

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

September 5, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: James McChesney

Also Present: Betty Brosius, Inland Wetlands Agent

At 7:32 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

1. **#2006-080-SR:** Summary Ruling application to construct driveway in wetlands and upland review area on property located at **11 Old Stagecoach Road** in the RAAA zone. Owner: E. Hunter Harrison. Appl.: Don Longo. *65-day action period ends 11/9/06. For receipt, schedule walk.*

The Chairman explained that the Agent would like to address the Board relative to this property.

Mr. Katz questioned the Planner as to whether or not this property continues to be considered a farm.

The Agent explained that it is still considered a farm, but that the reason she wanted to bring it to the Board's attention was because there have been many prior wetlands applications at this site over the years and permits have been issued, however there are several apparent violations and there has been "increased and continued encroachment into the wetlands." The Agent wanted the Board to be aware, prior to walking the site, of the prior permits issued to the site that were still outstanding or in violation. She also explained that the current owner was not the applicant for the prior permits, however, the continued wetlands encroachment needed to be addressed. She suggested

that the Board needed to speak to the applicant and the contractor at a meeting of the Board.

Mr. Katz felt that, with regard to the present application, there should be no permit required to construct the driveway, based on the fact that the property is considered a farm. He cited Sec. 4.1 under the Ridgefield wetlands regulations, which states that farming is exempted from wetlands regulations. Mr. Katz said that the statute states that the exemption “shall not be construed to include road construction or erection of buildings not directly related to the farming operations.” However, this driveway, he felt, clearly serves the purposes of the farming operation.

The Chairman said that the Agent and the Wetlands Inspector disagree with him.

The Agent said that she doesn’t disagree with much of what Mr. Katz has said, but stressed that what she has observed on the site goes far beyond the road construction.

Mr. Katz countered, saying that the agenda item is “very specific.” He felt that the Board shouldn’t go out to the site to look at other things when they are there to look at this specific application.

The Chairman asked Mr. Katz is he intended to recuse himself, as he had on previous applications on this site, and he said he did not.

Dr. Autuori said that he agreed with Mr. Katz, and felt that the only basis for looking at the request was that the construction was being called a driveway, when it may be in effect a farm road. He said that, if it is a farm road, the Board had no business looking at it.

The Agent said she intended to compile a list of activities at the site that she felt go beyond the limitations of permits previously issued by the Board. She was concerned that the limitations of previous permits have been exceeded extensively. She gave the Board the option of putting this on the agenda as a separate item for Tuesday, September 12th, and scheduling a walk related to these issues for a later date.

Mrs. Willis said that she would like to schedule everything for one walk, if the Agent could prepare the list of what needed to be looked at.

The Agent felt strongly that if the area had been a “functioning wetland” then it may need to be restored or reclaimed as such.

Dr. Autuori asked if the Agent felt it proper to use this agenda item as a basis to look at other things on the site.

The Agent repeated that she could put it on the agenda for the next meeting of the Board as a separate agenda item and the Board could walk it at a later date.

Mr. Walsh suggested the Board schedule the walk far enough out to enable the Agent to prepare the list for the Board so that everything could be looked at once.

There was ongoing discussion about whether or not it was a Show Cause issue and about how to bring it to the Board.

Mrs. Willis asked if it should be brought up as new business.

The Chairman asked if it would be a Show Cause. The Agent felt that was premature. The Chairman asked what it would be called if it were on the agenda? The Agent said that it would be called a site walk of previously permitted activities, based on the staff's request. The Chairman asked the Agent if the walks should be separated as two separate walks for two different purposes, or combined in one walk.

Mr. Katz motioned to receive the application and to raise to the agenda an amplified version of item #1 to include a review by the Inland Wetlands Board, through an on-site visit, of already permitted activities. The motion was seconded by Mr. Fossi and passed, 8-0. The site walk was scheduled for Sunday, 9/10/06.

2. **#2006-085-SR:** Summary Ruling application for excavation, filling and grading and installation of retaining walls in upland review areas on property located at **25 Lookout Point** in the RAA zone. Owner: Andrew B. Wile. Auth. Agent/Appl.: Nicholas M. Johnson. *65-day action period ends 11/9/06. For receipt, schedule walk.*

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a site walk. After some discussion, the walk was scheduled for Sunday, 9/10/06. The motion passed, 8-0.

3. **#2006-088-SR:** Summary Ruling application for drainage pipe extension, and wetlands mitigation and grading for property located at **31 Overlook Drive** in the RAA zone. Owner: Robert A. Grasso. Appl./Auth. Agent: Craig A. Studer. *65-day action period ends 11/9/06. For receipt, schedule walk.*

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application and to schedule a site walk. The walk was scheduled for Sunday, 9/10/06. The motion passed, 8-0.

BOARD WALKS – The Board acknowledged the scheduling of the following site walks:
September 10, 2006

- **#2006-061-SR:** Summary Ruling application, **61 South Olmstead Lane**, Augustadt.
- **#2006-080-SR:** Summary Ruling application **11 Old Stagecoach Road**, Harrison
- **#2006-085-SR:** Summary Ruling application **25 Lookout Point**
- **#2006-088-SR:** Summary Ruling application **31 Overlook Drive**, Grasso

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

- Letter dated August 18, 2006 from Paul Jaehnig, relating to the 61 South Olmstead application.
- Proposed walk schedule for the Inland Wetlands Board and Planning and Zoning Commission, for 2007.

MINUTES

Mrs. Willis motioned to approve the minutes of July 25, 2006, seconded by Mr. Slavin. The motion was approved by a vote of 6-0-2, with Dr. Autuori and Mr. Walsh abstaining.

Hearing no further discussion, the Chairman adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

September 5, 2006

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: James McChesney

Also Present: Betty Brosius, Director of Planning

At 7:53 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

1. **#2006-075-A:** proposed Amendment to the Ridgefield Zoning Regulations Section 305.01.C(1) – Exempt Signs, to permit posting of **temporary non-profit Community Sign Boards**. Commission Initiated. *For discussion*.

Chairman Mucchetti noted that when the Commission adopted the revision to the sign regulation which removed temporary signs, the non-profit groups felt that they had lost their voice in the community. She added that she and the Planner had been meeting with various groups trying to reach a consensus on how to address this problem. She said that they had come up with the idea of permitting community signboards at various locations throughout the Town which would enable the non-profit groups to get their message out on individual signs.

Mr. Katz asked what would be the size of the signs. The Planner explained that the 2' X 1.5' size suggested was an arbitrary number, and that it could come up for discussion. Mr. Katz said that this creates a new size category, and felt that it may be too small to accomplish their purpose.

The Planner felt that this could all be addressed at a public hearing.

The Chairman stated that members of the Design Council had investigated how other communities throughout the state are dealing with this issue. It was noted that signage

regulation is one of the most controversial issues. However, after much discussion and thought, this signboard method was seen as the most effective and acceptable way of accomplishing the goal.

Mrs. Willis suggested that maybe it would be better to reverse the 2' X 1.5' dimension to be posted horizontally as opposed to vertically.

Mr. Walsh was concerned about the overall size of the signboards and also questioned whether they would be put up and taken down as needed or permanently fixed. The Planner answered that they would remain in place. Mr. Walsh then questioned the Planner as to whether or not the size of the signboard should be regulated. The Planner said that they felt the signboards should be of varied sizes, depending on the locations they were placed in.

Mr. Walsh wanted to know who would regulate the signs that get placed on the board. Who determines whose sign goes on the signboard?

The Planner explained that the board space would be available on a first-come, first-serve basis.

After more discussion related to issuing permits for signs and what materials should be used, the Chairman impressed upon the Commission the need to begin the process, even though many details still need to be worked out.

The Commission acknowledged that the amendment would be referred to the Housatonic Valley Council of Elected Officials (HVCEO) and scheduled a public hearing for October 10, 2006. The vote was 8-0 in favor.

2. **#2006-076-A: possible Amendment to the Ridgefield Zoning Regulations for first-floor retail in CBD zone. *For discussion.***

The Planner distributed copies of New Canaan's zoning regulations related to first floor office space in their CBD zone, a use which is prohibited. This comes to the Commission because the Ridgefield Chamber of Commerce has asked the Commission to look at this.

Mr. Katz questioned whether or not this would put the Commission in a position of judging the user and not the use of the space. He asked what the Commission would be sitting in judgment of, and was concerned about fairness in issuing special permits.

Dr. Autuori noted that permission was now being granted as-of-right, and this caused him to agree with Mr. Katz's concern over fairness.

The Planner suggested that different types of offices have different requirements – offices require different amounts of parking and space and serve varied numbers of people. She cited real estate offices, medical offices, law offices, etc. Some have

people coming and going, others do not. She said that the idea of putting this on the agenda was because the Chamber had voiced its concerns, feeling that the town needs to promote more retail use of 1st floor space.

The Commission members discussed the changes happening on Main Street, and offered suggestions as to what could be behind those changes. Dr. Gelfman asked if it wasn't related to landlords raising their rents. Mr. Katz said that if tenants are leaving and new tenants are not coming in, it comes down to basic economics, and it's the law of supply and demand. "If merchandise is not selling then the price is too high." Mr. Walsh agreed, adding that if the Commission chose to discourage office space on Main Street and an economic slowdown were to take place, "We tie the hands of these landlords. Let supply and demand take care of itself."

Chairman Mucchetti wants discussion, needs more information and would like to take the discussion forward to the public informational meeting on the 26th. The Planner would like the subcommittee of the Chamber to come to one of the regular meetings.

A decision was made by consensus to invite a subcommittee of the Chamber of Commerce to attend a Planning and Zoning Commission meeting to address the Commission members.

3. **#2006-077-REV:** Revision to Special Permit under Section 312.0.E as required by Section 401.0 of the Ridgefield Zoning Regulations for approval of master plan for future camp structures at Sturges Park located in the RAAA zone at **217 Rippowam Road**. Owner: Town of Ridgefield. Appl./Auth. Agent: Philip S. Kearns, Chairman, Ridgefield Park and Recreation Commission. *65-days to schedule public hearing ends 11/9/06. For receipt, schedule walk and public hearing.*

Dr. Autuori motioned, seconded by Mr. Slavin, to acknowledge receipt of the Revision to Special Permit, concerning a master plan for future camp structures at Sturges Park. The motion passed by a vote of 8-0. The Commission scheduled a site walk for Sunday, September 24th, and recommended October 3, 2006 as the date for the public hearing.

4. **#2006-078-REV:** Revision to Special Permit under Section 312.0.E. as required by Sec. 333.0 for installation of light fixtures along park pathways in **Ballard Park on Main Street** in the CBD zone. Owner: Town of Ridgefield. Auth. Agent: Robert M. Blake, Chairman, Friends of Ballard Park Project. *65-day action period ends 11/9/06. For receipt/review/action.*

Chairman Mucchetti introduced Paul Roche, Director of Parks & Recreation for the Town of Ridgefield, and Bob Blake, Chairman of the Friends of Ballard Park.

Mr. Blake said that the original plan for refurbishment of Ballard Park would require some changes related to the lighting fixtures. He said the committee had been

approached by Phil Esser of the Historical Society, representing the feeling of that committee, that the lights chosen, while attractive, were not appropriate for Ballard Park. Mr. Esser had suggested a new style of light by Metropolitan Design, and referenced the drawings provided.

Mr. Katz motioned to approve the Revision to Special Permit regarding installation of light fixtures along pathways in Ballard Park. The motion was seconded by Dr. Autuori and passed by a vote of 8-0.

5. **#2006-079-REV:** Revision to Special Permit under Section 312.0.E as required by Sec. 410.0 of the Ridgefield Zoning Regulations for underground utilities required for construction of Building 10 and structure for two emergency generators and an electrical substation on property located at **900 Ridgebury Road/Shadow Lake Road** in the CDD zone. Owner: Boehringer Ingelheim Pharmaceuticals, Inc. Appl.: Wayne Jenson. *65-day action period ends 11/9/06. For receipt and schedule walk.*

Dr. Autuori asked what they were revising.

The Planner explained that this is primarily a relocation of some of the major utilities in the ground. There is an electrical substation that is part of the plan. This is a preamble to the R&D building that will be presented separately. She also stated that they have prepared for the Commission's walk by staking out the proposed R & D building and also the locations of these utilities, and will have a representative on site to answer questions.

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the Revision to Special Permit for installation of underground utilities and emergency generators on property owned by Boehringer Ingelheim Pharmaceuticals, Inc. The motion passed by a vote of 8-0. The Commission scheduled a site walk for Sunday, September 10, 2006.

6. **#2006-083-REF:** Referral under Section 8-24 of the C.G.S. to accept a charitable contribution of the portion of Lot 4 that lies within the Town of Ridgefield located on **Hickory Lane** within the Bard Family Trust four-lot subdivision, in the RAA zone. Town of Ridgefield. *For action.*

Dr. Autuori moved to issue a favorable report to the Board of Selectmen, to accept a charitable contribution of land located on Hickory Lane, part of the Bard Family Trust. The motion was seconded by Mrs. Willis, and passed by a vote of 8-0.

7. **Letter** from John Hardiman, Executive Director, Site Services, Boehringer Ingelheim re determination for optimum development opportunities over the next 25-30 years. *For discussion.*

The Planner explained that Boehringer contends the current regulations for floor area ratio and open space ratio are very limiting in terms of what they permit. Boehringer is asking the Commission to consider an amendment that would accommodate some

future expansion there, while at the same time recognizing that the regulations are very sensitive to open space. Currently the open space ratio is 0.80. The Planner felt that the Commission could change that to 0.70 without making a tremendous difference in the way the property looks and is used. A proposed amendment drafted by the Planner was distributed and discussed, in order to allow the Commission time to review it before it would be brought back to the agenda on September 12th.

Mr. Katz said that Boehringer is looking to grow in Ridgefield and has been very accommodating to the regulations imposed. He further stated that the Master Plan of Conservation and Development suggests that the Commission modify its corporate development district regulations to accommodate additional expansions in the CDD zone to meet the need for a corporate tax base. Since this change would affect parcels of 200 acres or more, it would allow Ridgefield to preserve the concept of meaningful, significant areas of open space without sacrificing the very best corporate neighbor we've got. He felt that many of Boehringer's personnel have educations that enrich this community in many ways.

Dr. Autuori motioned, seconded by Mr. Slavin, to schedule a public hearing for discussion of a proposed amendment to the zoning regulations, to change the floor area ratio and open space ratio for 200+ acre parcels in the CDD zone. The hearing was scheduled for October 17, 2006. The motion passed, 8-0.

8. **#2006-086-REV: Note: Submitted for draft agenda, withdrawn on 9/5/06.** Revision to Special Permit under Sec. 312.02.E. of the Ridgefield Zoning Regulations to construct a roof cricket connecting Ridgefield Hardware and the Addressi Jewelers building located at **385 and 387 Main Street** in the CBD zone. Owners: Sandra Rabin Trustee and Addressi Square LLC. Auth. Agent: Douglas MacMillan, AIA.

The item has been withdrawn, and there was no discussion.

9. Meeting with Conservation Commission to discuss subdivision regulations for "Payment in lieu of Open Space." *To be scheduled – suggest, Monday, September 18.*

Chairman Mucchetti requested that the Commission have a quorum of its members meet with the Conservation Commission on Monday, September 18, 2006, at 7:30 p.m. The Commission agreed. The Planner said that the meeting will be advertised as a Special Meeting of the Commission.

COMMISSION WALKS – The Commission acknowledged the scheduling of the following site walks:

September 10, 2006

- **#2006-073- SP:** Special Permit, **900 Ridgebury Road/Shadow Lake Road**, Boehringer Ingelheim, R&D Building addition
- **#2006-074-SP:** Special Permit, **27 Catoonah Street**, 27 Catoonah Street Associates, LLC.

- **#2006-079-REV:** Revision to Special Permit, **900 Ridgebury Road/Shadow Lake Road**, Boehringer Ingelheim, Utilities Relocation
September 24, 2006
- **#2006-077-REV:** Revision to Special Permit, **217 Rippowam Road, Sturges Park**, Town of Ridgefield

REQUESTS FOR BOND RELEASES/REDUCTION

#2005-018-R: 55 Twin Ridge Road, 6 James Street Partners, LLC, request to release bond in the amount of \$1,800.00. PD recommends 100% release.

Mr. Katz moved to approve 100% release of the bond, seconded by Mr. Walsh. The motion passed by a vote of 8-0.

MINUTES

Mr. Katz motioned, seconded by Mr. Slavin, to approve the minutes of July 25, 2006. There were a few minor corrections. The minutes were approved, as revised, by a vote of 6-0-2, with Mr. Walsh and Dr. Autuori abstaining.

Hearing no further discussion, the Chairman adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary