

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

June 5, 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

Public hearings were held prior to the meeting.

At 8:45 p.m. Chairman Mucchetti called the meeting to order.

(Note: The items are shown in the order appearing on the agenda. The Chairman asked, and the Board members agreed, to modify the order of discussion to accommodate members of the audience who were present for items on the agenda, and to coordinate discussion with the Planning and Zoning Commission schedule. The minutes reflect the discussion and decisions of the Board, but not the order in which they were discussed.)

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. *Received 5/1/2007, walked 5/20/2007, public hearing commenced 6/5/2007.*

Chairman Mucchetti noted that the hearing had been continued to 6/12/07.

2. **#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. Tabled 5/22/2007. For discussion/action.*

Mr. John McCoy, the engineer for the project, described the extensive wetlands on the site. The existing home on the northwesterly side of the property is using up most of the upland. An existing barn is to be outfitted with a bathroom, which will require a septic system. There is no way to tie into the existing septic without going off the property or impacting the wetland, so a new septic will be needed for this bathroom alone. The system will be kept as small as possible, and will require a small amount of fill. This will also be a Green Leach system. He addressed the Board's suggestion that the system be placed under the driveway. He did not recommend that, since the system is essentially a stone trench.

He wants to put the system as close as possible to the structure, while complying with the setback requirements of the Health Department.

Mr. McCoy stressed the Conservation Commission's concern with the amount of tree removal being proposed.

Mr. Doug Barile, of the Conservation Commission read their letter to the Board. They hoped for installation of the septic under the driveway. If that were not possible, they requested the planting of new trees in the edge of the wetland to protect it from thermal pollution, and also to shade a developing stand of phragmites.

Mr. McCoy said that nine trees would be lost to the development. The applicant will replace at least that many.

Mr. McChesney wanted to know how far away from the building the septic had to be. Mr. McCoy said 15'. Mr. McChesney asked how far away from the well it needed to be. Mr. McCoy said 75'.

The Agent noted that it appears there is a business at the location, and that the bathroom being proposed is for an office. The property owner has picked up a Special Permit application to allow the barn to be used as an office. Under the new regulations, there can be a Special Permit for an office to exist in a separate structure from the house as a home occupation. Since the Wetlands Board is only required to deal with the wetlands issues, the Special Permit is not required for them to act on this application.

There was some discussion as to the type of trees suggested for planting.

Mr. Fossi motioned, seconded by Mr. Slavin, to ask the Agent to draft a resolution of approval, with a condition requiring the planting of trees, (Mr. McCoy agreed to red maples with tulip trees on the edge), to be reviewed on 6/12/07. The motion passed, 8-0.

3. **#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/Apl.: 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. Tabled 5/22/2007. For discussion/action.*

John McCoy of JFM Engineering distributed a revised plan to the Board after incorporating comments from both the Wetlands Board and the Conservation Commission from observations on the site walks. Subsequent to walking the property, both agencies suggested that the septic area be reduced. Mr. McCoy proposed an alternative green leach trench system that reduces the required leaching area substantially, allowing the whole leaching system to be pulled back to the developed portion of the site. The Green Leach system, (similar to the Living Filter system), is more costly, but it is a good alternative system, in his opinion. It has been approved by the state, and also meets the health codes, according to Health Inspector, Ed Briggs. Together, he and Mr. McCoy prepared the new plan. By separating the trench rows by 50', they were able to meet the minimum leaching system spread. The new plan eliminates the need for a wetlands crossing to feed the second half of the septic system, and also eliminates the need for piping one of the wetlands in order to accommodate required health code setbacks. Some fill will be required within 50' of the wetland boundary, however. In order to meet the limit of disturbance delineation requirement of the Conservation Commission, a silt fence row with a 25' setback line up the wetlands side of the property has been added.

All in all, Mr. McCoy felt that this new plan was a considerable improvement over the original one, having eliminated many problems and met all codes and requirements.

Mr. McChesney agreed, stating that it seemed to be a "win-win situation".

Ms. Willis asked who manufactured the new leaching system.

Mr. McCoy was unsure of the manufacturer. He described how the system works, however, describing it as an accordion type system made of cardboard. It creates "a stone trench system with 'fingers'". It's the same concept as the Living Filter system, he said, which has been very successful, but has been very difficult to have installed. The Green Leach company hopes to license installers, so that their systems can be installed in a more timely fashion.

Mr. McCoy mentioned that he has not had any experience personally with the Green Leach system, but knows the principals of the company (which includes Frank Schaub, formerly of the State Department of Health) and has confidence in them and, therefore, in the system.

Mr. Walsh asked what would happen to the two gullies on the property. He asked if the Town had provided any solution. He added that Mr. McCoy had planned to speak with Town Engineer Charles Fisher to see what could be done about the situation.

Mr. McCoy said that if it doesn't stay clear, it could cause erosion over the top of the secondary pipe. He added, however, that this is a natural situation and would be very costly to remedy, and not necessary with this new plan. He could not realistically ask his client to fund these repairs.

He added that the property will be sold, and future owners would have to come back to the Board if they intended to do any work at all.

Mr. Katz was very impressed with the excellent solution presented by Mr. McCoy to a very difficult problem. He motioned, seconded by Mr. Fossi, to request that the Agent draft a resolution of approval, to be reviewed on 6/12/07. The motion passed, 7-0-1. Dr. Gelfman abstained.

NEW ITEMS

4. **#2007-059-PD:** Summary Ruling application to dredge pond on property located at **110 Armand Road** in The RAA zone. Owner: Michael G. and Dorothy L. Giersch. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 8/9/2007. For receipt and schedule walk.*

Mr. Fossi motioned, seconded by Mr. Slavin, to acknowledge receipt of the application and to schedule a walk for 6/10/07. The motion passed, 8-0.

5. **#2007-060-PD:** Summary Ruling application to dredge and enlarge pond located at **8 Rippowam Road** in the RAAA zone. Owner: Country Club Development. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 8/9/2007. For receipt and schedule walk.*

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

6. **#2003-092-SR:** Recommendation to "call" the \$3,250.00 bond posted for mitigation plantings on property located at **17 Lounsbury Road**, required by approved permit c/o IWA. *For discussion/action.*

The Agent explained that the initial wetlands application was generated by a violation that was discovered after the tear down of the original house on the property. Following the demolition of the house, there was substantial intrusion into the wetlands. Due to his failure to have the required landscaping in place when he applied for the Certificate of Occupancy, the developer for the new home was required to post a bond in the amount of \$3,250. The Agent explained that some of the mitigation planting had been installed, but did not survive, and the developer is not interested in replacing it. After discussion with the Town's attorney, David Grogins, and Wetlands Inspector Aimee Pardee, it was decided to use the bond money for the purchase and installation of mitigation plantings. They will notify the

developer of default and go through the legal process of retrieving the bond money. The Agent wanted the Board's approval to do so.

Mr. McChesney said that he hoped the bond money was sufficient to cover both the purchase and installation of the plants, as he did not want to see the new property owner burdened with this cost.

The Agent said that they would see to it that the job remained within the confines of the budgetary constraints.

Mr. Walsh doubted that the money would be sufficient to mitigate the effects of the work in the wetlands, and he suggested that the Board use this application as a "test case" to help them set realistic bond amounts in the future. He also asked what the cost would be to call the bond, and wondered who paid for that. The Agent said that the attorney is retained by the Town. There is no litigation cost, at present.

Ms. Willis asked who is responsible for watering and caring for the new plantings. The Agent said that there is a homeowner there who will be cooperative in keeping the plantings alive.

Mr. Slavin motioned, seconded by Mr. Fossi, to authorize the Inland Wetland Agent and the Wetlands Inspector to process the "calling" of the bond, as recommended. The motion passed, 8-0.

7. **#2007-065-SR:** Summary Ruling application for disturbance/activities in the upland review area in conjunction with the installation of a new septic system and modifications to the dwelling located at **106 Indian Cave Road** in the RAA zone. Owner/Appl.: Lawrence McSwiggan. *65-day action period ends 8/9/2007. For receipt and schedule walk.*

Mr. Katz motioned, seconded by Mr. Slavin, to acknowledge receipt of the application and to schedule a walk for 6/10/07. The motion passed, 8-0.

BOARD WALKS

The following items were scheduled for site walks for 6/10/07:

- **#2007-059-PD:** Summary Ruling **110 Armand Road**, Giersch
- **#2007-060-PD:** Summary Ruling **8 Rippowam Road**, Country Club Development
- **#2007-065-SR:** Summary Ruling **106 Indian Cave Road**, McSwiggan

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memorandum/FAX from the Agent to Aquarion Water Co, re Water's Edge Way

MINUTES

Mrs. Willis motioned to approve the minutes of 5/15/07, seconded by Mr. Slavin. The vote was 8-0 in favor.

Hearing no further discussion, the Chairman adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

June 5, 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

A public hearing was held prior to the meeting.

At 9 p.m., Chairman Mucchetti called the meeting to order.

(Note: The items are shown in the order appearing on the agenda. The Chairman asked, and the Commission agreed, to modify the order of discussion to accommodate members of the audience who were present for items on the agenda, and to coordinate discussion with the Inland Wetlands Board. The minutes reflect the discussion and decisions of the Commission, but not the order in which they were discussed.)

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. Tabled 5/22/2007. 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 were not yet resolved, and the application was tabled.

3. **#2007-045-SP-SR:** Special Permit application under Section 312.0 pursuant to Section 306.0.D for excavation, grading and filling in conjunction with construction of 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. (Note: application submitted pursuant to zoning regulations in effect through 4/30/2007.) *Received 5/1/2007, walked 5/20/2007, public hearing commenced 6/5/2007.*

Chairman Mucchetti noted that the hearing had been continued to 6/12/07.

4. **#2007-048-SP:** Special Permit Application under Section 9.2 as required by Section 3.6.C.1 -Dimensional Exceptions, for the construction of a single family residence exceeding lot coverage for property located at **28 Griffith Lane** in the R-20 zone. Owner/App.: J. Putnam Construction Company, LLC. *Received 5/8/2007, walked 5/20/2007, public hearing commenced and closed on 6/5/2007. 65-day action period ends 8/9/2007. For action.*

In answer to questioning by Mr. McChesney, the Planner said that this application goes to the AAC because it is a Special Permit.

Mr. Walsh was concerned that the AAC was passing comment on the zoning regulations. He noted that it was not within their purview, and they should confine their comments to what is, i.e., the site layout, the architectural design, etc.

There was some discussion relating to Mr. Gilchrist's letter and suggestions. It was decided that the trees will be removed, as represented in the letter, and the existing fence.

Mr. McChesney motioned, seconded by Mr. Walsh, to request that the Planner draft a resolution of approval according to the plans as presented, including the removal of

the trees and fence on the western property line. The motion passed, 8-0. The draft will be prepared for the 6/12/07 meeting.

5. **#2007-051-VDC:** Village District Application under Sec. 8.3 required by Sec. 5.1 of the Ridgefield Zoning Regulations to review lettering on awning located at **390/392 Main Street, Shine Salonspa**, in the CBD zone. Owner: J. & E Donnelly Trustee. Appl.: Erin R. Simmons. *35-days to receive report from Village District Consultants ends 6/19/2007. Received 5/15/2007. For action.*

Chairman Mucchetti mentioned that this application was the first that had come to the Board under the new Village District zone.

Ms. Stephanie Johnson, co-owner of Shine Salon, explained that this application for signage has been adjusted per the recommendations of the Village District Consultants, eliminating the branding on either side of their logo and adding the term “an evida salonspa”.

Mr. McChesney motioned, seconded by Mr. Slavin, to approve the awning signage as modified by the applicant, in agreement with the recommendations of the VDC. The Commission agrees that the word “Lifestyle” may be omitted, as requested by the applicant. The motion passed, 8-0.

The Agent said that, under the Village District regulations, legal notice would be put in the paper and filed with the Town Clerk, stating that this application was approved by the Village District, Consultant as endorsed by the Planning & Zoning Commission.

NEW ITEMS

6. **#2007-058-VDC:** Village District Application under Sec. 8.3 required by Sec. 5.1 of the Ridgefield Zoning Regulations to review store sign over the front entrance steps on building located at **27 Catoonah Street** in the CBD zone. Owner: 27 Catoonah Street Associates LLC. Appl.: Bruce Yuen. *35-days to receive report from Village District Consultants ends 7/10/2007. For receipt.*

Mr. Katz motioned, seconded by Mr. Slavin, to acknowledge receipt of the Village District Application, and to refer the item to the VDC for review and recommendation. The motion passed, 8-0.

7. **#2007-061-SP:** Special Permit Application under Section 9.2 required by Sec. 5.4 of the Ridgefield Zoning Regulations to construct a 3,150 s.f. branch bank (**HSBC Bank USA**) and related improvements on property located at **108 Danbury Road** in a B-3 zone. Owner: Fred’s Servicenter, Inc. Appl.: HSBC Bank, USA. Auth. Agent: Attorney Ward J. Mazzucco and Attorney Camille DeGalan. *65 days to commence public hearing ends 8/9/2007. For receipt, schedule walk and public hearing.*

Mr. Walsh motioned, seconded by Mr. Fossi, to acknowledge receipt of the application, to schedule a site walk for 6/10/07, and to schedule a public hearing for 6/26/07. The motion passed, 8-0.

8. **#2007-053-SPA:** Planning Director's request for Commission input on proposed parking plan, re Application for Site Plan Approval under Sec. 9.1.C of the zoning regulations (administrative Site Plan Approval by the Planning Director), for change of use from catering hall to retail store in a portion of the building located at **32 Prospect Street** in the CBD Zone. Owner/Applicant: Italian-American Mutual Aid Society of Ridgefield, Inc. Auth. Agent: Artel Engineering Group, LLC. For discussion/action.

Planner Brosius explained that this is site plan approval for the conversion of the top floor of the Italian American Club from a social use to a retail use, which is a permitted use within the central business district zone. They are not changing the existing floor space, but just the use of the floor space. They are being asked to submit a traffic report because of the dual driveways and the parking that is being proposed. The Planner explained that she wanted Commission input and any conditions they would wish to impose before she addressed the site plan issues or wrote up an approval of the plan. This comes to Planning and Zoning under the new regulations.

Mr. Katz said that his main concern would be whether or not the parking requirements were met. The Planner said they were.

The Commission asked what the new use would be. The Chairman said that it would be a health food/organic grocery store, Nature's Temptations.

The Planner said that the bottom floor would remain as a bar and a meeting place for the social club.

Mr. Dinus Verbicus, the engineer, explained that the upstairs space, which was previously a banquet hall, is approximately 5800 sq. ft. He reported that Nature's Temptations will access their business from the landing and doorway on the eastern side of the building, although they also have access through the basement on the western side. The Italian American Club will continue to use the entrance on the lower level, a balcony and drop off area on the westerly side of the building. He said that the applicant is proposing to stripe the parking spaces. The landscaping in front of the building will remain, as will the landscaping on the northeastern corner of the parking lot. There are also several landscaped islands, which will also remain. The only change proposed is the addition of a landscaped island, with a properly sized tree, at the southeastern corner of the parking lot, being added to assist vehicle traffic flow.

The Planner had concerns about snow plowing and questioned the addition of a landscaped island in the middle of the back wall.

She mentioned that the architect would have to comply with separation of use requirements, due to the mixed uses of the building. Handicapped access would have to be provided at the entrance to the main floor. The kitchen would need to be replaced with one that would meet current codes. It would allow the store owner to provide prepared foods to be sold in the store, as permitted by the health department.

Ms. Willis asked what kind of tree would be planted in the island, and suggested a red oak.

There was no vote or Commission decision on this item.

9. **#2005-106-PR-SP:** Request for Commission site walk and approval of light fixture, Laurelwood Phase III (aka "Regency at Ridgefield") located at **638 Danbury Road** in the ARHD zone. Owner: Toll Land XVIII Limited Partnership. *For discussion/schedule site walk.*

The Planner explained that the applicant is requesting that the Commission walk the property to assess their progress to date.

Mr. Walsh motioned, seconded by Mr. Fossi, to schedule a site walk for 6/24/07, to view the proposed light fixture and to review the on-going project construction. The motion passed, 8-0.

10. **#2007-066-REV-(SP)-VDC:** Revision to Special Permit under Section 9.2.A.7.e.ii of the Ridgefield Zoning Regulations for replacement of bulk storage tanks and related site improvements and in conjunction with the Special Permit, receipt of Village District Consultant application under Section 8.3 for property located at **26 Bailey Avenue** in the CBD zone. Owner: DMWS, LLC. Appl.: Michael Casey, President. Auth. Agent: Michael Brown. *65 day action period or to commence public hearing ends 8/9/2007. 35 days to receive report from Village District Consultants ends 7/10/2007. For receipt, schedule walk and public hearing if necessary.*

The Chairman said that she and the Planner questioned whether or not this application should go to the Village District Consultants, as it may not be visible from the street.

Mr. Walsh motioned, seconded by Mr. Fossi, to acknowledge receipt of the application, to schedule a site walk for 6/24/07, and (after some discussion) to refer the application to the Village District Consultant for review and recommendation. The motion passed, 8-0.

The consensus of the Commission was that a public hearing would not be necessary.

11. **#2007-067-SP:** Special Permit Application under Section 9.2 as required by Sections 3.5.F: Maximum Lot Coverage & 3.6.C.1: Lot Coverage Exceptions of the Ridgefield Zoning Regulations for alterations and additions to the existing residence located at

340 Wilton Road West in the RA zone. Owner: John H. and Dorothy L. Alexander. Appl./Auth. Agent: DCA Architects/Planners. *65 days to commence public hearing ends 8/9/2007. For receipt, schedule walk and public hearing.*

Mr. Fossi motioned, seconded by Mr. Walsh, to acknowledge receipt of the application, to schedule a site walk for 6/24/07, and to schedule a public hearing for 6/26/07. The motion passed, 8-0.

12. **#2007-068-SP:** Special Permit Application under Section 9.2 as required by Section 3.2.C.10 of the Ridgefield Zoning Regulations for construction of a single family dwelling and detached garage on each of the seven (7) lots located on **Bryon Avenue** in the SD R-20 Zone. Owner: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 8/9/2007. For receipt, schedule walk and public hearing.*

Mr. McChesney questioned the accuracy of the maps, as the views don't appear to orient with the footprints as shown on the maps. The Planner said she would check into it.

Mr. Fossi motioned, seconded by Mr. Slavin, to acknowledge receipt of the application, to schedule a site walk for 6/24/07, and to schedule a public hearing for 7/3/07. The motion passed, 8-0.

COMMISSION WALKS

June 10, 2007

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

The following item was added to the 6/10/07 site walk schedule:

- **#2007-061-SP:** Special Permit **108 Danbury Road**, Fred's Servicer, Inc. (**HSBC**)

The following items were scheduled for site walk on 6/24/07:

- **#2005-106-PR-SP:** **638 Danbury Road**, Toll Land XVIII Limited Partnership
- **#2007-066-REV-(SP)-VDC:** Revision to Special Permit, DMWS, LLC (**Casey Fuel**)
- **#2007-067-SP:** Special Permit **340 Wilton Road West**, Alexander
- **#2007-068-SP:** Special Permit **Bryon Avenue**, Country Club Development, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter to Attorney Robert Jewell, re lots existing in two zones on New Street.
- News article and Letter to the Editor re the Route 7 sewage treatment plant.

MINUTES

Mrs. Willis motioned to approve the minutes of 5/15/07, seconded by Mr. Slavin. The vote was 8-0 in favor.

Hearing no further discussion, the Chairman adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary