

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

June 19, 2007

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

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

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

(Note: The Planning and Zoning Commission convened its meeting prior to the Inland Wetlands Board meeting, to handle items #8 and #9 on the PZC agenda.)

At 8:27 p.m. Chairman Mucchetti called the meeting to order.

**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 and continued to 6/12/2007. Public hearing closed and draft Resolution of Approval requested 6/12/2007. 35-day action period ends 7/17/2007. For action.*

**Mr. McChesney** made a minor correction to the wording.

**Ms. Willis** made a few minor suggestions, one being the addition of the words "...and accompanied planting of stabilizing vegetation" after the jute mat reference in #5, and, the second, modifying the 2-3 times a season suggested mowing to once a season.

**Mr. Slavin** made a motion, seconded by Mr. Fossi, to approve the resolution as amended during discussion. The motion passed, 9-0.

2. **#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. *Received 6/5/2007, walked 6/10/2007. Draft Resolution of Approval requested 6/12/2007. 65-day action period ends 8/9/2007. For action.*

**Chairman Mucchetti** explained that there had been prior discussion on this item without the benefit of the comments from Wetlands Inspector Aimee Pardee because of a computer glitch. An e-mailed comment from Ms. Pardee never reached the office. She asked Ms. Pardee, who was present, to address the Board.

**Ms. Pardee** said she feels the job was misrepresented as a pond restoration, when it is, in her opinion, a pond construction. She reviewed maps, and finds no evidence that this was a pond. This land is a forested wetland, she said. She said she would view the construction of this pond as the destruction of ¼ acre of wetland, and recommends that the Board get more information about the soil types, plants and habitats there, and about who delineated the wetlands, before reaching a decision on this application.

Ms. Pardee went on to say that the contractor represented this as a 60' x 90' pond, but the plan submitted calls for a 140' x 80' pond. He estimated moving approximately 600 cu. yds. of material, but, with a pond this size at an average depth of 5 feet, 2,000 cu. yds. would be removed. The plan calls for an average depth of 10'

She said that forested wetland is “an incredibly rich and complex area.” Converting this natural resource to an unnatural, manmade pond is something that should be very carefully considered, she felt, and she formally requested that this application be raised to a plenary level.

**Mr. Slavin** completely agreed with her thoughts. The Chairman regretted that the Board did not have this valuable information earlier, and also agreed completely with the Wetlands Inspector's comments.

**Dr. Autuori** said that he would not completely discount the applicant's contention that this was originally a pond, but he would need proof. He supported raising this to a Plenary.

**Mr. McChesney** said that he was very impressed with the comments of the wetlands inspector/agent Pardee, and decided to go out to the site to look at the area. He said that he had been in favor of approving this before, but now has serious reservations. He speculated that the area had been a wetland which became dammed up when Armand Rd. went in.

He also said that this has become mucky, and he can not imagine a pond even surviving there if, in fact, it was permitted.

**Mr. Katz** reminded the Board that they had fought very hard for the kind of expertise that Ms. Pardee has demonstrated. To reject her comments and grant permission for

this construction would be foolish. He added his support to that of the other Board members, and also supported raising this to a Plenary level.

**Mr. Oko** said that the Conservation Commission's comments were brief because they assumed the detailed report by Ms. Pardee had reached the Board, when in fact it had not.

**The Chairman** said that she very much appreciated Ms. Pardee's input, because she did not understand the vast difference between a wetland function and a pond function.

There was discussion among the Board as to how to proceed.

**The Chairman** said that she wanted to make sure the office has the necessary support for the motion that is being put forward.

**The Agent** said that it is proper for the Board to vacate the request for the draft based on the fact that additional technical information from staff has been presented, which suggests raising this to a Plenary. The determination of significance and the decision to raise it to a Plenary will then be presented in a letter to the applicant.

Following the discussion, which included comments by Wetlands Agent Pardee, and the introduction of new information about the application, **Mr. Slavin** motioned to vacate the previous decision to draft an approval of the application, seconded by Mrs. Willis. The motion passed, 8-0-1 with Dr. Autuori abstained.

**Dr. Gelfman** then made a motion to raise the application to the Plenary level and to schedule a public hearing date for 7/17/07. The motion was seconded by Mr. Slavin, and passed, 9-0.

**Mr. McChesney** said that now the Board can request specific information and accurate figures, i.e., dry land and wetland slopes into the pond, accurate figure of the amount of material being removed, and the location of the dewatering.

**Ms. Willis** added to that list a requirement for the accurate size of the pond and some determination as to whether or not there is a sufficient supply of water to keep the pond alive.

**Dr. Gelfman** said that a biological value consideration is not significant if there is not much biological value to the wetlands. An expert would be needed for a biological evaluation.

**Dr. Autuori** said that changing the area from a wetland to an open water pond could affect the land's ability to treat the effluent from the septic systems at the site. A pollution issue could arise. He suggested the addition of a request for septic related information from, perhaps, the Town's health officials.

**Mr. Katz** noted that Ms. Pardee's list of required information is very complete. Agent Brosius agreed. She mentioned Ms. Pardee's analysis of the environmental conditions of the wetland. She reminded the Board of the Avalon Bay case, which determined that wildlife outside of the wetland is not within their consideration, however, in this case, there is disturbance of the wetland itself. In that case, their consideration of the habitat of that wetland is permissible.

2A: **#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.

**Dr. Gelfman** made a motion, seconded by Dr. Autuori, to add the application for 8 Rippowam Road to the agenda, and to require a Plenary review based on new information presented by the Wetlands Agent, and in recognition of the request made by the Conservation Commission. The motion included the scheduling of a public hearing for 7/17/07.

**The Chairman** noted that this was brought as a Summary Ruling application, and the Board had not previously determined significance. The motion passed, 9-0.

**Agent Brosius** pointed out that the application was incorrectly submitted to "enlarge" a pond, when in reality it is to "create" a pond.

**Mr. McChesney** said that he had gone out to the site and observed two stand pipes which had been installed. The water level in one of them was about 18" below grade, he said. The other, which he couldn't get to, would probably show a lower level.

**The Chairman** confirmed that the list of requested information for **110 Armand Rd.** would be essentially the same for this application.

3. **#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. *Received 6/5/2007, walked 6/10/2007. Draft Resolution of Approval requested 6/12/2007. 65-day action period ends 8/9/2007. For action.*

Note: Mr. Walsh recused himself from discussion and participation on this application.

There were a few minor changes to the wording of the resolution from Mr. Katz and Ms. Willis.

**Mr. McChesney** made a motion, seconded by Mr. Katz, to adopt the draft resolution as amended in discussion at the table. The motion passed, 7-0-2, with Dr. Autuori abstained and Mr. Walsh recused.

4. **#2007-071-REV (SR):** Revision to Summary Ruling required under Section 11.9 of the IWWR for the Town of Ridgefield for modifications of existing permit to allow minor re-arrangement of proposed structures to be constructed on **Bryon Avenue** in the SD R-20 zone. Owner/Apl.: Country Club Development, LLC. Auth. Agent: Robert R. Jewell, Esq. *Received 6/12/2007. Walk scheduled for 6/24/2007. 65 day action period or to schedule public hearing ends 8/16/2007. For discussion and schedule public hearing if necessary.*

**Chairman Mucchetti** noted that a public hearing had not been scheduled on the wetlands application revisions, relating to the Special Permit application for Bryon Avenue. Mr. Katz noted that there was significant “public interest” in the development of this property, and a public hearing was warranted on this basis.

**Dr. Autuori** made a motion, seconded by Mr. Slavin, to schedule a public hearing for 7/3/07 on the revisions to the previous wetlands application. The hearing would be held congruently with the Special Permit public hearing. The motion passed, 9-0.

## **NEW ITEMS**

5. **#2006-021-SR:** Discuss bond amount for planting plan and steps in easement. Property located at **Rita Road and Water’s Edge Way**. Owner: Patrick Costigan.

**Agent Brosius** brought the Board up to date on development of the lot on Water’s Edge Way. She said that the planting plan for the Conservation Easement area had been received. She pointed out that there is a small area of a walkway which encroaches into the easement. This occurred because the surveyor did not follow the exact outline of the easement on the map, but rather chose to draw a straight line. She said that she does not have a problem with the encroachment because it involves only 1’-2’ of area, and it occurred as a result of the surveyor’s error.

**Ms. Willis** said she felt it was not a good precedent to accept a map that is in error and in violation of an agreement.

**Agent Brosius** said that the applicant is actually not violating the easement area which was requested, but rather a line on a map that was drawn incorrectly.

**Dr. Autuori** felt that the surveyor should fix the map.

**Mr. Walsh** said that the property should be properly surveyed so that the owner is not faced with encroaching on conservation land.

There was disagreement over whether or not this was an actual encroachment if it only existed on the map.

**Dr. Autuori** asked if, in twenty years, people are going to remember what's on the map or what the Board really had in mind. The point was well taken.

**The Agent** said that the owner is encroaching in an area that he gave over to the Town, over and above what they asked for. She said it would be very difficult for the office to get this corrected, and she feel doing so is "overkill."

Much discussion took place.

**Mr. Katz** said that there is an area of easement shown on the map which is now being encroached upon.

**Dr. Autuori** said that either the owner pulls back or he changes the map.

**Ms. Willis** asked about the planting plan. The Agent said there are 25 Mountain Laurels specified for the rocky slope. Ms. Willis asked how many years the bond would hold for. The \$10,000 is still in place, the Agent said, and the owner is willing to convert the bond to cover landscaping required in the Conservation Easement area.

**Mr. Walsh** asked if the Conservation Easement is on the land records yet. If it's not, we can match the map.

**Mr. Katz** said that there is an error. The Board didn't create it. The property owner didn't create it. The surveyor created it. Let the surveyor fix it and finance the fixing of it, he said.

**Dr. Gelfman** agreed with Agent that this was overkill. He said he thought they should be practical.

**Ms. Willis** said that he would be agreeing in principal to something that's wrong.

**The Agent** explained how all the documents connected with the easement and the property owner's plans to build will now have to be changed.

**Mr. Fossi** said that, although he agreed in principal that the map should be changed, doing so will be very involved. There are deeds that have to be rewritten, maps that have to be re-filed. This is going to be a huge undertaking, he said.

**Mr. Katz** said that this involves a series of maps that can later be challenged. He asked if consulting counsel could help. Can the mistake be acknowledged on the map, he asked.

**The Agent** felt that was a good idea, because it would create a paper trail for anyone researching land records.

A suggestion was made that maybe the encroachment could be moved. The Agent said she would ask the owner if the he could move it, and barring that possibility provide a note on the final survey that would indicate the mistake.

**Mr. Katz** made a motion, seconded by Mr. Fossi, to set the bond for landscaping at \$10,000 and to request that the Agent facilitate the filing of a map noting the encroachment in the easement. The motion passed, 9-0.

6. **#2007-073-SR:** Summary Ruling application for disturbance in the wetlands and upland review area to remove existing shed and restore area with wetland shrub species and construct new shed on property located at **86 Regan Road** in the RAA zone. Owners/Appls.: Giordano and Catherine Katin-Grazzini. *65-day action period ends 8/23/2007. For receipt and schedule walk*

**Mr. Katz** made a motion, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule a site walk for 7/1/07. The motion passed, 9-0.

7. **#2007-074-SR:** Summary Ruling application for disturbance in upland review area for construction of in-ground pool and house addition on property located at **4 Weir Farm Lane** in the RAA zone. Owners/Appls.: Bruce J. and Nicole Doyle Walker. Auth. Agent: Douglas MacMillan, AIA. *65-day action period ends 8/23/2007. For receipt and schedule walk*.

**Mr. Katz** made a motion, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a site walk for 7/1/07. The motion passed, 9-0.

8. **#2007-075-SR:** Summary Ruling application for disturbance in upland review area for construction of tennis court on property located at **245 Old Branchville Road** in the RAA zone. Owners: Stephan and Margaret Galistinos. Appl.: Stephan Galistinos. Auth Agent: Douglas MacMillan, AIA. *65-day action period ends 8/23/2007. For receipt and schedule walk*.

**Mr. Katz** made a motion, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a site walk for 7/1/07. The motion passed, 9-0.

9. Report on CTDEP Commissioner/Staff training session held 6/13/2007. c/o IWA.

**Agent Brosius** gave a brief over-view of the training session. She said that they went over the open space encroachment law. There were excellent site walk guidelines from the Attorney General's office, she said. The Agent said that these guidelines reinforce what she has tried to impress on the Board member, that it is important that all discussions surrounding a site walk take place in a public meeting, and not out in the field. The training session also covered the FEMA regulations, she said.

There were no votes and no action taken on this item.

### **BOARD WALKS**

As noted above, the Board scheduled the following applications for site walk on 7/1/07:

- **#2007-073-SR:** Summary Ruling **86 Regan Road**, Katin-Grazzini
- **#2007-074-SR:** Summary Ruling **4 Weir Farm Lane**, Walker
- **#2007-075-SR:** Summary Ruling **245 Old Branchville Road**, Galistinos

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

There were no requests for bond release or reduction.

### **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following correspondence:

- Memo from the Agent re Site Walks
- Letters from the Conservation Commission re 110 Armand Road and 8 Rippowam Road.
- Letters from the Planner/Agent to Attorney Robert Jewell about fees required for the Water's Edge Way / Hearing application.
- Copies of the wetlands regulations containing Appendices A and B (adopted for Mamanasco Lake)

### **MINUTES**

**Mrs. Willis** motioned, seconded by Mr. Slavin, to adopt the minutes of June 5, 2007, with a few corrections on pages 2 and 3. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

June 19, 2007

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

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

*A public hearing was held prior to the meeting.*

At 7:47 p.m., Chairman Mucchetti called the meeting to order. The Commission discussed items #9 and #8, in that order, then adjourned temporarily to convene as the Inland Wetlands Board. The Commission returned to its agenda at re-convened at 9:43 p.m.

**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. Tabled 6/5/2007. Tabled 6/12/2007. For action.*

**Chairman Mucchetti** noted that the easement agreement between property owners had not been signed, and the item was tabled.

2. **#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 and continued to 6/12/2007. Public hearing closed and draft Resolution of Approval requested 6/12/2007. 65-day action period ends 8/16/2007. For action*

**Mr. Katz** made a motion, seconded by Dr. Autuori, to approve the application as per the draft resolution, with some revisions made at the table. The motion passed, 9-0.

3. **#2007-055-SP:** Special Permit application under Sec. 3.4.D.3 of the Ridgefield Zoning Regulations to permit placement of a detached garage in the front yard on property located at **108 Peaceable Ridge Road** in the RAAA zone. Owners/Applicants: Howard L. and K. Lynett Dickman. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 5/22/2007. Walked 6/10/2007. Public hearing commenced 6/19/2007. 65-day action period ends 8/23/2007. For action.*

**Mr. Katz** said that it was a good project and well presented.

**Mr. Fossi** agreed, and stated that the application met the special permit criteria cited by the Planner in the staff report, that these were “appropriate improvements” and compatible with other uses and character in the neighborhood. Everyone agreed.

**Mr. Katz** made a motion, seconded by Mr. Fossi, approve the application according to the plans submitted. The motion passed, 9-0.

4. **#2007-056-A:** Proposed amendment to Sec. 7.2.D.2.c and Sec. 7.2.E.8 of the Ridgefield Zoning Regulations to correct error in permit requirements for signage. Commission initiated. *For action.*

**Mr. Walsh** made a motion, seconded by Mr. Slavin to approve the amendments, acknowledging that the amendment was intended to correct a Scribner’s error. The motion passed, 9-0.

5. **#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. Applicant: Bruce Yuen. *35-days to receive report from Village District Consultants ends 7/10/2007. Received and referred to VDC 6/5/2007. For action.*

**Mr. Katz** motioned, seconded by Mrs. Willis, to approve the application, incorporating the recommendations of the Village District Consultant as conditions. The motion passed, 9-0.

6. **#2007-070-REF:** Referral pursuant to Sec. 8-7d.(f) of the Connecticut General Statutes to Amend Sec. 2.B, 3.D.3., 3.E.4., 5.A-F. and 5.H. of the Zoning Regulations for the **City of Danbury**. Petition by Dennis I. Elpern, Planning Director. For discussion/action.

Following brief discussion of the proposed amendments, the Commission unanimously requested the Planner to send a letter of “no comment,” with appreciation for the opportunity to review the proposed zoning amendments.

7. **Affordable Housing Study being prepared by HVCEO** c/o Jonathan Chew, Executive Director, HVCEO. For discussion.

The Chairman reported having suggested to the Planner that maybe a subcommittee would help. The Planner didn't think it was necessary at this time. Consultants are being retained by HVCEO (Housatonic Valley Council of Elected Officials) and they will be coming to Town for information. The Chairman felt that it was encouraging to be approaching affordable housing from a regional level. She said that Mr. Chew said welcomed comments.

Following discussion led by Chairman Mucchetti about the memo from Jonathan Chew outlining the proposed HVCEO study on affordable housing, the Commission agreed by consensus that no action was required at this time.

## **NEW ITEMS**

8. Discussion with Ridgefield Conservation Commission re enforcement of open space violations and easement violations c/o Benjamin Oko, Chairman.

**Chairman Mucchetti** introduced Conservation Commission Chairman Ben Oko, Conservation Commission member Pat Sesto, and Ridgefield Wetlands Inspector Aimee Pardee.

**Mr. Oko** said that open space is usually deeded to the town under the jurisdiction of the Conservation Commission, leaving the commission with the responsibility to enforce the use of these lands. Violations of open space use would include such things as the removal of trees, placement of structures, dumping, etc. Generally, Mr. Oko said, enforcement action by the Commission merely requires a contact with the violator to get compliance. However, sometimes, legal action is required. The Commission needs to get authorization and funding from the Board of Selectman to take the required legal action. The town attorney is used.

The Commission requested the support of Planning and Zoning in their attempt to pursue two violation cases through legal means, and asked P&Z to write to the Board of Selectmen expressing that support. The two cases, (one, Turner Hill, with multiple violations, and the second, a single violation concerning a wrought iron fence

encroaching on open space), have been followed for quite a while. Mr. Oko asserted that, “A failure to enforce leads to more trouble enforcing. A strong and clear policy” is needed so that the public sees that violations are taken seriously, otherwise “we’re going to have increasing trouble.” Recent legislature allows the Commission to recoup legal fees if the case is found in their favor, he added.

**Ms. Sesto**, who is also the Director of Environmental Affairs for Wilton, said that Wilton has not had to go to court to enforce easements. Wilton has, however, gone to court to enforce wetlands regulations. She commented that the reimbursement of legal fees should not be a factor. Firstly, because Open Space is public land, and not meant to be used by private individuals. Secondly, she said that Wilton has been protected, even without this recent statutory change by language that states that Wilton is entitled to “reasonable legal fees if they prevail in court.”

**The Chairman** asked if this was part of their regulations. Ms. Sesto said that it was part of the easement language.

**Mr. Katz** asked her how they have been so successful. She said that they have staff consistently responding and following up on a timely basis. If the Commission’s persistence is insufficient, she said, they have counsel write a letter, and “99% of the time,” this is sufficient.

Mr. Katz asked Mr. Oko if our town counsel has written letters in these two particular cases. Mr. Oko said that town counsel followed up the individual violation, (the encroachment), but did not write letters in the Turner Hill case. He said that it is counsel’s opinion that, until there are boundary markers by survey, we can not pursue this matter. As of yet, funding has not been allocated for this surveying.

**Mr. Walsh** asked how we could go to court with these individual land owners if we don’t know where the boundaries are. It was determined that the Conservation Commission actually knows where the boundaries are. Mr. Walsh said that, if the boundaries are known, then there is no need to get a survey; and town counsel needs to write a letter. But, if counsel is saying that a survey is needed, then you can’t enter into good faith negotiation without that survey.

**The Planner** said that, in some cases, there is the potential for challenge on the part of the homeowner because of the lack of surveys. Mr. Walsh said that is no reason to avoid pursuing these violations.

**Mr. Oko** said there are many good ways to proceed, but the commission’s purpose in appearing before Planning and Zoning is to get their support on the record that, (a), “whatever needs to be done to create the enforcement needs to be done,” and, (b), that it is the opinion of Planning and Zoning that enforcement of easements and open space is important and consistent with the work that they do, and that their “expectation is that land either purchased or given to the town through the subdivision regulations will be looked after and cared for in a way that’s appropriate,

and, if that includes having to enforce it through litigation, then it's important that that be done."

**Mr. Fossi** said he did not understand why there should be a problem. There is nothing to negotiate, he said. If land is given as open space, then it is to be kept by the Town in perpetuity. Mr. Oko said that an open space negotiation could be whether or not to mow.

If it is appropriate to mow, they will offer that service, for instance, to keep a meadow a meadow.

**The Planner** introduced Wetlands Inspector Aimee Pardee as staff, albeit part time staff. She asked Ms. Pardee to explain how she was involved in the one case, even before the encroachment occurred.

**Ms. Pardee** said that, upon noticing activity on the site, she sent a letter to the owners notifying them of the conservation easement. They, nevertheless, went ahead with their construction and encroached upon it. The office has been pursuing these violators for over a year, to no avail. Counsel has also contacted them, and had no response. Ms. Pardee said that they need the support of Town government. Ms. Pardee expressed her concern that blatant violations tend to "spread." There is a neighbor adjoining that property who had originally been cooperative about taking down a fence, and now is not communicating with Town Representatives.

**Mr. Oko** complimented Ms. Pardee on her "amazing effort" and the number of cases she has been able to resolve. He also said that that effort has to be backed up by the Town and town counsel.

**Mr. Katz** said that the letter which should be written to the selectmen needn't be "awfully nice," as the matter has escalated to the point where, not only have the homeowners violated the eased open space, but they have transgressed into rudeness to a town official, all because the selectmen didn't act the first time around. Mr. Oko said that has been the problem all across Turner Hill, with neighbors watching neighbors ignore the requests of the Conservation Commission, and then following suit.

**Dr. Autuori** said that any conservation easement should have language that awards legal fees and awards to the prevailing party. This is one of the best ways to prevent violations, he felt. It should be written into every conservation easement, he said.

**Dr. Autuori** suggested that, with the Turner Hill cases, the small back yard violations be left for a time and Town counsel write letters to the more blatant and worst offenders. The Town should be prepared for litigation, he said.

**Dr. Oko** said that there are many ways to proceed. Their wish is for P&Z to encourage the Bd. of Selectmen to act. "To debate how to enforce, to hope not to

enforce, to hope to arrange another way of doing things....you get more and more violations and less and less cooperation.”

Mr. Katz made a motion, seconded by Dr. Autuori, to draft a strong letter to the Board of Selectmen, stating the Commission’s support of efforts to go forward with the pursuit of enforcement to correct open space and conservation easement encroachments. (and their displeasure with the selectmen’s inactivity in the past).

The motion passed, 9-0.

**Mr. McChesney** wanted a request for funding for the surveying of the Turner Hill development to be included in the letter.

**Ms. Willis** said that the Conservation Commission can’t do the job that they were charged to do, and the Town needs to step up and give them the money.

**Ms. Sesto** said that there is a prevalent misconception that this is Conservation’s land. This is the Town of Ridgefield’s land, she said, and we are simply the stewards. This is the Town’s resource, she added, and the selectmen are not backing the Town.

**The Chairman** reiterated that the Conservation Commission has Planning and Zoning’s wholehearted support.

9. Discussion **Branchville section of Route 7 corridor**, c/o Economic Development Commission.

**Chairman Mucchetti** introduced Economic Development Commission secretary Aaron Prills, who was joined shortly thereafter by Paul Levine, Vice Chairman.

**Planner Brosius** read a letter the office had received from EDC Chairman Bob Cascella. In it, he stated that the EDC has identified the Rt. 7 corridor as an area with potential for economic development, specifically in the Branchville area. He described Branchville as a gateway into Ridgefield from the south, which connects Ridgefield to its neighbors, Redding and Wilton. He reported on the EDC’s recommendation that there be collaboration between, (and/or a working committee formed by), representatives of the three towns for the purpose of sharing ideas and resources around the future development of Rt. 7 in the area where the three towns converge. The EDC asked that Planning & Zoning consider this opportunity for collaborative effort, and investigate the possible interest in Ridgefield and the other towns.

**EDC Secretary Aaron Prills** said that the Commission’s desire is to bring all the towns together to develop a cohesive strategy for the future development of the Route 7/Branchville area. In that way, any development of that area would have a consistent and uniform feel. He said that, with the Georgetown project moving ahead, they felt

that this was a good time for them “to go ahead and see if [they] could spearhead this initiative.”

**The Chairman** commented that the DOT had expressed interest in making some improvements in the area. When the EDC looked at this, they found that it was unclear as to where one town ended and the next began. A collaborative view was thought to be the best approach, and they suggested that the planners from the three towns begin working together.

**Mr. McChesney** asked if there was an equivalent of HVCEO (Housatonic Valley Council of Elected Officials) in which Wilton and Redding could have membership. The Planner said that their agency is SWRPA (Southwestern Regional Planning Agency), but these agencies are more transportation planning oriented.

**Dr. Autuori** asked if the EDC has seen the Branchville study plan. He suggested that it would be a nice model for Wilton and Redding to refer to. He asked who had prepared that plan. The Planner said it had been Glenn Chalder. Dr. Autuori, citing the traffic congestion in Ridgefield, suggested that careful attention be paid to this issue when planning the Branchville center, to minimize this problem.

**Ms. Willis** added that it is a difficult area because of the convergence of the river, the road and the railroad. She was concerned about protection for the river, explaining that there are serious problems with the river already. Each town should work to improve the quality of the water.

**The Chairman** said, recognizing that the Georgetown project is going to affect us all, the EDC asks that the towns and the affected business owners work together and take a regional approach.

**Mr. Katz** said that this makes perfect sense. He asked what the EDC envisioned as the charge to any group coming forward.

**Mr. Prills** said that they would become subcommittees to the EDC – not necessarily reporting to the EDC, but sharing ideas and information. The EDC would then make a recommendation to the Town, based on that information.

**Mr. Katz** asked who the disciplinarians of the committee would be. Mr. Prills said zoning, EDC’s from Redding and Wilton, the town planners, and, hopefully, some business leaders.

**Mr. McChesney** said that it’s quite possible the other communities are equally concerned, and the idea of encouraging this dialog is, in his opinion, a great idea.

**The Chairman** introduced **Mr. Paul Levine**, Vice Chairman of the EDC.

**Mr. Katz** said that it is important to realize that the Planning & Zoning Commission is not an economic development commission. The Commission needs to be very careful not to transgress and cross the line in any way, he said, and he encouraged individual members of the Commission to recuse themselves from any discussion in the matter. He also wondered whether the Commission's endorsement of the concept would presuppose their actual physical involvement.

**The Chairman** said that it was the Planners of the towns who needed to be involved.

**Mr. Katz** said he would be opposed to members of various boards and commissions in town lending membership to this coalition.

**Dr. Autuori** repeated his concern that conservation come before development, and cited the river protection and traffic congestion issues.

**The Planner** expressed her support for the concept, saying she feels that communication between the towns is very important. She noted, however, her time constraints relative to the extremely full schedule and the Ridgefield Center Study, for which funds have already been allocated.

**Mr. Levine** noted that the EDC is a "thinking group," which has no power. He remarked that it would be wise and prudent to begin thinking about this, because "along that intersection, [the Branchville area], a lot is going to be happening."

**Mr. Katz** said that he appreciates the EDC's efforts to integrate the towns now.

The Commission agreed to support the concept of cooperation with the adjoining towns in the Route 7 corridor, and to encourage staff to work with the EDC to begin a dialogue with those towns.

10. **#2007-072-REV(SP)**: revision to Special Permit required by Sec. 9.2.A.7.e. of the Ridgefield Zoning Regulations to construct a middle school playground on property located at **223 West Mountain Road** (Ridgefield Academy) in the RAAA zone. Owner: Ridgefield Academy, Inc. Appl.: Larry McDowell, Business Manager. *65-day action period ends 8/23/2007. For receipt and schedule walk.*

**Chairman Mucchetti** asked the Planner to explain the application and the request for an additional play area at Ridgefield Academy.

**Mr. McChesney** made a motion, seconded by Mr. Fossi, to approve the request for revision to the Special Permit, to allow the new play area. Mr. Walsh stated that a "master plan" of the school should be brought forth prior to the Commission's consideration of future, additional changes, and the Commission agreed by consensus. The motion to approve the request for the playground passed, 7-0-2, with Dr. Autuori and Mrs. Willis abstained.

## COMMISSION WALKS

Chairman Mucchetti informed the Commission of a request by Toll Brothers to change the scheduled walk date from June 24<sup>th</sup> to July 1<sup>st</sup>. After some discussion, it was agreed to change the following site walk to 7/1/07:

- **#2005-106-PR-SP: 638 Danbury Road**, Toll Land XVIII Limited Partnership

## REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

## CORRESPONDENCE

- Chairman Mucchetti pointed to the distribution of the Board of Selectmen's proposed Animal Ordinance, provided for information only. It was noted that the BoS would be discussing the ordinance at its meeting on 6/20/07.

## MINUTES

**Mrs. Willis** made a motion, seconded by Mr. Slavin, to approve the minutes of June 5, 2007, with a few minor corrections. Chairman Mucchetti added a few corrections as well, and the motion and second were adopted with the proposed revisions, by a vote of 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary