

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

July 20, 2010

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent

Public hearings were held prior to the meeting.

At 11:38 p.m. Chairman Mucchetti called the meeting to order.

*[Note: Mr. Katz left the meeting at 12:05 a.m., prior to the discussion of item #5.]

Prior to discussion and action on agenda items, the Board discussed the need (or not) for a Special Meeting which would be held on 7/27/10, to take final action on some of the agenda items (see discussion under item #1). Mr. Katz motioned, seconded by Dr. Gelfman, to schedule a Special Meetings for both the IWB and PZC for 7/27/10. The motion passed, 6-1-1, with Chairman Mucchetti voting against, and Mr. Walsh abstained. A Special Meeting will be held on 7/27/10.

PENDING ITEMS

1. **#2010-058-SP-SR-FL:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield to permit regulated activities in the wetlands and upland review area in conjunction with Special Permit for modifications of two existing ponds including dredging and pond enlargement on property located at **599 Branchville Road** in the RAA zone. Owner/Apl.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced 7/20/2010. 35-day action period ends 8/24/2010. For action.*

[Note: Mr. Walsh recused himself from discussion and participation on this item.]

Chairman Mucchetti noted that the public hearings for items #1 and #2 were closed, and referenced the late hour, asking whether discussion should continue. She also noted that no meeting had been scheduled for July 27th, but understood that the applicant was hoping to resolve at least some of the applications so that work could

proceed during the low-flow months of July and August. She asked the Board for comment.

Mr. Katz motioned to table the item and to schedule a meeting for the following week. Dr. Gelfman seconded the motion.

Agent Brosius stated that the Board could, if it felt comfortable acting on the pond dredging application and the utilities and trenching applications, request a draft resolution to be reviewed at the next meeting. Her concern is that if a resolution is finalized the next week without having a draft (because the applications are complex), then the Board will be left with listing and drafting conditions at the meeting.

Mr. Katz offered to amend his motion to request the draft resolution. The Chairman pointed out that the Board first needed to agree to act on the motion to add a meeting to the schedule for the following week. The Chairman called for a vote. The motion passed (as noted in the introduction to the minutes) by a vote of 6-1-1, with Chairman Mucchetti voting against and Mr. Walsh abstained.

Mr. Katz motioned, seconded by Mr. McChesney, to draft a resolution of approval for the application. The motion passed, 7-0-1, with Mr. Walsh recused.

2. **#2010-059-SP-SR:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for regulated activities within the upland review area in conjunction with Special Permit to install driveways and utilities on property located at **599 Branchville Road and 4 Stony Hill Terrace** in the RAA zone. Owners: Moreton Binn and CT DOT (under contract by Binn). Appl.: Binn Animal Rescue and Sanctuary. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced 7/20/2010. 35-day action period ends 8/24/2010. For action.*

[Note: Mr. Walsh recused himself from discussion and participation on this item.]

Chairman Mucchetti noted that the public hearing was closed, and asked for discussion on the item.

Mr. Katz motioned, seconded by Dr. Autuori, to draft a resolution of approval for the application. Dr. Gelfman and Dr. Autuori asked for a condition that would address the matter of leaf blowing of the forest floor, to prevent wide-scale clearing of leaves. Mr. Katz said the emphasis should be on protecting erodible slopes. Mr. Mische asked that supervision of the work be added as a condition.

The motion to draft the approval with conditions passed, 7-0-1, with Mr. Walsh recused.

3. **#2010-063-PD:** Summary Ruling Application under Section 7.5 required by Section 4.3 of the Inland Wetlands and Watercourses Regulations of the Town of Ridgefield for pond dredging on property located at **625 Ridgebury Road** in the RAA and RAAA zones. Owners: Robert and Lessley Burke. Auth. Agent/Appl.: Nazzaro, Inc. *65-day action period ends 9/9/2010. Received 7/6/2010, walked 7/11/2010. Tabled 7/13/2010. For discussion/action.*

Chairman Mucchetti noted that the Board had discussed having a draft resolution at the last meeting, pending receipt of comments from the Conservation Commission and the Wetlands Agent. Agent Brosius said that a resolution had not been prepared, but the comments from both the Wetlands Agent and the Conservation Commission had been distributed and there was consistency between the two.

The Chairman recognized Gene Nazzaro, who had reviewed the comments from Agent Pardee and the Conservation Commission. He was ready to answer questions on the application. Mr. Nazzaro said the forebay depth would be increased to at least 5 feet. Referencing the swale, he said it was not shown to be in the wetlands. He defended the proposed location of the swale.

Chairman Mucchetti asked Alan Pilch, representing the Conservation Commission, if he had any comments. Mr. Pilch noted the preferred location of the swale at the edge of the pasture, where two of the eroded channels seemed to be in close proximity to each other. The CC felt that drainage could be picked up from both channels at that location, to be brought around the pasture and not through the woods. Dr. Gelfman felt that the trees in the woods at the proposed location of the swale were not worth saving, and he preferred the applicant's plan.

Mr. Mische asked about the CC comment regarding the need for stone and riprap. Mr. Pilch said that a great deal of stone would be needed to armor the swale. Mr. Nazzaro said there was adequate stone on the site that could be used. Mr. Mische understood that rock riprap would be needed primarily on the downhill portion of the swale. Mr. Nazzaro agreed.

Chairman Mucchetti asked if Mr. Pilch understood the conversation and the disagreement with the CC recommendations. He nodded affirmatively.

The Chairman referenced the memo from Wetlands Agent Aimee Pardee, and asked if Mr. Nazzaro agreed with the request for plantings. He did.

Mr. Mische motioned, seconded by Mr. Fossi, to approve the application with conditions to address the deeper forebay, requirement for plantings, and existing swale design. The motion passed by a vote of 8-0. [This is a final vote.]

4. **#2010-071-REV(SR):** Request for Revision to previously approved Summary Ruling wetlands permit, for retaining walls and completion of driveway crossing wetlands and intermittent watercourse, property located at **289 Old Branchville**

Road in the RAA zone. Owners/Applicants: Jason and Marisa Rotenberg. Authorized Agent: John F. McCoy, P.E. *65-day action period ends 9/17/10. Received and tabled 7/13/2010. For discussion/action.*

Chairman Mucchetti recognized John McCoy, P.E. who was present to explain the revised plans. The Chairman noted that she had been to the site and that a tree was blocking the entrance. Mr. McChesney said he had also visited the site.

Mr. McCoy offered a quick synopsis of the changes proposed. The bridge was built and the driveway was “roughed in.” There was a boulder wall built, but it had partially failed. The new design incorporates a new wall, with a curtain drain on the uphill side to catch the water bleeding out of the bank, discharged into an existing boulder bay above the wetlands. A swale on the other side of the driveway will do the same thing, discharging into another boulder bay. The original plan had a catch basin, which has been eliminated on this plan.

Mr. McChesney noted a breach in the wall where soil had eroded into the wetlands, and the silt fence was filled. This needs to be repaired and cleaned out.

Mr. Fossi motioned, seconded by Mr. McChesney, to approve revisions to the Summary Ruling permit, as per the plans submitted. The motion passed, 8-0. [This is a final vote.]

NEW ITEMS

5. **#2010-075-REV(IW)**: Revision to previously approved Summary Ruling wetlands permit for new house plans in conjunction with construction of a single-family residence on property located at **200 Main Street** in the RA zone. Owners: Robert J. and Janet S. Hebert. Appl.: Sturges Brothers, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 9/23/2010. For receipt/discussion/action.*

[Note: Mr. Walsh recused himself from discussion and participation on this item.]

Chairman Mucchetti recognized Steven D. Trinkaus, P.E., Don Sturges (builder), and Attorney Robert Jewell, who were present to explain the revised plans.

Attorney Jewell gave the history of the prior application where a specific home plan had been approved under the wetlands permit. That house was never built, and there has been a change in home plan design for a new customer, and changes in the overall impervious coverage. All of the original conditions of the wetlands permit would still apply, but the house has been moved back, and it is larger than the previous design although in the same general location.

Chairman Mucchetti noted that the plan was being seen by the Board for the first time. Agent Brosius pointed out that a copy of the first house plan was provided

along with the previous resolution, so the Board could understand the differences. She noted that the new house was square, whereas the first plan was L-shaped.

Attorney Jewell showed an overlay drawing, comparing the footprints of the old with the new plan. The house is about 1100 feet larger. He claimed that there was less impervious surface because the large turnaround driveway had been eliminated. Mr. Trinkaus noted that the courtyard had been eliminated, and there is slightly less impervious coverage overall.

Agent Brosius pointed out that a new detached garage had been added, and there is a driveway extended to that outbuilding. She questioned whether the impervious surface difference was really less. The garage was not on the original plans. Mr. Trinkaus said, in aggregate, the impervious surface is less.

Mr. Fossi asked, even though the house is further away from the wetlands, the proposed garage is closer to the wetlands. The applicant agreed.

Chairman Mucchetti asked if there was anything on the plans for erosion and sedimentation. A silt fence was pointed out. Agent Brosius reminded the Board of the slopes of the site, and the concern expressed by neighbors during the first application, because of the potential for erosion into the wetlands. The Board needs to make sure that it is comfortable with the new changes. The silt fence shown on the plans is the extent of the proposed erosion controls.

Attorney Jewell reiterated that the original conditions of the permit would still apply.

Mr. Fossi said that he was concerned with the single row of silt fence as the erosion control. He asked if the applicant would be agreeable to reviewing this with the Wetlands Agent, to see if the plan is really adequate. Agent Brosius stated that it was not up to Town staff to design the erosion controls, but she agreed that a single row of silt fence did not seem adequate.

Mr. Trinkaus said that a redundant barrier of controls could be added, with rice wattles.

Mr. Fossi motioned, seconded by Dr. Autuori, to request a draft resolution of approval, pending receipt of additional erosion control details that would meet approval from both Wetlands Agent Pardee and Zoning Enforcement Officer Baldelli. Mr. Mische asked for detailed calculations of the changes in impervious lot coverage.

Agent Brosius asked about the roof and footing drains daylighting to fieldstone, and whether that was the extent of the control. Mr. Trinkaus said that it was. Agent Brosius did not see a detail of the stone pad on the plans.

Attorney Jewell noted that the work was not in the upland review area, but Agent Brosius pointed out that the entire site slopes into the wetlands, and it is the

excavation process that is of greatest concern. It is a huge foundation, and the redundant erosion control is essential. If the foundation is entirely disturbed during an extremely heavy rain (like the one experienced earlier in the week), then there could be massive erosion into the wetlands.

Chairman Mucchetti asked about the little circles at the end of the roof and footing drain lines on the plan. Mr. Trinkaus indicated that those were the stone pads.

Chairman Mucchetti clarified the motion and second for a draft resolution, and the need for proposed erosion controls to be reviewed by the Wetlands Agent and the ZEO. Impervious coverage numbers were also requested. Mr. Jewell gave rough numbers of the comparison, but it was agreed that exact numbers would be provided by the applicant.

The motion for the draft resolution of approval passed, 7-0-1. [Mr. Katz had left the meeting before the vote, and Mr. Walsh was recused.]

BOARD WALKS

There were no Board walks to be scheduled.

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 Dr. Autuori, to approve the minutes of July 6, 2010. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 12:07 a.m. (Wednesday)

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

July 20, 2010

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

Absent: Peter Chipouras
John Katz

Also Present: Betty Brosius, Director of Planning

Public hearings were held prior to the meeting.

At 12:07 a.m., Chairman Mucchetti called the meeting to order. [Note: Mr. Katz left the meeting at 12:05 a.m., prior to action on any agenda items.]

Prior to the Inland Wetlands Board meeting, the Board discussed the need (or not) for a Special Meeting which would be held on 7/27/10, to take final action on some of the agenda items. As noted in the IWB minutes, Mr. Katz motioned, seconded by Dr. Gelfman, to schedule Special Meetings for both the IWB and PZC for 7/27/10. The motion passed, 6-1-1, with Chairman Mucchetti voting against, and Mr. Walsh abstained. A Special Meeting will be held on 7/27/10.

PENDING ITEMS

1. **#2010-055-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e required by Section 7.2.E.11 of the Ridgefield Zoning Regulations to permit “welcome” and “thank you” signs on property located at **125 Danbury Road, Copps Hill Shopping Center** in the B-1 zone. Owners/Appls.: Equity One Realty & Management NE, Inc. Auth. Agent: Laura Schmitt, Property Manager. *65-day action period ends 8/19/2010. Received 6/15/2010. PZC to walk site individually. Tabled 6/22/2010 pending receipt of AAC minutes. Tabled 7/6/2010. Tabled 7/13/2010. Motion to deny remains on table. For discussion/action.*

Chairman Mucchetti noted that no additional information or communication had been received from the applicant. There is a motion to deny the application, made on June 22nd by Mr. McChesney and seconded by Dr. Gelfman.

A vote on the motion to deny passed, 7-0.

2. **#2010-058-SP-SR-FL:** (1) Special Permit under Section 9.2 required by Section 7.5.D.2 of the Ridgefield Zoning Regulations for pond dredging requiring the removal of material from the site in excess of 2000 cy and (2) Site Plan Approval for Floodplain Development under Section 11.4.D for pond dredging within a designated 100-year Flood Plain, on property located at **599 Branchville Road** in the RAA zone. Owner/Appl.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced July 20, 2010. 65- day action period ends 9/23/2010. For action.*

[Note: Mr. Walsh recused himself from discussion and participation on this item.]

Chairman Mucchetti noted that the public hearing was closed, and asked for discussion on the item. The Planner pointed out that the application should be dealt with in two parts, with two resolutions.

Mr. Mische motioned, seconded by Mr. McChesney, to request a draft resolution of approval for the Special Permit for excavation in excess of 2,000 cubic yards of material for pond dredging. The motion passed, 6-0-1, with Mr. Walsh recused.

Mr. Mische motioned, seconded by Mr. Fossi, to request a draft resolution of approval for the Site Plan for Flood Plain Development, for activity in a 100-year flood plain. The motion passed, 6-0-1, with Mr. Walsh recused.

3. **#2010-059-SP-SR:** (1) Special Permit under Section 9.2 required by Section 7.5.D.4 of the Ridgefield Zoning Regulations for excavation and grading to install driveways and utilities at 599 Branchville Road, and (2) Special Permit under Section 3.2.C.2 to permit Institutional Use for philanthropic and educational uses, on property located at **599 Branchville Road and 4 Stony Hill Terrace** in the RAA zone. Owners: Moreton Binn and CT DOT (under contract by Binn). Appl.: Binn Animal Rescue and Sanctuary. Auth Agent: John F. McCoy VII, P.E. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced July 20, 2010. 65-day action period ends 9/23/2010. For action.*

[Note: Mr. Walsh recused himself from discussion and participation on this item.]

Mr. Mische motioned, seconded by Mr. Fossi, to request a draft resolution of approval for excavation and filling for driveway and utilities installation on the property at 599 Branchville Road. A condition for “stepgrading” on the driveways was requested by Mr. Mische, and according to the modified plans presented during the hearing. The motion passed, 6-0-1, with Mr. Walsh recused.

Chairman Mucchetti noted that the public hearing for the Special Permit for Institutional educational and philanthropic use has been continued to September 21, 2010, and there was no further discussion on that item.

4. **#2010-065-VDC:** Village District Application under Section 8.3 of the Ridgefield Zoning Regulations for replacement signage on property located at **368 Main Street, Wells Fargo** (formerly Wachovia Bank) in the CBD zone. Appl./Auth. Agent: Sign Lite, Inc. Owner: Wells Fargo Properties, LLC. *65-day action period ends 9/9/2010. 35 days to receive Village District report ends 8/10/2010. Received 7/6/2010, drive-by walk 7/11/2010. Tabled 7/13/2010. For discussion/action.*

Chairman Mucchetti noted that new plans were received from the applicant, and that all of the recommendations of the VDC had been incorporated into the new design.

Mr. Walsh motioned, seconded by Mr. McChesney, to approve the revised plans as submitted, with modifications, as per the recommendations of the VDC. The motion passed, 7-0.

5. **#2010-068-VDC:** Village District Application under Section 8.3 of the Ridgefield Zoning Regulations to replace awning with signage on building located at **384 Main Street, Rodier Flowers** in the CBD zone. Owner: Joseph and Ellen Donnelly, Trust. Appl.: Rodier Flowers, Mary Jones. *35 days to receive Village District report ends 8/17/2010. Received and tabled 7/13/2010. For discussion/action.*

Chairman Mucchetti noted that the Village District Consultant had reviewed the plans and recommended approval as submitted.

Dr. Autuori motioned, seconded by Mr. McChesney, to approve the plans as submitted. The motion passed, 7-0.

NEW ITEMS

6. **Danbury Road / Copps Hill Area Zoning.** Discussion c/o P.D. (memo distributed 7/15/10)

The item was tabled until September 7, 2010, at the request of Mr. Walsh.

7. **#2010-073-REV(SP:** Application for Revision to previously filed “Subdivision Map, Donnelly Estates, **Rockwell Road & Perry Lane,**” filed in the Town Clerk’s office as TC #8950, to convey accessway area for Lot 1 to adjoining lands owned by Kissell of 54 Main Street, and to establish access to Lot 1 by easement through 54 Main Street. Applicants/ Owners: Mason A. and Susan Kissell and Rockwell Capital, LLC. Authorized Agent: Donnelly, McNamara & Gustafson, P.C. *For receipt/discussion/action.*

Chairman Mucchetti recognized Robert Jewell, Esq., who was present to explain the application.

Mr. Jewell explained that the owners of 54 Main Street had purchased Lot 1 in the subdivision, and were requesting that the accessway be made an easement through their property, rather than a dedication of land to the lot.

The Planner explained that this is a change to the perimeter of the recently approved subdivision, where no new lots have been developed, and a revised subdivision map could be filed to accomplish the request. The matter has been reviewed by Commission counsel. Mr. Jewell argued that he saw no reason to file the subdivision map, but they are willing to do so.

Dr. Autuori motioned, seconded by Mr. McChesney, to approve the request. The motion passed, 7-0. [Mr. Katz was not present for the vote.]

8. **#2010-074-REV(SP):** Application for Revision to the Special Permit to utilize the metal building on the north side of **746-748 Danbury Road** for functions related to the existing business on the same property, BMW of Ridgefield. Owner/Applicant: Ridgefield Waterside Properties, LLC. Authorized Agent: Donnelly, McNamara & Gustafson, P.C. *65 days to make decision ends 9/23/10. For receipt/discussion/action.*

Chairman Mucchetti recognized Robert Jewell, Esq., who was present to explain the application.

Mr. Jewell explained the use of the building by the car dealership. The owners will be submitting a complete Special Permit application for tear-down and re-build of the all the buildings on the site, but this is a request for the entire metal building to be used for the car dealership. Originally, only a small portion of the building was to be used for dealer “prep” of cars. Now, various uses are conducted in the entire building.

The Planner further explained that the Site Plan Approval for use of the building by REM Motors in 1997 only pertained to a small portion of the structure. This application would acknowledge, under the Special Permit, that the entire building is now being used by BMW of Ridgefield, as an expansion of the use of the dealership. A variety of uses have occurred in the building over the years, and this is a change of use for expansion of the car dealership use.

Mr. Walsh asked if there was a provision to “sunset” the approval, when the new building takes over for the old. The Planner said there was not, but the approval would become moot when superseded by the new Special Permit. Mr. Walsh suggested tabling approval until the new approval was granted.

The Planner disagreed. Attorney Jewell said that the new dealership would actually occupy the same area as the metal building. The Planner said that the date of an approval for a new Special Permit is unknown, a permit for a building permit and construction may be several months away, and in the meantime the use would be non-conforming. This approval brings the entire site into conformity.

Mr. McChesney motioned, seconded by Dr. Gelfman, to approve the application as requested. The motion passed, 6-0-1, with Dr. Autuori out of the room for the vote.

9. **NOTICE:** Eureka V, LLC has filed a motion to withdraw the appeal, Eureka V, LLC v. Ridgefield Planning & Zoning Commission, Docket #DBD-CV-4007262S, which was an appeal of the decision to adopt the comprehensive new set of zoning regulations, effective May 1, 2007, and, specifically, the changes to the regulation pertaining to the Corporate Development District. The Court has ordered that public notice of the motion to withdraw appear on the agenda of the Commission prior to the court acting on the motion. For acknowledgement by the Commission.

The Planner briefly explained the notice, and the judge's request that the action of Eureka V, LLC be shown on a regular meeting agenda of the Planning and Zoning Commission.

Mr. Walsh motioned, seconded by Dr. Autuori, to acknowledge the notice. The motion passed, 7-0.

COMMISSION WALKS

The following site walk was previously scheduled for **September 12, 2010:**

- **#2010-069-SP-AH:** Special Permit and Application under §8-30g of the CGS for affordable housing **613 Main Street**, 613 Main Street, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti listed the following correspondence:

- Information about Bed & Breakfast regulations in the Village of Rhinebeck, NY
- ZBA Appeals, granting parking variances to allow restaurants in the Planet Pizza (Amatuzzi) building on Main Street, and the former WaMu bank space (owned by Addressi, next to the CVS Plaza)
- Article from the Danbury News-Times about the Gilbert & Bennett property in Redding.

MINUTES

Mr. Fossi motioned, seconded by Mr. McChesney, to approve the minutes of July 6, 2010. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 12:20 a.m. (Wednesday)

Respectfully submitted,

Betty Brosius
Director of Planning