

APPROVED / REVISED  
MINUTES OF THE SPECIAL MEETING  
INLAND WETLANDS BOARD

July 27, 2010

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

Absent: Peter Chipouras  
Patrick Walsh, Vice Chairman

Also Present: Betty Brosius, Inland Wetlands Agent

\*Arrived at 7:35 p.m., after first item.

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

**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/Appl.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced and closed 7/20/2010. 35-day action period ends 8/24/2010. Draft Resolution of Approval requested on 7/20/10. For action.*

**Chairman Mucchetti** pointed out the draft resolution prepared by the Agent.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to adopt the resolution as drafted.

**Chairman Mucchetti** drew attention to item #7, regarding consultant review of the work on-site, with reports to be submitted to staff. She asked if it was the consensus of the Board that this be included.

**Mr. McChesney** said that the size of the project makes a difference. When the work is extensive, the consultant on-site is recommended.

**The Agent** pointed out that Mr. Mische has suggested this as a condition at the previous meeting's discussion. She also noted that this type of supervision had been

required for applications for Second Lane, Water's Edge Way, Spectacle Lane, and others. The practice has worked well.

**Chairman Mucchetti** stated that she was just looking for consensus that this was a typical requirement, and it might be a "boilerplate" condition going forward. Mr. Mische contributed that the requirement should be based on the complexity of the work that is being proposed. Clearly some jobs merit this type of supervision.

**Mr. Fossi** said that in this particular case, since the applicant's engineer has been on the site as a matter of routine, the requirement is not a hardship. He said that, going forward, this should be decided on a case by case basis. Some projects do not merit this condition because they are not complex. The Agent referred to the subdivision on Gino's Way off High Ridge Avenue as a good example where the requirement works; the on-site consultant provided close supervision of the job and there were no serious erosion and sedimentation issues.

**Dr. Autuori** clarified that none of the pond dredging equipment and vehicles would be using any access other than Branchville Road.

**Chairman Mucchetti** noted that she had checked on the matter of the contaminated quarry site mentioned at the hearing, and found it to be down-gradient of the pond, so that it was not an issue.

The motion to adopt the draft resolution passed, 6-0. (Dr. Gelfman had not arrived at the meeting.)

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 and closed 7/20/2010. 35-day action period ends 8/24/2010. Draft Resolution of Approval requested on 7/20/10. For action.*

**Chairman Mucchetti** asked the Agent to read her memo explaining the overlap of wetlands activities and utilities installation between the properties at 599 Branchville Road and 4 Stony Hill Terrace, and the fact that the draft resolutions (Summary Ruling for wetlands and Special Permit for zoning) in no way pertain to the proposed "public use" of the property, nor do they approve any public use. The memo contained quotes pertaining to permitted activities in wetlands, which include certain farm-related activities as-of-right.

The matter of the public educational use of the property will be decided separately, following the continuation of the public hearing on that application on September 21, 2010.

**Dr. Autuori** asked if a farm had to provide some sort of product. The Agent said that it did not. For instance, a person could have one horse on the property and call that use “farming.” Dr. Autuori also reiterated the statement that approval of improvements to the driveway does not in any way sanction the “public use” of that road. The use is purely for the farm use. Mr. Katz reminded Dr. Autuori that the Board was not approving the farm use, but only the activities related to the driveway improvements.

**The Agent** stated that the reason for the memo was to clarify that certain activities crossed the property lines between 599 Branchville Road and 4 Stony Hill Terrace, and that the activities on 4 Stony Hill Terrace, although on a separate piece of property, may legitimately be considered “in support of” the farm use on 599 Branchville Road. The Summary Ruling permit would permit the improvements to the driveway. The resolution also includes a requirement that the applicant provide proof that the CTDOT understands the plans for those improvements.

**Mr. Mische** pointed out that the driveways on the property exist now, and the approval of the regulated activities under the permit would result in improvements that will make the property better suited to handle runoff and to control erosion.

**Chairman Mucchetti** noted that Dr. Gelfman had joined the meeting. She referenced the resolution of approval for the regulated wetlands activities that had been drafted by the Agent.

**Dr. Autuori** asked about the condition to control the removal of leaf material from the forest floor. The agent pointed to item #5 in the resolution. She also noted that the word “erodible” had been removed from the condition, so that the requirement pertains to “all” slopes.

**Mr. McChesney** motioned, seconded by Mr. Mische, to adopt the resolution as drafted. The motion passed, 7-0.

3. **#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. Draft Resolution of Approval requested 7/20/10. For action.*

**Chairman Mucchetti** recognized Attorney Robert Jewell and Steven D. Trinkaus, P.E., who were present for the application. She reminded the Board of the request

made to the applicant to provide calculations of impervious surface areas, to compare the old plan with the new.

**Attorney Jewell** noted that the net increase in impervious surface is about 1,000 s.f.

**Chairman Mucchetti** said that the detail for the splash pads is not included, and asked for clarification. Mr. Trinkaus explained that the splash pads had been replaced with a note requiring a stone trench at the outlet of the pipes coming from the house. The trenches will be four feet wide and one foot deep, filled with 1.25" stone. The Agent asked if there was a detail for the trench, and the engineer said there was only a note.

**Mr. McChesney** motioned, seconded by Dr. Autuori, to approve the draft resolution that had been prepared by the Agent. The Chairman and Agent pointed out that a requirement for a bond had been left out of the resolution, and the Agent suggested a bond in the amount of \$3500-4000, to cover the erosion and sedimentation for the project. The Board agreed by consensus to the addition of a condition requiring a bond in the amount of \$4,000.

**Attorney Jewell** asked how long the bond would be in place. The Agent said that the bond can be released when the site is stabilized.

The motion to approve the amended resolution passed, 6-0-1, with Mr. Katz abstained.

## NEW ITEMS

4. **#2010-076-REN(PR):** Request for renewal and five (5) year extension of previously approved Plenary Ruling Application (#2004-161-S-PR) on property located at **Rockwell Road and Perry Lane** in the RA and RAA zones. Owners: J. Gavin Donnelly and Joellen Murphy, Trustees. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *For discussion/action.*

**Chairman Mucchetti** recognized Attorney Robert Jewell, who was present for this application and also for item #5. She explained that the requests for each item are similar; the wetlands approvals for the two approved subdivisions had expired, and there are requests to re-instate the wetlands permits. She asked the Agent to provide more detail about the request.

**The Agent** noted that both this application and item #5 on the agenda pertained to projects that were fairly complex. On Rockwell Road there was a sewer line crossing wetlands, and there were issues on some of the individual lots. Regarding item #5 (the Buchsbaum application), there were conditions pertaining to the accessway construction and lot development, because of the slopes and runoff to Silver Spring Road. The Rockwell/Perry application expired in June, and the Buchsbaum permit expired in February.

The Agent read the Connecticut Statutes pertaining to renewal of permits, and suggested a five-year extension beginning on the date of expiration of the previous permit (June 24, 2005, for this permit).

**Attorney Jewell** said that he has not, in his memory, known of a subdivision approved by the Commission that was not quickly built-out. These are unusual situations, and the economy may be a factor.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to renew the wetlands permit for a period of five years, beginning on the date of expiration of the original permit (from June 24, 2010 to June 24, 1015). The motion passed, 7-0.

5. **#2010-077-REN(PR)**: Request for renewal and five (5) year extension of previously approved Plenary Ruling Application (#2004-127-S-PR) on property located at Spring Valley Road and Bridle Trail in the RAAA zone. Owner: Sanford Buchsbaum, Trustee for Estate of Selma Buchsbaum. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. For discussion/action.

[See notes for item #4, above, for discussion and explanation which also pertains to this application.]

**Dr. Autuori** motioned, seconded by Mr. Mische, to renew the wetlands permit for a period of five years, beginning on the date of expiration of the original permit (from February 25, 2010 to February 25, 2015). The motion passed, 7-0.

#### **BOARD WALKS**

There were no site 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. Fossi** motioned, seconded by Dr. Autuori, to approve the minutes of July 13, 2010. The motion passed, 7-0.

**Mr. Mische** motioned, seconded by Mr. Fossi, to approve the minutes of July 20, 2010. The motion passed, 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:55 p.m.  
Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED / REVISED  
MINUTES OF THE SPECIAL MEETING  
PLANNING AND ZONING COMMISSION

July 27, 2010

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

Absent: Peter Chipouras  
Patrick Walsh, Vice Chairman

Also Present: Betty Brosius, Director of Planning

At 7:56 p.m., Chairman Mucchetti called the meeting to order.

**PENDING ITEMS**

1. **#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/App.: Moreton Binn. Auth Agent: John F. McCoy VII, P.E. *Received 6/15/2010. Walked 7/11/2010. Public hearing commenced and closed July 20, 2010. 65- day action period ends 9/23/2010. Draft Resolutions of Approval requested 7/20/10. For action.*

**Chairman Mucchetti** referred to the two resolutions pertaining to this application for pond dredging, the first for the removal of an excess of 2,000 cubic yards of material from the pond, and the second for a Floodplain Development permit for work within the Special Flood Hazard Area.

**Mr. Fossi** motioned, seconded by Mr. McChesney, to approve the application according to the draft resolution prepared by the Planner for the excavation of an excess of 2,000 cubic yards of material from the ponds. The motion passed, 7-0.

**Mr. Fossi** motioned, seconded by Dr. Autuori, to approve the Site Plan Application for Floodplain Development, pertaining to the dredging of the ponds in a Special Flood Hazard Area.

**Chairman Mucchetti** asked the Planner if it had been determined whether an Army Corps of Engineers permit was needed. The Planner said that it had not been determined, but it is the responsibility of the applicant to comply with the Corps requirements, if needed.

The motion to approve the Site Plan for Floodplain Development passed, 7-0.

2. **#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. Public hearing closed and Draft Resolution of Approval requested on 7/20/10 for Special Permit #1 (excavation and grading). Public hearing for Special Permit (2) continued to 9/21/10. For action on Special Permit (1).*

**Chairman Mucchetti** explained that only the first part of this application was in front of the Commission for action – the Special Permit for excavation and grading for installation of driveways and utilities. The matter of the public educational use of the property would be dealt with separately, following the continuation of the public hearing on September 21, 2010. [Note: The memo read into the record for item #2 on the Inland Wetlands Board agenda also pertains to the first Special Permit application under this item.]

**Mr. Mische** motioned, seconded by Dr. Autuori, to approve the application according to the draft resolution prepared by the Planner. Dr. Gelfman asked if the driveway excavation discussion could be held until September 21<sup>st</sup>. It was noted that the public hearing on this item (for the excavation) was closed.

The Planner noted that the word “erodible” in front of the word “slopes” had been eliminated from item #5, so that the requirement pertained to all slopes.

The motion to approve the resolution passed by a vote of 7-0.

## **NEW ITEMS**

3. **Farmers’ Market Definition**, c/o P.D. Enforcement issues at the Branchville Farmers’ Market, and proposal for zoning amendment. *For discussion.*

**Chairman Mucchetti** asked the Planner to explain the issues at the farmers’ market. The Planner summarized her memo of July 26, 2010, and her recommendation for a zoning amendment to change the definition of “Farmers’ market,” allowing seafood

obtained from “the waters of New England” to be sold at farmers’ markets within the Town of Ridgefield.

She explained that one of the vendors currently selling in Branchville has seafood from Connecticut, but also sells lobsters and other seafood from Maine. The Commission created its own farmers’ market regulation based on the Connecticut Statutes, which allows only Connecticut-grown products, but expanded the regulation to include farm products from nearby New York. The Planner spoke to Rick Maczuga at the Department of Agriculture in Hartford and learned that the certified Connecticut-grown markets in the state have also experienced issues with seafood vendors who carry products from outside of Connecticut. The legislature may, at its next session, be presented with a proposal to change the statutes so that “seafood from the waters of New England” would be permitted.

The Planner suggested that the amendment be adopted in the fall, and that the vendor currently selling in Branchville be allowed to continue for the month of August.

**Mr. Mische** said he did not consider seafood to be a farm product, and that Maine seafood should not be allowed in Ridgefield markets. Other Commissioners pointed out that vendors who receive permission under the Peddler’s Ordinance have set up on Route 7, and that they sell Maine seafood.

**Mr. Fossi** asked the Commission to consider that these farmers’ markets are actually competing with some of the local businesses, in this case (in Branchville) with Ancona’s Market. He supports the idea of locally-grown markets, but the Town is not benefitting from this market with any compensation. He does not want to see this situation creep from locally-grown food products to other non-food products, especially from out of state.

**Mr. Katz** pointed out that this seafood vendor could get a peddler’s license from the Board of Selectmen if he were not at the market. This issue is in front of the Commission because it is part of the farmers’ market. Commerce in general benefits Ridgefield, and the market is part of Ridgefield. This vendor enriches the scope of the farmers’ market. Mr. Katz did not like the idea that the vendor is being allowed to continue to sell the Maine seafood throughout the summer. He asked that the Commission’s flexibility to be lenient be something to remember in the future. Mr. Fossi agreed. Mr. Mische repeated his concern that seafood is part of the permitted sales at the market.

**The Planner** noted that allowing this vendor to continue through August is not a “comfortable” situation considering the existing zoning regulations. However, if it is the Commission’s intent to extend the regulations to include New England seafood, then the non-conformity is effectively proposed to be eliminated in a short period of time.

**Dr. Gelfman** motioned, seconded by Dr. Autuori, to receive the proposed amendment, and to schedule a public hearing on the amendment for September 7, 2010. The motion passed, 7-0.

4. **2010 Plan of Conservation and Development:** Statutory filing requirements for referral of the Plan to the Office of Policy and Management, c/o P.D. For discussion/action.

**Chairman Mucchetti** referenced a memo prepared by the Planner as well as a draft letter addressed to the Office of Policy & Management, pertaining to the statutory requirement to refer the recently adopted *2010 Plan of Conservation and Development* to OPM.

**The Planner** pointed out that Statutes require the submittal of the completed *Plan* to OPM, with a statement as to how the *Plan* agrees or does not agree with the State Plan of Conservation and Development. The area of future growth above Route 7 and 35 needs to reflect the approved affordable housing development in the non-(public watershed) lands west of Route 7.

There was consensus for the letter to go forward to OPM, transmitting the new *Plan* as soon as the final printing is available.

5. **#2010-078-REV(SP):** Revision to Special Permit under Section 9.2.A.7 of the Ridgefield Zoning Regulations for expansion of existing building located at **45 South Street, ROAR Animal Shelter** in the B-2 zone. Owner: Town of Ridgefield. Appl.: ROAR. Auth. Agent: Jim DeLalla. *65-day action period ends 9/30/2010. For receipt and schedule walk.*

[Note: **Mr. Katz** recused himself from all discussion and participation on this item.]

**Chairman Mucchetti** referenced the new application for expansion of the facilities at the ROAR Animal Shelter and asked for acknowledgement of receipt of the application. She suggested a site walk for September 12<sup>th</sup> and discussion for September 14<sup>th</sup>.

**Dr. Autuori** motioned, seconded by Mr. Mische, to acknowledge receipt of the application and to schedule the site walk and discussion as suggested. The motion passed, 6-0-1, with Mr. Katz recused.

#### COMMISSION WALKS

The Commission scheduled the following item for site walk on **September 12, 2010:**

- **#2010-078-REV(SP): South Street, ROAR Animal Shelter**, Town of Ridgefield

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

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

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

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

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

- Several items pertaining to **112 Old Branchville Road** application (engineer's reports, letters, etc.)
- Email from John McCoy, P.E. re the **Binn Animal Sanctuary**, correcting his statements about the disposal of dead animals
- Letter from Dan Foley, neighbor to the Binn property, re the Special Permit for educational use
- Article from the NY Times (submitted by J.Katz) re lighting
- Notice about a meeting to be held at 7 p.m. on July 29<sup>th</sup> in the Board of Selectmen meeting room at Town Hall, re proposed improvements to Main Street in the downtown area, by CTDOT

In regard to the Binn property, **Mr. Katz** noted hearing rumors from some of the neighbors about his supposed acquaintance with Mr. Binn. He stated emphatically that he has no affiliation or friendship with Mr. Binn, and was only on the property at one time in reference to the Binn's request to adopt a dog from the ROAR facility. He has no other relationship with the Binns.

## **MINUTES**

**Mr. Mische** motioned, seconded by Mr. Fossi to approve the minutes of July 13, 2010. The motion passed, 7-0.

**Mr. McChesney** motioned, seconded by Mr. Fossi, to approve the minutes of July 20, 2010. Chairman Mucchetti pointed out an error in the vote for item #7 (7-0 instead of 8-0). The correction was accepted, and the motion to approve the minutes passed by a vote of 7-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning