

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

July 7, 2009

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

Absent: Michael Autuori
Peter Chipouras

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

Planning and Zoning Commission public hearings were held prior to the meeting.
At 8:55 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-015-PR:** Request for clarification of condition #12, Plenary Ruling Approval for pond dredging re limits on herbicide use. Applicant's consultant proposes use of herbicides for invasive plant removal. Property located at **10 Shadow Lake Road and 690 Ridgebury Road**. Owner: RCG 1998 Family Trust, Alison Mosca, Trustee.
For discussion/action.

Chairman Mucchetti pointed out the letter received from landscape architect Abigail Adams of CCA, LLC. The letter included a statement requesting clarification about the proposed use of herbicides for the elimination of invasive plants on the site.

Agent Brosius reminded the Board of the site walk and presentation led by wetlands scientist Michael Klein, representing the applicant. Mr. Klein impressed on the Board the significant amounts of invasives within the wetland area, particularly below the pond. Phragmites are especially difficult to eliminate without chemicals, the Agent noted. She described a method for removing phragmites which had been discussed at CT DEP training sessions she had attended. The phragmites are cut and the tops painted with herbicides. This method will kill the phragmites without endangering the wetlands. The Agent urged the Board to consider the experience of the CT DEP and allow the use of their tested chemicals in a situation which requires them. Condition #12 in the Plenary Ruling approval prohibited the use of herbicides; the applicant is requesting clarification that the limitation did not extend to the elimination of invasive species during the clean-up of the site.

Mr. Mische asked what control the Board would have in governing the use of herbicides if it permits them here.

The Agent said that there is much debate over how much control there is anyway with regard to controlling the use of herbicides. Prohibiting their use is very difficult to enforce and the prohibition expires with the permit, she said. Mr. Mische asked if the Board response would be that herbicides can be applied. The Agent said, "To get rid of the invasives, yes." While a message is sent with a condition of approval, practical enforcement in the long term is virtually impossible, the Agent said.

Mr. Fossi asked Susan Baker of the Conservation Commission, who was in the audience, if she had an opinion on this.

Ms. Baker said that she intended to bring it up at the next CC meeting, where people with more expertise in this area could comment.

Mr. Katz motioned to clarify that herbicides could be used for invasive plant removal. The motion was seconded by Mr. Fossi and passed by a vote of 7-0.

2. **#2009-048-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield to install septic system and add a pool on property located at **239 Mamasasco Road** in the RA zone. Owner/Appl.: Ken Pereyra. Auth. Agent: Michael J. Mazzucco. *65-day action period ends 8/27/2009. Received 6/23/2009. Walked 6/28/2009. For discussion/action.*

Chairman Mucchetti introduced Michael Mazzucco, P.E., representing the applicant, who provided copies of and described the revised plan. He also provided proof of notification to the NYC DEP.

Michael Mazzucco presented the application, with additional information provided by homeowner Ken Pereyra, and pool contractor Tom NeJame of NeJame Pools, both present in the audience. Mr. Mazzucco described the property in detail, mentioning the two watercourses flowing down either side and the topography running from west to east towards Mamasasco Road, bordering Mamasasco Lake. He referred to a code-complying addition to the home, completed several years ago, and stated that the septic system is now severely taxed. He described the deteriorated piping system for an intermittent stream on the property, saying that a gully has formed and much of the soil is washing downhill. The proposal would include re-piping of that portion and creating the septic system at least 25 ft. away from an inlet or outlet. The effluent would be pumped [up to that area] and a curtain drain would be installed to protect the system from any ground water seepage coming off the hill. The pool would be directly behind the patio.

Mr. Mazzucco said that his letter of 7/2/09 responded to issues raised in staff reports from Agent Brosius and Wetlands Agent/Inspector, Aimee Pardee. Minor revisions to

the plan were made, he said, especially with regard to the sequence of construction, which he described in full detail.

Mr. Fossi asked if there was any other location for the septic system. Mr. Mazzucco said that “there is much to contend with” on the site, citing the well radius and the steep topography further back on the lot. Mr. Fossi then asked if the septic could go further to the north.

There was a discussion which resulted in universal acceptance of the proposed location as “the only spot... to fit a code complying system on.”

The Agent said that the Health Department was in agreement with Mr. Mazzucco's assessment and choice of location.

Mr. McChesney asked if consideration had been given to “hooking in” the intermittent stream to the drainage system planned for the adjacent property. It had not been ruled out, but the timing wasn't workable, since that work would not take place for approximately ten months.

Mr. Mazzucco said they had consulted with the engineer, John McCoy, and would have tried to integrate with his system if the timing had been feasible.

Mr. Pereyra said the work on his property needs to be done when the stream is dry, in July and/or August. “We just looked at his inverts on his channel and tried to match those,” Mr. Mazzucco said.

Mr. Katz questioned the applicant about how the pool would drain.

Tom Nejame, the pool builder, said the pool wouldn't drain. It is “a non-backwash system.” Mr. Katz asked if there was any discharge of water from the pool. Mr. Nejame said there was not. Mr. Katz asked what a non-backwash system was. Mr. Nejame explained how a vinyl liner inground pool is installed, and said there was no sand filter backwash. The water stays in the pool “until the liner actually needs replacing,” anywhere from 15 to 20 years, he said.

Mr. Katz asked what would happen to the water if the liner ripped, say in 5 years. Mr. Nejame said that it could be pumped into his 8,000 gallon tanker. Three tanks would be needed.

Mr. Mische asked if the watercourse was a documented intermittent watercourse.

Mr. Pereyra said that it has stopped every year since he's been there (since 1968). He said that is why they have to wait to do the work.

Mr. Mische asked about the use of chlorine or bromine, and said that he wanted to make it a matter of record that he is requesting the lowest impact system for keeping the water clean, because this is such a sensitive area.

Mr. Nejame said they had discussed Mineral Springs, a very light saline system which will produce chlorine. "You actually don't have to add chlorine at all," he said.

Mr. Mische asked about discharge of water after rainstorms. Mr. Nejame said that, generally, you are adding water, not discharging it. The only draining takes place when "you bring the water down" to winterize the pool.

Mr. Katz asked how they would drain it down. How many gallons are drained? Mr. Nejame said, normally, the level would be lowered, but if there are requirements based on the sensitivity of the area, they would not drain the pool.

Mr. Katz asked what their plans for winterizing the pool were. Mr. Nejame said, "... if it's a sensitive issue," there would be no draining of the pool at all. Mr. Katz asked if they would leave the water at the skimmer level. That was correct, Mr. Nejame said. Mr. Katz asked if the line would be blown out to winterize the pool. Mr. Nejame said they would blow it out and plug it, adding that they deal with conditions such as high ground water level, which require this type of treatment.

Agent Brosius said there were wetlands issues that should be dealt with while the applicant was present: 1) excavation for the pool, 2) where the materials will be stockpiled, and 3) how and the streams on either side of the property will be protected from runoff and sediment which might be disturbed by trucks going up and down the hill and washed downhill. How will that area be stabilized so that the runoff and sediment do not wash into Mamasasco Lake?, the Agent asked. She also asked that the applicant consider the excavation of the septic system in proximity to the stream at the top of the hill.

Mr. Mazzucco said they would access the rear of the property from the north side of the house, where the grade is not as steep. With heavy rain, there may be some erosion, he said, but a row of silt fence is shielding the area just below the septic system. There is also a line of silt fence along the north side between the access area and the stream to the north. "As long as it remains fairly dry," there should not be issues getting to the back of the property, he added.

He pointed out the material stockpile areas on the map and said the material excavated from the pool area would be held to the west and then used in the grading over the septic area, once the septic fill was installed. There may be enough to cover the system, and they may have to bring in a little more.

Mr. Mazzucco asked the Agent if her questions had been answered.

The Agent said that she wanted clarity for the Board regarding the measures proposed for protecting the downhill areas during unexpected conditions.

In a rainfall event during construction, **Mr. Mazzucco** stated, they may add haybales for added measure. He asked Mr. Nejame how long the project would take. About two and a half weeks, Mr. Nejame said.

The Chairman asked if he meant from start to completion. That was correct, Mr. Nejame said. The Chairman asked if everything excavated would remain onsite. Mr. Nejame said that was the benefit of the plan; they could excavate out the pool area and utilize that material for the septic system. It avoids the heavy equipment generally needed to haul the material away.

Mr. Mische asked if the Board felt that Ms. Pardee's comments relating to erosion control had been answered.

The Agent said that Ms. Pardee had not seen the new plans. She said that, if the Board was close to a decision on the application, it should be brought back the following week after the Wetlands Agent/Inspector and the Conservation Commission had had a chance to review the revised plan.

The Chairman confirmed that Susan Baker, representing the CC had been provided with copies of the new plan, new map and copies of related correspondence.

Following the discussion, it was suggested that the item should be tabled for continued discussion on 7/14/09, to allow the Conservation Commission time to comment, and to allow Wetlands Agent / Inspector Aimee Pardee to review the plans for additional comment.

Mr. Katz remarked that there were to be revisions to the location of the upper swale, with an eye to saving a tree. Mr. Mazzucco asked if he was referring to the curtain drain. Mr. Katz said he was. Mr. Mazzucco said he might be able to move it up to 25 feet downhill, but he made no promises that the tree could be saved.

Mr. Fossi requested a condition that there be a minimum of fourteen bales of hay on sight for check dams if heavy rain is predicted.

Mr. McChesney motioned, seconded by Mr. Fossi, to request the Agent to begin drafting a resolution of approval that may be modified on 7/14/09 following receipt of comment from the Conservation Commission and the Wetlands Inspector/Agent. The motion passed, 4-1-2, with Mr. Walsh voting against and Mr. Katz and Dr. Gelfman abstained.

BOARD WALKS

The following item was previously scheduled for site walk on **July 12, 2009**:

- **#2009-056-SP-PR**: Plenary Ruling **Spectacle Lane and Wilton Road East**, Pyramid Luxury Homes Joint Venture

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. Fossi, to approve the minutes of June 16, 2009. The motion passed, 6-0-1, with Mr. Mische abstained.

Mr. Katz motioned, seconded by Mr. Mische, to approve the minutes of June 23, 2009. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:28 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

July 7, 2009

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

Absent: Michael Autuori
Peter Chipouras

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

Public hearings were held prior to the meeting.
At 9:30 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-018-VDC:** Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for demolition of vacant retail bank branch and office building (formerly Webster Bank). Property located at **25 Prospect Street** in the CBD zone. Owner/Appl.: Ridgefield Library Association, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 3/24/2009 and referred to VDC. Public hearing commenced and closed 5/5/2009. 65-day action period ends 7/9/2009. Tabled 5/12/2009. Extension received. Acknowledge 65-day extension. Extended action period ends 9/12/2009.*

Mr. Katz motioned, seconded by Mr. McChesney, to acknowledge the applicant's request for 65-day extension of the time for the Commission's decision, through 9/12/09. The motion passed, 7-0.

The item will appear on the Commission's agenda on September 8, 2009.

2. **#2009-040-SP:** Special Permit application under Section 9.2 as required by Section 5.2 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. *Received 6/9/2009. Walked 6/28/2009. Public hearing commenced 7/7/2009 and was continued to 7/14/09.*

Chairman Mucchetti noted that the hearing had been continued to 7/14/09, and the item was tabled.

- #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/Apps.: Randall & Jean Brooks. Auth. Agent: Tom Leporati. *Received 6/9/2009. Walked 6/28/2009. Public hearing commenced 7/7/2009. 65-day action period ends 9/10/2009. For action.*

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

Mr. McChesney motioned, seconded by Mr. Mische, to approve the application as presented. The Planner suggested standard conditions (referring to past, similar application approvals under the same regulation). The motion to approve passed, 7-0. [This is a final decision.]

- #2009-045-SP:** Special Permit under Section 9.2.A.7.e 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. *Received 6/16/2009. Walked 6/28/2009. Public hearing commenced 7/7/2009. 65-day action period ends 9/10/2009. For action.*

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

Mr. Katz motioned, seconded by Mr. Fossi, to approve the application as presented. Mr. Katz requested a condition to state that the sign should be "mounted as though permanent," with the understanding that it is probably temporary. The Commission recognizes that it may be moved to the highway right-of-way, pending approval from the CTDOT.

Mr. McChesney suggested approving the sign's being moved to the site once the State approves it.

There was some discussion about the condition, and Planner Brosius read a draft condition prepared by her Assistant, Gayle Baldelli, and reviewed and further edited by herself and ZEO Richard Baldelli. The condition was intended to acknowledge the moving of the sign to the highway ROW, but to require a Revision to the Special Permit for any additional signage that the restaurant may want to leave within the owner's property boundaries, i.e., language that would not allow two signs for the restaurant without further Commission review. Mr. Katz's suggestion about

permanent-like installation of the sign in its temporary location could be added to the condition.

Mr. McChesney said that what he was trying to avoid was the need for the applicant to physically come back before the Commission. The Planner said that the only reason they would need to come back would be if they wanted to have two signs.

The motion to approve the application, with the amended condition as described by the Planner, passed by a vote of 7-0.

5. **#2009-057-REV(S)**: Request under Section 9.2.A.7.e of the Ridgefield Zoning Regulations for revision to previously filed 3-lot subdivision at **48 Peaceable Hill Road**, changing lot lines to create two lots fronting on Peaceable Hill Road, and one rear lot to be served by the existing accessway, part of original subdivision of 34.505 acres in the RAA zone. Applicant/Owner: Suni P. & William Harford. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 9/3/2009. Received 6/30/2009. For discussion/action.*

Chairman Mucchetti asked that this item be tabled to 7/14/09, when the engineer would be present to explain the requested changes. The Planner added that the Health Department has not yet signed off on the revised septic feasibility plans, and would probably have that completed by 7/14. The item was tabled.

6. **Chairman Mucchetti** asked that the Planner be allowed to add an item to the agenda, to discuss Board and Commission contributions to the update of the Plan of Conservation and Development.

Mr. Katz motioned, seconded by Mr. Mische, to add the item to the agenda. The motion passed, 7-0.

Planner Brosius acknowledged that the comments from the Boards and Commissions “went overboard in many respects,” and were not always applicable to the Plan of Conservation and Development. However, she noted that she had gone to great lengths to encourage their contributions. She made an effort to get chair people excited about the opportunity for their organizations to “say something about the Town’s Plan of Conservation and Development.” Many went back to their various boards and held meetings about this. It was because of their excitement about the opportunity to comment that they may have overreached, she said.

She noted that it was difficult for her to explain, and difficult for them to understand, what should and should not be included in their individual reports. The instruction was, when in doubt, to include all comments, and the Commission and planning consultants would sort out suggestions and information that would be relevant to the Plan update. All comments should be welcomed, and the Boards and Commissions should be commended for their considerable effort in providing valuable information, the Agent said. The Planner asked that any criticism not go back to the boards,

because they were encouraged to come forward and “pour their hearts out,” with the understanding that staff and the consultant would cull through their comments.

Mr. McChesney said that the comments from the boards possibly represent the views of many people about the Town. He suggested publishing the comments for the public. The enthusiastic and eager participation of the Boards and Commissions may also be of interest to the Ridgefield Press as a news article.

Chairman Mucchetti reminded the Commission that another work shop with Planimetrics (the Commission’s consultant) was scheduled for **July 28th**.

NEW ITEMS

There were no new items.

COMMISSION WALKS

The following items were previously scheduled for site walks on **July 12, 2009**:

- **#2009-055-SP**: Special Permit **7 Whitewood Hollow Court**, Garavel
- **#2009-056-SP-PR**: Special Permit **Spectacle Lane and Wilton Road East**, Pyramid Luxury Homes Joint Venture

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Special Meeting notice for Joint Executive Session with the Board of Selectmen, re Eureka litigation, for Wednesday, July 8, 2009 at 4 p.m. in the Town Hall meeting room.
- Comments from the Design Council re the update to the Plan of Conservation and Development

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of June 16, 2009. The motion passed, 6-0-1, with Mr. Mische abstained.

Mr. Mische motioned, seconded by Mr. Fossi, to approve the minutes of June 23, 2009. The motion passed, 7-0.

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

Respectfully submitted,

Linda Caponetti
Recording Secretary