

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

June 15, 2010

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

Absent: Peter Chipouras

*A Planning and Zoning Commission public hearing was held prior to the meeting.
At 7:48 p.m. Chairman Mucchetti called the meeting to order.*

PENDING ITEMS

1. **#2010-020-PR:** Plenary Ruling application as required by Section 7.6 of the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield for regulated activities within the wetlands and upland review areas for piping and reconstruction of watercourses in conjunction with the development of a single family residence on property located on **Second and Third Lanes** in the RA zone. Owner: Wayne E. Wood and The Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy, VII, P.E. *Received 3/2/2010, walked 3/21/2010, public hearing commenced 4/6/2010, continued to 4/20/2010, continued to 5/4/2010, continued and closed 5/18/2010. Draft Resolution of Approval requested 5/18/2010, revised resolution requested 6/1/2010. 35-day action period ends 6/22/2010. For action.*

Chairman Mucchetti referred to the revised draft resolution, prepared by the Agent.

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the application according to the drafted resolution.

Chairman Mucchetti referenced the memo prepared by Agent Brosius, pertaining to the revisions made to the resolution, and noted the reference to eliminating the requirement for flocculents for sediment control.

Mr. Mische was concerned that the condition might prohibit flocculents altogether. He would not like to see the use of flocculents prohibited, if it is found that they are effective and safe.

Mr. McChesney interpreted the proposed condition to say that requirements for the use of flocculents should be eliminated from the plans, but the language would not prohibit their use.

The motion to approve the application according to the revised resolution passed, 7-1. Dr. Gelfman was opposed.

2. **#2010-052-SR:** Summary Ruling application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for grading and excavation in the wetlands and upland review area on property located at **100 Holmes Road** in the RAA zone. Owners: Nicholas and Marjorie Cotter. *65-day action period ends 7/22/2010. Received 5/18/2010. Walked June 6, 2010. Draft Resolution of Approval requested June 8, 2010. For discussion/action.*

Chairman Mucchetti referred to the draft resolution of approval provided by the Agent. She also pointed out the Agent's memo, and request for consideration of a condition requiring mitigation plantings to delineate the wetlands edge.

Mr. Walsh motioned to delete "c" in condition #3 (requirement for posting of a \$1,000 bond). Mr. Fossi seconded the motion and the vote was 8-0 in favor of the modification.

Mr. Mische motioned, seconded by Mr. Fossi, to approve the application with the added condition requiring plantings, and no bond to be required. The motion passed, 7-0-1, with Dr. Autuori abstained.

NEW ITEMS

3. **#2010-057-SR:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for pond and stream dredging and maintenance on property located at **312 Rippowam Road** in the RAAA zone. Owner/App.: Roger Provey. *65-day action period ends 8/19/2010. For receipt and schedule walk.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th.

Mr. Walsh motioned, seconded by Mr. Katz, to acknowledge receipt of the application and to schedule the site walk as suggested. The motion passed, 8-0.

4. **#2010-058-SP-SR:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield to permit regulated activities in the wetlands and upland review area in conjunction with Special Permit for modifications of two existing ponds including dredging and pond enlargement on property located at **599 Branchville Road** in the RAA zone. Owner/App.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. 65-

day action period ends 8/19/2010. 65 days to commence public hearing (if necessary) ends 8/19/2010. For receipt, schedule walk and public hearing if necessary.

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and scheduling of a public hearing for July 20th. She pointed out that there are two applications for this property under Inland Wetlands, and two applications under the purview of the Planning and Zoning Commission. The Planner/Agent has recommended combining all applications under one public hearing, for coordinated review.

Dr Autuori motioned, seconded by Mr. McChesney, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

5. **#2010-059-SP-SR:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for regulated activities within the upland review area in conjunction with Special Permit to install driveways and utilities and permit Institutional Use on property located at **599 Branchville Road and 4 Stony Hill Terrace** in the RAA zone. Owners: Moreton Binn and CT DOT (under contract by Binn). Appl.: Binn Animal Rescue and Sanctuary. *65-day action period ends 8/19/2010. 65 days to commence public hearing (if necessary) ends 8/19/2010. For receipt, schedule walk and public hearing if necessary.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and scheduling of a public hearing for July 20th.

Mr. Katz questioned the authority of the Board to accept an application when one of the properties is under contract with the CTDOT. Mr. Walsh noted that the applicant is the “contract purchaser” of the lot. The Board can accept the application, but prior to the public hearing the applicant must provide proof that the current property owner authorizes the submittal of the application.

Mr. Katz motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

BOARD WALKS

As noted above, the Board scheduled the following items for site walk on **June 27, 2010:**

- **#2010-057-SR:** Summary Ruling **312 Rippowam Road**, Provey
- **#2010-058-SP-SR:** Summary Ruling **599 Branchville Road**, Binn
- **#2010-059-SP-SR:** Summary Ruling **599 Branchville Road and 4 Stony Hill Terrace**, (Binn Animal Rescue and Sanctuary), Binn/ CT DOT (under contract by Binn)

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. McChesney motioned, seconded by Mr. Mische, to approve the minutes of June 1, 2010. The motion passed, 7-0-1, with Chairman Mucchetti abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 7:56 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent
(from audio tape, and notes prepared by Chairman Mucchetti)

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

June 15, 2010

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

Absent: Peter Chipouras

A public hearing was held prior to the meeting.

At 7:57 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#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/App.: 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 continued and closed 6/8/2010. Draft Resolution of Approval requested 6/8/2010. 65-day action period ends 8/12/2010. For action.*

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

Mr. Katz motioned, seconded by Dr. Autuori, to approve the application according to the drafted resolution. The motion passed, 7-0-1, with Mr. Fossi abstained.

2. **#2010-045-A:** Proposed amendment to the Ridgefield Zoning Regulations, **Section 3.3.D.1** (Accessory Dwelling Unit) to eliminate one-acre minimum size requirement when using septic. *Commission initiated.*

Chairman Mucchetti noted that the public hearing on the proposed amendment had been closed, and asked for discussion. She referenced discussion held during the public hearing where there was agreement to change the wording of "l.c.i" as follows:

From: “served by public water, municipal sewers, or by private septic system(s) and well(s) in compliance with the Public Health Code.”

To: “served by public water or well(s), municipal sewer or private septic system(s), in compliance with the Public Health Code.”

Mr. Katz suggested that the change be prepared as a draft, so that the Planner could have some input on approving the proposed, modified language. The Chairman agreed, and said that the Planner would be listening to the tapes of the public hearing, and could then understand the Commission’s concerns.

Mr. McChesney motioned, seconded by Mr. Katz, to request a revised draft of the amendment, with the modification. The motion passed, 8-0. (The item will be listed for action on the 6/22/10 agenda.)

3. **#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. *Received 5/11/2010. Public hearing commenced and closed 6/8/2010. Draft Resolution of Approval requested 6/8/2010. 65-day action period ends 8/12/2010. For action.*

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

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the application according to the drafted resolution. The motion passed, 7-0-1, with Mr. Mische abstained.

4. **#2010-054-SP:** Special Permit application **112 Old Branchville Road**, Boehringer, Trustee. *Received 6/8/2010. For discussion re hiring technical consultant c/o PD’s memo of 6/14/2010 (attached).*

Chairman Mucchetti referred to a memo prepared by the Planner, where she asked the Commission to consider authorizing the hiring of an outside consultant (at the applicant’s expense) to review the engineering plans for the application.

Mr. Katz motioned, seconded by Mr. McChesney, to approve the hiring of a consultant.

Mr. McChesney said that he had visited the site and suggested that others do the same. The Eustis Lane access is a rugged, steep slope. Mr. McChesney fully agrees with the Planner’s concern that there is serious potential for erosion when the site is under construction.

Mr. Katz agrees. He says that the applicant apparently does not realize the serious need for proper erosion controls, because the notes on the plans are standard and perfunctory. Simple E&S measures would be appropriate if the site were flat, but that is not true on this site.

The motion to authorize the hiring of a consultant passed 7-1, with Mr. Fossi opposed.

NEW ITEMS

5. **#2010-055-REV(SP)**: Revision to Special Permit under Section 9.2.A.7.e required by Section 7.2.E.11 of the Ridgefield Zoning Regulations to permit “welcome” and “thank you” signs on property located at **125 Danbury Road, Copps Hill Shopping Center** in the B-1 zone. Owners/Appls.: Equity One Realty & Management NE, Inc. Auth. Agent: Laura Schmitt, Property Manager. *65-day action period ends 8/19/2010. For receipt.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and noted the Planner’s suggestion to visit the site individually.

There was discussion about the proposed location of the signs, and some confusion about the location of the signs that would be placed at the main entrance, off Danbury Road. The map provided with the application is not clear.

The end result of the discussion was a request from the Commissioners for the location of the proposed signs to be marked and visible for individual review on the site, in preparation for discussion with the applicant at the meeting on 6/22/10.

Mr. Walsh motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to walk the site individually. The motion passed, 8-0.

6. **#2010-056-SP**: Special Permit under Section 9.2 required by Section 3.2.C.12 of the Ridgefield Zoning Regulations to permit a bed and breakfast establishment in a single-family residence located at **304 Main Street** in the RA zone. Owner: Larry Kalkstein. Appl.: Larry Kalkstein; Corcar, LLC. Auth. Agent: Peter T. Coffin, AIA. *65-days to commence public hearing ends 8/19/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and scheduling of a public hearing for July 13th.

Dr. Autuori motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

7. **#2010-058-SP-SR:** Special Permit under Section 9.2 required by Section 7.5.D.2 (pond dredging) and Section 11.4.D (Site Plan Approval for Floodplain Development) of the Ridgefield Zoning Regulations for pond dredging requiring the removal of material from the site in excess of 2000 cy and pond dredging work within a designated Flood Plain on property located at **599 Branchville Road** in the RAA zone. Owner/Apl.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. *65 days to commence public hearing ends 8/19/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and scheduling of a public hearing for July 20th. She noted that the Planner would be making a determination about whether the Floodplain Management Regulations were applicable to this application. In any case, the application should be received.

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

8. **#2010-059-SP-SR:** Special Permit under Section 9.2 required by Section 7.5.D.4 and Section 3.2.C.2 of the Ridgefield Zoning Regulations to install driveways and utilities and permit Institutional Use for philanthropic and educational uses on property located at **599 Branchville Road and 4 Stony Hill Terrace** in the RAA zone. Owners: Moreton Binn and CT DOT (under contract by Binn). Apl.: Binn Animal Rescue and Sanctuary. Auth Agent: John F. McCoy VII, P.E. *65 days to commence public hearing ends 8/19/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and scheduling of a public hearing for July 20th.

Mr. Mische motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

9. **#2010-060-SP-VDC:** Special Permit under Section 9.2 required by Section 8.3 of the Ridgefield Zoning Regulations for signage on property located at **32 Prospect Street** (Nature's Temptations) in the CBD zone. Owner: Jeff A. Konchalsky. *65 days to commence public hearing ends 8/19/2010. 35 days to receive VDC report ends 7/20/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested a site walk for June 27th and a public hearing for July 6th.

Mr. Walsh recused himself from discussion and action on this application.

Mr. Mische motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 7-0-1, with Mr. Walsh recused.

COMMISSION WALKS

As noted above, the Commission scheduled the following items for site walks on **June 27, 2010**:

- **#2010-056-SP**: Special Permit **304 Main Street**, Kalkstein
- **#2010-058-SP-SR**: Special Permit **599 Branchville Road**, Binn
- **#2010-059-SP-SR**: Special Permit **599 Branchville Road and 4 Stony Hill Terrace**, Binn and CT DOT (under contract by Binn)
- **#2010-060-SP-VDC**: Special Permit **32 Prospect Street**, Konchalsky

The following item was previously scheduled for site walk on **June 27, 2010**

- **#2010-054-SP**: Special Permit **112 Old Branchville Road**, Boehringer

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Variance granted to 30 Ethan Allen Highway, to expand the nonconforming use to add farm stand items and 2 A-frame signs
- Ridgefield Patch article and photos, re visit by the Boys and Girls Club to the Binn Animal Sanctuary on Branchville Road

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of June 1, 2010. The motion passed, 7-0-1, with Chairman Mucchetti abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning
(from audio tape, and notes prepared by Chairman Mucchetti)