mr. Walsh to reference the modification of tree location discussed by landscape architect James DeLalla, to move proposed evergreen and deciduous screening further from Prospect Ridge, to avoid conflict with the existing trees at the edge of the street. The motion was seconded by Dr. Autuori, and passed 9-0.

2. **#2006-015-A:** Proposed **Amendment to Section 334.0 C2 Exterior Lighting Standards** of the Ridgefield Zoning Regulations. Applicant: Ridgefield Professional Office Complex, LLC. Auth. Agent: Robert R. Jewell, Esq. *Received 2/28/06. Public hearing commenced 4/11/06. 65-day action period ends 6/15/06. For action.*

Chairman Mucchetti pointed out that hearing on this item had been continued to 4/18/06, and the item was tabled.

3. Request for revision to Special Permit to allow fewer lighting fixtures on premises located at **901 Ethan Allen Highway** in the CMDD zone. Owner/Appl.: Ridgefield Professional Office Complex, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 3/7/06. Public hearing commenced 4/11/06. 65-day action period ends 6/15/06. For action.*

Chairman Mucchetti pointed out that hearing on this item had been continued to 4/18/06, and the item was tabled.

4. **#2006-033-REV:** Revision to Special Permit required by Sec. 312.02.(E) to allow expansion of parking area for property located at **66 Grove Street** in the B-2 zone. Owner/Appl.: 66 Grove Ridgefield, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65 day action period ends 6/8/06. Tabled 4/4/06. For action.*

Chairman Mucchetti says the Commissioners were asked to individually walk the site at 66 Grove Street to observe the parking lot that had been built on the east side of the existing building (the fitness center), in conjunction with a request for Revision to the Special Permit to allow the expansion of the parking area.

Mr. McChesney says he has no objection to what is being proposed. The Planner confirms that the Revision to the Special Permit is only for the parking lot. A Cease and Desist order was issued by Zoning Enforcement Officer Richard Baldelli, because the parking lot was built adjacent to the existing building without permits or approvals. The lot is part of the site plan proposed for the 20-unit townhouse project, currently before the Commission and scheduled for public hearing in May. The Planner points out that, regardless of whether the townhouses are ultimately approved, the applicant wants the expanded parking area.

Mrs. Willis asks if there is any way the applicant can be fined for the violation. The Planner explains that the statutes permitting the imposition of fines provide that the ZEO is to be personally liable for “treble damages” if the accused wins the case. It is difficult to create local regulations for a fine system under this threat. The legislature has failed to correct the statutes for the benefit of the Towns, and the law favors the rights of the violator.

Chairman Mucchetti says she does not object to the parking lot, but objects to the way it has been handled by the applicant. In spite of the Cease and Desist Order, the building tenant was using the lot. She alerted the ZEO about the problem, and the lot was finally roped off. Now they are asking for a Revision to the Special Permit, and she does not want to support the application on principle. If they had come in as a legitimate application, she would support it. They started work with no permits, and then they ignored a Cease and Desist and continued to work on the lot. The Town’s land use

counsel sent a letter to the property owner, and then the request for Revision to the Special Permit was finally submitted.

Mr. Slavin says he agrees with the Chairman that there should be a way to punish the applicant for the violation, but to deny the application for revision to the special permit at this time seems impractical.

Chairman Mucchetti says there is an application process, most applicants abide by the rules, but this applicant is asking for permission to do something after they have already done the work.

Dr. Autuori says he has been persuaded by the Chairman's arguments to oppose the request. Mr. Walsh asks what the practicality of a denial would be at this time? The Chairman says she is only trying to state her opinion and to explain why she is opposed.

Mr. Katz agrees that the Chairman's position is justified. The applicant's actions are a serious thumb in the eye of zoning, and a disrespectful attitude that is reprehensible. But he sees this as a land use issue, and he does not find that the proposal to use the space for parking is offensive to the zone or the regulations in total, and he has to support it.

The Chairman acknowledges that Mr. McChesney has made the motion to approve, and asks for a second. Mr. Katz seconds the motion. The motion passed by a vote of 5-4. Mr. Katz, Mr. McChesney, Dr. Gelfman, Mr. Fossi and Mr. Walsh were in favor, and Chairman Mucchetti, Dr. Autuori, Mrs. Willis and Mr. Slavin were opposed.

Mr. McChesney says he hopes the 5-4 vote sends a message to the property owner.

NEW ITEMS

There were no new items.

COMMISSION WALKS

There were no new walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. Katz made a motion to approve the minutes of 3/21/06, seconded by Mr. Slavin. The motion passed, 9-0.

Chairman Mucchetti points out a minor change on page 1 in the minutes of 3/28/06, and the Planner notes a correction to the vote on the revised maps for Laurelwood – Mr. Fossi abstained from the vote, and the tally should be corrected as 6-0-1, with 6 votes in

favor and Mr. Fossi abstained. Mr. Slavin motions to approve the minutes of 3/28/06 as revised, seconded by Mr. Walsh. The motion passes, 9-0.

The minutes of 4/4/06 were distributed.

Hearing no further discussion, the Chairman adjourned the meeting at 11:18 p.m.

Respectfully submitted,

Betty Brosius

Director of Planning