

APPROVED/REVISED  
MINUTES  
INLAND WETLANDS BOARD

October 11, 2005

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

Absent: Walter Slavin

Also Present: Betty Brosius, Inland Wetlands Agent

*A continued public hearing was held prior to the meeting.*

Note: At 8:40 p.m., following the continued Planning and Zoning public hearing, Chairman Mucchetti asked the Board to convene the Planning and Zoning Commission meeting first in order to accommodate an item under correspondence on that agenda, because there was an audience member present to discuss the correspondence with the Commission. Mr. Katz motioned, seconded by Mr. McChesney, to review the item out of order. The motion passed 8-0.

At 9:10 p.m., Chairman Mucchetti reconvened the Inland Wetlands Board meeting.

**PENDING ITEMS**

1. **#2005-140-REZ-S-SR:** Summary Ruling application for biofiltration, drainage and channel improvements in conjunction with application for a 7-lot subdivision (4.39± acres) of land located on **Bryon Avenue**. Owner/Appl.: Country Club Development, LLC. Auth. Agent: Donnelly, McNamara & Gustafson, P.C. *Received 10/5/05, walk scheduled for 10/16/05 to determine significance. 65 day action period or 65 days to commence public hearing ends 12/8/05. Determine need for consultant review.*

Chairman Mucchetti asked the Inland Wetlands Agent to address the suggestion for consultant review. The Agent pointed out that the property and the neighborhood in general on Bryon Avenue had a long history of drainage problems, resulting from drainage to the south and going toward St. Mary's School. There has also been substantial public interest in proposals to develop this property on prior applications,

and concern from the neighbors about drainage. The Agent pointed out that a consultant would review the application in cooperation with the Town Engineer.

Mr. McChesney agreed with remarks about the history of this property and the interest of the neighbors in its development. He motioned to hire a technical consultant to review the drainage plans, motion seconded by Mr. Coyle. The motion passed 8-0.

Dr. Autuori motioned, seconded by Mrs. Willis, to bring the application to a public hearing with the Special Permit on 11/1/05, because of the public interest. Mr. Katz agreed and stated that the application would remain as a Summary Ruling, but with a public hearing. The Board agreed by a vote of 8-0 to pass the motion.

## NEW ITEMS

2. **#2005-142-SP-SR:** Summary Ruling application to permit regulated activities in the upland review area in conjunction with Special Permit application to construct a 20-unit multi-family development on 5.16 acres at **66 Grove Street** in conjunction with existing commercial building in the B-2 zone. Owner/Appl.: 66 Grove Street, LLC. Auth.Agent: Artel Engineering Group, LLC. *65 days to commence public hearing or 65 day action period ends 12/14/05. For receipt and schedule walk to determine significance.*

Dr. Autuori motioned, seconded by Mrs. Willis, to receive the application and to schedule a walk for 10/16/05. The motion passed, 8-0.

The Agent pointed out that the work is proposed on the slope immediately above the brook that runs under Grove Street, past the municipal highway garage and sewage treatment plant, and eventually into the Great Swamp. An extensive system of underground retention systems is proposed, and there will be disturbance of the slope above the stream for drainage facilities. Mrs. Willis pointed out that the stream already has a high coliform count.

Dr. Autuori made a second motion, seconded by Mrs. Willis, to hire a consultant to review the drainage structures and facilities in relation to effects on the brook, and to bring the Summary Ruling application to a public hearing. The Chairman suggested 12/6/05 for the public hearing date, because of the need for the consultant review. The motion passed unanimously by a vote of 8-0.

3. **#2005-143-SP-SR:** Summary Ruling application to install piping in existing culvert in conjunction with Special Permit Application to construct Derby field for horse training. Property located at **11 Old Stagecoach Road** on 87.3 acres of land in the RAAA zone. Owner: Hunter Harrison. Appl./Auth.Agent: Don Longo. *65 days to commence public hearing or 65 day action period ends 12/14/05. For receipt and schedule walk to determine significance.*

Mr. Katz explained that a Derby field was a riding rink with jumps for training horses. Mr. McChesney motioned, seconded by Dr. Autuori, to receive the application and to schedule a walk for 10/16/05. The need, if any, for a public hearing would be determined following the walk.

The motion passed, 8-0.

4. Announcement c/o IWA. Hiring of Wetlands & Conservation Inspector to begin work on 10/24/05.

The Inland Wetlands Agent announced that, following several interviews, an applicant was selected and offered the new position for Wetlands & Conservation Inspector. The position will be filled by an individual with a master's degree in environmental and biological sciences, a recent graduate of Western Connecticut State University who was looking for part-time work. She will begin employment on 10/24/05. The Board was delighted that the position is finally being filled, after many years of discussion about the need for more help in the department for wetlands application reviews and inspections.

## **BOARD WALKS**

At this meeting, the Board scheduled walks for **66 Grove Street** and **11 Old Stagecoach Road**, to be added to the walk schedule for October 16, 2005.

## **REQUESTS FOR BOND RELEASE / REDUCTION**

There were no requests for bond release or reduction.

## **CORRESPONDENCE**

There was no correspondence.

## **MINUTES**

Mr. Walsh motioned, seconded by Mr. Coyle, to approve the minutes of September 27, 2005. Mrs. Willis had several additions to the discussion under item #1, for 901 Ethan Allen Highway. The Board agreed to the corrections. The motion to approve the minutes passed by a vote of 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Betty Brosius  
Inland Wetlands Agent

APPROVED/REVISED  
MINUTES  
PLANNING AND ZONING COMMISSION

October 11, 2005

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

Absent: Walter Slavin

Also Present: Betty Brosius, Director of Planning

*Note: The Chairman convened the meeting at 8:40 p.m., immediately following the continued public hearing to discuss the item under Correspondence pertaining to 901 Ethan Allen Highway because an audience member was present for the discussion. The meeting was adjourned following that discussion, to return to the Inland Wetlands Board meeting, and reconvened at 9:31 p.m. following the IWB meeting.*

**PENDING ITEMS**

1. **#2005-100-A:** Proposed **amendment** to the zoning regulations, to add **Bulk Requirements for Conservation Cluster PRDs**, Sec. 308.0.G(4)(a) and Sec. 308.0G(5)(a), and other updates to Sec. 308.0 Commission-initiated. *Public hearing commenced 10/15/05, continued 10/11/05. For action.*

Chairman Mucchetti opened the discussion on the proposed amendment. Dr. Gelfman repeated his request for a copy of the Covenants and Restrictions or homeowner's document that was required as part of the original approval, so that the Commission could review and understand their intent at the time that the project was approved.

Mr. McChesney recalled that Dr. Autuori was instrumental in promoting the conservation cluster idea, and that it was a good idea to provide the housing on smaller lots in order to preserve large areas of open space. Mr. McChesney does not recall discussions about the maximum size of the houses, and there was no Floor Area Ratio regulation at the time, but the envisioned modest size houses for the development, probably 3-bedrooms. It is a nice community, crowded by some standards, but it looks very nice. We suddenly find now that people want to add significant additions to the existing homes, and it is distressing. We need to close

the loopholes in the regulations, and to provide an intelligent, thought-out formula to avoid the need for applications to the Zoning Board of Appeals. We need to try to envision this being a small, livable community without big McMansions. There is a need to think this through carefully; we don't want to write a regulation that would destroy what is there.

Mr. Walsh agreed. He has driven around Turner Hill, and he has had general experience with applications presented to the Zoning Board of Appeals as a former member of that Board. He feels that the Commission may not have all the information it needs to make a quick decision on the amendment.

Mr. Katz says that there may be a way to accomplish what the amendment proposes and to keep control on the size of the homes with the Commission. If homes were proposed over a certain maximum size, then they could be reviewed by the Commission as a Special Permit. The neighbors could be heard in a public hearing forum. The applicant would not be required to prove hardship, required under the ZBA review of an appeal.

Dr. Gelfman feels that most homes are probably in the 2-3,000 square foot range, and the "cap" of 5,500 square feet is too big. Mr. Walsh pointed out that most homes couldn't reach that maximum anyway, because of the other controlling factors (setbacks, FAR, coverage). The office may need to work on the numbers to provide some better, specific examples.

Dr. Autuori stated that a 1,000 to 1,500 square foot addition could be oppressive in this neighborhood. The homes look good now, and they should not be allowed to get substantially bigger.

Mr. Coyle is concerned about the numbers and what could ultimately be built as the maximum allowed. The Commission needs to decide what information should be provided by staff, in order to make the proper analysis of the numbers. Mrs. Willis is concerned about the setbacks on the sides of the homes. Eight feet seems very close.

Mr. Katz acknowledged that the matter is complicated from a land-use perspective. The Commission for years recognized that the allowed coverage and minimum setbacks were rarely maximized by developers and homeowners, but that is no longer the case. We often see homes built to the maximum allowed. In Turner Hill, the regulations had 0-foot setbacks, and theoretically a two-family, attached house could be built by joining the homes at the lot line. But this didn't happen. Single family homes were built. When folks bought their homes originally, they had a certain understanding about what could be built, and the additions that might be allowed. The regulations we never wanted them to use were in effect vacated by the change in the State law in June of 2004.

Mr. Katz likes what he sees in Turner Hill, although the side setbacks are a problem. The European concept of dense housing was accomplished here by the cluster concept. We created a permissive regulation that was vacated by the statutes, and now the homeowners have to go to the Zoning Board of Appeals for every addition. The idea of a Special Permit review for additions in excess of a standard would keep the review with the Commission.

Mr. Coyle agreed with Mr. Katz. We should be looking at that kind of applications that went to the ZBA, and see what happened to those applications under review by that Board.

There was discussion about the hand-written numbers on the assessor maps distributed by the Planner at the meeting. The method to calculate those numbers is not known, and the Planner said the numbers should be disregarded for purposes of the discussion.

Dr. Autuori likes the concept of the 30% FAR as proposed, but thinks a cap of 4,500 square feet floor area or some smaller number might be more appropriate. Dr. Gelfman thinks there should be a height limitation, and a footprint limitation.

Chairman Mucchetti pointed out that there could be unintended consequences of the setback regulations. If the side setback regulations mean that additions are more likely to be built in the back, then the temptation is there for the homeowner to extend the backyard into the open space. We need to consider this when establishing setbacks. This is a current, significant issue for the Conservation Commission. Mrs. Willis pointed out that most of the open space is wetlands. Chairman Mucchetti said she had seen a map in the Conservation Commission office, and there are many existing encroachments. This new regulation shouldn't compound that problem.

Chairman Mucchetti said she had talked to Di Masters, former Commission member, who remembers discussions about Turner Hill being an "empty nest" development. The homes were anticipated to be modest in size.

Mr. Katz repeated his interest in the special permit procedure for homes above a certain "cap" in square footage, and he desires to keep the review of such matters in the hands of the Commission. It is important not to violate the spirit of the original intent of the approved subdivision. Chairman Mucchetti added that if every house maximized their potential build-out, the neighborhood could look like a southern California development.

Mr. Coyle pointed out that the amended regulations could be used by a new development, so the numbers should be carefully thought-out. Chairman Mucchetti pointed out that this subdivision is not the only property affected by the change in the State regulations. Her own house was affected when the Commission

eliminated the “drop-down” provision as a result of the new State law, and there are a number of other homes affected similarly.

Dr. Gelfman proposed an idea to allow every home an addition of 500 square feet from this time forward, period. The Planner pointed out that this would not be an equal treatment of all the homes in the development, because some already have sizeable additions while others have not been expanded at all. She emphasized that because there are four numerical limitations being considered (setbacks, coverage, floor area ratio, and “cap” on size of home) any one of those four parameters could limit the size of the home on the lot.

Mr. Walsh does not want to fix something that is not broken. It is important to establish the original intent of the regulation, and to come up with numbers that are reasonable. No one wants to see allowed parameters maximized, but homeowners and builders will build to the max. Our homework should be to look at the sizes of the lots and how the regulations would affect proposed expansion.

Mr. Katz agreed that we never envisioned maximization of all the permitted size regulations. But we can’t do anything site-specific to homesites. The regulation isn’t “broke,” but it is bent and needs to be straightened.

The Planner repeated that something must be accomplished. It is inappropriate that the Turner Hill lots are subject to the one-acre requirements for coverage and FAR, and to 25-foot setbacks. These basic requirements must at least be changed to suit the Conservation Cluster.

Chairman Mucchetti asked what is the resistance to what is proposed in the amendment. The Commission feels that additional information is necessary to make the proper evaluation. The Planner will copy the materials submitted and referenced but not previously distributed, especially actual lot surveys. There may be additional examples in the land use records. Specific examples for a variety of lot sizes should be developed for the continued discussion.

It was agreed that time was needed to prepare the additional information, and the discussion would be continued on 11/15/05.

## **NEW ITEMS**

2. **#2005-142-SP-SR:** Special Permit application under Sec. 312.0 as required by Sec. 412.0.B(5) of the Ridgefield Zoning Regulations to construct a 20-unit multi-family development on 5.16 acres at **66 Grove Street** in conjunction with existing commercial building in the B-2 zone. Owner/Appl.: 66 Grove Street, LLC. Auth. Agent: Artel Engineering Group, LLC. *65 days to commence public hearing ends 12/14/05. For receipt, schedule walk and public hearing.*

Mr. Katz motioned, seconded by Dr. Autuori, to acknowledge receipt of the application, to schedule a walk for 10/16/05, and to set a public hearing for December 6, 2005, to allow time for the consultant review of the storm drainage systems. The Planner noted that both the Planning and Zoning Commission (under Sec. 312.0 for the Special Permit) and the Inland Wetlands Board can make the determination that a technical review is necessary, and require the applicant to submit fees for hiring an outside consultant. The motion passed, 8-0.

3. **#2005-143-SP-SR:** Special Permit application under Sec. 312.0 as required by Sec. 306.0.D to excavate/grade/fill approx. 20,000 cu.yds. of material and permit screening of topsoil on site in conjunction with construction of Derby field for horse training. Property located at **11 Old Stagecoach Road** on 87.3 acres of land in the RAAA zone. Owner: Hunter Harrison. Appl./Auth.Agent: Don Longo. *65 days to commence public hearing ends 12/14/05. For receipt, schedule walk and public hearing.*

Mr. McChesney motioned, seconded by Mr. Katz, to acknowledge receipt of the application, to schedule a walk for 10/16/05, and to set a public hearing for November 1, 2005. The motion passed, 8-0.

#### 4. **Chairman's Report –**

- **Weir Farm National Historic Site -** Chairman Mucchetti reported that Linda Cook, new Superintendent of Weir Farm, called the Planning and Zoning Office with an update on their plans for the administrative services building. In conversation with the Planner and the Chairman, Ms. Cook stated that they are working on revised drawings in response to the Commission's 19-point letter, as well as comments and concerns expressed in a meeting/site walk with neighbors. No timetable for resubmission of the new plans has been set.
- **2006 Capital Budget Plan –** The Town has requested input from each of the department heads for a five-year Capital Plan. Chairman Mucchetti asked the Commission to start thinking about the statutory requirement to update the Plan of Conservation and Development, which is required every 10 years. Since the 1999 plan review was started in 1996 and took more than 3 years to complete, it will soon be time to start the review for the next revision, due in 2009.

### **COMMISSION WALKS**

At this meeting, the Commission scheduled walks for **66 Grove Street** and **11 Old Stagecoach Road**, to be added to the walk schedule for October 16, 2005.

### **REQUESTS FOR BOND RELEASE / REDUCTION**

There were no requests for bond release or reduction.

## CORRESPONDENCE

- **#2005-105-SR-SP: 901 Ethan Allen Hwy**, letter to Michael A. Galante from STC re bypass lane on Route 7. *For discussion. (Note: This item was discussed prior to the Inland Wetlands Board meeting, and following the Commission hearing for item #1.)*

Chairman Mucchetti recognized Dr. Karlsfeld in the audience, a partner in the Ridgefield Professional Office Complex, LLC, the project approved for the property at 901 Ethan Allen Highway. The Planner read a letter received earlier in the afternoon from Michael Galante, traffic engineer of Frederick P. Clarke Associates, regarding the State Traffic Commission review of the proposed project. The State is requesting the construction of bypass lanes in front of the medical office complex, to accommodate the traffic flows. The bypass lanes would require the elimination of the berm and landscaping in front of the building, and loss of the front of parking areas on the opposite side of the street (for seven different property owners).

The Planner explained that the Planning and Zoning Commission has no authority to change the requirements, but can make comments by letter to the STC. The Police Commission is the traffic authority for the Town, and their comments are required by the STC.

Mr. Katz pointed out that Police Chief Ligi and Major John Roche are the primary officials representing the Police Commission in commenting on such proposals, and a meeting with those officials, and Rudy Marconi as an ex-officio member, would be appropriate. He also recommends that the Planner contact officials at the STC to discuss the matter. The possibility of the Police Commission meeting with the Planning and Zoning Commission was also discussed, but it was agreed that first the Chairman and the Planner should talk to the appropriate Town officials and the STC.

Dr. Karlsfeld was asked to talk to his engineers, and to provide a draft plan of how the bypass lanes would affect the subject property and the properties on the opposite side of the street.

A letter to the STC, with copy to Representative John Frey, should be drafted when more information is available. Since the project cannot receive a building permit until the STC matters are resolved, it is important to act as quickly as possible.

- **2005-125-REZ-A: re 616 Bennetts Farm Road, Applications by Eureka V, LLC.** The following correspondence was distributed to the Commission:
  - (1) Letter from Brian T. Roach, Aquarion Water Company
  - (2) WPCA e-mail Memo re sewer usage
  - (3) Memo from Assessor Al Garzi, re tax revenues
  - (4) Letter from CT Department of Health
  - (5) Notice of Intervention under 22a-19 of the CGS, from ROSA

- **#2005-119-REF: 1068 Ridgefield Rd., Wilton.** Letter from Bryan Baltrush of Gregory and Adams, re map notation and restriction prohibiting use of the access off Great Rocks Road. *Distributed to the Commission.*

## **MINUTES**

Dr. Autuori motioned, seconded by Mr. McChesney, to approve the minutes for September 27, 2005. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Betty Brosius  
Director of Planning