

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD

April 20, 2010

Present: Michael Autuori  
Peter Chipouras  
Joseph Fossi  
Nelson Gelfman  
John Katz  
James McChesney  
Phil Mische  
Rebecca Mucchetti, Chairman

Absent: Patrick Walsh, Vice Chair

Also Present: Betty Brosius, Inland Wetlands Agent

*Public hearings were held prior to the meeting. The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.*

At 8:10 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2010-020-PR:** Plenary Ruling application as required by Section 7.6 of the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield for regulated activities within the wetlands and upland review areas for piping and reconstruction of watercourses in conjunction with the development of a single family residence on property located on **Second and Third Lanes** in the RA zone. Owner: Wayne E. Wood and The Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy, VII, P.E. *Received 3/2/10, walked 3/21/10, public hearing commenced 4/6/10 and continued to 4/20/10. Hearing continued again to 5/4/10.*

**Chairman Mucchetti** noted that the public hearing was continued to 5/4/10, and there was no discussion.

**NEW ITEMS**

**Chairman Mucchetti** asked to have two items added to agenda, for applications received after the final agenda was posted, but prior to 4 p.m. on the day before the meeting.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to add the two items to the agenda as requested. The motion passed, 8-0.

2. **#2010-041-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for regulated

activity and disturbance in the wetlands, watercourses and upland review areas in conjunction with the replacement of a masonry and stone channel with a concrete culvert on property located at **599 Branchville Road** in the RAA zone. Owner/Appl.: Moreton Binn. Auth. Agent: JFM Engineering, Inc. *65-day action period ends June 24, 2010. For receipt and schedule walk.*

**Chairman Mucchetti** asked for acknowledgement of receipt and suggested April 25, 2010 for a site walk for the application.

**Mr. McChesney** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk as suggested. The motion passed, 8-0.

3. **#2010-042-SR:** Summary Ruling application under Section 7.5 required by Section 11.4 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to reinstate previously issues permits for regulated activity and disturbance in the wetlands, watercourses and upland review areas in conjunction with re-permitting the installation of piping and rip-rap in conjunction with development on **Lots B6 and B7 Ledges Road** in the RAA zone. Owner/Appl.: The Wilton Bank. Auth. Agent: JFM Engineering, Inc. *65-day action period ends June 24, 2010. For receipt and schedule walk.*

**Chairman Mucchetti** asked for acknowledgement of receipt and suggested April 25, 2010 for a site walk for the application. The Agent explained that, since the bank now owns the property, they would like the permits re-instated to facilitate the marketing and sale.

There was some discussion about whether a site walk was needed, since this is a re-instatement of a previously issued permit, but it was determined that several of the Board members were not in office for the discussion of the original permit.

**Mr. McChesney** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk as suggested. The motion passed, 8-0.

## **BOARD WALKS**

As noted above, the Board scheduled site walks for **April 25, 2010** the following items:

- **#2010-041-SR:** Summary Ruling, **599 Branchville Road**, Binn
- **#2010-042-SR:** Summary Ruling/Re-instatement of Permit, **Lots B6 and B7 Ledges Road**, The Wilton Bank

## **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following correspondence.

- Letter from the Planner to the architect for improvements to be made at Boehringer Ingelheim, transmitting Development Permit Application information. The Agent

also referred information about the Administrative Permit for installation of generator pads in the upland review area. The Agent explained that the wetlands map included in the packet reviewed by the Board during the previous meeting was incorrect, and updated wetlands information would be required for the Administrative Permit.

**Chairman Mucchetti** asked the Agent to talk about the forum on Lakes Management that the Agent had attended on April 15<sup>th</sup>. The Agent said that the forum had been scheduled by State Representative John Frey, and he invited two CTDEP officials to attend. The focus of the forum was to provide information to residents who serve on several of the lakes management boards in Town, and to answer questions about control of water quality. One agent was responsible for the review of pesticide and herbicide permits, and he briefly explained the reasons for using chemicals in various situations. The other agent was in charge of reviewing problems and offering solutions for other methods of achieving water quality, including weed removal methods, draw-downs, introduction of triploid carp into the ponds, and dredging. The Agent spoke about the lake development guidelines adopted by the Board as an Appendix to the Inland Wetlands and Watercourses Regulations for Mamasco Lake. She urged the attendees to review those guidelines and to contact the office if there is interest in amending the regulations to reference lakes other than Mamasco.

## **MINUTES**

**Mr. Mische** motioned, seconded by Dr. Gelfman, to approve the minutes of April 13, 2010. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:18 p.m.

Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION

April 20, 2010

Present: Michael Autuori  
Peter Chipouras  
Joseph Fossi  
Nelson Gelfman  
John Katz  
James McChesney  
Phil Mische  
Rebecca Mucchetti, Chairman

Absent: Patrick Walsh, Vice Chair

Also Present: Betty Brosius, Director of Planning

*Public hearings were held prior to the meeting. The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.*

At 7:42 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2010-027-A: Amendments** to the Ridgefield Zoning Regulations, Section 6.1 - Floodplain Overlay Zone, Section 10.2.F - Checklist of Requirements for Floodplain Applications and NEW Section 11 - Floodplain Management Regulations. Commission Initiated. For action.

**Chairman Mucchetti** noted that the public hearing was closed and asked for discussion and action on the proposed regulations.

**Mr. Fossi** motioned, seconded by Mr. Chipouras, to adopt the proposed regulations as presented (including changes recommended by the CTDEP representative for FEMA, following her review of the original version drafted by the Planner). The motion to adopt the regulations passed by a vote of 7-0-1, with Mr. McChesney abstained. [The effective date of the regulations will be the day after the date of publication of the legal notice of decision.]

2. **#2010-034-REV(S):** Request for waiver of Section 4-12 of the Subdivision regulations pursuant to Section 11-1, and request for revision to the previously approved six-lot subdivision, to permit five lots to use an accessway, for property located on **Gino's Way** in the R-10 zone. Owner/Apl.: Sturges Brothers, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends June 17, 2010. Received 4/13/2010 and draft resolution and waiver requested. For action.*

**Chairman Mucchetti** pointed out two draft resolutions of approval drafted by the Planner, the first for the request for waiver of the subdivision regulations, and the second for revision to the previously approved subdivision.

For the request for waiver, **Mr. Katz** motioned, seconded by Dr. Autuori, to approve the resolution as drafted (including seven reasons for granting of the waiver). The motion passed, 8-0.

For the request for revision to the approved subdivision, **Mr. Katz** motioned, seconded by Dr. Autuori, to approve the resolution as drafted. The motion passed, 8-0.

## NEW ITEMS

3. **#2010-036-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations pursuant to Sec. 8.5 (Exception for Historic Resource Preservation) to construct a covered porch on an existing patio on property located at **88 Main Street** in the RA zone. Owners: Jane and Howard Epstein. Auth. Agent: MacMillan Architects. *65-day action period ends June 24, 2010. For receipt/discussion/action.*

**Chairman Mucchetti** recognized Douglas MacMillan, architect, who was present to explain the application.

**Mr. MacMillan** referred to the drawing of the proposed new open porch, to be constructed on existing bluestone terrace, and referenced old photographs showing the original porch on the building. The photographs were sent to the current owners by the son of the original owner's caretaker. The owners wish to re-create the original porch, including a railing at the top. The property is in the Town's Historic District, and it is listed in the Historic Resource Inventory compiled in 1979 by the Ridgefield Preservation Trust.

The porch is approximately 464 square feet in area, and this increased area will not exceed the square feet of coverage permitted under the regulations (Exception for Historic Resource Preservation). The Historic District Commission unanimously approved the design and the addition at its meeting in February.

**Mr. Katz** motioned, seconded by Mr. Chipouras, to approve the addition of the porch according to the plans submitted. The motion passed, 8-0.

4. **#2010-037-SP:** Special Permit application under Section 9.2 required by Section 3.4.D.3 of the Ridgefield Zoning Regulations to construct a 2 story detached garage with porch in the front yard on property located at **19 Blackman Road** in the RAA zone. Owners/Apps.: Leann and Mark Schumann. Auth. Agent: Tom Leporati. *65-days to commence public hearing ends June 24, 2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for acknowledgement of receipt of the application and suggested a site walk for April 25, 2010 and a public hearing for May 4<sup>th</sup>.

**Dr. Autuori** motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

5. **#2010-038-SP:** Special Permit application under Section 9.2 required by Section 3.3.D.1 of the Ridgefield Zoning Regulations for an accessory dwelling unit on property located at **50 Laurel Hill Road** in the RAA zone. Owners/Applicants: John E. Proctor and Jennifer M. Ferrandino. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends June 24, 2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** noted that this application and item #6, for a home occupation are on the same property. She also pointed out that the apartment use and the home occupation (item #6) are already in existence. She asked for acknowledgement of receipt of the application and suggested a site walk for April 25, 2010 and a public hearing for May 11<sup>th</sup>.

**Mr. Katz** asked how these two “after-the-fact” permits were discovered. The Planner explained that an anonymous neighbor had reported the business activity, and when the ZEO and the Fire Marshal inspected the site, the apartment was discovered over the garage.

**Dr. Autuori** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

6. **#2010-039-SP:** Special Permit application under Section 9.2 required by Section 3.3.D.2 of the Ridgefield Zoning Regulations to conduct a major home occupation in the lower level of an accessory building located at **50 Laurel Hill Road** in the RAA zone. Owners/Applicants: John E. Proctor and Jennifer M. Ferrandino. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends June 24, 2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for acknowledgement of receipt of the application and suggested a site walk for April 25, 2010 and a public hearing for May 11<sup>th</sup>.

**Mr. Mische** motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

7. **#2010-040-SP:** Special Permit application under Section 9.2 required by Section 3.3.D.1 and Section 3.3.A.2 of the Ridgefield Zoning Regulations to construct an

accessory building containing four (4) additional garage bays with an accessory dwelling unit above on property located at **902 North Salem Road** in the RAA zone. Owner: J. Gavin Donnelly. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-days to commence public hearing ends June 24, 2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for acknowledgement of receipt of the application and suggested a site walk for April 25, 2010 and a public hearing for May 11<sup>th</sup>.

**Mr. Chipouras** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

8. **#2009-016-POCD:** Draft letter, POCD referral to Board of Selectman *c/o PD*.

**Chairman Mucchetti** referred to a letter drafted by the Planner, proposed for the Commission's referral of the Draft update to the POCD to the Board of Selectmen, as required by State Statutes. The Planner explained that the Plan needs to be forwarded to the Selectmen for comment at least 65 days in advance of the public hearing, which is scheduled for June 29, 2010. It was noted that there were a few minor corrections, including a revised first sentence in the final paragraph.

There was unanimous consensus that the letter and referral of the Plan should go forward, with minor corrections in the letter noted.

Added to the Agenda:

9. **Chairman Mucchetti** stated that the Planner would like an item added to the agenda, to discuss new developments in the matter of the Development Permit Application for pool construction at **20 Peaceable Street**.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to add the item to the agenda. The motion passed, 7-0-1, with Chairman Mucchetti recused. The Chairman asked Commissioner Katz to Chair the discussion and left the table. She did not participate in the discussion.

**The Planner** explained that an engineered plan for the pool construction had been received in the office that afternoon. Copies were distributed for the Commission's review. New impervious surfaces on the site include a patio area around the pool, and an "outdoor kitchen." The plan shows runoff (surface drainage) to be pumped to Peaceable Street from the new impervious areas. Dr. Autuori asked about a generator, and the Planner explained that there is an existing large generator in the northwest corner of the property.

The Planner and ZEO Richard Baldelli briefly reviewed the plan, and noted that it contained significant detail but was deficient in some areas. For instance, there is no access for construction shown (a temporary "driveway" with tracking pad will have to

be constructed), the limits of disturbance are not shown, and the erosion and sedimentation control is limited to one row of silt fence, which may not be sufficient for the amount of disturbance that will occur, especially during significant rain events that may occur while the construction is underway.

The Planner also noted an email message from the Commission's legal counsel, sent following his review of the minutes of the meeting of April 13<sup>th</sup>. Counsel supports staff's recommendation that an outside consultant should be retained to review the proposed plans. The consultant would work on behalf of the ZEO, and the issue of referring the plan further to the Commission for review could be determined at a later date. The Planner also noted that consultant reviews for Commission applications have typically ranged from about \$1,500 to \$10,000, and she expects that this review would be at the lower end of that scale.

**Dr. Autuori** said that the plan seems somewhat complex, and due to the history of drainage issues on this property he would favor the hiring of a consultant. The Planner pointed out that the Commission does not meet again for 2 weeks, and she is concerned that waiting until the next meeting (when ZEO Richard Baldelli might attend) would be an inconvenience to the applicant.

**Mr. Katz** said that any consultant would have to be brought "up to speed" on the nature of this situation. Absent the history of the application, this would not routinely be referred to a consultant. Sufficient details seem to have been included on the plan. It is only in the context of difficulty that the Commission is trying to avoid, that this takes on the weight of requiring consultant input.

**The Planner** agrees almost completely, with the exception that the ZEO has found several areas of concern that would benefit from professional review.

**Dr. Autuori** made a motion to authorize staff to hire a consultant for the review [pursuant to 7.6.D.1], based on the ZEO's concerns. The motion was seconded by Mr. Mische. Mr. Katz asked for discussion on the motion and second.

**Mr. Chipouras** agrees that the consultant should be brought "up to speed" on all aspects of the history of the site, including all of the reports, all of the letters and memos from the applicant and from all of the neighbors, which are part of the record. He suggests that listening to the tapes might be part of that requirement.

**Mr. Fossi** spoke about his comments of the previous week, when he was not in favor of the hiring of a consultant. The sketch shown was simple, and the request was for review of erosion and sedimentation control. He felt that hiring a consultant at the applicant's expense would appear to be punitive.

Mr. Fossi says now that, upon review of the new plan, it appears that there will be significant impervious surface added to the site, and this plan is significantly different from a "benign" erosion and sedimentation control plan. The potential for increased

runoff from the proposed impervious area toward the neighboring property is a concern, and it will be necessary to ensure that this does not occur. He supports the hiring of a consultant, an independent engineer, to review the plans on the Commission's behalf. The potential increase in runoff from the increase in impervious surface is the main concern.

**Mr. Mische** is concerned that the consultant review be limited to the technical review of data, and not the civil issues between the neighbors. Engineers are driven by data. The civil issues between the neighbors are immaterial to the review. The engineer must look at the data and the property with an open mind, and make an independent report.

**Mr. Katz** agreed. He feels that a professional engineer would brush all the civil issues aside anyway, but the technical history is important. The intent is to review the plans for sufficiency of erosion and sedimentation control and storm water management, during the construction and for the long term.

**Dr. Autuori** said that implementation of the plan may actually be a good way to facilitate improvement to the entire current situation. Mr. Katz felt that would not be advised; the review should be limited to making sure that the current plan is sufficient for the pool construction, as presented, to prevent new drainage issues.

**The Planner** agreed. The end result may accomplish what Dr. Autuori suggests, but staff's purpose is to review the pool plan in the most expeditious manner, using new and historical technical data from the record engineer as well as from the neighbor's professional engineer and the Town Engineer. The original application history would be relevant, and the changes that were made to modify that plan would be especially important. The goal is to avoid increase in runoff to the neighboring property.

**Mr. Katz** called for a vote on the motion and second made earlier, to hire a consultant to work with Richard. Mr. Mische added a comment to agree with Mr. Katz and the Planner, that the Commission is restricted to action on this particular application, for the pool, and not to change the current situation.

**Mr. Fossi** quoted from Sec. 7.6.C.2 of the regulations [under which section the E&S plans will be reviewed], which states, "Such erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sediment and reduce the danger from storm water runoff on the proposed site..." He feels that this is applicable to this development application, given the history of the site, and not just the erosion and sedimentation issue. He wants to make sure there is a consensus at the table that the goal is to look at the increased impervious surface, and to determine how that will affect the downstream properties. The Planner confirms that this requirement [7.6.C.2] would allow the consultant to focus on that issue, and agrees with the point that Mr. Fossi emphasizes. All Commissioners seemed to be in agreement.

**Mr. Chipouras** asks if this will be mentioned in a Scope of Services for the consultant. The Planner confirms that it will, but points out that erosion and sedimentation control will also be part of the review. For instance, the ZEO has already expressed concern that the single row of silt fence shown on the plan may not be sufficient during a significant rain event [such as was experienced a few weeks ago] when the site is substantially disturbed during construction.

**Mr. Katz** called again for the vote to authorize hiring the consultant. The motion passed, 7-0-1, with Chairman Mucchetti recused.

### **COMMISSION WALKS**

The following items were scheduled for site walks on **April 25, 2010**:

- **#2010-037-SP**: Special Permit **19 Blackman Road**, Schumann
- **#2010-038-SP**: Special Permit (Acc. Dwelling Unit) **50 Laurel Hill Road**, Proctor/  
Ferrandino
- **#2010-039-SP**: Special Permit (major home occupation) **50 Laurel Hill Road**,  
Proctor/ Ferrandino
- **#2010-040-SP**: Special Permit **902 North Salem Road**, Donnelly

### **REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following correspondence:

- Brochure and notice from the Parks and Recreation Commission and the Ridgefield Tree Committee about a May 15<sup>th</sup> program from 10 a.m.-12 noon, for a tour and “Tree Walk” at Richardson Park

### **MINUTES**

**Mr. McChesney** motioned, seconded by Mr. Mische, to approve the minutes of April 13, 2010. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:09 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning