

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

November 10, 2009

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Phil Mische

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

Public hearings were held prior to the meeting. The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting.

At 9:51 p.m. Chairman Mucchetti 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/Appl.: 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 and continued to 10/20/2009. Walked 10/18/2009. Extension granted to continue public hearing on 11/10/2009, and further to 12/15/09. 56 of 65 days of extension used thru 12/15/2009.*

Chairman Mucchetti noted that the hearing had been continued to 12/15/09, and there was no discussion.

2. **#2009-084-SR:** Summary Ruling application under Section 7.5 of the Inland Wetlands and Watercourses Regulations for the Town of Ridgefield for drainage and discharge into wetlands on property located at **161 Spectacle Lane** in the RAA zone. Owner/Appl.: Tom Sturges. *Walked 9/27/2009. 10/6/2009 Agent authorized to retain soils scientist (fees paid by applicant) to re-flag wetlands boundary. Walked 10/18/2009. Draft Resolution of Approval requested 11/4/2009. 65-day action period ends 11/26/2009. For discussion/action.*

Chairman Mucchetti referenced the draft resolution of approval prepared by staff.

Mr. McChesney motioned, seconded by Mr. Chipouras, to adopt the resolution of approval as drafted.

Mr. Katz requested new wording in condition #3, regarding delineation of the edge of the wetlands. Mr. McChesney was not in agreement with the wording proposed by Mr. Katz, noting that the wetland is currently in the middle of the lawn. He suggested alternate language.

The Chairman noted the lack of consensus on the wording. The Agent suggested a modification of the language to clarify that the boulder delineation was to be required at the edge of the woods. There was general agreement.

The motion to approve the resolution, with the clarification, was passed by a vote of 8-0.

NEW ITEMS

3. **2010 IWB Meeting Schedule.** *For discussion/approval.*

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the proposed Inland Wetlands Board meeting schedule for 2010 as proposed. The motion passed, 8-0.

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

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Agent and recent case law re “taking” of land in wetlands decisions.
- Invitation from Parks & Recreation to attend the 11/21 dedication of the new Ippoliti walking trail the Board had approved for paving in 2008.

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of October 27, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

November 10, 2009

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
James McChesney
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman

Absent: Phil Mische

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

Public hearings were held prior to the meeting.

At 9:24 p.m., Chairman Mucchetti called the meeting to order. The Planning and Zoning Commission meeting was held prior to the Inland Wetlands Board meeting. The discussion began with item #4 and continued with the rest of the agenda in order.

PENDING ITEMS

1. **#2009-074-SP:** Special Permit under Section 9.2 as required by Section 7.5.D (Table #6) of the Ridgefield Zoning Regulations for filling and grading on property located at **72 Revere Drive** in the RAAA zone. Owners/Appls.: Desmond & Lynda McGoey. *Received 9/8/2009. Walked 9/27/2009. Public hearing commenced 10/13/2009. Continued to 11/10/2009 and 11/17/09. 65-day action period would end 1/21/2010.*

Chairman Mucchetti noted that the public hearing had been continued to 11/17/09, to receive comment from the Health Department, and there was no discussion.

2. **#2009-070-A:** Proposed amendment to the Zoning Regulations, **Sections 5.3.C, 5.4.C and 5.5.D**, Permitting limited, ancillary sale of goods in non-retail zones. *Public hearing commenced 10/20/2009 and continued to 11/10/2009. Commission Initiated.*

Chairman Mucchetti asked for discussion on the proposed amendment, since the hearing was closed. She asked the Planner to clarify what the agreed upon wording would be.

Planner Brosius noted the wording was changed as follows: "... ancillary retail sales of goods directly related and clearly incidental to the principal commercial use..." in both paragraphs.

Chairman Mucchetti clarified the Commission's understanding of the modified language.

Planner Brosius clarified the Commission's decision to leave the allowed ancillary retail area at 200 s.f. or 10% of the customer area, whichever is less.

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the amendment with the desired changes. The motion passed, 6-2, with Mr. Katz and Mr. Chipouras voting against.

3. **#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. *Received 9/15/2009. Public hearing commenced 10/20/2009 and continued to 11/10/2009. 65- day action period ends 1/14/2010. For action.*

Chairman Mucchetti noted that the hearing had been closed and asked for discussion on the item. There were several comments regarding the proposed language, and suggestions for modifications.

Mr. Katz said that he was in favor of the amendment, in general, but, he wanted more precise wording. Therefore, he requested a clearer draft to come back to the table for review.

The Chairman asked him to submit his suggested changes for staff's review.

Mr. Katz clarified in detail what suggested changes had been made to the language. He felt that the present document emphasized the buildings and not enough the ambiance of the neighborhood in which the buildings stood. That, he felt, was the intent of the amendment, to preserve the residential streetscape leading into Main Street. The intent was not about questionably historic or significant buildings, he said. Buildings that might replace those buildings could also create and preserve the residential ambiance, he added.

Mr. McChesney noted that the amendment was applicable to many sites, not just this one, and that needed to be kept in mind when crafting the amendment. There was general agreement.

Mr. Walsh said that the proposed new definition of "streetscape" may go a long way to alleviating some of the concern about preserving character of the neighborhood. He agreed that there had been too much emphasis on the buildings themselves. The

focus has always been the adaptive re-use of the building, he said. Mention of the streetscape may need to become more prevalent, he said.

Mr. Katz asked the Commission if changing the word “encourage” to “insure” in the first line of number 6, would better define the intent of the amendment. Discussion amongst the Commissioners followed. Some preferred the strength of the word “insure” and others felt “encourage” was the more appropriate word. The Chairman asked for a consensus amongst the Commissioners. It was determined that the existing word “encourage” was preferred by most.

The Planner said that the last sentence, 6.e, may be awkward because it is long, but, it “speaks to the preservation of character,” as highlighted by Mr. Walsh. She clarified the amended wording of 6.e.

Chairman Mucchetti explained that the language presented was drawn from the current adaptive re-use regulation. “This is language we already have and we’re just expanding it,” she said.

Planner Brosius reminded the Commission that the new language was proposed by an applicant to the Commission. The Commission’s modifications should be those that were discussed with the applicant who proposed the changes to the regulation, she said.

Following discussion, it was the consensus of the Commission that a revised draft, with the final proposed language, should be prepared for review before final vote.

Mr. McChesney motioned, seconded by Mr. Fossi, to table the discussion until preparation of the final draft was complete [tentatively scheduled for 11/17/09]. The motion passed, 8-0.

4. **#2009-097-VDC:** Village District application under Section 8.3 as required by Section 5.1 of the zoning regulations, to permit the installation of windows and building signage for a “The Perennial Chef” coffee shop at **449 Main Street (former Cortina Shop)** in the CBD zone. Owner: Addressi Center II, LLC, Applicant/Auth.Agent: Michael Tierney, Paul Krause Architects. *35 days to received VDC report ends 12/9/2009. Walked 11/8/2009. For discussion/action.*

Chairman Mucchetti recognized Michael Tierney, architect, representing the application. Mr. Tierney submitted hand-written minutes provided from the Village District consultant review earlier in the evening. Chairman Mucchetti read the minutes into the record.

The VDC recommended approval with the following modifications: a fascia sign on the north elevation only; window signs on the east and west elevations, next to the entry doors; and fascia sign lettering to be dark green.

Mr. Tierney felt that his client would be amenable to the modifications. He showed sketches of the proposed signs, with the colors proposed, and confirmed that he agreed with the comments offered by the Village District consultant. The windows will match existing windows, he said, adding that the added light enhances the parking lot side of the building (toward Ballard Park).

Mr. Katz motioned, seconded by Dr. Autuori, to approve the application according to the drawings, and including the recommendations of the Village District consultant. The motion passed, 8-0.

NEW ITEMS

5. **2010 PZC and APA Meeting Schedules.** *For discussion/approval.*

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the Planning and Zoning Commission meeting schedule for 2010 as proposed. The motion passed, 8-0.

Dr. Autuori motioned, seconded by Mr. Chipouras, to approve the 2010 APA schedule. The motion passed, 8-0.

6. **#2009-101-SP:** Special Permit application under Section 9.2 required by Section 3.3.D.1 to permit an accessory dwelling unit within the existing residence located at **40 Ritch Drive** in the RAA zone. Owners/Appls.: Sylvie Metzner and Thomas Tuohy. *65-days to commence public hearing ends 1/14/2010. For receipt, schedule walk and public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and suggested 11/22/09 for a site walk, and 12/8/09 for a public hearing. The motion passed, 8-0.

Dr. Autuori 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, 8-0.

7. **#2009-102-SP:** Special Permit application under Section 9.2 required by Section 7.5.D.1 of the Ridgefield Zoning Regulations for excavation, grading and filling on property located at **76 Minuteman Road** in the RAAA zone. Owner: Peter Gasparo. Appl.: Peter Gasparo/Alexandra Stone. *65 days to commence public hearing ends 1/14/2010. For receipt, schedule public hearing and walk.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and suggested 11/22/09 for a site walk, and 12/8/09 for a public hearing. The motion passed, 8-0.

Dr. Autuori motioned, seconded by Mr. Chipouras, to acknowledge receipt of the application and to schedule the site walk and public hearing as suggested. The motion passed, 8-0.

8. **#2009-104-REV:** Revision to Special Permit under Section 9.2.A.7.e of the Ridgefield Zoning Regulations to reframe second story of garage for storage on property located at **963 Ethan Allen Highway** in the B-2 zone. Owner: P.A.R.F., LLC. Appl.: Professional Water Systems. Auth. Agent: Douglas MacMillan, AIA. *65-day action period ends 1/14/2010. For receipt and schedule walk.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and to schedule a site walk for 11/22/09.

Mr. McChesney noted that the application was minor and that the building can't be seen from the street. He suggested that the Commissioners individually visit the site for inspection. All agreed.

The item will return for discussion on 11/17/09.

COMMISSION WALKS

The Commission scheduled the following items for site walk on **November 22, 2009:**

- **#2009-101-SP:** Special Permit **40 Ritch Drive**, Metzner/ Tuohy
- **#2009-102-SP:** Special Permit **76 Minuteman Road**, Gasparo

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Planner re the legal opinion about the Stipulation for Judgment for **104 West Mountain Rd (Eleven Levels)**
- Memo from the Planner, notification to the Commission of an administrative approval granted for a minor improvement to the loading area at Montanari Fuel on South St.

MINUTES

Mr. McChesney motioned, seconded by Mr. Fossi, to approve the minutes of October 27, 2009. The motion passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary