

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

June 16, 2009

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

Absent: Phil Mische

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

Planning and Zoning Commission public hearings were held prior to the meeting.

At 8:50 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

1. **#2009-046-A(IW):** Proposed Amendment to the Inland Wetlands & Watercourses Regulations for the Town of Ridgefield as required by Section 14 to include new **sections 7.11.3, 10.8 and 10.9** requiring applicants to notify holders of Conservation and Preservation easements on properties where regulated activities are proposed. Board Initiated. Schedule public hearing.

Chairman Mucchetti introduced the item and referred to a memorandum from Aimee Pardee, Wetlands Inspector/Agent, describing the need for the amendment. She asked Agent Brosius to give an explanation of what is being proposed.

Agent Brosius said the amendment responds to a recommendation put forth by the CTDEP at their legislative update training session, asking Towns to create regulations to enforce the Connecticut statutes, (modified under Public Act 05-124), requiring property owners with Conservation or Preservation Easements on their properties to notify the holder of the easement prior to applying for wetlands permits. The Public Act also applies to permits requested from planning, zoning, zoning boards of appeals, building and health departments. The language of the proposed amendment is taken

directly from “model regulations” drafted by the State. The Chairman asked if this was the language the Agent wanted presented at a public hearing. The Agent said it was.

Mr. Katz motioned, seconded by Dr. Autuori, to set a public hearing for review of the amendment on July 21, 2009 (date suggested by the Chairman). The motion passed, 8-0.

2. **#2009-047-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 diversion and reconstruction of watercourses in conjunction with the development of a single family residence and request to waive fees 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. *65 days to commence public hearing ends 8/20/2009. For receipt schedule public hearing, schedule walk and decision to waive fees.*

Chairman Mucchetti asked for acknowledgement of receipt of the application, and suggested 6/28/09 for a site walk and 7/21/09 for the public hearing.

Dr. Autuori motioned, seconded by Mr. Chipouras, to receive the application, schedule walk and public hearing, as recommended by the Chairman. The motion passed, 8-0.

Mr. McChesney asked if this applicant had not been before the Board before. The Agent said that it was the same property where access had been proposed over Third Lane, and now access would come from Second Lane.

Chairman Mucchetti then addressed the applicant’s request for the Board to consider waiving the application fees. This is the third application reviewed for this property within the past two years. The Board had informed the applicant at the time the last application was withdrawn that fees would be waived for a re-submittal prior to the end of February, 2009.

Mr. Katz noted that this application had taken more staff and Board time than almost any other project, and he recommended there be no waiving of fees. There was unanimous agreement that fees should not be waived.

BOARD WALKS

As noted above, the Board scheduled the following for site walk on **June 28, 2009:**

- **#2009-047-PR:** Plenary Ruling **Second and Third Lanes**, Wayne E. Wood and The Estate of Charles F. Dean, Jr.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

Mr. Walsh motioned, seconded by Mr. Chipouras, to approve the minutes of June 2, 2009. The motion passed, 6-0-2, with Mr. Fossi and Dr. Autuori abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

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MINUTES
PLANNING AND ZONING COMMISSION

June 16, 2009

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

Absent: Phil Mische

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

Public hearings were held prior to the meeting.

At 9:15 p.m. Chairman Mucchetti called the meeting to order.

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/Appl.: 40 Grove Street LLC. Auth. Agent: Douglas MacMillan. *Received 5/5/2009. Public hearing commenced 6/9/2009 and continued to 6/16/2009. 35 days to close public hearing ends 7/14/2009.*

Chairman Mucchetti noted that the hearing had been closed and asked for discussion on the application.

Mr. Katz motioned, seconded by Mr. Walsh, to request a draft resolution of approval for the application, including standard conditions and referencing the modified plan presented by Mr. MacMillan at the continued hearing. The motion passed, 8-0. The resolution will be reviewed for final vote on 6/23/09.

2. **#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. *Received 5/12/2009. Walked 6/7/2009. Public hearing commenced on 6/16/089, continued to 7/14/09. 35 days to complete the hearing ends on 7/21/09.*

Chairman Mucchetti noted that the hearing had been continued to 7/14/09 and there was no discussion.

3. **#2009-038-VDC-REV(SP):** Village District application under Section 8.3 and Revision to Special Permit Application under Sec. 9.2.A.7.e of the Ridgefield Zoning Regulations to permit an awning with signage for business located at **24 Prospect Street (Piccolo Pizza)** in the CBD zone. Owner/Appl.: Pretty LLC, Matt Criscuolo. *65-day action period for revision ends 8/6/2009. Received and referred to Village District Consultants 6/2/2009. For discussion/action.*

Chairman Mucchetti referenced documents which had been distributed previously to the Commission, including minutes of the Village District Consultant review from its meeting on 6/9/09.

Planner Brosius explained the proposal, stating that the new awning would be installed at the parking lot side of the Yankee Ridge complex, where the entrances to the stores are located. The awning would be “extremely similar” to two installed on adjacent tenant spaces, at the site of the former Nature’s Temptations store. The awning would include signage, and would replace the “Piccolo’s Pizza” sign on the fascia of the porch. The VDC has reviewed the application, and is in agreement with the proposed size and style, consistent with the adjacent awnings.

Dr. Autuori motioned, seconded by Mr. Chipouras, to approve the application as presented with conditions referencing the minutes and recommendations of the Village District Consultant. The motion passed, 8-0.

4. **#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. *6/12/2009 application withdrawn. Acknowledge withdrawal.*

Chairman Mucchetti noted that the application was being withdrawn. She explained that the builder had found a way to attach the garage to the house, and the application therefore did not require the Special Permit.

Dr. Autuori motioned, seconded by Mr. Chipouras, to acknowledge the withdrawal of the application. The motion passed, 8-0.

NEW ITEMS

5. Request for revision to site plan to pave parking area for ADA accessibility **76 Governor Street, Zemo.** *For discussion/administrative approval requested.*

Chairman Mucchetti asked the Planner to explain the details of the request for paving of the parking area.

Planner Brosius said that the owner of the property, Steven Zemo, reported there has been considerable interest in the property from people requiring handicapped access. The building itself and all the units therein are fully handicapped accessible. The gravel parking area, designed for greater absorption of runoff, would not allow access for people with walkers and wheelchairs. The Planner said that the engineer, John McCoy, provided a letter stating that the drainage system had been designed beyond the requirements of the property, and it would be able to accommodate the increased runoff and rate of runoff from an entirely paved parking area. The Town Engineer reviewed Mr. McCoy's drainage report, which included data for events up to a one hundred year storm, and agreed that paving the lot should have "virtually no impact."

Mr. Katz wondered about the possibility of paving the handicapped parking area only.

Mr. McCoy said that two handicapped spaces had been allocated. However, he continued, the response Mr. Zemo is getting indicates that the need will be much greater, far exceeding the current allocation, and possibly as high as fifty per cent of the tenants needing handicapped accessibility.

Chairman Mucchetti cited the comments of Ms. Emma Lou Benedict, Chairman of the Commission on the Disabled, who has reminded the Commission to be conscious of surfaces, which are extremely important for handicapped individuals.

Dr. Autuori asked for consideration of pervious concrete.

Mr. McChesney felt that it would be "very difficult to prepare that surface."

Mr. Walsh said the motion is for administrative approval, which would allow the Planner to explore that option, if she wished.

The Planner said that the area in question is a relatively small parking area. Pervious pavement is typically used in much larger developments, and is much more costly, she said.

After some additional discussion, **Mr. Chipouras** motioned, seconded by Mr. Walsh, to approve the Planner's request for administrative, staff oversight of the change. The motion passed, 8-0.

6. **#2009-045-SP:** Special Permit under Section 9.2 of the Ridgefield Zoning Regulations to permit restaurant signage on property located at **500 Main Street**, Brendan's at the

Elms in the RA zone. Owner: William Scala. Appl.: Brendan Walsh. Auth. Agent: Patricia Leary. *65-days to commence public hearing ends 8/20/2009. For receipt, schedule walk (if necessary) and public hearing.*

[Note: This was incorrectly listed as a Revision to the Special Permit on the agenda. It is a Special Permit, and not a revision.]

Chairman Mucchetti suggested 6/28/09 for a site walk, and 7/7/09 for a public hearing. She asked the Planner to describe the proposal.

Planner Brosius explained the reason for the application, the fact that the restaurant is a pre-existing, non-conforming use in a residential zone, and that a Special Permit was required for the sign. She noted that the applicant had applied simultaneously for a permit from the CTDOT to place the sign in front of the building in the State right-of-way, but since that process could take months, the Special Permit was being requested from the Commission to allow the sign to be posted in front of the porch, on the property owned by the Inn. She said that it was a fairly simple Special Permit, and the application fees for the sign Special Permits had been decreased. The Planner said that the property line for the Elms was parallel to the front porch. The bottom step to the porch is actually in the highway right-of-way. Approval of the Special Permit would be a temporary measure, pending decision from the DOT. An approval from the DOT would allow the sign to be moved out into the garden area, in the right-of-way.

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

7. **Added to Agenda:** Discussion of receipt of new plans for previously approved Special Permit, **154 Rippowam Road, File #2009-010-SP**, c/o Planner Brosius.

Mr. Katz motioned, seconded by Dr. Autuori, to add the item to the agenda. The motion passed, 8-0.

Planner Brosius explained the request by the project architect, to make modifications in the previously approved architectural plans for the Special Permit. The change would result in less lot coverage (a decrease in the Special Permit request) and an increase in the floor area of the house (which would still be within the allowable floor area requirement for the lot). The Special Permit approval allowed for staff to review proposed architectural changes; the Planner wanted the Commission to understand that the changes resulted in a decrease of the lot coverage and the calculated amount allowed under the Special Permit.

Dr. Autuori motioned, seconded by Mr. Fossi, to allow administrative oversight of the proposed architectural changes. The motion passed, 8-0.

COMMISSION WALKS

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

- **#2009-045-REV(SP)**: Revision **500 Main Street**, Scala

The following site walks has been previously scheduled 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

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Revised maps for the application at **75 New Street** (public hearing on 6/23/09)
- Memo from the Fire Marshal regarding the application for **115 Danbury Road (BP Gas Station)**
- Article from the AARP newsletter, re the conversion of age-restricted residential developments to non-restricted status, because of the downturn in the economy

MINUTES

Mr. McChesney motioned, seconded by Mr. Chipouras, to approve the minutes of June 2, 2009. The motion passed, 6-0-2, with Mr. Fossi and Dr. Autuori abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary