

APPROVED/REVISED  
MINUTES  
INLAND WETLANDS BOARD MEETING

July 11, 2006

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

*Public hearings were held prior to the meeting.*

At 9:35 p.m. Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2006-040-S-SR:** Summary Ruling Application for wetlands crossing in conjunction with application for 3-lot residential subdivision at **48 Peaceable Hill Road**, property consisting of 34.5 acres in the RAA zone. Owner/Appl.: Suni P. and William P. Harford. Auth. Agent: John F. McCoy, VII, P.E. *Received 5/9/06, walked 5/21/06. Public hearing commenced June 6, 2006. Continued 7/11/06. 35-day action period ends 8/15/06. For action.*

**Dr. Autuori** moved approval of the application.

**Chairman Mucchetti** asked the Board for conditions or support.

**Dr. Autuori** felt that especially with the revised plan coming before the Commission tonight, the questions have been answered, the work has been done with great sensitivity, calculations have been exhaustive, and overall an excellent job has been done.

**The Chairman** asked Dr. Autuori for reasons based on 10-2 in the regulations, "Standards and Criteria for Decisions," and the Agent distributed copies.

**Mr. Katz** said that if the maker of the motion and the seconder agree that approval is suggested, because in great measure and to a considerable degree, the standards applied in 10-2 of the Inland Wetlands Regulations have been met. Discussion followed.

**Mr. Katz** wanted to have the concept of professional engineering oversight stipulated in the condition of approval if the Wetlands Agent agreed.

**The Chairman** mentioned that there was some discussion about gabions and the three locations of the culvert. She said that Mr. McCoy was open to having either a stone base or a dirt base. She asked the Board to make a decision and they declined, referencing the engineer's recommendation on the plans for a dirt base.

**Mr. Katz** said "I think it's also very important to note that this application, unlike previous applications which came before this Board...is the prudent and feasible alternative to any other crossing of this wetland." He continued to say that this plan has minimal cuts and grading through the entire driveway, and the wetland crossings themselves are greatly diminished by this plan as opposed to going around the pond and hugging the hillside.

**Mr. Fossi** said he thought it would be very important to reference the conservation easement concept [on Lot 2B adjacent to the open space -- offered by the applicant] in the resolution. Discussion ensued.

**The Chairman** asked if there was anything further and if there was a motion.

**Dr. Autuori** motioned to ask the Inland Wetlands Agent to draft a resolution of approval for the application, seconded by Mr. McChesney. The motion passed, 9-0.

2. **#2006-036-SR:** Summary Ruling application for disturbance of wetlands and upland review area for grading and filling in conjunction with re-development of an existing single-family residence. Property located at **79 Bayberry Hill Road** in the RAA zone. Owner/Appl.: Andrea Bagg. Auth. Agent: John F. McCoy, VII, P.E. *65-days to schedule public hearing ends 6/15/06. Received 4/11/06, walked 4/23/06. Public hearing commenced June 6, 2006. Continued 7/11/06. 35-day action period ends 8/15/06. For action.*

**The Chairman** asked if there was any discussion.

**Dr. Autuori** said that the engineer did a very fine job. There was only one condition that he wished to impose, that being the use of a slab as opposed to footing drains.

**Mr. Katz** remarked that there are at least two professional opinions presented that suggest footing drains would not be a risk in this application. He said he would ordinarily agree with Dr. Autuori on that issue, but did not want to do that based on these two professional pieces of data which specifically address the issue.

**Dr. Autuori** said that the engineer said that there would be no problem in going with the footing drains. Dr. Autuori also said that Mr. Lynch, the neighbor, noted that there is a significant underground aquifer, and he can hear water flowing underground. Being familiar with that part of town, Dr. Autuori feels that with all the very carefully calculated and excellently designed drainage structures aimed at maintaining the hydrology of the upper wetland, to put footing drains below the soil, and possibly allow more water to leave that area, which could possibly remove water from the upper wetland (especially when the neighbors who spoke tonight were very concerned about maintaining the level of that pond) makes the slab basement a more prudent approach. He said he would rather be safe than possibly sorry, and it's a safer alternative.

**The Chairman** asked if footing drains were contained within the footprint of the house.

**Dr. Autuori** and others explained that footing drains are located at the base of the foundation and are piped away from the house. The idea is to get the water out and away from the foundation.

**Mr. Fossi** agreed with Dr. Autuori about the drains, because the proposed basement elevation of this is about 100 feet and the area of the discharge from the wetlands is at about 102 feet. He thinks the design is into the water table quite a bit, and is concerned.

**Mr. Walsh** added that the applicant had only come in with a plan that requested a partial basement to begin with, and, at the first public hearing, he indicated that a slab basement would be completely acceptable to the applicant. Discussion took place.

**The Agent** asked Mr. Fossi what the minimum height is when you're building a basement. Mr. Fossi said 7 feet was minimum. She confirmed that the Board wanted to require a crawl space or slab, and no footing drains, by consensus of their opinion. The Board agrees not to call it specifically a slab.

**The Chairman** told the Board that Mr. McCoy strongly recommended a consultant to oversee the installation, and asked if that should be a condition. The Board members concurred. The Chairman asked the Board if there was anything further. There was not.

**Dr. Autuori** motioned to ask the Inland Wetlands Agent to draft a favorable resolution of approval for the application with conditions as noted during discussion. It was seconded by Mr. McChesney. The motion passed, 9-0.

3. **#2006-050-PD:** Summary Ruling application to dredge pond and remove island located at **311 Peaceable Street** in the RAA zone. Owner: Matt Grossman. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period ends 8/10/06. Received June*

6, 2006, walked 6/18/06. Tabled 6/20/06. Draft Resolution of Approval requested 7/5/06. For action.

**Chairman Mucchetti** asked the board to consider the draft Resolution of Approval, and if there were any corrections or changes.

**The Agent** pointed out the minor changes she had made.

**Mr. McChesney** motioned to approve the resolution drafted by the Agent, noting the minor revisions added to conditions #2(e) and #3. The motion was seconded by Mr. Walsh, and the vote was 9-0 in favor.

4. **#2006-056-SP-SR:** Summary Ruling Application for regulated activity in connection with rear yard expansion adjacent to existing watercourse and wetlands on property located at **41 Remington Road** in the RAA zone. Owners/Appls.: Nicholas & Kathleen Lang. Auth. Agent: JFM Engineering, Inc. *Received 6/13/06. Walked 6/18/06. Public hearing commenced 7/11/06. 35-day action period ends 8/15/06.* For action.

**Mr. Walsh** moved approval based on the condition that a planting plan be presented to the office for review by the Wetland Agent.

**Mr. Katz** mentioned that the pipe that was still in the ground and should be removed. Mr. Walsh said that that was indicated in the plan. He also feels that the standards in section 10.2 of the regulations were discussed and covered in the hearing.

**The Chairman** asked if there was a motion to draft a favorable resolution.

**Mrs. Willis** asked if an engineer was needed to oversee the project.

**The Agent** recommended that the engineer sign off before the release of any bonds posted for the application. She noted that the bonding would be minimal, to cover erosion and sedimentation control and mitigation plantings.

**Mr. Walsh** motioned to ask the Inland Wetlands Agent to draft a resolution of approval for the application, seconded by Dr. Autuori. The motion passed, 9-0.

5. **#2006-065-PD:** Summary Ruling application to dredge pond to original depth, and to construct two fieldstone inlet sediment basins, property located at **293 Florida Hill Road** in the RAA zone. Owners: Ian and Deirdre Duncan. Appl./Auth. Agent: Nazzaro, Inc. *65-day action period or 65 days to schedule public hearing ends 9/14/06. Received 7/5/06. Walked to determine significance 7/9/06.* Determine Significance.

**The Chairman** noted that Mr. Nazzaro was present if anyone had any questions.

She invited Mr. Nazzaro to address the Board.

**The Agent** noted that the Soils Report was handed out.

**Mr. Fossi** asked what was the original depth of the pond.

**The Chairman** noted there were questions in the field, from the site walk, and they should be brought to the table.

**Mr. Walsh** asked again about the original depth of the pond.

**Mr. Nazzaro** said they measured about 4 feet to the point of refusal. He explained that typically in an area like that, or any pond, when he notes an original depth, it's not until he can see the layers of material that he gets a real sense of whether it's hard bottom or sediment, and a true original depth can be determined. He assumes the total depth is going to be 6' maximum on the side of the pond. There is ledge present. Some discussion followed.

**Mr. Walsh** continued that some of the other questions he had would be about the dam that Mr. Nazzaro is constructing upstream. He asked how efficient it would be to stop this pond from reverting to its current conditions.

**Mr. Nazzaro** answered that it would only be efficient if it's maintained. If it is cleaned once annually – twice would be best – to take the sand out, that would be sufficient. It would be up to the homeowner.

**Mr. McChesney** asked if cleaning was something that could be done with a shovel. Mr. Nazzaro answered, yes because the bank was steep. Mr. McChesney said he noticed that the pond is filled, but on the right-hand side there seems to be water flowing and it doesn't seem to be going to any kind of a pipe. He asked if there was some kind of a crack in the wall.

**Mr. Nazzaro** said it was probably just a fissure of some sort, over the years, that's created a spot to leak through.

**Mr. McChesney** asked Mr. Nazzaro if he planned to put anything else other than the two pipes that are shown, and Mr. Nazzaro said no. He said he thought it better in a situation like that (dealing with an old dam), to just leave it alone and put a controlled structure in front of it. Discussion ensued. Mr. Nazzaro explained that he's never been comfortable excavating the pipe with an old dam.

**Mr. McChesney** commented that he didn't think the project warrants being raised to a higher (plenary) level. He then expressed some concern about a bank of ferns, and hoped they wouldn't be disturbed in any way.

**Mr. Nazzaro** assured him that the access is real simple on this pond. There's only one area where he can get in, and it's a small pond – he can reach across the whole thing from there.

**Mr. McChesney** said he hoped the bypass line that Mr. Nazzaro was going to run around to help drain the pond doesn't disturb the fern bank, because it looks like it might.

**Mr. Nazzaro** explained it would be put in by hand.

**Mrs. Willis** asked if there would be mowing all the way down to the edge of the pond and all around the pond.

**Mr. Nazzaro** said no, the opposite bank is a fern bank and the existing vegetation would be preserved.

**Mrs. Willis** wanted clarification. She said she saw existing fern, skunk cabbage, etc. Does that mean that there would not be mowing on the south side? What about the opposite bank? Mr. Nazzaro said there was vegetation established along the edge, and he intends to leave it that way.

**Dr. Gelfman** added that it was very steep.

**Dr. Autori** confirmed and agreed with the plan to maintain existing vegetation.

**Mr. Katz** said there was a very small amount of lawn going up to the pond.

**Mrs. Willis**, still concerned about mowing, asked if Mr. Nazzaro if he would be comfortable with the statement that they would maintain the existing vegetation line so that there is not a uniform grassed area?

**Mr Nazzaro** replied, "Absolutely." Discussion followed.

**Mrs. Willis** asked if there were any invasives there?

**Mr. Nazzaro** said he did not think so.

**The Chairman** noted that the Board could not render a final decision on this until next week, but can certainly determine significance and ask for a draft resolution, if that's what the Board decides.

**Mrs. Willis** asked that the various points made, including repair of the pipes, protection of the bank of ferns, etc. be included in preparing the draft.

**The Chairman** asked if there was anything further. She asked for a second to the motion. Dr. Autori seconded.

**The Agent** said she would like to make note that the plans were very well done.

**Mr. McChesney** motioned to ask the Inland Wetlands Agent to draft a resolution of approval for the application, seconded by Dr. Autuori. The motion passed, 8-0-1. Mrs. Willis abstained because she had not walked the site.

## **NEW ITEMS**

- #2006-061-SR:** Summary Ruling application to create a grazing pasture within wetlands and upland review areas on 3.599 acres of property located at **61 South Olmstead Lane** in the RA and RAA zones. Owners/Appls.: Bruce & Robin Augustadt. *65 day action period or to schedule public hearing ends 9/14/06. For receipt, schedule walk to determine significance.*

Mr. Katz motioned, seconded by Mr. McChesney, to receive the application. The motion passed, 9-0. By consensus, the Board agreed to schedule a site walk for 9/10/06, and to discuss the application as part of the 9/12/06 agenda.

## **BOARD WALKS**

The Board scheduled a site walk for 9/10/06 for the Summary Ruling application, **61 South Olmstead Lane**, Augustadt, as noted in item #6, above.

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

There was no correspondence.

## **MINUTES**

Mrs. Willis motioned to approve the minutes of June 27, 2006, seconded by Mr. Walsh. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:54 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary

APPROVED/REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION MEETING

July 11, 2006

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

*Public hearings were held prior to the meeting.*

At 9:55 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#2006-040-S-SR:** Application for 3-lot residential subdivision at **48 Peaceable Hill Road**, property consisting of 34.5 acres in the RAA zone. Owners/Appls.: Suni P. and William P. Harford. Auth. Agent: John F. McCoy, VII, P.E. *Received 5/9/06. Walked 5/21/06. Public hearing commenced June 6, 2006. Continued 7/11/06. 65-day action period ends 9/14/06. For action.*

**Mr. Katz** motioned to ask the Planner to draft a favorable resolution of approval for the application, seconded by Mr. Walsh.

**Mr. Katz** said he thinks it's one of the best presentations the Commission has seen on a difficult property that applies to the wetlands. He said that the land could have taken a lot more subdividing than what has been applied to it, and the respect for the way the land lies on lots 2A and 2B in the back respects, as much as it can, the neighborhood into which it's going to be fit, taking into account the amount of earthwork that would be required for the houses to be set further back from the controversial [northern] property line. He said that there was a remarkable amount of plantings proposed. There are 52 trees planned between the houses in the easement area. That's a significant undertaking. He added that he does not feel that it will be offensive to the neighbors. Once it's up and built, they'll wonder what all the fuss was about.

**Mr. Walsh** concurred. He added that he thinks this is a very conservative application based on the total acreage of this site and the maximum amount of houses that could have been generated from this site. He also thinks that it was an excellent use of the natural topography of the land, avoiding cuts and fills, even with the length of the driveway, and using the topography up the side of the mountain. He thought the houses were very well placed. He also referred to the planting of the 52 evergreens and that the houses begin approximately 12' – 14' below the grade of Conant Rd. He also thought that it was very important and considerate to the land when the applicant proposed to avoid the primary septic closest to the wetlands and brought it back into where the reserve was shown. It would save quite a bit of plantings and forest closer to the wetland area.

**Mrs. Willis** asked that there be reference to the conservation easement that goes along the wall on lot 2B, and also the parcel that's to the right of the accessway going in, on lot 1, on the left side of that. The Chairman and Mr. Walsh asked for clarification. Mrs. Willis explained that the one to the right will allow public access, the one to the left will not. Mr. Walsh again asked for clarification on the left side. Mrs. Willis said that the applicant said he would do whatever is necessary to prevent further subdivision of lot 1, but she feels that that needs to be a private conservation easement. He said he would do what was necessary to prevent further subdivision of lot 1.

**Mr. Walsh** said that the applicant had talked about a private conservation easement, with no public access, to the north side of lots 2A and 2B – which he thinks is a splendid idea. He also stated that, at a prior meeting, the applicant had talked about - on the east side of the accessway, immediately off Peaceable St. on Lot 1- having that be a conservation easement, but Mr. Walsh didn't recall anything on the west side of that driveway.

**Mrs. Willis** said that she had asked him about both sides.

**Dr. Autori** also remembered that the applicant had been asked about both sides.

Much discussion followed.

**Mr. Walsh** was concerned that if the conservation easement consumes the eastern side of the accessway on Lot 1, what would be the acreage of Lot 1 remaining. Perhaps it couldn't be subdivided anyway.

**Dr. Gelfman** said that he thought the Commission could take a chance on this property not being subdivided.

Questions arose about the size of the property. The Chairman said she thought it was 8 acres. Mr. Walsh then clarified that it was 8.39 acres.

**Mr. McChesney** said that the Planner could consult with the engineer, since he agreed to an easement that would prevent the property from being subdivided. Mr. McChesney felt that the engineer must have something in mind in terms of quantity of land for easements, and he suggested that the Planner could get that figure from the engineer. The Planner agreed to do that.

**The Chairman** asked if it would then be brought back as part of the resolution. The Commission felt that it should. She said that the Commission had clarification on the conservation easements and the conditions put forth by the maker of the motion and the seconder. She asked for a vote. The motion passed, 9-0.

**Mr. Walsh** asked if the parameters of the proposed conservation plan would be available to the Commission by the time it came back to the table. He felt that that was imperative to a vote prior to the summer break.

**The Planner** said she hoped it would. She would do her best to get the information back to the Commission in time. The Planner saw the need to be able to describe it somehow and then require that it be added to the map prior to filing.

**The Chairman** thanked the Planner

2. **#2006-056-SP-SR:** Special Permit Application under Section 312.0 as required by Section 306.0 Excavation, Filling and Grading of the Ridgefield Zoning Regulations to extend the rear yard located at **41 Remington Road** in the RAA zone. Owners/Apps.: Nicholas & Kathleen Lang. Auth. Agent: JFM Engineering, Inc. *Received 6/13/06, walked 6/18/06, public hearing commenced 7/11/06. 65-day action period ends 9/14/06. For action.*

**Mr. McChesney** motioned to ask the Planner to draft a resolution of approval for the application, seconded by Dr. Autuori.

Some Commissioners felt that a draft wasn't even necessary, however, the Planner said she would prefer that they have a draft. She added that the Commission needs to make the wetlands decision prior to making a special permit.

**Dr. Autori** said that an engineer should have to sign off on an as-built.

**Mrs. Willis** questioned the Planner about the planting plan. Was it in the wetlands? She asked if it was out of the wetlands at the slope. The Planner said that it was. Mrs. Willis felt more planting might be needed at the toe of the slope. The Planner proposed an additional planting plan if deemed necessary

**The Chairman** asked for a vote on the motion to draft a resolution. The motion passed, 8-0-1. Mrs. Willis abstained because she had not walked the site.

## **NEW ITEMS**

3. **#2006-069-Review:** Request for clarification of zone line located at **34 Bailey Avenue**. Bennett Fletcher, Ridgefield Supply Company. *For review/discussion.*

**The Planner** explains that Ridgefield Supply owns the lumber yard and the property on Bailey Ave. that was the old grain elevator along the railroad tracks, and they are in the process of speaking to consultants to work out plans that will come before P&Z as a special permit. In the area of Bailey Ave., the eastern zone line of that property was established many years ago. It was carried through with various zone changes, with the line remaining the same. In the past 15 years or so, there were two pieces of property that changed hands. The railroad gave up the railroad tracks to the town of Ridgefield. It's now part of the Governor St. parking lot. Just north of that, there was a very small parcel, about .097 acres that was a portion of what now is the medical center. This tiny piece became part of the town property, again adjoining the Governor St. lot. Through all of that, the zone line remained the same. The Planner explained that, in zoning regulations, the zone lines are specified according to maps, reference Section 303 says, "The zone line is the [official] map." She says that what she wants them to look at - because it's critical to the way this application proceeds - is the map that's attached with the memo, which shows the zone line. It's labeled as former railroad property. The zone line cuts right through that. The property to the left of that belongs to Ridgefield Supply, the property to the right of that belongs to the town of Ridgefield. In effect, Ridgefield Supply's property, which is in the CBD zone, abuts a CBD zone owned by someone else. The reason that's critical is that in that particular location it would eliminate the need for them to go to the Zoning Board of Appeals for a variance of the 25' setback for landscaping next to a residential zone, or the rear yard setback the same as that in a residential zone.

**Mr. Katz** asks what she wants the Commission to do.

**The Planner** said she just wanted the Commission to confirm that they agree with the assessment that the historical evidence is that the zone line is where it is, and to be aware of the situation, so that when Ridgefield Supply comes before them, there won't be a question about variances. She said that, as long as they were all in agreement, she would tell Ridgefield Supply to proceed.

Following discussion, the Commission agreed by consensus that staff interpretation of the zone line was correct. There was no further action taken.

4. **#2006-070-REV:** Request for proposed design revisions, as required by Section 312.02.E. of the zoning regulations, to the Boys and Girls Club of Ridgefield located at **41 Governor Street** in the RA zone. Owner: Ridgefield Boys and Girls Club.

Appl.: Jeffrey D. Mose, AIA. *65-day action period ends 9/14/06. For receipt/review/action.*

**Mr. Fossi** recused himself from discussion on this item.

**The Chairman** asked the Planner if she had reviewed this. The Planner says that she and Mr. Baldelli have spoken with the applicant. There were changes due to funding, and some purely architectural. They asked architect Jeff Mose to give detailed drawings of what the changes were.

The Commission feels it can approve it as is.

**Dr. Gelfman** motioned, seconded by Mr. Walsh, to approve the revisions as submitted by the applicant. The motion passed, 8-0-1. Mr. Fossi had recused himself from discussion and action on the request.

5. **#2005-160-S:** Request for second 90-day extension to file subdivision map (through 11/7/06). Subdivision located at **563/593 Main Street** in the SD R-20 zone. Owners: Joseph and Eileen Coffey and Richard F. Mele. *For action.*

**Dr. Autuori** motioned, seconded by Mr. Walsh, to approve the request for extension of the time to file the subdivision map, through 11/7/06. The motion passed, 9-0.

6. **#2006-072-A:** Director of Planning memo re **Payment in Lieu of Open Space, proposed amendment** for discussion on 7/18/06.

The Planner explained the proposed amendment, and the item will appear for further discussion on the 7/18/06 agenda. There was no further action taken.

## COMMISSION WALKS

re **#2006-064-REVIEW:** request to determine parking spaces required pursuant to Sec. 305.02(a) of the Ridgefield Zoning Regulations for property located at **35/37 and 41/43 Danbury Road** in the B-1 zone. Appl: Douglas MacMillan, AIA. Walked on 7/10/06.

The Planner explained the request for determination of parking spaces on the combined sites at 35/37 Danbury Road, and the restaurant at 41/43 Danbury Road. The consensus of the Commission is that the applicant needs to come back with a Special Permit application, and details would be worked out at that time. The information provided by the applicant, to justify the proposed number of spaces, will be an important part of the presentation at the public hearing for a Special Permit. The Commission agreed that implementation of the recommendations in the Route 35 Curb Cut and Access Management Plan is a good idea provided that more details are included for review and discussion as part of the Special Permit application.

No further action was taken, and the item will not reappear on a future agenda until the Special Permit application is submitted.

**REQUESTS FOR BOND RELEASES/REDUCTION**

There were no requests for bond release or reduction.

**CORRESPONDENCE**

- Information on the keeping of horses in residential areas.

**MINUTES**

Mr. Katz motioned to approve the minutes of June 27, 2006, seconded by Mrs. Willis. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Linda Caponetti  
Recording Secretary