

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

May 22, 2007

Present: Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Michael Autuori

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

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-045-SP-SR:** Summary Ruling application for disturbance and activity in the upland review area in conjunction with Special Permit application for excavation, grading and filling to construct an alternate driveway off of Wilton Road East to serve existing residence at **140 Wilton Road West** located in the RAA zone. Owner: Louis H. Price, Jr. and Jo-Anne T. Price. Auth. Agent: Frank G. Fowler III, PE, LS. *65 day action period or to commence public hearing ends 7/5/2007. Received 5/1/2007, walked 5/20/2007. Determine significance/discussion/action.*

Chairman Mucchetti asked the Board to determine the significance of the proposed activity, based on observations from the site walk on 5/20/07.

Mr. McChesney felt it should go to a public hearing. The Agent commented that the Board was only dealing with the wetlands portion of the application here. Mr. McChesney said he wanted to have input from the neighbor who has concern about the runoff. Mr. Slavin agreed.

Ms. Willis asked the Agent if she had received a letter from Mr. Price, who said he would get a letter from the neighbor. She had not.

Mr. Walsh felt this could be handled by a Summary Ruling. Mr. McChesney agreed.

Chairman Mucchetti noted that a public hearing was already scheduled for a Special Permit for this site through planning and zoning. Mr. Walsh suggested they schedule the wetlands hearing on the same day, (6/5/07).

Mr. McChesney motioned, seconded by Mr. Slavin, to schedule a hearing on the application, concurrent with the hearing to be held on 6/5/07 for the Special Permit, because of concern with runoff directed toward the downhill neighbor. In discussion, Mr. Walsh concurred, but stated that the application should remain at the Summary Ruling level.

The Chairman called for a vote, and the motion passed, 7-0-1. Dr. Gelfman abstained.

2. **#2007-047-SR:** Summary Ruling application for disturbance in the upland review area to install a new septic system on property located at **107 Scodon Drive** in the RAAA zone. Owners: Keith A. and Heidi M. Namiot. Auth. Agent: William Dexter. *65-day action period ends 7/12/2007. Received 5/8/2007, walked 5/20/2007. Determine significance/discussion/action.*

Chairman Mucchetti asked the Board to determine the significance of the proposed activity, based on observations from the site walk on 5/20/07. She reminded the Board that they had walked the site. The application concerned a repair and replacement of the existing septic system.

Mr. Walsh motioned to determine that the application was of minor significance for wetlands impact, and to approve the plans as presented. The motion was seconded by Mr. Fossi.

The Agent distributed for the Board's review a draft Advanced Proposed Resolution of Approval, which she had prepared following the site walk, in anticipation of their approval of the application. Everyone read it and was comfortable that it met the necessary conditions for approval.

Mr. Walsh amended his motion and Mr. Fossi agreed to second that motion, to approve the application according to the conditions of the proposed resolution. The motion passed, 8-0.

3. **#2007-049-SR:** Summary Ruling application for activities within upland review area for installation of a new 2-bedroom septic system on property located at **61 Peaceable Hill Road** in the RAAA zone. Owner: Elizabeth Ann Montanari. Appls.: Elizabeth Ann Montanari & Paul Montanari. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 7/12/2007. Received 5/8/2007, walked 5/20/2007. Determine significance. Auth. Agent requests discussion to be held on 6/5/2007.*

Chairman Mucchetti asked the Board to determine the significance of the proposed activity, based on observations from the site walk on 5/20/07. She also noted that the applicant's agent, John McCoy, had requested further discussion to be held at the June 5th meeting, because he is out of town.

The Agent asked that the Board to note that the applicants are proposing to install a well and a septic system.

It was the consensus of the Board members who had walked the property that the activity would be of minor impact to the wetlands, and the application should remain at the Summary Ruling level.

Dr. Gelfman motioned, seconded by Mr. Slavin, to table further discussion until June 5th. The motion passed, 8-0.

4. **#2007-050-SR:** Summary Ruling application for disturbance in wetlands and upland review areas in conjunction with single family residential re-development on property located at **90 Spring Valley Road** in the RAAA zone. Owner/Appl.: Jeanne Timpanelli. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 7/12/2007. Received 5/8/2007, walked 5/20/2007. Determine significance. Auth. Agent requests discussion to be held on 6/5/2007.*

Chairman Mucchetti asked the Board to determine the significance of the proposed activity, based on observations from the site walk on 5/20/07. She also noted that the applicant's agent, John McCoy, had requested further discussion to be held at the June 5th meeting, because he is out of town.

The Agent informed the Board that the application had been referred to the Town Engineer for comment because of the discharge into the Town road drainage system, and that Mr. McCoy should be able to provide additional technical data (requested at the site walk) for the June 5th meeting.

Mr. Walsh motioned, seconded by Mr. Fossi, to determine that the proposed activity should remain at the Summary Ruling level, and to table further discussion until June 5th when the applicant's agent is available. The motion passed, 8-0.

NEW ITEMS

5. Stonehenge Dam Repair, **45 Stonehenge Road** c/o IWA

Chairman Mucchetti noted that correspondence from engineer John McCoy had been distributed to the Board.

The Agent reported that the dam had breached during the significant storm in April. She explained that Mr. McCoy is working with the property owner and with the CT DEP to repair it. The DEP has jurisdiction over the dam because of its size, and therefore will be involved in reviewing Mr. McCoy's plans for repair. The Board will have the opportunity to review their recommendations, and to make comments to the DEP. She mentioned that Mr. McCoy's letter notes that the biggest impact of the breach has been the loss of fire protection for the Stonehenge Inn restaurant. The Agent said that the CT DEP will want the Board's approval of their final design plan, so this will be part of a future Agenda.

Mr. McChesney wondered what kind of contribution the Board could make on this. The Agent mentioned one idea which had been suggested by Commissioner Walsh, to dredge the pond while the water level is low. He suggested that, from the looks of the pond floor, the various colors of soil appear to indicate that this is more of retention than a spring fed body

of water. The dark black soil would be sediment at the bottom of the river. The Agent said that the pond is connected to the Norwalk River.

Ms. Willis mentioned that there is also a trail system (part of the Norwalk River and Town of Ridgefield systems) right beside the pond to the west of the site, and there is not much “wobble room” for this trail. She stressed the need for the property owner, the DEP and the engineer to be aware of this, and asked that any conditions of approval specify that the trail would be protected.

The Agent felt that these were two comments which would certainly be of interest to the DEP. By consensus, the Board suggested that the Agent send these two concerns to Mr. McCoy in a letter. There were no other decisions made and no votes taken on this item.

BOARD WALKS

There were no site walks scheduled.

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter to Lawrence McSwiggan from Wetlands Inspector Aimee Pardee, pointing out violations of the wetlands regulations on property located at **106 Indian Cave Road**.
- Notice from the League of Women Voters about a panel discussion to be held at 7:30 p.m. on May 23, 2007 at the Ridgefield Library: “Connecticut Ecology & You”
- Memo from Charles Fisher, Town Engineer, re the application for the Hearing property on **Water’s Edge Way**

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of 5/8/07. Chairman Mucchetti had a minor correction on page 2. The motion and second were amended to approve the minutes with the revisions, and the vote was 8-0 in favor.

Hearing no further discussion, the Chairman adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

May 22, 2007

Present: Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Michael Autuori

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

At 7:44 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, 4/10/2007, 4/17/2007, 5/1/2007 and 5/8/2007. 65-day action period ends 5/24/2007. Letter granting extension received 5/14/2007. Extension acknowledged 5/15/2007, extended action period ends 7/28/2007. For action.*

Chairman Mucchetti noted that the easement issues with the neighboring property owner were not yet resolved, and the application was tabled.

2. **#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. Public hearing closed 4/17/2007 and Draft Resolution of*

Approval requested. Tabled 5/1/2007 and 5/8/2007. Draft Resolution of Approval distributed 5/15/2007. 65-day action period ends 6/21/2007. For action

Chairman Mucchetti noted that the easement issues with the neighboring property owner, reported by the Planner, were not yet resolved, and the application was tabled.

NEW ITEMS

3. *For discussion*, #2007-009-REV, exterior lighting on Pamby's Body Shop located at **32 Danbury Road** c/o PD on behalf of ZEO.

The Chairman noted that most of the Commissioners had visited the site at night to observe the lighting.

Mr. Katz said that it was quite obvious that the lights do not conform to the regulations. This was also the consensus among the Commissioners. After a number of suggestions by the Chairman as to how these lights could be brought into conformance, Mr. Katz said that conforming lights are clearly and readily available, as many other neighboring sites have installed them.

After discussion, the consensus was that the lights are not in compliance with the zoning regulations for exterior lighting, and they should be replaced with compliant fixtures. The Chairman requested that the Planner convey this to the applicant.

4. #2007-055-SP: Special Permit under Sec. 3.4.D.3 of the Ridgefield Zoning Regulations to permit placement of a detached garage in the front yard on property located at **108 Peaceable Ridge Road** in the RAAA zone. Owners/Apps.: Howard L and K. Lynett Dickman. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 7/26/2007. For receipt, schedule walk and public hearing.*

Mr. Katz questioned why this needed a Special Permit. The Planner explained that the new regulations state that an accessory use or structure in front of the principal dwelling on the lot require a Special Permit.

Chairman Mucchetti noted that the application should be received, a site walk may be scheduled for 6/10/07 or the property can be walked individually by Commission members, and she suggested a public hearing date for 6/19/07.

Mr. Walsh motioned, seconded by Mr. Fossi, to receive the application, to schedule a walk for 6/10/07, and to schedule a hearing for 6/19/07. The motion passed, 8-0.

5. #2007-056-A: Amendment to Sign Regulations to correct error in permit requirements, **Sec. 7.2.D.2.c and 7.2.E.8** c/o PD. *Set public hearing date.*

The Chairman explained that, even though this was a simple grammatical error, a public hearing is required. The amendment would change the requirement for a free-standing sign from “Special Permit” to “Zoning Permit.”

The Planner said she had investigated with counsel the possibility of calling this a scribe’s error, thereby eliminating the need for the hearing. Unfortunately, once it has been filed with the Town Clerk, a public hearing is required to amend it.

Mr. Fossi motioned to schedule a public hearing for 6/19/07. The motion was seconded by Mrs. Willis and passed, 8-0.

6. **#2007-057-REV (SP):** Request for Revision to Special Permit to add a 12' x 22' deck on the west side of existing office/commercial building located at **63 Copps Hill Road** in the B-1 zone. Owner: Ridgefield Capital Asset Group and Fairfield County Bank Corp. Appl.: Roche, Inc. *65-day action period ends 7/26/2007. For receipt/action.*

Chairman Mucchetti said the applicants want to add a deck to west side of building.

The Planner said they had recently done a lot of interior renovations, but did not realize they needed a revision to the special permit for exterior work, as well. The deck is intended for use by the employees of the commercial building, and will not be visible from the street.

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the application as submitted. The motion passed, 7-0-1. Mrs. Willis abstained.

COMMISSION WALK

The Commission scheduled the following application for site walk on **6/10/07**:

- **#2007-055-SP:** Special Permit **108 Peaceable Ridge Road**, Dickman

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti noted the following correspondence distributed to the Commission:

- Letter from the Gilchrists, neighbors to **28 Griffith Lane**, commenting on the Special Permit application scheduled for public hearing on 6/5/07
- Memorandum from Terri-Ann Hahn of LADA, re inspections of the Toll Brothers site on Danbury Road
- Letter from AAC Chairman John Kinnear to the USPS Real Estate Specialist, asking to be included as a “consulting party” in the proposal to demolish the house at 28 Catoonah Street
- A brief memorandum (noted as confidential and protected by attorney-client privilege) from Commission Counsel Thomas Beecher, was circulated to be read by the Commission to update them on recent proceedings in the federal court, in the matter of Eureka V, LLC and the Town of Ridgefield

MINUTES

Mr. Katz motioned, seconded by Mr. Fossi, to approve the minutes of 5/8/07. Chairman Mucchetti and Mrs. Willis offered some minor corrections. The motion and second were amended to approve the minutes with the revisions, and the vote was 8-0 in favor.

Hearing no further discussion, the Chairman adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary