

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD

May 11, 2010

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

Absent: Joseph Fossi

Also Present: Betty Brosius, Inland Wetlands Agent

*A Planning and Zoning Commission public hearing was held prior to the meeting.  
At 7:52 p.m. Chairman Mucchetti called the meeting to order.*

**PENDING ITEMS**

1. **#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/Apl.: The Connecticut Light & Power Co. Auth. Agent: Weston & Sampson Engineers, Inc. *65-day action period ends 7/8/2010. Received 5/4/2010, walked individually prior to 5/11/2010. For discussion/action.*

**Chairman Mucchetti** noted that the application was intended to facilitate repairs on a section of the rail trail where heavy rains caused wash-out conditions in December of 2009 and January of 2010. She recognized the representatives for the CL&P application, including Christopher Swan, Director of Transmission, Municipal Relations and Siting for Northeast Utilities, Joe Perugini, Senior Project Engineer and Christopher Wester, P.E., from Weston & Sampson Engineers, Inc.

**Mr. Swan** said the care and maintenance of the rail trail falls under his department's jurisdiction. The storms in December and January caused a wash-out of some "hundreds of feet" of the trail. The stone culvert at Ivy Hill Road, built shortly after the Civil War, was examined on January 29<sup>th</sup> in the presence of town officials (Town Engineer, First Selectman, Director of Public Services) and was found to be damaged and blocked. They subsequently met again with town officials on February 12<sup>th</sup>, and with residents from the immediate area on the 13<sup>th</sup>. Clean-up continued in March and April, and there was another meeting with the First Selectman and Town Engineer on

April 21<sup>st</sup>. Mr. Swan said the Town has been very cooperative in working with Northeast Utilities, to move the project along. They would like to begin the work on the Monday following the issuance of the wetlands permit. They would like work to be completed within the next two months so that use of the trail could be restored in early summer.

**Engineer Joe Perugini** described existing conditions and details of the work that would be done. The existing culvert was blocked at the inlet, and stones within the culvert have been dislodged. The best solution was determined to be full replacement of the culvert, using a 30” pipe for the main flow, and a second 30” overflow pipe located above. The overflow pipe would take the flow if the bottom pipe was 50% blocked. The system will accommodate a 100-year storm with no overflow on the trail, and no “over-topping” of the trail.

The important issue is that the remainder of the trail repairs cannot be finished until the culvert is replaced, to avoid repeating the same wash-out problem in future storms.

The outlet of the culvert will be a cast-in-place over-sized concrete box, designed to handle the flows of the double 30” pipes. Flow then enters a 27” X 34” corrugated metal elliptical pipe that runs under Ivy Hill Road (owned by the Town) and discharges into a pond across the street. The portion of the trail above the pipes would be replaced to match the original design.

Sheet C-3 of the plans has a detailed sequence of construction, for phasing of the work. Mr. Perugini described important measures, including a silt curtain that will be placed in the pond to catch sediment. A coffer dam above the inlet to the pipes, upstream, will block the existing flow that will be by-passed while the work is in progress. The top two feet of the trail will be removed and disposed off-site, because it contains trace amounts of arsenic.

**Chairman Mucchetti** asked about the contaminated material that was washed away during the storms. Mr. Swan said that the material was removed in March/April, including material in wetlands (a project that was approved earlier by the Board, and inspected by the Wetlands Inspector/Agent). A “vac” truck was used for the removal.

**Dr. Autuori** asked about the stone culvert, and why it could not be saved. Mr. Perugini confirmed that there were stones within the culvert that were dislodged. Mr. Swan agreed, and warned that if one stone has dropped, then more may drop in the future. Dr. Autuori asked if a trash grate was considered, to trap debris. Mr. Perugini said that was considered, but the grates actually trap more debris – they do not function well. Dr. Autuori asked why one large pipe was considered, instead of two 30-inch pipes. Mr. Perugini said that a larger (taller) pipe would not connect properly with the existing pipe under the road, and the second pipe is really for emergencies only.

**Mr. McChesney** asked about the pump on the site. Mr. Perugini said that a different pump will probably be used by the contractor. Mr. McChesney asked about how long the trail would be closed, and the answer was, two months. Many agreed that people will still probably try to use it, despite the condition. Mr. Swan confirmed that people are using the trail, despite the warnings posted on signs. Mr. Mische asked how much time is for Phase I, and how much for Phase II. Mr. Perugini responded that Phase I is for installation of the first barrel, and it would take about 2-3 weeks. This pipe serves as the by-pass, which then allows work (Phase II) to continue above.

**Mr. Katz** asked if the questions in the staff report could be addressed. Mr. Perugini answered the questions and responded to the comments. The engineers agreed to notify town wetlands staff in addition to notifying the Town Engineer during the phases of the work. Work will be done during dry periods as much as possible. The wetlands agent will be consulted if any alternate by-pass method is proposed. Construction signs and dates will be posted for the work, so that pedestrians will understand the time-frame. Temporary chain-link fence will be used to protect the work area. The property owner of the pond across the street has been “kept in the loop” throughout. All agreed that the existing sediment in the pond did not come from the rail trail. The Agent confirmed that she has looked at the pond, and the pipe emptying sediment into the pond comes from the catch basins in the road.

**Dr. Autuori** asked if the contractors would take care of the homeowner’s pond in the event that a large storm caused unexpected damage. The answer was, yes. Mr. Perugini said the goal is to maintain clean water discharge throughout the project. Inspection reports will be provided at six months and one year, as requested in the Agent’s staff report.

**Mr. Katz** motioned, seconded by Dr. Autuori, to approve the application as presented.

The vote was postponed to allow Allan Pilch, engineer and representative of the Conservation Commission, to ask a few questions on behalf of the CC. He questioned whether the existing 27” X 34” metal arch pipe under the road had been examined during the process. His concern is that the two 30-inch pipes emptying into the metal pipe might compromise its function. He said that metal pipes have a tendency to disintegrate over time, and the pipe might act as a “choke point.”

**Mr. Perugini** said that the dual pipes were designed to handle the 100-year storm, and there is no expectation that both barrels would be running at the same time in excess of that design. If a storm exceeded the 100-year level, there might be a surcharge in the catch basin in the street.

There was some discussion and agreement that such an event might occur. The Agent said that the Town Engineer and the Director of Services had both reviewed the plans, they were aware of the issue, and there were no plans to replace the pipe under Ivy Hill Road at this time. There was consensus on the Board and agreement

with the applicant's position that the replacement of that pipe would be the Town's responsibility, if repairs were needed.

**Dr. Autuori** asked about the pipes that drained the pond across the street. There is no plan to change pipes in that pond. The Agent confirmed that she had seen the pipes in question, and repeated her belief that sediment in the pond is coming from the town's catch basins in Ivy Hill Road.

**Chairman Mucchetti** called for the vote. The motion to approve the application passed by a vote of 8-0.

## **NEW ITEMS**

2. **#2005-050-SR:** Request for 5-year extension of Adopted Summary Ruling Resolution of Approval on property located at **94 Mamasco Road** in the RA zone. Owners: Jonathan Lee and Lisa Scroggins. *For action.*

**Chairman Mucchetti** referred to a letter from the homeowner requesting a 5-year extension on the wetlands permit issued in May 2005, and she described the location of the property. The Agent provided a copy of the previous approval, and a small map of the property showing the wetlands and proposed home addition.

**Mr. Katz** motioned, seconded by Dr. Autuori, to approve the 5-year extension as requested. The motion passed, 8-0.

**Chairman Mucchetti** said that the Agent wanted to add a new item to the agenda for brief discussion. Dr. Autuori motioned, seconded by Mr. Mische, to add the item. The motion passed, 8-0.

3. **#2007-083-WV and #2008-028-SR: 10 Kendra Court.** The Agent reminded the Board of a 2007 wetlands violation at the subject property, subsequently remedied by the property owner (Madaloni and Whitford) after submitting and gaining approval for a Summary Ruling remediation plan. Studer Design Associates and Wetlands Inspector/Agent Pardee inspected the site and found it to be substantially in compliance with the approval. An \$8,500 bond posted to ensure the completion of the work was reduced by the Board to \$1,500, and that remains in place.

At the time of the violation, a notice of the Order to Cease and Desist was filed on the Land Records, but notice of completion of the successful remediation (a "release") was not filed. The Agent is now requesting the Board to authorize the filing of a notice of remediation, pending inspection by the Wetlands Inspector/Agent.

**Dr. Autuori** motioned, seconded by Mr. Chipouras, to authorize the Agent to file a notice of Release (on the Land Records), for remediation of the wetlands violation for 10 Kendra Court, pending inspection by the Wetlands Inspector/Agent. The motion passed, 8-0.

**BOARD WALKS**

There were no new Board walks to be scheduled.

**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 Agent and copy of the final resolution of approval for the Ledges Road application, reviewed by the Board the previous week.

**MINUTES**

**Mr. McChesney** motioned, seconded by Mr. Chipouras, to approve the minutes of May 4, 2010. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION

May 11, 2010

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

Absent: Joseph Fossi

Also Present: Betty Brosius, Director of Planning

*A public hearing was held prior to the meeting.*

At 8:27 p.m., Chairman Mucchetti called the meeting to order. Items #4 and #6 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/Appls.: Thomas and Yvonne Franco. *Received 4/6/2010. Walked 4/11/2010. Public hearing commenced and closed 5/4/2010 and draft Resolution of Approval requested. 65-day action period ends 7/8/2010. For discussion/action.*

**Chairman Mucchetti** referred to the draft resolution of approval prepared by the Planner.

**Mr. Katz** motioned, seconded by Mr. Walsh, to approve the resolution as drafted. The motion passed, 8-0.

2. **#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/Appl.: J. Gavin Donnelly. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 4/20/2010. Walked 4/25/2010. Public hearing commenced 5/11/2010 and was continued to 6/8/10.*

**Chairman Mucchetti** noted that the public hearing had been continued to 6/8/10, and there was no discussion.

3. **#2010-046-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e required by Section 3.2.C.3 of the Ridgefield Zoning Regulations for new architectural design for demolition and reconstruction for 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. Received 5/4/2010 and draft Resolution of Approval requested. For discussion/action.*

**Chairman Mucchetti** referred to the draft resolution of approval prepared by the Planner.

**Mr. Walsh** motioned, seconded by Mr. Katz, to approve the resolution as drafted. The motion passed, 8-0.

#### **NEW ITEMS**

4. **#2010-048-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for excavation, grading and screening for construction of an athletic practice field on property located at **223 West Mountain Road, Ridgefield Academy** in a RAAA zone. Owner: Ridgefield Academy, Inc. Auth. Agent: Larry McDowell, Business Manager. *65-day action period ends 7/15/2010. For receipt/discussion/action.*

**Chairman Mucchetti** recognized Brian Hall, facilities manager for Ridgefield Academy, representing the applicant.

**Mr. Hall** described the work. The field will only be used for students during the day, for practice. The project involves cuts and fills to level the area; no material would be carted on or off the site, but it would be re-distributed. There is currently a lack of sufficient fields for the number of students at the school.

**Chairman Mucchetti** said that since the Commission had site walks scheduled for Sunday, May 16<sup>th</sup>, this item could be added to the schedule. The decision could be made the following Tuesday. Photos were distributed so that the Commission could see the location in relation to an existing baseball field, and vegetation on the border with the neighbor.

**Mr. Katz** did not think that a site walk was necessary and motioned to approve the application as presented. The motion was seconded by Mr. Chipouras, who emphasized the need to follow procedures for erosion and sedimentation control.

**Mr. Mische** asked a few more questions, to clarify his understanding of the slopes. Mr. Hall used the maps to explain the distribution of the soil, with the cuts and fills.

To address concerns about the steepness of the slopes, the Planner suggested a condition to require erosion control blankets on the slopes adjacent to the field, with seed, if recommended by staff.

The motion to approve the application with conditions passed, 8-0.

5. **#2010-049-SP:** Special Permit application under Section 9.2 required by Section 7.8 of the Ridgefield Zoning Regulations to provide pole lighting fixtures for tennis courts on property located at **126 Eleven Levels Road**, recreation area in the RAA zone. Owner: West Mountain Estates Homeowners Association. Appl.: Peter L. Klemm, Pres. *65-days to commence public hearing ends 7/15/2010. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** explained that this is a new application for lighting at the West Mountain Estates tennis courts. The Commission will need to set a public hearing date for the application (June 8<sup>th</sup> is suggested), but an inspection will have to be done at night, so the Commission can observe the lights when they are turned on, in the dark. The applicant was informed by the Planner that it may be necessary to turn the lights for multiple evenings, to give Commissioners an opportunity to individually visit the site. The existing lights have been modified with shielding, and a letter in the application packet from the lighting consultant references the success of the installation.

**Mr. Katz** suggested that the Commission visit the site on a Tuesday night, following one of the regular meetings. The Planner suggested that she request Monday and Tuesday nights, 5/17 and 5/18, so that Commissioners who wanted to observe the lights on a non-meeting night would have that option as well.

**Mr. Walsh** motioned, seconded by Mr. Chipouras, to acknowledge receipt of the application, to schedule the public hearing for 6/8/10, and to walk the site individually on Monday, 5/17/10, or as a group, as a continuation of the regular meeting on 5/18. The motion passed, 8-0.

6. **#2010-050-Misc:** Request for designation of Community Sign Board at **143 Danbury Road**, (Pamby Motors) in the B-1 zone, pursuant to Sec. 7.2.C.10 of the zoning Regulations. *For discussion/action.*

**Chairman Mucchetti** recognized attorney Robert Jewell, representing the property owner for Pamby's Motors. She explained that, at the suggestion of staff, Mr. Jewell sent a letter to request that the existing banner location at Pamby's, at the corner of Danbury Road and Copps Hill Road, be made "official" as a Community Sign Board location, in accordance with Sec. 7.2.C.10. The Chairman noted that signs (banners) announcing Ridgefield events have been posted in this location for years.

**Mr. Jewell** has been communicating with the Zoning Enforcement Officer, and he knows that the un-permitted signs have been a source of aggravation. The request is

to continue the posting of signs in the same manner, but under an official designation as a community sign location, approved by the Commission.

**Mr. Katz** motioned, seconded by Mr. Chipouras, to approve the Community Sign Board location.

**Chairman Mucchetti** pointed out that the Commission can establish conditions and parameters for the approval, so it is clear about what is permitted and what is not.

**The Planner** asked if the events advertised on the sign were all “Ridgefield” events, and the answer was yes. She noted that the ZEO does not have an issue with the fact that the signs are posted here, but explained that the sign regulations require permits for banners in all locations in town, and the absence of permitting for this location is seen by others as unequal treatment under the regulations. The suggestion is for the Commission to officially designate this as a “community events” sign location, so that the practice of posting the banners can continue with approval authorized in the zoning regulations.

**Mr. Walsh** argued that it is not a sign “board.” The Planner read the language in the regulations, and it was agreed by consensus that the two stakes could be permitted within the description. Mr. Jewell represented that the property owner is open to a suggestion for improving the posts or creating a “board,” if someone would draw something up as a design. He asked about whether or not an actual “board” should be installed, or if the two 4” X 4” posts that presently hold the banners should be replaced.

**Mr. Katz** suggested changing the motion to a request for a draft approval that could come back to the table, to include conditions suggested by staff. Mr. Chipouras agreed to the change in the motion.

The motion to draft an approval of the sign board location passed, 8-0. The resolution will be prepared for final action on 5/18/10.

7. Discussion re sign violations c/o PD.

**Chairman Mucchetti** asked the Planner to address this item.

**The Planner** noted her memo and comments referring to a letter received from AAC member Suzanne Benton, regarding signs that Ms. Benton believes to be in violation of the zoning regulations. Ms. Benton submitted a notebook of color photographs with examples of the signs that she feels are in violation. The notebook was passed around the table for all to see.

The Planner’s memo acknowledges that Ms. Benton may be correct about some of the signs, but most of the signs that she has photographed are not violations. She has called the office on several occasions and, as noted in the memo, the ZEO has

followed through only to find that many of the signs are not an issue. Her major concern seems to be the lighted “Open” signs in store windows.

Fluorescent lighting is no longer prohibited in the regulations, and most of the lighted “Open” signs are new LED fixtures, or ordinary incandescent light behind a colored sign face. ZEO Richard Baldelli has responded to several complaints, and has had success in asking people to turn off blinking “Open” signs, but his time is primarily spent on more serious zoning issues.

There may be some legitimate complaints about window signs that cover too much of the window area, such as the black and white signs in the liquor store windows at the CVS plaza.

Dr. Autuori asked when the Commission dropped the prohibition for neon signs. The Planner referred to new Section 7.2 in the zoning regulations, and the section on “Sign Illumination.” Neon signs are not specifically listed; signs may not be blinking or “animated.” Incandescent or white fluorescent light must be used for exterior lighting of signs.

**Chairman Mucchetti** said that the signs shown in the photos seem very unobtrusive.

**Mr. Walsh** referred to the Planner’s memo and said that staff action is “right on track.” The ZEO receives complaints, he verifies the existence or non-existence of a violation, and he acts on those that need to be corrected. He prioritizes his time as he sees fit, and that is what he should do. Mr. Walsh does not know why the Commission should try to micro-manage his time.

The Planner suggested that she draft a response to Ms. Benton, for review by the Commission on 5/18/10, prior to mailing. The Commission agreed by consensus.

**Mr. Katz** said it was important that the ZEO get the message from the Commission that these small violations are not a serious issue that gives any Commissioner the idea that the ZEO is not doing his job. That is the furthest thing from the truth. He is doing a fine job, and he should be allowed to use his time as he sees fit, ranking violations in order of importance, to get the job done.

**The Planner** said that the poor economy has caused an increase in the number of zoning violations, including signs but also creating some serious housing issues (such as illegal apartments), and illegal home occupations. The Citation Ordinance has helped tremendously in speeding up the correction of violations in many cases. The ZEO is often criticized unfairly for enforcing the regulations – it is a “negative” thing to do in the eyes of those who are affected – but the residents of the Town really benefit from what the don’t see. Mr. Baldelli has taken care of many situations that would be offensive and even dangerous, and these situations are unknown to others because they are dealt with and not seen.

**Dr. Autuori** asks if there is a proliferation of neon lights, and the Planner said there are not. Most people are using LED for new lighting. One thing that may need regulation in the future will be digital signs, where there are scrolling, changing messages. These are appearing more and more all over the country. Stores are also putting television screens in their windows, with changing pictures and messages – this is advertising, and it may need to be regulated. The regulations currently do not refer to these new types of signs, but many towns have started to draft regulations.

## **COMMISSION WALKS**

As noted above, the following item was scheduled for individual site walk on 5/17/10, or as a group site visit on 5/18/10, as the last item on the PZC agenda:

- **#2010-049-SP:** Special Permit **126 Eleven Levels Road**, West Mountain Estates Homeowners Association

The following items were previously scheduled for site walk on **May 16, 2010:**

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

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

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

- Quarterly newsletter from the CT Federation of Planning and Zoning Agencies. Ms. Mucchetti pointed out reference to a proposed bill to allow Commissions to regulate cell tower locations. Mr. Katz noted a paragraph pertaining to a “quick citation” about wetlands permit review (*Vine v. PZC*). The newsletter has an error in the citation. The correct citation, as described by Mr. Byrne (newsletter editor), states that a wetlands agency cannot deny an application based on the “possibility” of off-site damage to a wetland. There must be substantial evidence of the probable damage in order for it to be considered. [Staff will try to obtain a copy of the citation.]
- NY Times article about an 8-30g application in Orange, on the Hubbell property, where the owners now want to develop the land after realizing a tax benefit for many years under PA-490.
- Notice from RACE about an energy meeting to be held at the Leir Foundation on 5/19, regarding reducing the Town’s carbon footprint.
- Copy of a letter from Clark Engineering, regarding the pool permit application for 20 Peaceable Street.
- Reminder notice for the Route 7 Corridor Study “Focus Group” meeting in Branchville, scheduled for Thursday, 5/12/10. Chairman Mucchetti described the productive meeting held the previous week, for the Route 7/35 intersection area.

The meeting was sparsely attended, but many property owners were in attendance. Residents of the Toll Brothers development and Stonehouse Commons were there, and Town agency representatives Max Caldwell (WPCA), Kitsey Snow (Conservation Commission) and Dave Goldenberg (Affordable Housing). Participants broke up into groups, and the results were startlingly similar. For one thing, there was unanimity on the need for a four-way traffic light at the intersection. The Planner encouraged all to attend the Branchville meeting. The meeting starts promptly at 6:30 and will end in two hours.

## **MINUTES**

**Mr. McChesney** motioned, seconded by Dr. Autuori, to approve the minutes of May 4, 2010. The Chairman pointed out a few typographical errors for correction. The motion to approve the minutes with the corrections passed, 8-0.

**Chairman Mucchetti** reminded the Commissioners about the Sunday site walk, and there will be no regular Commission meeting on May 25<sup>th</sup>.

Hearing no further discussion, the Chairman adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning