

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

April 17, 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 was held prior to the meeting.

At 8:32 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 and closed 4/10/ 2007. Draft Resolution of Approval requested 4/10/2007. 35-day action period ends 5/15/2007. For action.*

Mr. Katz motioned, seconded by Mr. Fossi, to approve the resolution as drafted, with revisions added by the Agent on 4/17/07. The motion passed, 8-0-1. Mr. McChesney abstained.

NEW ITEMS

2. **#2007-035-REF:** Referral from the Town of Wilton, modification of Wilton's wetlands permit #1463 for septic repair occurring in regulated area at **246 Nod Hill Road**, Wilton, CT within 500' of Ridgefield boundary. Property owned by the National Park Service (Weir Farm). *For review/comment.*

Chairman Mucchetti explained that the item is outside of the Board's jurisdiction because it is a sewer line.

Dr. Autuori commented that it is an extremely long sewer line.

Agent Brosius said that there are no wetlands on the Ridgefield side.

The Chairman responded that this item was only brought forward because it falls within the Wilton review area and is within 500' of the Ridgefield border, but there is no wetlands impact, as determined by the Wetlands Agent.

The Agent will prepare a letter to state that the Inland Wetlands Board has no issues with the proposed revisions to the wetlands permit in Wilton.

3. **#2007-039-SR:** Summary Ruling application for activities within upland review areas for excavation, filling and grading in conjunction with the construction of a single-family residence on property located on **Rippowam Road, Parcel A1**, in the RAAA zone. Owner: Thomas J. Jarosh. Appl.: Falciglia & Valeri Construction, LLC. *65-day action period ends 6/21/2007. For receipt/ schedule walk.*

After a very brief discussion, **Mr. Katz** motioned to receive the application and to schedule a site walk for Sunday, 4/29/07. The motion was seconded by Mr. Slavin, and passed, 9-0.

BOARD WALKS

The following site walk was scheduled for 4/29/07:

- **#2007-039-SR:** Summary Ruling, **Rippowam Road, Parcel A1**, Jarosh.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

MINUTES

Mr. Katz motioned, seconded by Mrs. Willis, to approve the minutes of April 4, 2007. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

April 17, 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 9:08 p.m., Chairman Mucchetti called the meeting to order.

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. (TENTATIVE)*

The Chairman noted that the details of the shared parking agreement have not been worked out by the applicant, 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 and*

closed April 10, 2007. Draft Resolution of Approval requested 4/10/2007. 65-day action period ends 6/14/2007. For action.

Ms. Willis, in reviewing the resolution, asked about mention of the applicant's offer to landscape the lawn area on the adjoining property to the west, (which had been discussed at the prior meeting).

The Planner explained that this had been added to the revised Resolution of Approval, which was at the table, and was referred to in Item #3d. It states that this is not to be construed as a required condition of approval, but as an enhancement of the project, provided that the applicant and the adjoining property owner can mutually agree on the landscaping.

Mr. Katz motioned, seconded by Dr. Autuori, to adopt the resolution drafted by the Planner, as amended and discussed. The motion passed, 8-0-1, with Mr. McChesney abstained.

3. **#2007-020-SP:** Special Permit application pursuant to Sec. 312.0 as required by Sec. 411.0 of the Ridgefield Zoning Regulations for the demolition of existing retail building and construction of two new buildings (Walgreen's), including reconfiguration of the existing vehicular areas on property located at **42-50 Danbury Road** in the B-1 zone. Owner: Sherwood Island, LLC. Appl.: READCO, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 3/6/2007. Walked 3/18/2007. Public hearing commenced 4/4/2007 and continued to 4/17/2007. 65-day action period ends 6/21/2007. For action.*

Mr. McChesney motioned, seconded by Mr. Fossi, to request that the Planner prepare a resolution of approval for the application, indicating the Commission's desire for 14-foot light poles.

There was some confusion as to the number of poles.

Ms. Willis confirmed that there were to be 12 poles, some of which will have double heads.

The Planner offered to reference the original drawing which had been submitted (1a.) in her resolution of approval.

Mr. McChesney commented on the fact that the Commission has taken great pains to ensure that everyone along Danbury Rd. complies with the 14' height requirement, and he would like to see this application held to the same requirement.

He went on to discuss his opinion that the building location is ideal. He cited all the other site configurations along lower Danbury Rd., particularly on the east side, with the parking in front and the building set back. Moving the building forward would make it "stick out like a sore thumb," he said. He is also in agreement with the Fire Marshall that this location gives the greatest access for emergency vehicles.

The architectural design is satisfactory, he felt, and there is no need for a redesign of the roof line.

Mr. Fossi agreed entirely.

Mr. Katz, although originally opposed, said he now agrees with the Commission that the building should be kept where it is. However, in the future, he would hope that the Commission would promote the idea of the village concept, (which they favored in the Georgetown area), where the buildings would be brought forward, where possible, and the parking along the road reduced.

Dr. Autuori would like recorded in the record the applicant's word that they would keep the wattage to a minimum and look into solar panels if the company identifies this site as appropriate in the future.

The Chairman noted that this will be a draft approval.

The motion passed, 8-0-1. Mrs. Willis abstained.

4. Discussion Village District Review Board c/o Chairman and Planner. *Discussion continued from 4/10/2007.*

The Chairman noted that the Planner was unable to contact the Planner of Madison, CT, but had acquired a cover sheet of Madison's advisory committee. The Chairman and the Planner felt that, given the time shortage before the May 1st deadline, an interim appointment of the AAC to act as the village district review board would be practical and appropriate. There would also be notices going out to the public in the hopes of finding people interested in more permanent appointments to the review committee. The final appointments would be made in September, after the hiatus.

Dr. Autuori asked if this would commit the Planning & Zoning Commission to having a body separate from the Architectural Advisory board. The Chairman said that it may. He was confused as to how the advertising to the public would be handled, since it may be decided that the AAC is a good fit for the position.

Ms. Willis wondered how appealing it would be to the AAC to be asked to come and serve for a six month trial period. She envisioned a very sticky situation unfolding, with the AAC possibly functioning very well as the review board, and then having to interview people applying for the positions. She suggested giving the AAC an opportunity to function as the new board, and then, when reevaluating the situation later on, it could be decided that a new board was needed, and at that time the Commission could begin the process of reaching out to the public for interested parties.

There was general agreement among the Commissioners that this was a good approach.

Mr. Slavin asked if there was any disadvantage to handling this as Ms. Willis had suggested.

The Planner said that the only disadvantage is timing. It would be very difficult to make a decision later and still be able to appoint a board of interested and qualified people in time for September 1st. However, she said it would be possible to revisit this in June, and then potentially have a new board in place in time.

Mr. Slavin wanted to know how the date of September 1st was arrived at. The Planner said that it followed the summer break, and was a logical time to start fresh. The Chairman said that it gives the office time to review applicants during the break.

There was continued discussion about timing.

The Planner said that, whatever the Commission decides, it is important that they meet as soon as possible with the AAC to let them know exactly what is expected of them in their role as the Village District Review Board. She voiced some concern that the office frequently gets negative feedback from and about the AAC, and that applicants tend to find them off-putting and intimidating.

Mr. Katz said that they can be abrasive.

The Planner said that there would need to be some public relations work done in order to communicate the needs of Planning & Zoning to the AAC, so that they could represent the Town appropriately as the Village Advisory board.

Mr. Walsh said he felt that the village district advisory committee is a daunting task, and one that he isn't sure everyone was prepared to take on when they amended the regulations. That said, he continued by saying that the Commission needs to be sure that this committee is acting on their behalf. It is imperative, he felt, that they be a subcommittee of Planning & Zoning, and not a committee appointed by the selectmen. He suggested having the appointment of the AAC as interim village district board expire July 31st. At that point, interviews could begin. If people from the AAC wished to continue on the village district board, then they would need to come away from their positions on the AAC.

Dr. Gelfman asked if there shouldn't be a separate session of the Planning & Zoning Commission to establish what it is that the Commission would be expecting from the new village district board.

Chairman Mucchetti said that some of the criteria are outlined in the new regulations. She mentioned having had conversations with the Planner in which they tried to determine exactly what will need to be reviewed by the new village district board. Anything involving aesthetics within the district, any change to the exterior of a building which can be seen from the street, will need to be reviewed by the new

village district review board. She said that these new regulations require this review board.

Dr. Gelfman said, if the criterion is aesthetics, then the AAC is an appropriate choice as a review board.

The Chairman echoed Mr. Walsh's sentiments, pointing out that you can't have the same people acting as both a subcommittee for Planning & Zoning as the village district committee, and as appointees of the Town as members of the AAC. They could then potentially have a voice in two different forums on the same application.

Dr. Gelfman said that the AAC was conceived by Joseph Heyman in his position on the Planning & Zoning Commission. He asked how it had come to be a committee appointed by the Board of Selectmen.

The Chairman explained that, in doing the research for the by-laws, it was discovered that Planning & Zoning did not have the authority to appoint a committee. Only the Bd. of Selectmen can do so. The Planner explained to Dr. Gelfman that the Commission had been incorrect in appointing the AAC.

Mr. Katz felt that the AAC needs a recording secretary who is not also the head of the AAC. The minutes do not reflect the input of all the members, he felt, but represent the views of their Chairman, John Kinnear. There are many professional disciplines on the AAC that make contributions during the meetings, and these contributions do not necessarily make it into the minutes, Mr. Katz felt, adding that the Commission is not getting the full content of these meetings.

The Chairman reiterated the Planner's statement that some applicants have reported feeling very frustrated and alienated by their dealings with the AAC. She gave an example of the application by Veteran's Park School to replace their sign. They wanted to move it from the back of the school to the front, which happens to be in the historic district. They went to the Historic Commission and were told that the sign was not historic looking and they needed to go to the AAC. The AAC said they had to hire an architect or replace the exact sign that they had taken down. The people who had raised the money for the sign were perturbed enough to take their frustration to the First Selectman.

The Chairman said that the work of the AAC is much appreciated and the expertise of the individuals on the Committee is well respected, however, their dealings with the public have left much to be desired, at times. We're trying to find a way to meet our obligations with what we've just enacted, and not overburden a group of people who are often feeling overburdened, she said.

Mr. Katz moved to appoint the AAC as an interim village district review committee for the period stated. Dr. Autuori seconded the motion.

The Chairman asked if the Commission wanted her to invite the Chair and the Vice-Chair of the AAC to come and meet with the Commission. Mr. Katz said that would not be advisable until after the Commission itself had met on the subject.

By consensus, the Commission agreed that the AAC would be appointed as the Village District Consultant on an interim basis, from May 1 through July 31, 2007. The item will be included for continued discussion at the Special Meeting on Tuesday, April 24, 2007.

NEW ITEMS

5. **#2007-036-REV (SP):** Revision to Special Permit as required by Sec. 312.02.E of the Zoning Regulations for the Town of Ridgefield to renovate/update two (2) existing playgrounds, add a third new playground and install two (2) new exterior doors for property located at **223 A West Mountain Road**, (Ridgefield Academy) in the RAAA zone. Owner: Ridgefield Academy, Inc. Appl.: Larry E. McDowell, Business Manager. *65-day action period ends 6/21/2007. For receipt, schedule walk.*

Mr. Katz motioned, seconded by Dr. Autuori, to receive the application and to schedule a site walk for Sunday, 4/29/07. The motion passed, 9-0.

6. **#2007-038-SPA:** Site plan review of landscaping as per Sec. 407.0G of the Zoning Regulations, in conjunction with 21 multi-family unit development in the R-5 zone. Property located on **63-67 Prospect Street**. Owners/Appls.: The Giardini Limited Partnership and Pierandri Realty LLC. *For review c/o Planning Director.*

The Planner explained that the property, currently zoned R5, is allowed 15 units to the acre. The property owners realized that, under the current regulations, they would be allowed to build 21 units, and under the new regulations, the MFDD, the allowance will be limited to 9 units. The only review required from the zoning commission is a review of the landscaping plan. She requested that they review the proposed landscaping plan, and be prepared for comment at the meeting on May 1, 2007.

COMMISSION WALKS

The following site walk was scheduled for 4/29/07:

- **#2007-036-REV (SP): 223A West Mountain Road**, Ridgefield Academy, Inc.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- WPCA Letter to Reed Whipple, re Bryon Avenue.
- Letter from the Planner to Jon Chew of HVCEO
- Letter from the Kincaid family, re request to have two houses on one lot.

The Chairman explained that they had received a letter from the Kincaid's asking for permission to remain in their current house while building a new house on the same property. She said that the Planner had offered to have the Kincaids come in so that she and the Zoning Enforcement Officer could explain the regulations governing this to them. There was some discussion on the reasons for these regulations. Everyone was in agreement that it is unfortunate that residents can't be accommodated in this way. Mr. Walsh suggested that possibly a Special Permit could enable residents to do this. The Planner said that the problem is not so much how to allow it, but what to do when it is allowed and then the owners don't follow through on the tearing down of the old house, leaving two on one lot. The problem is how to enforce it. Mr. Fossi said that most of the town's he is familiar with allow it. Mr. Katz asked if a bond could be collected to ensure the removal of the old house. The Planner said that forcing someone out of a house is one of the most difficult things to accomplish. Discussion continued on the subject.

- Inspection report prepared by ZEO Richard Baldelli, re 11 Old Stagecoach Road
- Letter from ZEO Richard Baldelli to the attorney representing 27 Catoonah Street, re the fence that was installed without approvals.
- Letter to John Pambianchi, re lights at 32-34 Danbury Road
- Letter from Phil Esser, to the USPS, re the house at 28 Catoonah Street

Dr. Autuori asked if it would be possible to include a location or some identification of where the property is or who the applicant is on materials distributed to the Commission.

The Chairman said that it would be a very good idea to include an address in addition to the application number

MINUTES

Mrs. Willis motioned, seconded by Dr. Autuori, to approve the minutes of April 4, 2007. The motion passed, 8-0-1. Mr. Fossi was out of the room.

Hearing no further discussion, the Chairman adjourned the meeting at 9:15 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION
SPECIAL MEETING

April 17, 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

The Special Meeting for Executive Session commenced after all other business for the Inland Wetlands Board and the Planning and Zoning Commission had been concluded.

The Chairman asked for a motion and second to go into Executive Session.

Mr. Katz motioned to go into Executive Session, seconded by Mr. McChesney, to discuss litigation in the matter of Eureka V, LLC v. Planning and Zoning Commission of the Town of Ridgefield. The Planner was asked to attend the session, and the Recording Secretary was asked to leave. The motion passed, 9-0.

At 9:17 p.m., Chairman Mucchetti called the Executive Session to order.

Dr. Autuori motioned to conclude the Executive Session, seconded by Mr. Fossi. The motion passed, 9-0.

There was no action and no vote taken following the Executive Session.

A second Executive Session will be scheduled with counsel, for Tuesday, April 24, 2007.

Hearing no further discussion, the Chairman adjourned the Special Meeting at 9:30 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning