

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

October 3, 2006

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

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

Public hearings were held prior to the meeting.

At 9:58 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-048-SR:** Plenary Ruling application to conduct regulated activities in upland review area for construction of a single-family two-bedroom residence. Property located on west side of **Wilton Road East**, north of intersection with Split Level Road in the RA Zone. Owner: Earl A. Burchard. Auth. Agent/Appl.: Richard E. Kent, ASLA, Environmental Design Associates, PC. *Received 5/23/06, walked 6/4/06. Raised to Plenary Ruling June 6, 2006. Public hearing commenced 7/5/06, continued to 9/5/06 with granted extension, continued to 10/3/06 with granted extension. 35- day action period ends 11/7/06. For action.*

Chairman Mucchetti asked the Board members if they would like to discuss the application, or if they would like an additional week to review the materials.

Dr. Autuori motioned, seconded by Mrs. Willis, to table discussion until 10/10/06. The motion passed, 9-0.

NEW ITEMS

2. **#2006-100-WV:** mitigation plan for wetlands disturbance on property located at **11 Old Stagecoach Road** in the RAAA zone. Owners: Hunter and Jeanne Harrison. Auth. Agent: Donald Longo. *Discussion/action.*

Kate Throckmorton of Environmental Land Solutions was introduced. She gave a detailed description of the mitigation plan which would address the Board's many

concerns related to wetlands disturbance on this property. She referred the Board to a color drawing of the property, explaining area by area how the wetlands restoration would be implemented. She noted that the Wetlands Board felt that any work which had interrupted or confined the watercourse near the Derby Field needed to be mitigated.

Ms. Throckmorton then explained that pipes are being taken out, the swale is being reconstructed, and pipes are being day-lighted. She said they hope to have all the water coming off the hill remain on the surface, so that it can work in with the topsoil and vegetation and infiltrate back into the ground naturally. The plan attempts to mimic what was there before the earthwork began.

In addition, she reported that there had been some additional drainage work done around the riding ring. After it was approved, it was discovered that the drainage in this vicinity didn't have any easements or right to drain onto this property. There were some concerns raised over piping that drained through the riding ring, as there didn't seem to be any control over the source, or the cleaning or the maintenance of the catch basins. A legitimate concern, she felt, was raised over what would happen if the pipe were to become clogged. She acknowledged that, without consulting the Wetlands Board, the homeowner and the contractor met with the Dept. of Public Works, which resulted in this drainage being subsequently rerouted, in conjunction with septic work, and reworking for the barn and the house. She explained that some of the things she'd done to deconstruct were designed to get the water back on the surface without interfering with the septic, or the drainage issues or the legal issues surrounding this construction. She said they propose to cut the pipe back 20' – 25' to construct a heavily planted catch basin area, and they plan to take the catch basin in the gravel driveway offline. Aside from that, there is a plan to create a more defined swale and plant it with wetland grasses. They will be adding trees and plantings. "I think that this plan will essentially really restore the water regime back to this area, in the function that it had.," Ms. Throckmorton said.

Dr. Gelfman asked if the cool off ring was part of the original plan, and also if it follows the contour of the land at existing grade level.

After some discussion about the grade level and the welling of some trees, and also whether or not some of the trees that had been involved in the grading were going to survive, Ms. Throckmorton said, "This area's going to be back at grade when we're done."

Ms. Willis asked about the catch basins, wanting to determine if they were deep enough to be cleaned out regularly. Ms. Throckmorton answered, "Absolutely." Not only were all the catch basins rerouted so that pipes were located in an area where they could be accessed if they got clogged, but all the catch basins and the manholes have sumps in them, affording ample opportunity to get a significant amount of sediment out of the water before it gets to the end of the pipe. Mrs. Willis asked that

Ms. Throckmorton indicate on the map for the permanent record where all the day-lighted pipes are located.

Following the completion of the presentation and questions by the Board, **Chairman Mucchetti** asked the Agent for advice on how to proceed with the proposed mitigation plan.

The Agent recommended that the Board endorse the plan and allow the mitigation work to continue, and to require the applicant to retain the consultant for continued weekly supervision and preparation of field reports for submission to the Town. In the meantime, a formal approval of the plan, with conditions, could be drafted by the Agent for review and adoption by the Board on 10/10/06. The Agent recommended that a bond be required from the applicant, at least a portion of which should be left in place through the next growing season in 2007.

Mr. Katz motioned to proceed with drafting a formal approval of the mitigation plan, as recommended by the Agent. The motion was seconded by Dr. Autuori, and the motion passed, 9-0.

3. **#2006-103-SR:** Summary Ruling application for filling of wetlands and uplands for construction of single family residence and garage on property located at **20 Peaceable Street** in the RA zone. Owner/Apl.: AMD Homes, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *65-day action period ends 12/7/06. For receipt and schedule walk.*

Dr. Autuori motioned, seconded by Mr. Slavin, to acknowledge receipt of the application and to schedule a site walk.

There were several minutes of discussion regarding the best date for a site walk, and it was finally decided that the walk would be scheduled for October 15th, with a few members walking individually because they were not available on that date.

The motion made by Dr. Autuori passed by a vote of 9-0.

BOARD WALKS

The Board scheduled the site walk for **#2006-103-SR:** Summary Ruling application, **20 Peaceable Street**, AMD Homes, LLC for Sunday, October 15, 2006, as noted in #3 above.

REQUESTS FOR BOND RELEASE / REDUCTION

#2005-074-SR: request for release of bond in the amount of \$14,200.00 for property located at **520 Ridgebury Road, St. Elizabeth Seton Church**. *IWA recommends reduction to \$2,000.00.*

Mr. Katz motioned, seconded by Mr. Slavin, to reduce the bond as recommended by the Agent. The motion passed, 9-0.

CORRESPONDENCE

There was no correspondence noted.

MINUTES

Mr. Katz motioned, seconded by Dr. Autuori, to approve the minutes of 9/5/06. Chairman Mucchetti offered a few minor corrections that were accepted as part of the motion to approve. The motion passed, 9-0.

Dr. Autuori motioned, seconded by Mr. Katz, to approve the minutes of 9/19/06. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:22 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

October 3, 2006

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

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

Public hearings were held prior to the meeting.

At 10:23 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

Note: **Chairman Mucchetti** pointed out the remaining members of the audience who were present for items #7 and #8 on the agenda. She suggested that the Commission move those items to the beginning of the agenda, for the benefit of the small audience.

Dr. Autuori motioned, seconded by Mr. McChesney, to move #7 and #8 to the top of the agenda. The motion passed, 9-0. The remaining agenda items were discussed after #7 and #8.

1. **#2006-073-SP:** Special Permit Application under Sec. 312.0 required by Sec. 410.0. of the Ridgefield Zoning Regulations to construct a 99,786 s.f. building expansion (Building 10) to the existing Research & Development facility located on Boehringer Ingelheim property at **900 Ridgebury Road/Shadow Lake Road** in the CDD zone. Auth. Agent/Appl.: Wayne Jenson. Owner: Boehringer Ingelheim Pharmaceuticals, Inc. Received 7/18/06. Public hearing commenced 9/19/06, continued 10/3/06.65 day action period ends 12/7/06. For action.

Mr. Katz asked that the acreage be accurate on all the documents the Commission was reviewing.

Mr. McChesney motioned, seconded by Dr. Autuori, to draft an approval of the application, with standard special permit conditions. Mr. Katz asked that all the

documents and charts be corrected to reflect the acreage shown on the survey, 239.4301 acres. The Chairman noted that the discussion and concerns of the Commission at the first public hearing on September 19th covered the major items that should be included in the conditions.

The motion to draft a resolution of approval passed by a vote of 9-0.

2. **#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 including revisions to previous approvals 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. *Received 9/5/06, walked 9/24/06. Public hearing commenced 10/3/06. 65-day action period ends 12/7/06. For action.*

Mr. Katz said he had given this much thought and he was troubled by the fact that the road had been fine to serve the site originally when there was nothing else but the park, but that now it comes into question since other usages have been added (namely the Kimberly Court development).

He cited paragraphs from Section 312.02.C of the zoning regulations for special permits, “considerations for approval”:

1) “... the location, size, and intensity of the proposed use or usage and the size and location of the site shall be in harmony with the orderly development of the district in which it’s located.” He felt the answer was clearly “Yes”.

3) “...streets and other rights of way shall be of such size and condition and capacity to adequately accommodate the traffic to be generated by the particular proposed use.” Mr. Katz pointed out that this particular proposed use has not changed, There are no new uses being proposed for this site, which has been served by this road since it began its use in this capacity, he continued. Additionally, it could be said that since this site was originally 72 acres and is now only 42 acres, that this road leads to a less intense potential for use than before, and that, therefore, the road that was adequate before continues to be adequate for this site.

4) “.....proposed uses shall not impair the public safety or welfare.” Mr. Katz maintained that the proposed usage has to do with the property at the end of the road, not the road itself, and there is nothing about the use of this property that is being proposed that is contrary to public health, safety, or welfare. There is nothing new about the proposed use. It is just about bringing back to its old glory the number of cabins and lean-tos and pavilions that were there before. Mr. Katz concluded by saying that he felt that the Commission would in no way be transgressing its own mandate in considerations of approval.

Mr. Katz motioned, seconded by Mr. Walsh, to draft a resolution of approval for the application as it was presented, citing reasons that supported the “considerations for approval” in Sec. 312.02.C of the zoning regulations. The motion for the draft resolution passed by a vote of 9-0.

3. **#2006-096-REV: 563/593 Main Street:** (1) request for revision of previously approved subdivision and (2) review of appraisal for calculation of payment in lieu of open space. Owners: Joseph R. and Eileen Coffey and Richard Mele. *65-day action period ends 11/23/06. Received 9/19/06. For discussion/action.*

Chairman Mucchetti informed the Commission that the applicant had hired legal counsel, and that counsel for the Commission and the applicant’s counsel were discussing whether the subdivision could be legally modified as the applicant requested, and still protect the Town. She requested that the application be tabled until 10/10/06.

Mr. Katz motioned, seconded by Dr. Autuori, to table discussion until 10/10/06. The motion passed, 9-0.

NEW ITEMS

4. Babe Ruth Field at **Playground Road**, property owned by Branchville Civic Assoc and leased by the Town of Ridgefield. c/o Director of Planning. *For discussion.*

Chairman Mucchetti asked the Planner to explain this agenda item.

The Planner referenced her memo to the Commission of September 20, and explained that excavation activity at the ball field site, in the area adjacent to the concession stand, was halted by the Planning and Zoning office because work was proceeding without permits. The letter attached to the memo, written by Stefano Zandri, explained that the Babe Ruth League was trying to create a turnaround for cars because the road was narrow and difficult to maneuver with cars parked there for games. The excavation was for a turnaround, and they would put out a few tables behind the concession stand for people buying food. The Planner brought the item to the Commission’s attention because (at the Commission’s discretion) it might be determined that a Special Permit was required.

Dr. Autori commented that what they have done was actually an improvement.

The Chairman noted that it was the second time that they have made improvements without permits.

Ms. Willis asked about the bathroom because of a coliform count that had been noted. The Planner said that a whole new septic system and bathroom had been installed.

The Chairman once again noted that work must be approved by the Commission before commencement of construction.

After brief discussion, the Commission decided by consensus that the current work was minor and insignificant, but that a stern letter should be sent to the Babe Ruth organization to explain the need for Commission review of changes to the park and facilities.

5. **#2006-098-REV:** revision to Special Permit under Sec. 312.0 as required by Sections 416 and 329 of the Ridgefield Zoning Regulations to replace a double window with an access door and add a 11'x42.5 wide concrete patio including fence, gates, exterior lighting and drainage on property located at **640 Danbury Road, Ridgefield Crossings** in the RCDD zone. Owner: IREIF III Ridgefield SH LLC. Appl.: Michael S. Waleryszak. 65-day action period ends 12/7/06. For receipt /action.

The Commission members who had visited the site were extremely impressed with the work.

Mr. McChesney motioned, seconded by Mr. Katz, to approve the application as submitted. Dr. Autuori asked that a reference to the exterior lighting regulations be included in the approval. The Planner noted that the application was extremely well prepared, and easy to understand.

The motion to approve the application passed by a vote of 9-0.

6. **#2006-099-REF:** referral under Section 8-24 of the Connecticut General Statutes to sublease property to the **Woodcock Nature Center** located in Ridgefield and 56 Deer Hill Road, Wilton. Owner: Town of Ridgefield. For comment.

Mr. Katz motioned, seconded by Mr. Slavin, to send a favorable report to the Board of Selectmen on the 8-24 referral for sublease of the property at the Woodcock Nature Center. The Chairman noted that part of the property is in Ridgefield, and part in Wilton. The sublease deals with the Ridgefield portion.

The motion passed by a vote of 9-0.

7. **#2006-101-REV:** revision to Special Permit to allow 4 temporary and portable field lighting units on practice field located in the RA zone at **10 East Ridge, East Ridge Middle School**. Owner: Town of Ridgefield. Appl.: Ridgefield Youth Football. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. 65-day action period ends 12/7/06. For receipt/discussion/action.

(Note: The discussion for items #7 and #8 was handled at the beginning of the agenda, and because the request for both items is the same (but in different locations), the discussion was combined. It was acknowledged that public hearings, if required,

would have to be separate because of the different locations and different abutting property owners and neighbors involved in each.)

Mr. Jewell mentioned that they had found, since they filed the application, a different type of temporary light that doesn't require a generator.

Mr. Mirra talked about how many boys are playing football and how many cheerleading squads support them, and how practice time is affected starting around Oct. 1, when lighting gets to be a problem. He said that the season ends at Thanksgiving.

Dr. Autori said that the regular field lights seemed to him to be sufficient.

Mr. Mirra explained why he feels the lights are needed. He said, on certain days, he needs to separate the players into different areas, and, at those times, the area in the back corner of the field is too dark. He offered the option of putting portable lights only at East Ridge. He said that there was only one lit field in town besides Tiger Hollow, which is rarely available to them. He said he thought only one light would suffice, as opposed to the four requested on the application.

Mr. Katz asked about how much time the lights were going to be on.

Mr. Jewell answered, saying they would be on from 5:00pm – 8:30pm from Oct. 1st to just before Thanksgiving.

There was talk of cost comparisons in terms of purchasing vs. renting. Mr. Mirra said he was going to try to rent, but there was no one in this area that carried these lights.

Mrs. Willis questioned Mr. Mirra about the height of the lights, and he said they were retractable in height. Some discussion ensued.

The Planner brought up her concerns about the intensity and brightness of these lights.

Dr. Autori wanted to know if there were any such lights that the Commission could look at. He also stressed that he felt the Commission was jumping the gun to think that no public hearing would be needed for this. He felt it was inadvisable to rush into a decision. Mr. Katz heartily agreed. Dr. Autori felt that the tranquility of the neighbors could be disrupted, and he wanted to give those neighbors a chance to come in and speak. He didn't feel the Commission should proceed at this point, and stressed that, even though it was for a good cause, this application needed to be handled in an orderly manner. He said it was great to be doing something good for the kids, but not if it is harmful to the neighbors. They need to be protected, he felt. He would move to raise this to a public hearing and get it on the agenda as soon as possible.

Mr. McChesney wanted a light rented and installed in order that the Commission and the neighbors could see what exactly is being proposed, so that they could come to an informed decision.

Mr. Jewell said he felt that, since there already are lights at the Old High School site, a public hearing might not be necessary.

The Chairman said that what is being proposed now is so much closer to the road and the neighbors, and the lights are so intense. She also noted that this application is requesting permission to put these lights up every year, not just this year.

Mr. Jewell said that all the sports organizations want to have lights somewhere, and he suspects that some permanent lighting plans will come before the Commission in the near future.

The Planner said that the proposed regulations are very specific, distinguishing between an illuminated recreational use and a non-illuminated recreational use, and one is a special permit and the other is not. The intent of this Commission is to require a special permit for lighting for recreational facilities.

Dr. Autori said that it should be fairly easy to borrow one of these lights if there is the intent to purchase one.

Mr. Katz said that this is a request for a revision to a special permit that will affect a lot of taxpayers, and everyone needs to be protected, including the Commission in its decision making process.

The Chairman asked the Commission if this was the consensus and that was affirmed, with a dissent from Dr. Gelfman, who wanted to install a light and try it out for the season.

The Planner wanted clarification as to whether or not the lights to be purchased needed a generator.

Mr. Mirra asked when this could go to a public hearing. The Planner was looking at Oct. 24th, and Mr. Mirra asked for time to call the company first to see if they could get a light here in time.

Mr. Walsh asked if these lights meet the Town's regulations.

After much discussion, Mr. Jewell said that Mr. Mirra would call the lighting company to see if they could provide specs, so that the Commission could see if they will meet our regulations.

Dr. Gelfman asked the Commission to look into what was approved for the site at 901 Ethan Allen Highway.

After much discussion, the Commission agreed by consensus to tentatively schedule a public hearing for Tuesday, October 24, 2006, to allow neighbors to comment on the proposal.

8. **#2006-102-REV:** revision to Special Permit to allow 4 temporary and portable field lighting units on practice field located in the RA zone at **66 Prospect Street, (Old High School)**. Owner: Town of Ridgefield. Appl.: Ridgefield Youth Football. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 12/7/06. For receipt/discussion/action.*

(Note: The discussion for items #7 and #8 was handled at the beginning of the agenda, and because the request for both items is the same (but in different locations), the discussion was combined. It was acknowledged that public hearings, if required, would have to be separate because of the different locations and different abutting property owners and neighbors involved in each.)

After much discussion, the Commission agreed by consensus to tentatively schedule a public hearing for Tuesday, October 24, 2006, to allow neighbors to comment on the proposal.

COMMISSION WALKS

There were no walks scheduled.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence noted.

MINUTES

Dr. Autuori motioned, seconded by Mr. Katz, to approve the minutes of 9/5/06. Chairman Mucchetti offered a few minor corrections that were accepted as part of the motion to approve. The motion passed, 9-0.

Mrs. Willis motioned, seconded by Mr. Fossi, to approve the minutes of 9/19/06. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 11:00 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary