

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

April 14, 2009

Present: Michael Autuori
Nelson Gelfman
John Katz
James McChesney
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Peter Chipouras
Joseph Fossi
Phil Mische

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

A public hearing was held prior to the meeting.

At 7:41 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-015-PR:** Plenary Ruling application under Sec. 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to conduct regulated activities in the wetlands and upland review areas, activities to include pond dredging, drainage and site improvements, restoration of disturbed areas, stone patio, retaining wall, stone bridge, wooden dock, boardwalk and wetland overlook connecting properties located at **10 Shadow Lake Road and 690 Ridgebury Road** in the RAA zone. Owner: RCG 1998 Family Trust, Alison Mosca, Trustee. Appl./Auth. Agent: Peter and Summer Gay Paulos. *Received 3/10/2009, walked 3/15/2009, public hearing commenced 4/7/2009 and continued to 4/14/2009. 35-day action period ends 5/19/2009. For action.*

Chairman Mucchetti noted that the public hearing had been closed and asked for discussion on the application.

Mr. Katz motioned, seconded by Mr. McChesney, to request the Agent to prepare a draft resolution of approval for the application, with boilerplate conditions, and referencing the new plans reviewed at the public hearing.

Chairman Mucchetti asked if there was any input relative to the application's compliance with the standards and criteria in 10.2 of the IWWR.

Mr. Katz noted for the record that none of the particulars of 10.2 are offended by this application, and in fact the application proposes significant enhancements of the wetlands and surrounding habitat. He cited especially the standard that acknowledges “the relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands and watercourses and the maintenance and enhancement of long-term productivity of such wetlands and watercourses.”

The motion to draft the resolution of approval passed by a vote of 5-0-1, with Dr. Autuori abstained because he was not present for the previous public hearing.

NEW ITEMS

There were no new items.

BOARD WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASE/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Agent informing the Board of the commencement of work in conjunction with the wetlands permit for **20 Peaceable Street**

MINUTES

Mr. Katz motioned, seconded by Mr. McChesney, to approve the minutes of March 24, 2009. The motion passed, 5-0-1, with Chairman Mucchetti abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 7:44 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

April 14, 2009

Present: Michael Autuori
Nelson Gelfman
John Katz
James McChesney
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Peter Chipouras
Joseph Fossi
Phil Mische

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

An Inland Wetlands Board public hearing was held prior to the meeting.

At 7:45 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

[Note: Item #6 was addressed first, to accommodate the applicant in the audience.]

1. **#2009-022-REF:** Referral under Section 8-24 of the Connecticut General Statutes for a proposed easement for highway purposes consisting of approximately 3,900 sq. ft. along **801 Ridgebury Road**. Owner: Boehringer Ingelheim Pharmaceuticals, Inc. Town of Ridgefield. *35-day action period ends 5/12/2009. Tabled 4/7/2009. For discussion/action.*

Chairman Mucchetti introduced the item and noted the Planner's questioning of counsel regarding the appropriateness of an 8-24 referral in this case.

The Planner said that her question to counsel, reflecting the Commission's confusion, was whether the 8-24 was appropriate for the acceptance of the easement itself or only for the proposed use of the easement, to widen or straighten the road. Counsel's answer was that the 8-24 report is not necessary for the Town to merely accept an easement. If the 8-24 includes a question to the Commission related to "changes to the road and improvements at the curve, then that is an 8-24 matter," she said. On her question to the First Selectman about the purpose of the referral, she had not received a reply. Counsel agreed that the easement and its intended purpose are difficult to separate.

Mr. Katz said that “the confusion on the part of the Board of Selectmen...” means that there is no 8-24 before the Commission relating to what happens to the easement, if or when it is accepted.

Nevertheless, **Dr. Gelfman** said he thought the referral includes the possibility of road widening, and, “in the absence of specific plans,” he motioned to deny the request. Mr. Walsh seconded the motion.

Mr. McChesney said that it had just been decided that there was no 8-24 before the Commission, based on counsel’s comments.

Mr. Walsh said the selectmen seem to think that, but counsel says that the granting of the easement and using the easement for road work are interrelated.

Planner Brosius suggested a letter to the Board of Selectmen stating the opinion of legal counsel that an 8-24 is not required for the acquisition of the easement, but, only at such time that the selectmen may want to authorize changes to the road itself. When more information is available about proposed straightening of the road, the Commission could issue a report.

Mr. McChesney approved that course of action. The Planner said that it did not give a favorable or unfavorable decision.

Dr. Autuori worried about not commenting on the road widening. He was concerned that the Commission might not be able to weigh in on the future installation of a traffic light if it were to comment on an 8-24 referral at a future date.

The Chairman said she did not think it is within the Commission’s purview either way. The Planner agreed that the Commission has no authority over the installation of a traffic light.

Mr. Katz said that the Commission has no authority within the 8-24 referral anyway because it represents only an opinion; it’s advisory, and a negative decision can be overridden by the selectmen in a town meeting. Mr. Katz felt that counsel was incorrect in its assessment of the 8-24 referral, and quoted from the zoning regulations: “no municipal agency [in this case, the Police Department] shall locate or extend public utilities for light.” He said the selectmen would, therefore, have to bring any proposal for a light to the Commission for approval.

The Planner disagreed, saying that a traffic light is not a public utility but rather a traffic control device.

There was ongoing discussion about the distinction between the two and authority over each. The Planner said that a legal opinion was needed.

Mr. Katz expressed his concern that the purpose of the easement was, in fact, to widen the road, even though Boehringer Ingelheim had assured the selectmen that the easement was only to allow straightening of the road. "Accepting the easement foretells what the easement is about," Mr. Katz said, and he recommended a negative response, not a benign one.

The Chairman asked Dr. Gelfman and Mr. Walsh if Mr. Katz' sentiments were consistent with their motion and second. They both said they were.

Mr. Walsh noted the Planner's attempt to get more information from the Board of Selectmen, which was not forthcoming.

Mr. Katz suggested that the 8-24 could be drafted to state that it was counsel's opinion that the easement itself was difficult to separate from its purpose, and that the Commission was objecting to the purpose and not to the easement per se, "which statutorily [it does] not have the authority to accept or reject."

The Planner asked for confirmation that the Commission was requesting a negative report, as opposed to offering no opinion based on a lack of information.

Mr. Katz felt the Commission should issue a negative report based on the inability to separate the easement itself from the action which might result from its acceptance.

Chairman Mucchetti reiterated the motion by Dr. Gelfman and the second by Mr. Walsh, to ask the Planner to draft an unfavorable report, for review by the Commission in a week. The letter should state the Commission's determination that its responsibility for the 8-24 referral pertains only to the consideration of the proposal for road improvements, and that its determination is "negative" with respect to the need for those improvements.

The motion to draft the letter passed by a vote of 6-0.

2. **#2009-027-A: Proposed amendment to the zoning regulations, exterior lighting regulations, Section 7.8.B** c/o Michael Autuori.

Chairman Mucchetti noted the original language suggested by Dr. Autuori on 2/20/09, and the revised language offered by the Planner on 3/10/09.

Dr. Autuori noted that there were three Commissioners absent from the meeting and motioned to table the item until a greater majority was present. Mr. Katz seconded the motion to table.

There was some discussion about an appropriate date to continue the discussion, and 5/12/09 was selected for the item to return to the agenda. The motion to table the discussion passed, 6-0.

3. #2008-032-RCS: Draft copy of Ridgefield Center Study, *for discussion*.

Chairman Mucchetti noted that a public meeting had been scheduled for April 21, 2009 to discuss the final draft of the Study, with the meeting to be held in the Board of Education meeting room at the Annex. The Planner needed the Commission's review and any final comments before taking the document to the public, she said, and she asked the Planner to address the updated study.

The Planner said that the "pdf" file of the study had been e-mailed to a wide distribution of interested parties, and would be posted on the Town's website. Some Commissioners requested hard copies be mailed to them, which the Planner agreed to. There were a few small corrections which she felt were needed.

The Planner said she had rewritten and reorganized the entire section on the business improvement district, stressing the fact that, while it may be a good idea, it would be a new taxing district. She attempted to highlight the benefits of creating the district, while clarifying that it involves an additional tax.

The Chairman said that there seemed to be confusion within the business community as to the source of funding. Even people who had participated in discussions, she said, were under the misconception that funding "would be carved out of taxes that had already been paid." Even so, there is great interest within the business community with establishing a BID, (Business Improvement District), the Chairman said.

Mr. McChesney felt that the taxing district is the most positive and innovative thing put forth in the Center Study. This concept will contribute to making the entire plan work, he said.

The Planner said that the Study itself is what the BID would use as the plan to make improvements and possibly apply for funding.

Mr. Katz said that funds would be coming to Ridgefield, some from the State, and some through the bailout package. Some of the funds will be earmarked specifically for sidewalk improvement, he said. Mr. Katz thought it possible to "jump the gun" and pre-fund some of the recommended improvements with set aside funding.

The Chairman thought it was a great idea and agreed that it would be worth exploring.

The Planner said she would do a mass email to the EDC, Board of Selectmen, Design Council, Police Commission and the Chamber of Commerce to get the study out and let people know that it's online.

NEW ITEMS

4. **#2009-026-SP:** Special Permit under Section 9.2 of the Ridgefield Zoning Regulations to permit signage on buildings and property located at **340 Peaceable Street** (Peaceable Farms) in the RAAA zone. Owner/Appl.: William Sabia. Auth. Agent: Timothy D. Fish. *65 days to commence public hearing ends 6/18/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti suggested 5/3/09 as a date for site walk and 5/12/09 for a public hearing on the item. She explained that the Special Permit was for the number of signs requested, which exceeds the number permitted as-of-right.

Dr. Autuori motioned, seconded by Mr. McChesney, to acknowledge receipt of the application and to schedule the site walk and hearing, as suggested. The motion passed, 6-0.

[Note: In later discussion on another item, the Commission returned to this item to cancel the formal site walk in favor of doing individual drive-bys of the site.]

5. **#2009-028-SP:** Special Permit under Section 9.2 of the Ridgefield Zoning Regulations to permit a child day care center on the first floor of an existing building located at **96 Danbury Road** in the B-3 zone. Owner/Appl.: Skylands, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 6/18/2009. For receipt, schedule walk and public hearing.*

Chairman Mucchetti suggested 5/3/09 as a date for site walk and 5/12/09 for a public hearing on the item. She explained that the Special Permit was for the addition of a new Special Permit use at the site, for a Montessorri school.

Mr. McChesney asked if this was a revision to a Special Permit.

The Planner explained that it was a Special Permit because it was a new use, (a school with a possible day care component), in what had previously been strictly an office building.

Mr. McChesney asked what the commissioners would be looking for on the site walk.

Traffic circulation and an outdoor playground were the issues to be reviewed, the Planner said.

There was a short discussion as to the other uses within the building.

There was a lengthy interruption in the proceedings for this item where Mr. Katz introduced an objection to site walks in general in cases where renovations were primarily interior to the building.

The Chairman spoke in favor of site walks, saying that they are helpful in getting “a physical sense of what we’re looking at.” She gave examples of times when applications were approved without a site walk, and the regrettable consequences.

The Commission revisited the need for a site walk on the applications for 340 Peaceable Street and 305 Main Street, and ultimately cancelled both of these site walks by consensus.

The Planner said that, in the case of 96 Danbury Road, there was an outdoor play area proposed, and the Commission needed to consider drop-off and pick-up of students at the mixed use site.

Dr. Autuori motioned to acknowledge receipt of the application and to schedule the site walk and public hearing, as suggested.

Mr. Katz conceded that the exterior improvements at 96 Danbury Road justified the site walk, and seconded Dr. Autuori’s motion to schedule the walk and the public hearing. The motion passed, 6-0.

6. **#2008-017-SP: Review of signage, 603 Danbury Road, Dunkin’ Donuts.** Appl.: Jim Cain, Jr. *For discussion.*

Chairman Mucchetti described the application and acknowledged Mr. Jim Cain, the franchisee, who came forward for the application.

Planner Brosius said that the size and locations of the signs were approved during the Special Permit process, however the signs themselves would need Commission review. She referred to Sec. 7.2.G.3 in the sign regulations, which states that “any internally illuminated sign shall consist of a dark or opaque background with lighter colored lettering, unless specifically approved by the Commission.” She acknowledged that the Dunkin Donuts logo is a recognized brand name with specific coloring which is typical at all locations, including the other existing stores in Ridgefield. The Planner said that the Commission would have to specifically authorize use of the proposed sign colors and logo design for the signs to be permitted, since they do not appear to follow the recommendations of 7.2.G.3.

Mr. Katz asked why the two signs on the building wouldn’t be sufficient and why the additional “centerpiece” sign underneath the Citgo road sign was necessary. Mr. Cain said it was needed specifically because of its proximity to the road. He said that, from a business perspective, the more signs the better, adding that the dark location warrants ample signage.

Mr. McChesney said that the cream color of the building and the proposed sign colors blend in more than the architects may have realized. He motioned to approve the application, as presented. Mr. Katz seconded the motion. The motion passed, 6-0.

COMMISSION WALKS

As noted above, the following item was scheduled for site walk on **5/3/09**:

- **#2009-028-SP**: Special Permit **96 Danbury Road**, Skylands, LLC

The following, previously scheduled site walk for **May 3, 2009** was canceled:

- **#2009-021-SP**: Special Permit **305 Main Street**, Biggar-Maguire

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Planner re administrative approval of an interior change for the day care facility at **35 Copps Hill**.

MINUTES

Mr. Walsh motioned, seconded by Dr. Autuori, to approve the minutes of March 24, 2009. The motion passed, 5-0-1, with Chairman Mucchetti abstained.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the minutes of March 31, 2009. The motion passed, 6-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary