

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

May 4, 2010

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

Also Present: Betty Brosius, Inland Wetlands Agent

Public hearings were held prior to the meeting.

At 9:20 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 3/2/2010, walked 3/21/2010, public hearing commenced 4/6/2010, continued to 4/20/2010, continued to 5/4/2010.*

Chairman Mucchetti noted that the public hearing had been continued again, to May 18, 2010, and there was no discussion.

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/App.: Moreton Binn. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 6/24/2010. Received 4/20/2010, walked 4/25/2010. For discussion/action.*

Chairman Mucchetti recognized John McCoy, P.E. of J.F.M. Engineering, representing the property owner for the application.

Mr. McCoy explained the reason for the application, to install a concrete culvert to replace a stone-lined, masonry channel that also serves as a means for access to existing trails on the property. It has been used that way for years, but the use has increased recently with the addition of an animal sanctuary at the rear of the 20-acre property. He displayed the overall site plan and identified the location of the proposed work.

The roadway will be wider than the existing to provide room for turning. There will be a small headwall/retaining wall on the outlet side of the culvert, and they will be extending the existing retaining wall for a new headwall on the inlet side. The culvert will be half buried with fill on top. Existing boulders and a small plunge pool will control the outflow.

They will also extend the pervious pavers on the driveway from its current location around the pond, over the culvert and up the hill to a point where the driveway splits, to provide a more solid surface for movement of the trucks that are used to access the animal areas. Mr. Katz asked about the nature of the pavers, and the applicant clarified that the pervious area is between the pavers, and the 12" bed of stone under the pavers is also important to provide permeability. Mr. Mische asked how well the pavers worked, and Mr. McCoy says the manufacturer's claims are actually correct. He had concerns about the pavers years ago, but has had much success using them in recent years. The pavers also provide a better surface in the winter, because they do not "ice up" in the same way as pavement.

Mr. Katz made a motion for a final resolution of approval, seconded by Mr. Mische.

In discussion, the Agent asked to review the report of Wetlands Inspector/Agent Aimee Pardee. Ms. Pardee agrees with the assessment that the pavers will provide a better surface than the gravel drive, and will eliminate the problem of mud on vehicle wheels that is currently being washed into the adjacent watercourse and wetlands under rainy conditions. Concentrated sheet flow off the driveway will also be eliminated.

The motion to approve the application passed by a vote of 9-0.

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 issued 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/App.: The Wilton Bank. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 6/24/2010. Received 4/20/2010, walked 4/25/2010. For discussion/action.*

Chairman Mucchetti noted that the Board had walked the site on April 25th, and recognized John McCoy, P.E., principal of J.F.M. Engineering, representing the property owner (The Wilton Bank) for the application.

Mr. McCoy explained that this was a subdivision approved by the PZ Commission and the Wetlands Board in 2003. Lot B-5 was built out, but lots B-6 and B-7 were not completed, and the permits have expired. Some work has been done, and it resembles what was on the original plan but does not match it perfectly. He has evaluated the work that has been done and has designed modifications of the original plans to reflect that, including additional proposed activities to complete the project. The bank now owns the property, and it is their request to “re-permit” the site, according to the new plans.

He has tried to keep the limit of disturbance the same, with the exception that the “construction limits” now includes the area of the exposed trail which is to be restored to a more “natural” state. The proposed house locations are a little smaller; the retaining walls have been pulled back out of the hillside. The State septic system codes have changed since 2003, and the plans reflect designs that comply with current codes.

Mr. Katz motioned, seconded by Mr. Mische, to approve the application as submitted. The motion passed, 9-0. [The approval will reference applicable remaining conditions of the original permit.]

NEW ITEMS

4. **#2010-047-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for temporary disturbance to the watercourse to replace culvert located on the Northeast Utilities R.O.W. on the east side of **Ivy Hill Road** at the intersection with the **Rail Trail** in the RAA zone. Owner/App.: The Connecticut Light & Power Co. Agent/Consultant: Weston & Sampson Engineers, Inc. *65-day action period ends 7/8/2010. For receipt and schedule walk.*

Chairman Mucchetti and Agent Brosius briefly explained the application. The Chairman suggested that the Board receive the application, visit the site individually during the week, and the item would return for further discussion on May 11th.

Mr. Katz asked if it is really necessary for the applicant to appear for the following week. His opinion is that the application can be approved based on the plans submitted. The Chairman said she assumes that many of the Board members would want to see the site before making a decision on the application.

Agent Brosius emphasized that the culvert replacement involves a significant amount of work and the process has the potential to impact downstream property owners if work is performed without proper limitations and restrictions. The engineer for the

applicant can explain the process to the Board so there is a full understanding of the work that is being proposed. The Board needs to feel comfortable granting an approval with full understanding of what is proposed.

Dr. Autuori asked what has happened since the storm when the wash-out problem with the rail trail occurred. The Agent explained that the storm caused a partial collapse of a portion of the old stone culvert, and there was debris clogging the free-flow of water. The debris has been removed, but the culvert needs to be replaced because it is damaged.

Mr. Walsh said he has observed many people using the trail, in spite of the problems with the wash-out.

The Board members unanimously acknowledged receipt of the application and agreed to the suggestion to visit the site individually prior to the meeting on the 11th. The Agent will ask the authorized agent to appear at the meeting to explain the proposed work.

BOARD WALKS

The following project will be visited individually by the Board members, and not as a group, in preparation for discussion on 5/11/10:

- **#2010-047-SR: Summary Ruling, Ivy Hill Road/ Rail Trail**, the Connecticut Light & Power Co.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Email correspondence from Dennis Miller, resident of Fox Hill Lake, with concerns for two previously approved projects on the lake.
- Copy of an article from the Norwalk River Water Association (NRWA) newsletter, praising Ridgefield resident Scott Sharlow for his volunteer contributions to the efforts of the organization and protection of the watershed.

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of **April 20, 2010**. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

May 4, 2010

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

Also Present: Betty Brosius, Director of Planning

Public hearings were held prior to the meeting.

At 9:36 p.m. Chairman Mucchetti called the meeting to order. Items #7 and #8 were discussed first.

PENDING ITEMS

1. **#2010-033-SP:** Special Permit Application under Section 9.2 pursuant to Section 3.4.D.3 of the Ridgefield Zoning Regulations to construct a 3 car garage in the front yard on property located at **304 Old Branchville Road** in the RAA zone. Owners/Apps.: Thomas and Yvonne Franco. *Received 4/6/2010. Walked 4/11/2010. Public hearing commenced 5/4/2010. 65-day action period ends 7/8/2010. For action.*

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

Mr. Chipouras motioned, seconded by Mr. Fossi, to approve the application as presented. The Planner asked that the resolution be drafted for action at the 5/11/10 meeting, in order to develop language for a condition pertaining to the location of the proposed garage, and limitations on moving the footprint on the site. The makers of the motion and second agreed.

There was discussion about the potential need for the applicant to move the location of the garage dependent on the discovery of ledge. It was pointed out that moving it too far to the west will require the removal of large trees.

The Planner will develop a condition in the draft resolution to allow administrative approval of changes, but to allow the matter to come back to the Commission in the case that the change is substantial.

Mr. Katz stated for the record that the Commission found the general overall design and location of the garage to be harmonious with the surrounding neighborhood.

The motion to draft a favorable resolution with conditions passed by a vote of 9-0.

2. **#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/Appls.: Leann and Mark Schumann. Auth. Agent: Tom Leporati. *Received 4/20/2010. Public hearing commenced 5/4/2010. 65-day action period ends 7/8/2010. For action.*

Mr. Walsh recused himself from discussion on this application.

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

Mr. Katz motioned, seconded by Mr. Fossi, to approve the application as presented. The motion passed, 8-0-1, with Mr. Walsh recused.

3. **#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/Appls.: John E. Proctor and Jennifer M. Ferrandino. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 4/20/2010. Re-schedule walk and confirm public hearing date change to 6/1/2010.*

Chairman Mucchetti suggested 5/16/10 for a re-scheduled site walk, and confirmation of the change of the public hearing date to 6/1/10.

Dr. Autuori motioned, seconded by Mr. Chipouras, to schedule the walk and to confirm the change in public hearing date, as suggested. The motion passed, 8-0-1. (Dr. Gelfman was out of the room.)

4. **#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/Appls.: John E. Proctor and Jennifer M. Ferrandino. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 4/20/2010. Re-schedule walk and confirm public hearing date change to 6/1/2010.*

Chairman Mucchetti suggested 5/16/10 for a re-scheduled site walk, and confirmation of the change of the public hearing date to 6/1/10.

Dr. Autuori motioned, seconded by Mr. Mische, to schedule the walk and to confirm the change in public hearing date, as suggested. The motion passed, 8-0-1. (Dr. Gelfman was out of the room.)

NEW ITEMS

5. **#2010-044-SP:** Special Permit application under Section 9.2 required by Section 3.4.D.3 of the Ridgefield Zoning Regulations to construct a replacement two (2) car garage with a studio above in the front yard on property located at **120 Prospect Ridge** in the RA zone. Owner/Appl.: John Weatherley. Auth. Agent: Robert Grasso. *65-days to schedule public hearing ends 7/8/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and suggested 5/16/10 for a site walk and 6/1/10 for a public hearing.

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, 8-0-1. (Dr. Gelfman was out of the room.)

The Planner asked the Commission if the application should be referred to the Architectural Advisory Committee for review. It was agreed that, although the garage is situated near a heavily traveled road, it is hidden from view by a fence and therefore AAC review would not be required.

6. **#2010-045-A:** Proposed amendment to the Ridgefield Zoning Regulations, **Section 3.3.D.1** (Accessory Dwelling Unit) to eliminate one-acre minimum size requirement when using septic. *Commission initiated. Schedule public hearing.*

Chairman Mucchetti suggested 6/15/10 for a public hearing on the proposed, Commission-initiated amendment to the zoning regulations.

Mr. Chipouras motioned, seconded by Mr. Mische, to schedule the public hearing as suggested. The motion passed, 8-0-1. (Dr. Gelfman was out of the room.)

7. **#2010-046-REV(SP):** Revision to the Special Permit under Section 9.2.A.7.e required by Section 3.2.C.3 of the Ridgefield Zoning Regulations, new architectural design for demolition and reconstruction of new pool house facilities for Silver Spring Country Club on property located at **439 Silver Spring Road** in the RAA zone. Owner: Flat Rock Corp. Appl.: Silver Spring Country Club. Auth. Agent: Doyle/Coffin Architecture, LLC. *65-day action period ends 7/8/2010. For receipt and schedule walk if needed/discussion.*

Chairman Mucchetti introduced John Doyle of Doyle Coffin Architecture, present for the application. She suggested listening to the description of the proposed work,

and then scheduling a site walk if the Commission felt it to be necessary. Otherwise, the Commission may act on the application following the presentation.

The Planner noted that the agenda omitted the word “Revision” [to the Special Permit] and it will be corrected. She pointed out that the Commission had approved a plan for a larger building in September of 2008. The plan was then designed by Centerbrook Architects, and the building was larger and taller. This is a new architect and a new plan, on a smaller scale and in a different footprint.

Mr. Doyle pointed out a drawing comparing the footprint of the proposed new building with the footprint of the larger, 2008 plan. He described the footprint areas for outside space and inside space for each of the two plans. The elements of the new plan (locker rooms, kitchen, dining areas, game room, etc.) are essentially the same as the original plan. The main difference between the new and old plan is the size. The application includes a table to compare the sizes in square footage (coverage and floor area) of the two plans. The height of the new building is 21 feet; the previous plan was 34 feet. Trees on the site, including a row of dogwoods, have been preserved.

The overall result is a building that is more compact. It is in relatively the same position as the original design, with a slight change in the orientation on the site. There is no change to the parking lot or the septic system. A new site plan was prepared by engineer Steven D Trinkaus. Mr. Doyle showed the interior floor plans for the new plan and the previous plan, commenting that the new layout is similar to the 2008 version.

Mr. Katz motioned, seconded by Dr. Autuori, to approve the drafting of a resolution of approval for the plans as presented. The Planner agreed that the approval should be a draft resolution, for final action on 5/11/10, so that conditions can be developed. The trees to be saved were still “X’d out” on the new site plan, and erosion and sedimentation control measures (which will be needed for the building permit) are not shown.

Mr. Katz noted for the record that his motion to approve the application so quickly is based on the observation that the new plan is much more sensitive to the conservation of the site than the previous plan.

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

8. **599 Branchville Road** (Binn Property): Memo and letter re animal sanctuary and charitable foundation. *For discussion c/o P.D.*

Chairman Mucchetti pointed out a memo from the Planner and her request for discussion of the activities at 599 Branchville Road, for the Binn Animal Rescue & Sanctuary Charitable Foundation, Inc.

The Planner said she brought the matter to the Commission for brief discussion, to determine the need, if any, for regulation of the facility under Sec. 3.2.C, as a “philanthropic” operation. The ZEO and the Wetlands Inspector have both visited the site on several occasions, and the ZEO is currently working with the property owner’s engineer to resolve the need for zoning and building permits for several sheds/outbuildings that were put up on the site without permits. The sheds are used for the various animals in scattered locations on the property.

In addition, the activities of the organization were outlined in a letter from engineer John McCoy, and in information sheets describing the activities of the BAR&SCF. The documents state that there are 153 animals on the site, and Mr. McCoy’s letter says that the owner’s eventual goal is “to have a private sanctuary that would be open to the public on a very limited basis by appointment only, maybe several times a month. They foresee, by appointment only, small groups of less than eight persons visiting the sanctuary at any one time.”

At this time, the Planner is asking the Commission if there is a threshold of activity where the operation would be considered a “philanthropic” organization needing a Special Permit under the zoning regulations, in the same manner that the Commission reviewed the Leir Foundation activities. The Planner does not think the operations are at that point yet, but in the future there may more activity and bussing of school children to the site. As described in Mr. McCoy’s letter, the activity is minor, but there is the potential for an increase. Staff also believes that, because there are now 153 animals on the site, there may be some oversight needed from another agency, such as the Health Department or the Department of Agriculture, which supersedes zoning issues. It would be up to the property owner’s responsibility to obtain whatever licenses and permits are needed from the federal or state governments, to operate an animal rescue operation and sanctuary. Right now, it is more like a farm.

The Chairman asks the Planner what level of operations she thinks would create the need for the Special Permit. The Planner feels that the current level does not warrant it; when the facility is “open to the public” that may be the tipping point. That level may be beyond what Mr. McCoy describes in his letter.

Mr. McCoy states for the record that the facility is not currently open to the public. At present, visitors have only included invited guests and members of the owner’s family. This will not change in the immediate future. He concedes that there may be a need for a Special Permit in the future, but he emphasizes that there is no access to the general public at this time.

Dr. Autuori says he learned on the site walk that the owner had purchased an adjoining residential parcel that opens up to Stony Hill Road. His concern is not for small groups coming in at the main entrance to the Binn property off Route 102, but if traffic for the “public” is allowed to come off Stony Hill Road to access the site, then that will affect the existing residential neighborhood.

Mr. Katz says there is no animal on the property today that does not qualify as (a) a farm animal and (b) “livestock.” Second, he says that he has farm property on Ridgebury Road, and if he wanted to invite, once a month, groups of eight people to his property every month, there is nothing to prevent him from doing so. Right now, there is no reason to regulate or police what is there.

Chairman Mucchetti asked at what level the number of animals would generate the need for more regulation. The Commission has discussed horse paddocks in the past, and has had concerns about manure control for large numbers of animals. There are donkeys, alpacas and sheep on this property that may raise the same concern.

Mr. McCoy says that the number of animals includes many rabbits, guinea hens, and peacocks, and there are fewer of the larger animals.

The Planner points out that the operations of the facility can be brought to the attention of the Health Department to see if they have any concern about manure management, and the Inland Wetlands Board has regulations about manure storage in relation to distance from wetlands and watercourses. Mr. McCoy says that all manure is carted off in dumpsters.

Mr. McCoy emphasized that there is currently no “public” activity at the site, and he is unaware of any school children visiting. The Chairman asks if the presence of school children would generate the need for a Special Permit. The Planner says that it might. Mr. McCoy repeats that the desire to have small groups of visitors, by appointment only, is a future plan and not a current situation.

The unanimous consensus was that there is no need for regulation at this time.

Chairman Mucchetti reminded the Commission about the “Focus Group” meeting scheduled for 6:30 – 8:30 p.m. on Wednesday, 5/5/10, at the Veteran’s Park School cafeteria, for discussion of the Route 7/35 intersection area in Ridgefield. The Route 7 Corridor Study consultant is hosting the workshop, to receive input and suggestions from property owners, town agents, and others, regarding land use and future development and changes that might be appropriate along that section of Route 7.

COMMISSION WALKS

The following items were scheduled (or re-scheduled) for site walks on **May 16, 2010**:

- **#2010-044-SP**: Special Permit **120 Prospect Ridge**, Weatherley
- **#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

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Revised Floodplain Regulations pages for the Commissioner's zoning regulations notebooks.
- Anne Scott real estate newsletter, with interesting comment about residential sales.
- Article entitled, "EDC Looks to Promote Local Commerce," from "Ridgefield Patch" (ridgefieldpatch.com), an on-line newsletter.

MINUTES

Mr. Fossi motioned, seconded by Mr. Chipouras, to approve the minutes of **April 20, 2010**. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning