

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD

June 6, 2006

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

Absent: Walter Slavin\*

Also Present: Betty Brosius, Inland Wetlands Agent

*Public hearings were held prior to the meeting.*

\* Mr. Slavin was present until 10:25 p.m., for public hearings, but did not stay for the regular meeting.

At 10:30 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2006-010-SR-S:** Summary Ruling application in conjunction with 7-lot subdivision for property located on **Bryon Avenue** in the SD R-20 zone. Owner/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 2/14/06. Public hearing commenced April 4, 2006, continued 5/9/06, continued with extension granted to 5/16/06. Public hearing closed and item tabled 5/16/06. Draft Resolution of Approval requested 5/23/06. 35-day action period ends 6/20/06. For action.*

(Note: Mr. Fossi recused himself from discussion on this item.) The Chairman asked the Agent if the draft resolution was ready, and it is not. It will be completed for discussion on the 13<sup>th</sup>.

Mr. McChesney motioned, seconded by Dr. Autuori, to table the item until June 13<sup>th</sup>. The motion passed, 7-0, with Mr. Fossi recused.

2. **#2006-036-SR:** Summary Ruling application for disturbance of wetlands and upland review area for grading and filling in conjunction with re-development of an existing single-family residence. Property located at **79 Bayberry Hill Road** in the RAA zone. Owner/Appl.: Andrea Bagg. Auth. Agent: John F. McCoy, VII, P.E. *65-days to*

*schedule public hearing ends 6/15/06. Received 4/11/06, walked 4/23/06. Public hearing commenced June 6, 2006. 35-day action period ends July 11, 2006.*

The Chairman noted that the hearing had been continued to July 11, 2006. Dr. Autuori motioned, seconded by Mr. McChesney, to table the item. The motion passed, 8-0.

3. **#2006-040-S-SR:** Summary Ruling Application for wetlands crossing in conjunction with application for 3-lot residential subdivision at **48 Peaceable Hill Road**, property consisting of 34.5 acres in the RAA zone. Owner/Appl.: Suni P. and William P. Harford. Auth. Agent: John F. McCoy, VII, P.E. *Received 5/9/06, walked 5/21/06. Public hearing commenced June 6, 2006. 35-day action period ends July 11, 2006.*

The Chairman noted that the hearing had been continued to July 11, 2006. Dr. Autuori motioned, seconded by Mrs. Willis, to table the item. The motion passed, 8-0.

4. **#2006-048-SR:** Summary Ruling application to conduct regulated activities in upland review area for construction of a single-family two-bedroom residence. Property located on west side of **Wilton Road East**, north of intersection with Split Level Road in the RA Zone. Owner: Earl A. Burchard. Auth. Agent/Appl.: Richard E. Kent, ASLA, Environmental Design Associates, PC. *65-day action period or to schedule public hearing ends 7/27/06. Received 5/23/06, walked 6/4/06 to determine significance. Determine significance.*

Chairman Mucchetti asked the Board to determine significance of the proposed activity for the application, based on the site walk held the previous weekend, and she asked the Agent to explain the issues with the application.

The Agent said the application is deficient in some technical detail, but she spoke to the applicant and additional information will be forthcoming soon. She reminded the Board that they had the option to raise the review to a plenary level, if the regulated activities were found to be significant. The wetlands crossing for the driveway, and the disturbance of the lot in the upland review area for the construction of the house (where large areas of ledge rock were observed) should be carefully considered. The Board may also want to hire an outside consultant (pursuant to Sec. 14.3 of the IWWR) for technical review of the plans.

Mr. Katz motioned, seconded by Mr. McChesney, to raise the application to a plenary level because of the environmental sensitivity of the land, and the significant intrusion into the wetlands and the upland review area on the steep slope above the wetlands. Also included in the motion was the suggestion to hold a public hearing on July 5, 2006, and to hire a consultant for review.

The Chairman first asked for a motion on raising the item to plenary status, and the motion passed, 6-0-2, with Mr. Walsh and Dr. Autuori abstained because they had not visited the site.

Mr. Katz stated that the plenary status of the application should not automatically generate the need for a consultant review, but the Board is charged with putting on the record the reasons for the plenary status. The Board's perceived need to have an environmental consultant examine the proposed activity and the wetlands on the property speaks to the Board's belief that it will be a sensitive intrusion into the wetlands, and enough to raise it to a plenary ruling.

Chairman Mucchetti states that when the applicant revises the plans to show the current upland review areas, a significant portion of the activity will be within the regulated area. She asked the Agent if there would be enough time to schedule a hearing and to retain a consultant for the review.

The Agent said that a public hearing held in July might be completed prior to the August recess, but there would be enough time ask for an extension through the August recess. 65 days are available for extensions at any time during the review. A consultant should be retained immediately in order to produce a report in time for the public hearing.

The Chairman called for a vote on the motion to schedule a July 5<sup>th</sup> public hearing date, and the need to hire a consultant. The motion passed, 8-0.

5. **#2006-049-SR:** Summary Ruling application to conduct regulated activities in upland review area for construction of a two-car garage at **63 Beaver Brook Road** in the RAA zone. Owners/Appls.: John & Kerri Meegan. *65-day action period ends 8/10/06. Received 5/30/06. (tentative). For action determination.*

Mr. Katz motioned, seconded by Dr. Autuori, to ask the Agent to handle the application administratively, because there is no intrusion into the wetlands and the proposed activity is modest in the buffer. The Chairman noted that the Agent agrees, and is suggesting administrative review. The Agent confirmed that there would be no intrusion into the wetland and no further intrusion into the buffer with the new construction. Work done beyond a stone wall on the property, if needed, would trigger the need for additional wetlands review.

The motion to allow administrative review passed, 8-0.

## **NEW ITEMS**

6. **#2006-050-PD:** Summary Ruling application to dredge pond and remove island located at **311 Peaceable Street** in the RAA zone. Owner: Matt Grossman. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 8/10/06. For receipt and schedule walk.*

Chairman Mucchetti asked for receipt of the application and suggested 6/18/06 for a site walk. Dr. Autuori motioned, seconded by Mr. Katz, to receive the application and

to walk the site on 6/18. The motion passed, 7-1. Mrs. Willis was opposed because June 18<sup>th</sup> is Father's Day.

7. **#2006-051-SR:** Summary Ruling application for regulated activities within upland review areas to construct a single family-residence on property located at **Tanton Hill Road** in the RAA zone. Owner/Apl.: Gabrielle Kessler. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 8/10/06. For receipt and schedule walk to determine significance and schedule public hearing if necessary.*

The Chairman noted a letter from a neighbor, which indicates public interest in the project. Mr. Katz asked if there was only one letter, and the Agent explained that the homeowner has been calling for the past several months to see if the application was in front of the Board. Without a public hearing, this neighbor could not be heard.

Dr. Autuori motioned to receive the application, to set a walk for June 18, 2006, and a public hearing for July 5th. The motion was seconded by Mr. McChesney and passed by a vote of 8-0.

#### **BOARD WALKS**

As noted above, site walks for pond dredging at **311 Peaceable Street** (Grossman) and Summary Ruling Application for property at **Tanton Hill Road** (Kessler) were scheduled for June 18, 2006.

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

There were no requests for bond release or reduction.

#### **CORRESPONDENCE**

There was no correspondence.

#### **MINUTES**

Mr. Katz motioned to approve the minutes for **May 16, 2006**, seconded by Mrs. Willis. The motion passed, 8-0.

Dr. Autuori motioned to approve the minutes of **May 23, 2006**, seconded by Mrs. Willis, who offered a few minor corrections. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION

June 6, 2006

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

Absent: Walter Slavin\*

Also Present: Betty Brosius, Director of Planning

*Public hearings were held prior to the meeting.*

\* Mr. Slavin was present until 10:25 p.m., for public hearings, but did not stay for the regular meeting.

At 10:43 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2006-010-SR-S:** 7-lot subdivision of land located on **Bryon Avenue** in the SD R-20 zone. Owner/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara and Gustafson. *Received 2/14/06. Walked 3/12/06. Public hearing commenced 4/4/06, continued 5/9/06, continued with extension granted to 5/16/06. Public hearing closed and item tabled 5/16/06. Tabled 5/23/06 with motion to deny on table. 65-day action period ends 7/20/06. Continue discussion/action.*

(Note: Mr. Fossi recused himself from discussion on this item.) Mr. Katz made a motion to table discussion on this item because it was very late. Chairman Mucchetti asked if there were others who might want to go into discussion, since there were members of the audience who had waited for several hours to listen.

Mrs. Willis seconded the motion to table the discussion, and Mr. Katz noted that the motion to table is not debatable. Dr. Autuori acknowledged the prohibition on debate, but mentioned that certain members of the Commission may not be present at future meetings where the application may be discussed.

The Chairman pointed out that Mr. Slavin was not present. Mr. Katz reminded the Commission that no vote could be taken on the subdivision at this meeting anyway

[because the subdivision vote cannot precede the wetlands application vote.] The Chairman stated that discussion on the application and the issues had been circumvented by the motion to table. She called for a vote on the motion.

The motion passed by a vote of 4-3, with Katz, McChesney, Willis and Walsh in favor of the motion to table, and Mucchetti, Gelfman and Autuori opposed. (Mr. Fossi recused.)

Mr. McChesney said that he would not be at the meeting on June 13<sup>th</sup>, and requested that no final vote be taken at that time. He did not object to being left out of the continued discussion, and said he would listen to tapes and refer to minutes.

2. **#2006-040-S-SR:** Application for 3-lot residential subdivision at **48 Peaceable Hill Road**, property consisting of 34.5 acres in the RAA zone. Owners/Applicants: Suni P. and William P. Harford. Auth. Agent: John F. McCoy, VII, P.E. *Received 5/9/06. Walked 5/21/06. Public hearing commenced June 6, 2006. 65-day action period ends 8/10/06.*

Mr. McChesney motioned to table the application, seconded by Mrs. Willis, because the hearing has been continued to July 11, 2006. The motion passed, 8-0.

## **NEW ITEMS**

3. **#2004-085-REZ-A-SPA-SR: 619 Danbury Road**, request to approve in accordance with Court's decision under Sec. 8-30g of the Connecticut General Statutes for (1) Petition for amendment to the Ridgefield Zoning Regulations to add a "Housing Opportunity Development" (HOD) district; (2) rezone application for 3.675 acres from B-2 (Light Industry) to Housing Opportunity Development ("HOD") district; and (3) Site Plan approval application to construct 50 two-bedroom condominium dwelling units located in two buildings on 3.675 acres. Auth. Agent: Matthew Ranelli, Esq. Owner: Terrar, LLC. *For discussion.*

Chairman Mucchetti asked the Planner to address the issues on this item.

The Planner reminded the Commission that the appeal of the denial of the affordable housing application at 619 Danbury Road was decided by the Court in favor of the applicant, and the Commission needs to put together resolutions that would reference maps and state conditions, recognizing the mandated approval of the application by the Court. The applicant has provided copies of the latest maps and documents, reviewed by the Commission at public hearings with certain agreed-upon changes, revised prior to the end of the public hearing process. The Planner stated that conditions would be standard, "boilerplate" conditions.

Dr. Autuori asked what would happen if any of the Commissioners were to vote against the resolutions. The Planner stated that the Commissioners have been ordered by the Court to reverse their denial of the application. The Planner will seek additional advice and instruction from Commission counsel.

The items will appear for the Commission's consideration on the agenda for June 13<sup>th</sup>.

4. **#2006-052-REV:** Revision to Special Permit to modify landscaped island and parking area located at **901 Ethan Allen Highway** in the CMDD zone. Owner: Ridgefield Professional Office Complex, LLC. Appl./Auth. Agent: Artel Engineering Group, LLC, Mark E. Kornhaas. *65-day action period ends 8/10/06. For receipt/discussion/action.*

The Chairman explained that a letter has been received from the engineer for the developer, requesting a change in the parking lot islands. The engineer states that an electrical transformer, supplying power to an Aquarion well pump, would have to be moved under the configuration proposed by the engineers.

The Planner explained that part of the concern is emergency access with the proposed change, and the Fire Department would need to comment on the proposal. The Planner suggests that any approval should be conditioned upon receiving written endorsement of the design from the Fire Marshal.

Mr. Katz motioned, seconded by Mr. Fossi, to approve the proposed modification, with the condition for approval by the Fire Marshal. The plans show the approved layout, the proposed change, and the turning radius for fire trucks. The motion passed, 7-0-1, with Mrs. Willis abstained.

### **COMMISSION WALKS**

There were no walks to be scheduled.

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

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

The Chairman pointed out the following correspondence:

- CT Federation of Planning and Zoning Agencies Newsletter
- Letters re E&S Inspections at the Toll Brothers Site: Mr. Katz asked if the matter of deficiencies in the E&S installation and the construction on the site thus far will be handled by the office. The Planner said there is a fundamental difference between the developer's interpretation of how they are supposed to be developing the site, and the stipulations in the plans as interpreted by the office. ZEO Richard Baldelli and the Commission's consultant Terri Hahn of LADA will be visiting the site on 6/8/06. The developer requested that inspections not be performed on that date because they were not ready, but since heavy rains are expected on the 7<sup>th</sup>, an inspection has been scheduled by the office. There has been no erosion problem to date, but the developers are not following the sequence on the drawings. Strong words may be needed to establish accepted procedures for going forward. A meeting may be scheduled in the office with the contractor to discuss the issues.

- Memo from the Planner to various Town agencies and committees, asking for comments and suggestions on the proposed Village District zoning regulations.
- Article on age-restricted development in New England.

### **MINUTES**

Dr. Autuori motioned to approve the minutes of **5/16/06**, seconded by Mr. McChesney. The motion passed, 8-0.

Mrs. Willis motioned to approve the minutes of **5/23/06** with a few minor corrections. The motion was seconded by Mr. Walsh, and passed by a vote of 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:50 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning