

APPROVED / REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

July 10, 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

*A Planning and Zoning Commission public hearing was held prior to the meeting.*

At 10:20 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2007-046-PR:** #2007-046-PR: Plenary Ruling application for construction of a single family residence and septic system within upland review areas on 3.775 acres of land located at **Water's Edge Way** in the RA zone. Owner: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 5/8/2007. Walked 5/20/2007. Public hearing commenced 7/3/2007. 35- day action period ends 8/7/2007. Application withdrawn July 9, 2007. Acknowledge withdrawal.*

**Mrs. Willis** motioned, seconded by Mr. Slavin, to acknowledge receipt of Attorney Jewell's letter of withdrawal for the application. The motion passed, 9-0.

2. **#2007-077-DAM:** Summary Ruling application to repair existing Valley Pond Dam located along the Norwalk River on property at **45 Stonehenge Road** in the RAA zone. Appl./Owner: Douglas Seville. Auth. Agent: JFM Engineering, Inc. *65-day action period ends 8/30/2007. Received 6/26/2007 and draft resolution of approval requested. For action.*

**Chairman Mucchetti** pointed out the draft resolution of approval prepared by the Agent. Mr. Katz motioned, seconded by Dr. Autuori, to approve the draft resolution. There were no revisions. The motion passed, 9-0.

3. **#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. Received 6/19/2007, walked July 1, 2007. Draft resolution of approval requested 7/3/07. For action.*

**Chairman Mucchetti** noted that the draft resolution was not prepared, and that the applicant had requested the opportunity to be present at the meeting with his engineer, tentatively for 7/17/07.

**Dr. Autuori** motioned to table discussion, seconded by Mr. Slavin. The motion passed, 9-0.

## NEW ITEMS

4. **#2007-082-REV(SR):** Revision to Summary Ruling application for emergency spillway repair work at the **Fox Hill Lake dam located on Bennett's Farm Road.** Appl./Auth. Agent: Fox Hill Lake Association. Owner: William Hearing. *65-day action period ends 9/20/2007. For receipt/discussion.*

**Agent Brosius** reported that there had been dam repair applications at this site in both 2004 and 2005, and that her feeling is that this needs immediate attention. She noted that the applicant was present.

**Chairman Mucchetti** recognized Ellen Burns, representative of the Fox Hill Lake Association.

**Ms. Burns** gave a brief overview of the application. She explained that the current leak is in the earthen part of the dam. It appears on the downstream side of the lake below the lowest board in the sluice gate. They are unsure as to where it is coming from, but they are extremely concerned, since there are a lot of fish which could be lost. Ms. Burns said that the lake is very shallow, and they are worried about dissolved oxygen levels, lack of rain and warm temperatures resulting in a fishkill.

**The Agent** confirmed that Ms. Burns had had some engineering suggestions as to how this could be repaired.

**Ms. Burns** said that Mr. Dennis Miller is a member of the Board of the Fox Hill Lake Association, and also a professional engineer, and he will supervise the work. They will have to build a coffer dam and dewater a small area to get down to the area where they think the leak is. All they have done so far is put sandbags on the downstream side to try to slow it. They have gone out to bid on the job, and are waiting for other bids to come in, since the first was higher than they could afford. She added that it is very difficult to stop water from the downstream side.

**Dr. Autuori** asked if they had muskrats. Ms. Burns said they have beaver and muskrats. He said that sometimes they can burrow into the dam. She felt that, at this time, there was no way to tell whether the leak was from natural causes or age.

**The Agent** asked if the DEP was involved. Ms. Burns said that this dam is rated #1: the lowest on the scale of importance to life and property. It was determined that this application does not need a DEP referral. The Agent had suggested to the applicant that they request a revision to the original approval.

**Mr. Katz** motioned, seconded by Dr. Autuori, to approve the Revision to the Summary Ruling permit for the dam repair. The motion passed, 9-0, as a final approval.

## **BOARD WALKS**

Under “Correspondence,” the Board scheduled a site walk for the **10 Kendra Court** wetlands violation for Friday, July 13, at 10:30 a.m. The item was referenced under correspondence, below, in letter from Aimee Pardee, Wetlands Inspector/Agent.

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

There were no requests for bond release or reduction. Under “Correspondence,” **Chairman Mucchetti** referenced letter from Aimee Pardee, Wetlands Inspector/Agent, about a request for bond release for **352 Florida Hill Road**. Agent Brosius explained that work is incomplete and the site is not cleaned up and the site is not stabilized following the pond dredging. The Agent agreed the bond should not be released at this time, per Ms. Pardee’s letter. The item will return at a later date, when work has been completed.

## **CORRESPONDENCE**

(Discussion of letters distributed from Wetlands Inspector Aimee Pardee for 10 Kendra Court and 352 Florida Hill Road, as noted above.)

- Letter from Wetlands Inspector/Agent Aimee Pardee re **10 Kendra Court**.

**The Agent** explained that there had been an undisturbed wetland area behind the house, specifically, behind the pool area. The homeowner did extensive landscaping work in the wetland area, for aesthetic reasons. After the Inland Wetlands Agent issued a stop work order several years ago, a mitigation plan was put in place and handled administratively by the office. Trees and grasses were replanted. Currently, the homeowners have pulled all of that out and replaced it with sod and landscaping, and have “pushed their way into the wetlands” again. As a result of the current Cease and Desist, they hired a soil scientist to determine if the wetland still functions as a wetland. The Agent identified the area which has been filled in as “the wetland between the two ponds.”

**Mr. Walsh** asked the Agent how this had come to her attention. It was through a neighbor, she said.

**The Chairman** asked if the Board members had the homeowner's permission to walk the property. The Agent will confirm permission to walk.

- Letter from Aimee Pardee, Wetlands Inspector/Agent, re unfinished work at **352 Florida Hill Road.**

**The Chairman** noted that the second piece of correspondence from Wetlands Inspector Aimee Pardee on property located at **352 Florida Hill Rd.** **The Chairman** suggested that the Board not act on the request based on Ms. Pardee's letter.

## **MINUTES**

**Mrs. Willis** motioned, seconded by Mr. Slavin, to approve the minutes of June 26, 2007. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED / REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

July 10, 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 10:36 p.m., Chairman Mucchetti called the meeting to order.

**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, 6/5/200, 6/12/200, 6/19/2007, 6/26/2007 and 7/3/07. For action.*

**Chairman Mucchetti** noted that the easement document was not yet prepared, and the item was tabled. Mr. Walsh suggested that the Commission consider denying the application on 7/17/07. The Planner pointed out that the Commission had to act no later than 7/24/07, and that they may want to suggest requiring the easement agreement to be presented for review no later than 7/17/07, so that action could be taken on 7/24/07. The Commission agreed by consensus.

2. **#2007-061-SP:** Special Permit Application under Section 9.2 required by Sec. 5.4 of the Ridgefield Zoning Regulations to construct a 3,150 s.f. branch bank (**HSBC Bank**

USA) and related improvements on property located at **108 Danbury Road** in a B-3 zone. Owner: Fred's Servicenter, Inc. Appl.: HSBC Bank, USA. Auth. Agent: Attorney Ward J. Mazzucco and Attorney Camille DeGalan. *Received 6/5/2007, walked 6/10/2007. Public hearing commenced 6/26/2007 continued and closed on 7/3/2007. Draft resolution of approval requested on 7/3/07. 65- day action period ends 9/6/2007. Acknowledge applicant's request to withdraw, and acknowledge receipt of new application / Schedule public hearing (suggest 7/24/07).*

**Planner Brosius** explained the need for the applicant to withdraw and resubmit the application; the applicant failed to send notices about the public hearing to property owners within 100 feet of the property, as required in the zoning regulations for Special Permits. She noted that the advantage of this is that the applicants will come back to the table with a revised, redesigned plan showing the driveway location opposite the Copp's Hill Plaza entrance.

**Dr. Autuori** motioned, seconded by Mrs. Willis, to acknowledge withdrawal of the application. The motion passed, 9-0.

**Mr. Katz** motioned, seconded by Mrs. Willis, to acknowledge receipt of the new application, and to schedule a public hearing for 7/24/07. The motion passed, 9-0.

3. **#2007-042-REZ-A** [Submitted prior to 5/1/2007, adoption of new zoning regulations] (1) Petition to amend the text of the zoning regulations of the Town of Ridgefield to revise certain sections of the Housing Opportunity District (HOD) regulations, to permit residential development under Sec. 8-30g of the Connecticut General Statutes, and related amendment to the Comprehensive Town Plan and (2) petition to change the zoning map of the Town of Ridgefield from CDD to HOD and related amendment to the Comprehensive Town Plan, for 153± acres of land located at **616 Bennett's Farm Road**. Owner: Eureka V, LLC. Appl./Auth Agent: J. Casey Healy, Esq. *Received 5/1/2007. Public hearing commenced 7/10/2007 and continued to 9/4/07. (5 days to set public hearing plus 21 days to continue public hearing = 26 days of 65 day extension used).*

**Chairman Mucchetti** noted that the public hearing had been continued to 9/4/07, and asked the Planner to explain her memorandum regarding the Commission's responsibilities under Sec. 22a-19, regarding the Notice of Intervention from R.O.S.A.

**Planner Brosius** explained that the Commission has to (1) acknowledge that the party has a right to intervene, (2) determine if the party has filed a verified pleading in the form of an affidavit from the attorneys, and (3) determine that the pleadings are within the Commission's right to consider.

Based on comment in the Planner's memo, **Mr. Katz** motioned, seconded by Mrs. Willis, (1) to determine that R.O.S.A. is an appropriate party to intervene, (2) to determine that the Intervener has filed a proper "verified pleading", and (3) to

determine that the pleading alleges claims within the Commission's scope of jurisdiction. The motion passed, 9-0.

## NEW ITEMS

4. **#2007-080-SP:** Application for Special Permit under Sec. 9.2 as required by Sec. 3.3.D.2 of the Ridgefield Zoning Regulations to operate a business as a Major Home Occupation in an existing accessory building on the property located at **61 Peaceable Hill Road** in a R-AAA zone. Owners: Paul and Elizabeth Montanari. Auth. Agent: John F. McCoy, P.E. *65 days to commence public hearing ends 9/13/2007. For receipt/schedule walk if needed/schedule public hearing.*

**Chairman Mucchetti** explained that in order for the applicants to have the septic system for the office constructed, they need to first have the office use approved. She pointed out that a site walk was probably not needed, since the Commission had recently walked the property in its capacity as Inland Wetlands Board for the previous application (grading for septic system in the upland review area).

**Mr. Katz** motioned, seconded by Mr. Slavin, to acknowledge receipt of the application and to schedule a public hearing for 7/24/07. The motion passed, 9-0.

5. **#2007-081-REV(SP):** Revision to Special Permit under section 9.2.A.7e as required by Sec. 5.2 of the Ridgefield Zoning Regulations to install second floor windows, awnings (lean out) on the first floor and a new construction of a second means of egress through enclosed fire escape on the western side of the existing structure on the property located at **32/34 Danbury Road** within a B-1 zone. Owners: JMF Realty, LLC. Appl: Ridgefield Ski & Sport, LLC. Auth. Agent: Randolph T. Lovallo. *65-day action period ends 9/13/2007. For receipt/schedule walk, if needed.*

(Mr. Walsh recused himself from discussion on this item.)

**The Chairman** explained that the applicants want to change the windows on the second floor and install an awning. There is a fire escape from the second floor which must be approved.

The consensus of the Commission was that a site walk would not be needed.

**The Planner** explained that the AAC review was scheduled for 7/10/07, and the item should appear on the agenda for 7/17/07 for discussion.

**Mr. Fossi** motioned, seconded by Mr. Slavin, to acknowledge receipt of the application. The motion passed, 8-0-1, with Mr. Walsh recused.

## COMMISSION WALKS

There were no walks scheduled.

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

**Chairman Mucchetti** pointed out the following:

- Distribution of excerpts about Floor Area and Lot Coverage from a Studer Design report on the Bryon Avenue application, currently under public hearing review. The Planner informed the Commission that the entire FAR/Lot Coverage report is available for review at the office.

## **MINUTES**

**Mrs. Willis** motioned, seconded by Mr. Katz, to approve the minutes of June 26, 2007. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:45 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary