

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

September 15, 2009

Present: Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Phil Mische
Patrick Walsh, Vice Chairman

Absent: Rebecca Mucchetti, Chairman
Michael Autuori
Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent
Linda Caponetti, Recording Secretary

A public hearing was held prior to the meeting.

At 9:33 p.m. Vice Chairman Walsh called the meeting to order.

PENDING ITEMS

1. **#2009-062-PR:** Plenary Ruling Application required by Section 7.6 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for regulated activities within the upland review area in conjunction with site development for a single family residence and septic system on property located at **Water's Edge Way** in the RA zone. Owner/Apl.: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 7/21/2009. Walked 9/13/2009. Public hearing commenced 9/15/2009.*

Vice Chairman Walsh noted that the public hearing was continued to 10/20/09 and there was no discussion.

2. **#2009-073-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for installation of trenches for a GeoThermal heating and cooling system on property located at **81 Lakeside Drive** in the RA zone. Owners: Christopher Froehlich and Grace D'Onofrio. Appl.: Christopher Froehlich. *65-day action period ends 11/12/2009. Received 9/8/2009. Walked 9/13/2009. For action.*

Applicant/homeowner Christopher Froehlich and contractor Carmencita DeAguiar were present to address the item.

Chairman Walsh invited the applicant, Christopher Froehlich to explain the application after noting that the Board had walked the property on 9/13/09 and saw

the stakes and lines marking proposed trench locations.

Mr. Froehlich said they are proposing to install a new thermal heating and cooling system. The difficulty is that the only flat location on their property is in the wetlands.

Mr. Katz asked if Mr. Froehlich was doing the work himself. Mr. Froehlich said he is acting as the contractor with Carmencita DeAguiar and her company doing the work. Mr. Froehlich described the system as a closed loop system, with no cross contamination.

Mr. Walsh asked the applicant what would happen if the system leaked. Mr. Froehlich said that they would lose pressure. He continued describing the system, which he said is a water and ethanol- based system. Ms. DeAguiar said that it uses only 20% ethanol.

Mr. Walsh asked how they would know if the system was losing pressure. Was there an alarm? he asked. The applicants said that the heat pump would stop. There are no connections, they said; just one pipe.

Mr. Katz asked Ms. DeAguiar how many systems like this she had installed in wetlands. She had not installed any by herself, but she has worked for another contractor, and had taken a course on the system installation.

Ms. DeAguiar stressed that there would be no connection inside the heat exchange itself. The connection would be inside the basement. Mr. McChesney asked if it would be one long, continuous system. Mr. Froehlich said the system was pressure tested. Mr. Katz asked for confirmation that there would be no joints. Ms. DeAguiar said that was correct.

Mr. Fossi commented that the reports from the Conservation Commission and Wetlands Inspector Aimee Pardee both say that the northwest property line should be staked by a surveyor to make sure that the machinery and trenches are not encroaching on the adjacent open space. Work should be done with a small backhoe. He asked what size machine they will be using. Ms. DeAguiar said a 36" machine will be used, and an even smaller one if necessary.

Mr. Fossi noted that the Board noticed a stockpile area. The Conservation Commission and the Wetlands Agent recommend putting the stockpile material on a tarp and reseeding the disturbed area with a wetlands mix, he said. Mr. Froehlich said he might also install a silt fence, to delineate the work area. He said that they indicated on the drawing where they would like the trenches to be, ideally. However, he said, they need some flexibility on their location, "as long as it's within the property lines."

Mr. Fossi asked what they planned to do if they hit groundwater. The applicants said they would need to adjust the position of the trenches. Mr. Katz asked if that meant

that the trenches could meander all over the wetland.

Ms. DeAguiar said one trench 22 feet and one is 16 feet in length. Ms. DeAguiar said she can make adjustments as the work is being done. Mr. Mische felt the Commission needed definitive locations for the trenches. He also questioned the use of the “Slinky” pipes – don’t those have joints that you have to be welded with solvent?

Ms. DeAguiar said that is usually true, but they are installing two separate systems – one for the upstairs, one for the downstairs. The slinky will have two separate trenches and systems, she said.

Mr. Mische asked for absolute confirmation that there will be no joints. That was correct, Ms. DeAguiar said, “Absolutely no joints.” “No tails,” Mr. Mische asked. “Absolutely not,” Ms. DeAguiar said. Mr. Mische asked how much working fluid there would be. Ms. DeAguiar said about 9 – 12 gallons per system, with 18 -20% ethanol.

Mr. Mische asked how the Commission can be assured that if the system leaks, they will know (other than the heat pump turning off). Ms. DeAguiar said, if there is a leak, any joint is going to be in the basement, and the pressure will drop, activating an alarm system. Mr. Mische asked what the alarm consisted of. There is a light and a ringer, Mr. Froehlich said.

Mr. Mische asked about the possibility of hitting groundwater. **Agent Brosius** commented that digging down 6 ft. in the wetland will almost definitely result in contact with groundwater. She asked how the applicants could complete the job if they ran into groundwater. Ms. DeAguiar said that, when they backfill the trench, it will become dry. Dr. Gelfman commented that it didn't matter if a pipe is run through groundwater.

Mr. McChesney agreed, and asked the contractor why she would move the pipe to avoid groundwater. Ms. DeAguiar explained that, if there is a lot of water, the ground is not stable. For the heat transfer to be effective, the soil needs to be in contact with the pipe.

Mr. McChesney said that the trench could cave in with excessive water. Ms. DeAguiar said that was also correct. He asked Ms. DeAguiar if the Commission could request that she not relocate the trench unless there is an extreme case of groundwater infiltration. Ms. DeAguiar said she would not move the trenches unless the soil was very unstable. Mr. Froehlich stressed how limited their options are on the property.

Mr. Katz asked him if he had considered a well system. Mr. Froehlich said they had considered one, but it was prohibitively expensive. The applicants said the well system is an open loop system, which is inferior. Mr. Katz agreed, but noted the

difficulty with laying out the proposed system on the property.

Chairman Walsh noted letters from the Conservation Commission (CC) and Wetlands Agent/Inspector Aimee Pardee at the table. He invited Susan Baker from the CC to speak to their concerns, if they had not already been covered. She declined, based on the fact that the CC had not walked the property.

The Agent was in agreement with the comments from the CC and Ms. Pardee. In addition, she spoke to the homeowner and requested an “as built” survey at the completion of the project, showing the actual location of the pipes. She said the applicant was agreeable to this. The Agent felt it was important for the record and for any future homeowner to know exactly where the pipes are located. Also, she reported, the Health Department is interested in the location of the pipes relative to the septic system. Finally, the Agent requested a condition of approval indicating that the applicants do not have permission to “dig up the whole backyard looking for a suitable space.” “Trenches shall be approximately in the location shown in the field,” was the wording she suggested, and the Commission must receive notification of any changes of location, she added.

Mr. Mische was not comfortable using the word “approximately” with regard to the trench locations, and requested a definitive number (plus or minus). The Agent suggested specifying the location, “as shown on the plan.”

Mr. Katz motioned, seconded by Mr. Fossi, to draft a resolution of approval with conditions as recommended by Agent/Inspector Pardee, the Conservation Commission, and Agent Brosius.

Mr. Katz said the basic rationale for his motion to approve the application was that the project was reviewed by Brian Roche, who has done “some of the highest quality and most respected work on water management” as an engineer for Aquarion Water Supply. According to Mr. Katz, Mr. Roche said that, if the project is done as proposed, he has no problems with it. Mr. Mische pointed out that Mr. Roach’s comments were directed toward potential impact to the public water supply, but the Board should be concerned with the wetlands from a broader perspective.

Mr. Fossi asked for measurements of the trench location from the property line. Mr. McChesney requested, instead, a cap specifying a minimum distance from the property line. Mr. Froehlich said they don't want to “hug the property line” to avoid the potential for machinery venturing over the property line. A minimum of 5 ft. from the property line was the distance agreed upon.

Chairman Walsh said he was certain that the motion included the standards and criteria set forth in Sec. 10.2 of the regulations relative to the potential short term effects, long term effects and loss of irreplaceable and irretrievable resources. All agreed that the temporary disturbance was in conformance with the regulations.

The motion for the draft resolution of approval, made by Mr. Katz with a second my Mr. Fossi, passed by a vote of 6-0.

The item will appear for final action on the 9/22 agenda.

NEW ITEMS

3. **#2009-080-SR:** Summary Ruling application under Section 7.5 of the Inland Wetland and Watercourses Regulations for the Town of Ridgefield to conduct regulated activities within the wetlands and upland review area for installation of a residential driveway within an existing easement on property located at **6 Ivy Hill Road** for access to **105 Branchville Road**. Owner: St. Andrew's Evangelical Lutheran Church. Appl.: Andrew M. Bodner. Auth. Agent: Elizabeth Evans, Evans Associates Environmental Consulting, Inc. *65-day action period ends 11/19/2009. For receipt and schedule walk.*

Vice Chairman Walsh asked for acknowledgement of receipt of the application, and suggested a site walk for 9/27/09.

Mr. Katz motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule the site walk as suggested. The motion passed, 6-0.

BOARD WALKS

The following site walk was scheduled for **September 27, 2009:**

- **#2009-080-SR:** Summary Ruling **6 Ivy Hill Road**, St. Andrew's Evangelical Lutheran Church.

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2007-104-SR:** request for release of \$1,500.00 bond, **46 Blackman Road**, Munroe. *IWA recommends 100% release.*

Mr. Katz motioned, seconded by Mr. McChesney, to release the bond as recommended by IW Agent Pardee. The motion passed, 6-0.

CORRESPONDENCE

The Agent pointed out the following correspondence:

- Second Notice of Violation to Tom Sturges, sent 9/14/09, for wetlands activity with no permit on house lot located on **Spectacle Lane**

MINUTES

Mr. Mische motioned, seconded by Mr. Katz, to approve the minutes of September 1, 2009. The motion passed, 4-0-2, with Mr. Fossi and Mr. Walsh abstained.

Hearing no further discussion, the Chairman adjourned the meeting at 9:46 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

September 15, 2009

Present: Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Phil Mische
Patrick Walsh, Vice Chairman

Absent: Rebecca Mucchetti, Chairman
Michael Autuori
Peter Chipouras

Also Present: Betty Brosius, Director of Planning
Linda Caponetti, Recording Secretary

*An Inland Wetlands Board public hearing was held prior to the meeting.
At 9:47 p.m., Vice Chairman Walsh called the meeting to order.*

PENDING ITEMS

Mr. Katz motioned, seconded by Mr. Mische, to address item #3 first. The motion passed, 6-0. The remainder of items on the agenda were addressed in order.

1. **#2009-069-REV(SP):** Revision to Special Permit under Section 9.2.A.7.ii. of the Ridgefield Zoning Regulations for a sign on the existing building located at **1 Ethan Allen Highway** (Snap Fitness 24-7) in the B-1 zone. Owner: Edward C. Keough. Appl./Auth. Agent: Hector Rosado. *Received 9/1/2009. Walked 9/13/2009. 65-day action period ends 11/5/2009. For action.*

Vice Chairman Walsh referenced communications from the applicant stating his acknowledgement that it is a mansard roof. The applicant had been informed by staff that the roof sign is not permitted in the regulations. He will withdraw his request for a sign on the roof and instead replace the sign face of the “Little Gym” sign in its current location, hanging under the edge of the mansard roof. A revised plan had been sent by e-mail for the Commission’s review. The Planner confirmed that the sign will have a light background with dark letters.

Mr. McChesney motioned, seconded by Mr. Katz, to approve the sign with white background and red and gray lettering, as presented. The motion passed, 6-0.

NEW ITEMS

2. **#2009-076-A:** Proposed Amendment to Sections **3.2.C.6 and 2.2** of the Ridgefield Zoning Regulations for the expansion of the adaptive reuse regulations and new definition of “streetscape”. Appl.: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 11/19/2009. For receipt and schedule public hearing.*

Vice Chairman Walsh asked for acknowledgement of receipt of the application. The **Planner** suggested 10/20/09 for the public hearing.

Mr. Mische motioned, seconded by Mr. McChesney, to acknowledge receipt of the application and to schedule the hearing as suggested. The motion passed, 6-0.

3. **#2009-077-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e. of the Ridgefield Zoning Regulations to waive fees for temporary signage on property located at **472 Main Street and 25 Prospect Street** and permit an oversized temporary event banner on property located at **25 Prospect Street** in the CBD zone. Owner: Ridgefield Library. Appl./Auth. Agent: Robert Leavitt, President, Friends of the Ridgefield Library. *65-day action period ends 11/19/2009. For receipt/discussion/action.*

Vice Chairman Walsh introduced Bob Leavitt of the Friends of the Library, present for the application.

Planner Brosius explained that the library is allowed two temporary signs for the semi-annual book sale, because they own both the library building and the former Webster Bank building (the Old Playhouse) on two separate lots. The existing temporary sign facing Main Street (used several times in the past) is permitted because it is the correct size. The proposed banner to hang on the pillars of the Old Playhouse building is slightly larger than permitted under the regulations, and is subject to the Revision to the Special Permit. The Planner suggested that any approval of the sign for the Old Playhouse building be written to allow the temporary sign (or banner) to be posted semi-annually, for the two book sales held every year.

Mr. Katz motioned, seconded by Mr. Mische, to approve the banner sign for the Old Playhouse building site, and to state that the approval applies to the posting of the sign for each of the Friends’ book sales. The motion passed, 6-0.

The Commission had no objection to the waiving of the fees for the application and for the temporary signs for the book sale.

4. **#2009-078-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e. of the Ridgefield Zoning Regulations for wall signage on building located at **467 Main Street (CVS)** in the CBD zone. Owner: EAL Associates. Appl./Auth. Agent: Lorence Signworks. *65-day action period ends 11/19/2009. For receipt/discussion on*

9/22/2009.

Vice Chairman Walsh noted that the drawings for the sign would be reviewed by the Village District Consultant on 9/22/09, and asked for acknowledgement of receipt of the application.

Mr. Mische motioned, seconded by Mr. Katz, to acknowledge receipt of the application.

Mr. Katz asked if “Beauty 360” was the name of a product. The Planner said it was not. It is the name of the particular section of the store, she said. A comparison was drawn to a similar situation with a Main Street jewelry store -- Addressi -- putting Rolex on the awning. Discussion about the “Beauty 360” brand followed, with Mr. Katz questioning whether it was a brand name or a store name. The Planner gave several examples of similar instances of a store within a store. Under questioning by Mr. Katz, she said that this portion of the store did not have a separate entrance.

The motion to receive the application passed, 6-0. The item will be reviewed following receipt of comments from the VDC.

5. **#2009-079-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e. required by Section 7.2.E.3 of the Ridgefield Zoning Regulations for wall signage on building located at **9 Ethan Allen Highway** in the B-1 zone. Owner: Erin Properties, LLC. Appl./Auth. Agent: Joseph Fossi. *65-day action period ends 11/19/2009. For receipt/discussion/action.*

[Note: Mr. Fossi recused himself from discussion on this item and left the room.]

Vice Chairman Walsh noted that the application was for signage for the three upper floor tenants at the subject address. The Planner explained that the application for Revision to the Special Permit requested two sets of wall signs, one set to be mounted under the three double windows on the second floor (front of the building) and the other signs to be placed on the south side wall of the building.

Mr. Katz motioned, seconded by Mr. McChesney, to approve the signs as presented and shown in the photos. The motion passed, 5-0-1, with Mr. Fossi recused.

6. **#2002-63-S-SR:** request for 3 year extension of time in which to complete subdivision improvements on property located at **Great Hill and Limestone Roads**. (Seven Oaks Subdivision) Owner: Basha Szymanska. Auth. Agent: Robert A. Fuller, Esq. *For action.*

[Note: Vice Chairman Walsh recused himself from discussion on this item. The Planner explained the request, and the Commission took action as noted.]

The Planner briefly explained that a two-year extension for completion of the

subdivision improvements had been granted previously, and the applicant was asking for an additional three years. A bond has been posted for the road construction, but the road is only partially finished.

Mr. Fossi motioned, seconded by Mr. Katz, to grant the three-year extension as requested. The motion passed, 5-0-1, with Mr. Walsh recused.

7. **#2009-081-SP:** Special Permit under Section 9.2 required by Section 3.3.D.1 of the Ridgefield Zoning Regulations for the Town of Ridgefield to permit construction of an accessory dwelling unit within the existing single-family residence on property located at **26 Pond Road** in the RAA zone. Owners/Appls.: Fred and Nancy Fields. *65 days to commence public hearing ends 11/19/2009. For receipt, schedule walk and public hearing.*

Vice Chairman Walsh asked for acknowledgement of receipt of the application, and the Planner suggested 9/27/09 for a site walk and 10/13/09 for a public hearing.

Mr. Katz motioned, seconded by Mr. Fossi, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 6-0.

COMMISSION WALKS

The following item was scheduled for site walk on **September 27, 2009:**

- **#2009-081-SP:** Special Permit **26 Pond Road**, Fields.

The following item had been previously scheduled for site walk on **September 27, 2009:**

- **#2009-074-SP:** Special Permit **72 Revere Drive**, McGoey

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2007-006-PR-SP:** request for release of \$2,500.00 bond, **21 South Street**, South Medical LLC. *PD recommends 100% release.*

Vice Chairman Walsh introduced the item and noted the Planner's recommendation for release of the bond.

Mr. Fossi motioned, seconded by Mr. Mische, to release the bond in full as recommended by the Planner. The motion passed, 6-0.

CORRESPONDENCE

The Planner pointed out the following correspondence:

- Draft copies of chapters 4,5,6 and 8 from the update to the POCD, sent by consultant Planimetrics (more chapters to arrive next week, in time for discussion with consultants on 9/27/09)

MINUTES

Mr. Mische motioned, seconded by Mr. McChesney, to approve the minutes of September 1, 2009. The motion passed, 4-0-2, with Mr. Fossi and Mr. Walsh abstained.

Vice Chairman Walsh asked the Commission to add another item to the agenda, pertaining to the Village District Consultant (VDC).

Mr. Katz motioned, seconded by Mr. McChesney, to add the item as requested. The motion passed, 6-0.

The discussion centered on the fact that the VDC is dispensing incorrect information to applicants about zoning regulations. In this case, the VDC informed the applicant (CVS) that a separate entrance was needed for the Beauty 360 portion of the store. The Planner learned of this, and found that the sign contractor had already notified the store, and the message had been sent to the corporate offices where they were talking about the need to redesign the building.

The Planner had to send a notice to the sign contractor, to be forwarded to the CVS representatives, that there was no requirement for a separate door, and that it was the purview of the VDC to review the aesthetics of the sign only.

Mr. Walsh noted that the VDC serves a valuable function and dispenses very good comments and recommendations to applicants, but this is another example of where they have taken it upon themselves to interpret zoning regulations and have over-stepped their responsibility. They should not be interpreting the zoning regulations. This should be discussed on 10/13/09 when the Commission meets with the VDC in joint session, to discuss the by-laws.

Hearing no further discussion, the Chairman adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary