

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

June 9, 2009

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

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

*A Planning and Zoning Commission Executive Session and public hearings were held prior to the meeting.*

At 7:56 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2009-032-S-SP:** (1) Application for a 5-lot Subdivision under Section 6-1 of the Subdivision Regulations for the Town of Ridgefield on property located at **32 Hickory Lane and 164 Florida Road** consisting of 11.686 acres of land in the RAA zone and (2) Special Permit Application under Section 9.2 as required by Section 3.2.C.5 of the Ridgefield Zoning Regulations to permit an accessway off Hickory Lane to serve three new lots in conjunction with the 5-lot subdivision. Owner/Appl.: Wynmar Properties, LLC. Auth. Agent: John F. McCoy, VII, P.E. *Walked 6/7/2009. Acknowledge no activity in wetlands.*

**Chairman Mucchetti** noted that the Board had observed the proposed area of activity for the subdivision on the site walk, and that the only required action on this item was to acknowledge that there was no activity planned that would require a permit from the Inland Wetlands Board.

**Dr. Autuori** stated that the small piece of wetland nevertheless contains an upwelling of water that provides the source for an intermittent stream, which flows under Florida Road and then enters a major brook which eventually enters the Norwalk River. Dr. Autuori wanted, “at the very least” some level of protection, including no herbicide or pesticide use.

**The Planner** restated the role of the Board was to determine that there was no activity proposed in the area of the wetland.

After questioning, it was determined that the wetland Dr. Autuori was concerned with was not part of the developed area, but was located on the lot with the existing house.

**Mr. Katz** said that, while the small piece of wetland is part of the subdivision, "There is no activity proposed there. It is already developed."

**Mr. Katz** motioned, seconded by Mr. Mische, to acknowledge no planned activity in the subdivision that would require wetlands review. The motion passed, 8-0-1, with Mr. Chipouras abstained.

### **BOARD WALKS**

There were no site walks to be scheduled.

### **REQUESTS FOR BOND RELEASE/REDUCTION**

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

**Chairman Mucchetti** noted the following correspondence:

- Letter dated June 3, 2009 from Land-Tech Consultants about the inspection schedule for the **213 High Ridge** (Sturges Brothers) subdivision. The Agent informed the Board that inspections had been made during heavy rain by Wetlands Inspector/ Agent Aimee Pardee and Zoning Enforcement Officer Richard Baldelli, and that the site was stable. Two lots are being developed. Staff will authorize a decrease in the number of inspections until such time as additional lots are disturbed for development, when inspections may increase again for a short period of time.

### **MINUTES**

**Mr. Katz** motioned, seconded by Mr. McChesney, to approve the minutes of May 12, 2009. The motion passed, 9-0.

**Mr. Mische** motioned, seconded by Mr. Fossi, to approve the minutes of May 19, 2009. The motion passed, 7-0-2, with Mr. Katz and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 7:59 pm.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

June 9, 2009

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

\* Mr. Chipouras did not attend the Executive Session.

Also Present: Betty Brosius, Director of Planning  
Linda Caponetti, Recording Secretary (regular meeting only)

*An Executive Session was held from 6:30–7:30 p.m., and public hearings were held beginning at 7:30 p.m.*

**EXECUTIVE SESSION**

**Chairman Mucchetti** called the meeting to order at 6:30 p.m. and asked for a motion to go into Executive Session.

**Dr. Autuori** motioned, seconded by Mr. Mische, to enter into Executive Session. The motion passed, 8-0. It was noted for the record that Planner Betty Brosius, Commission Counsel Thomas Beecher, and First Selectman Rudy Marconi were in attendance, and Commissioner Chipouras was not.

At 7:29 p.m., **Dr. Autuori** motioned, seconded by Mr. Katz, to end the Executive Session. The motion passed, 8-0.

**Chairman Mucchetti** noted for the record that there were no decisions, motions or actions taken by the Commission during the Executive Session.

At 8:00 p.m., following public hearings and the Inland Wetlands Board agenda, Chairman Mucchetti called the meeting to order for the regular agenda.

**PENDING ITEMS**

1. **#2009-030-SP:** Special Permit application under Section 9.2 as required by Section 5.3 of the Ridgefield Zoning Regulations to construct an addition with new offices and two-car garage, and to create an 8-car parking lot at **40 Grove Street** in the B-2 zone. Owner/App.: 40 Grove Street LLC. Auth. Agent: Douglas MacMillan. *Received 5/5/2009. Walked 6/7/2009. Public hearing commenced 6/9/2009, and was continued to 6/16/09.*

**Chairman Mucchetti** noted that the public hearing had been continued to 6/16/09, and there was no discussion.

2. **#2009-034-SP:** Special Permit Application under Section 9.2 required by Section 7.5.D (table #6) of the Ridgefield Zoning Regulations for excavation on property located at **269 Nod Road** in the RAA zone. Owner: High Ridge Custom Homes, Inc. Appl.: Patrick McNamara. *Received 5/12/2009. Walked 6/7/2009. 65-day action period ends 8/13/2009. For action.*

**Dr. Autuori** motioned, seconded by Mr. Chipouras, to approve the application, requiring a \$1,000 bond to ensure compliance with the regulations. Mr. McChesney asked to add a condition that the fill area be graded, leveled and stabilized with seed and/or mulch within one month of the date of the approval.

The motion, with conditions, passed by a vote of 9-0.

## **NEW ITEMS**

3. **#2009-039-REF:** Referral under Section 8-24 of the Connecticut General Statutes for the donation of land located at **76 Governor Street** in the RA zone. Owner: 76 Governor Street LLC. Town of Ridgefield. *35-day action period ends 7/14/2009. For discussion/action.*

**Chairman Mucchetti** explained that the land to be donated to the Town by owner Steven Zemo is a small (0.061 acres) parcel that would be annexed to the Police Station property, allowing them more room for their parking area.

**Mr. Katz** motioned, seconded by Mr. Chipouras, to issue a Favorable Report to the Board of Selectmen, supporting the Town's acquisition of the land. The motion passed, 9-0.

4. **#2009-040-SP:** Special Permit application under Section 9.2 as required by Section 411.0 of the Ridgefield Zoning Regulations for site improvements, including increase in retail area, upgrade exterior and interior building, and install new site signage on property located at **115 Danbury Road (BP Station)** in the B-1 zone. Owner: Mario Marcheggiani Family Limited. Appl.: Drake Petroleum, Co. Inc. Auth. Agent: Consulting and Design, LLC. *65-days to commence public hearing ends 8/13/2009. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for a motion to receive the application, to schedule a site walk for 6/28/09, and a public hearing for 7/7/09.

**Mr. Mische** motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule the site walk and the public hearing as suggested by the Chairman. The motion passed, 9-0.

5. **#2009-041-SP:** Special Permit under Section 9.2 as required by Sections 3.6.C of the Ridgefield Zoning Regulations to construct an open front porch and two dormers which will exceed maximum lot coverage on the existing residence located at **14 Loren Lane** in the RA zone. Owners/Applicants: Randall & Jean Brooks. Auth. Agent: Tom Loporati. *65-days to commence public hearing ends 8/13/2009. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for a motion to receive the application, to schedule a site walk for 6/28/09, and a public hearing for 7/7/09.

**Mr. Fossi** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and the public hearing as suggested by the Chairman. The motion passed, 9-0.

6. **#2009-042-SP:** Special Permit under Section 9.2 as required by Section 3.4.D.3 of the Ridgefield Zoning Regulations to construct a detached two-car garage in the front of a house located at **62 Highview Road** in the RA zone. Owners: James & Ursula Arcuri. Appl./Auth. Agent: Chris Santini. *65-days to commence public hearing ends 8/13/2009. For receipt, schedule walk and public hearing.*

**Chairman Mucchetti** asked for a motion to receive the application, to schedule a site walk for 6/28/09, and a public hearing for 7/7/09.

**Dr. Autuori** motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule the site walk and the public hearing as suggested by the Chairman. The motion passed, 9-0.

7. **#2009-043-REV(SP):** Revision to the Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to increase the licensed capacity by 8 children in the Almost Home day-care facility located at **35 Copps Hill Road** in the B-3 zone. Owner: 35 Copps Hill LLC. Appl./Auth. Agent: Jennifer Soodek, Almost Home. *65-day action period ends 8/13/2009. For receipt/discussion/action.*

**Chairman Mucchetti** noted the request for Revision to the Special Permit and the explanation for the change in a letter dated 6/8/09 from Jennifer Soodek of the Almost Home daycare center. The change to the originally applied for capacity of 128 children, is “to accommodate changes made in the Ridgefield Public School schedule for half-day kindergarten.” The application seeks to increase the capacity to accommodate 8 more children in the middle of the day, the Chairman added.

**Mr. Katz** asked if this change would meet State requirements.

**The Planner** said the applicant would still need to apply for a licensing modification from the State Health Department if the Commission approved the application.

**Mr. Katz** asked if the parking would be negatively impacted. The Planner said that it should not, because of the time of day. The Planner explained that the original Special Permit approval and subsequent revisions had established the maximum number of children on the site at 128. The increase was needed during the middle of the day, when there is an overlap of children resulting from the revised half-day kindergarten schedule in the schools.

**Mr. Katz** noted that he has observed parking to be sufficient on the site at various times during the day, and that the change is not proposed to affect parking requirements.

**Dr. Autuori** motioned, seconded by Mr. Katz, to approve the application, noting that parking appears to be sufficient for the proposed change. The motion passed, 9-0.

8. **#2009-044-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for building improvements and fire damage repair on building located at **424R Main Street** (behind and attached to Melillo's) in the CBD zone. Owner/App.: Urstadt Biddle Properties, Inc. Auth. Agent: NDA, P.C. *65-day action period ends 8/13/2009. For receipt/suggest individual site walk/discussion on 6/16/2009.*

**Chairman Mucchetti** noted that the AAC was reviewing the plans, and asked the Commission to review the site individually during the week, to prepare for discussion on 6/16/09.

[Note: The application is being reviewed by the AAC but is not subject to Village District review because the building is not visible from any street.]

**Mr. Katz** motioned, seconded by Dr. Autuori, to receive the application. The motion passed, 9-0.

## **COMMISSION WALKS**

There was a short discussion about site walks in general, and the need to avoid the appearance that the Commission is making decisions or conducting business in the field. Questions and suggestions about re-designing portions of the project should be saved for the public meeting, and the site walk is to be limited to observation and orientation.

**Dr. Autuori** spoke about the need to ask questions in the field when the thought was fresh in his mind. This is encouraged in the academic field. The Planner sympathized with his desire to resolve issues on site, but strongly cautioned against it. "You are an

elected official subject to the laws of due process in applications that appear before you in a public forum at a public hearing,” she said, and business must be conducted at the table and not in the field. Practices applicable to the academic field do not always apply in public meeting and government processes.

As noted above, the Commission scheduled the following site walks for **June 28, 2009**:

- **#2009-040-SP**: Special Permit **115 Danbury Road (BP Station)**, Mario Marcheggiani Family Limited
- **#2009-041-SP**: Special Permit **14 Loren Lane**, Brooks
- **#2009-042-SP**: Special Permit **62 Highview Road**, Arcuri

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

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

**Chairman Mucchetti** noted the following correspondence:

- Memo written by Magdalena Finch of the EDC, summarizing for the EDC the discussion held at the PZC’s June 2<sup>nd</sup> work shop for the update to the Plan of Conservation and Development.
- Conservation Commission letter dated 6/9/09, re the Hickory Lane proposed subdivision and open space.

**Mr. Katz** noted that the Chamber of Commerce would be holding a gathering at the Dayton Room at the Ridgefield Library on Wednesday morning, June 10<sup>th</sup>, from 7:45 to 9 a.m., on the topic of “Revitalizing Ridgefield.” He will attend, and the Planner will be there as well.

### **MINUTES**

**Mr. Fossi** motioned, seconded by Mr. Mische, to approve the minutes of May 12, 2009. Chairman Mucchetti offered some corrections to her statements on pages 4 and 8. The motion to approve the minutes, with the amendments, passed, 9-0.

**Mr. Fossi** motioned, seconded by Mr. Mische, to approve the minutes of May 19, 2009. The motion passed, 7-0-2, with Mr. Katz and Mr. Chipouras abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

UNAPPROVED / UNREVISED

MINUTES  
AQUIFER PROTECTION AGENCY

June 9, 2009

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

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

At 8:15 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

There were no pending items.

**CORRESPONDENCE**

There was no correspondence.

**MINUTES**

**Mr. Katz** motioned, seconded by Dr. Autuori, to approve the minutes of March 10, 2009. The motion passed, 8-0-1, with Mr. McChesney abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:16 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary