

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD

November 21, 2006

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

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

A public hearing was held prior to the meeting.

At 8:13 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2006-106-SR:** Summary Ruling application for regulated activities within upland review areas to construct a single-family residence on property located at **Tanton Hill Road** in the RAA zone. Owner/App.: Gabrielle Kessler. Auth. Agent: JFM Engineering, Inc. *Received 10/10/06. Walked 10/22/06. Public hearing commenced 11/8/06, 35-day action period ends 12/26/06.*

Mr. Katz moved for a favorable Resolution of Approval with conditions: that the wetland be delineated by the placement of large boulders, and that a deed restriction be placed on the property to indicate that the boulders remain in place in perpetuity.

Mr. Fossi wanted the boulders large enough so that they could not be moved, and asked if the Board was asking that the wetlands plantings shown on the map be put in. There was some discussion.

Mr. Katz said that was not in the conditions he proposed.

Ms. Willis asked how far apart the boulders should be placed

Mr. McChesney said that, since they were for delineation purposes, 6 – 8' feet should be adequate.

Ms Willis said that they could be indicated on the map. More discussion ensued. **Mr. Katz** reiterated that his only condition was that the deed state that the boulders must be left in place to demarcate the wetlands.

The Agent represented the staff's point of view by saying that having the map corrected to conform to the conditions that the Board is proposing prior to issuing a zoning permit is appropriate.

Dr. Autuori felt that it was important, for purposes of clarification in the future, that the deed reflect the fact that the purpose of these boulders is to delineate the wetlands.

The Agent wanted to know how far **Mr. Katz** was suggesting this boulder wall go, and where it should go. She felt it should at least go behind the house

The Chairman asked **Mr. Katz** to specify exactly where he wanted these boulders to go, and he said they should go only to the primary septic.

Mr. Walsh specified that that would be wetland flag # 23.

Mr. Katz said that he made the motion after studying section 10.2 and finding no offense to any of its considerations produced by this plan, which, he added, takes place all on dry land.

Dr. Gelfman, on the contrary, found this to be "a tortured project". He said they were removing two thirds of the wooded upland on this lot, deforesting it, filling it, changing the whole terrain. He did not understand why this lot is any different than other lots that have attempted to do the same thing and have been turned down by the Board.

Mr. Katz said he didn't recall any such application, and **Dr. Gelfman** replied, "Just recently." **Mr. Katz** and **Dr. Gelfman** discussed the particulars of the recent case, with **Mr. Katz** contending that the difference between the two cases was that, in this case, all of the activity was taking place on dry land. **Dr. Gelfman** felt that, even so, they would be destroying all of the dry land, which is 6" – 8" above the flood plain in large part – and the rest is all forest – mature trees. This plan required the taking down of 18 – 20 mature trees.

Mr. Katz said that he respected **Dr. Gelfman's** rationale and his expertise in the area, but he suggested that, if the Board were to consider what would have happened if this land had been completely developed the way it was proposed, with a road going through it, unregulated in any way, and with 10 lots surrounding it, there wouldn't be a wetlands to be debating on this property. He felt that every precaution was being taken to protect the wetland, and that it would really not be disturbed by the activities proposed in the plan before the Board. He added, that, in studying Section 10.2's conditions for approval to be considered in a wetlands application, there really is no legitimate rationale to find any one of them affronted by what's proposed.

Ms. Willis asked that the Board to refer to Section 10.2, b, c & g. She said that there are alternatives: the house could be smaller, which would make a lesser impact on the “pitifully small amount of dry land that’s there”. She said that, right now, everything is being changed in the whole area, with not much of a buffer to the wetlands, and the possibility of encroachment into the wetlands with fertilizers, lawn, etc.

Dr. Autuori said he agreed with Dr. Gelfman that there would be a change in the character of the uplands, which relates to the wetlands, but he cited that any development in or near a wetlands is going to be damaging, and felt that it is the job of the Wetlands Board to balance the potential damage to the wetlands or contiguous areas against the benefits of the landowner. He said that, in this country, with property rights, he didn’t see how the Board could say “No” to everything. He went on to say that, in this case, they could make the house a little smaller, make it a two-bedroom septic - however, once the land is developed, that is the major environmental insult, and for better or worse it is legitimate within the context of the owner’s property rights. He didn’t see any great gain in going from a four bedroom to a two-bedroom house; the great gain would be “no development whatsoever”. Nevertheless, in the current situation, absent any attempt at confiscation by the town, he felt the owner’s have done enough to make him feel satisfied that the Board has done their best to balance everything.

Mr. Katz motioned, seconded by Mr. Fossi, to request the Agent to prepare a draft resolution of approval for the application, with conditions that large boulders be placed in perpetuity along the wetlands line to go behind the house and the primary septic system and that it should be deed restricted, with the purpose of the boulders indicated in the deed. The motion passed, 7-2. Dr. Gelfman and Mrs. Willis were opposed. The draft will be prepared for review on 12/5/06.

2. **#2006-116-SR:** Summary Ruling application to create a grazing pasture within wetlands and upland review areas on 3.599 acres of property located at **61 South Olmstead** Lane in the RA and RAA zones. Owners/App.: Bruce & Robin Augustadt. *65-day action period ends 1/11/07. Received 11/8/06, walk scheduled for 11/19/06. For action.*

Mr. McChesney motioned, seconded by Mr. Katz, to raise the application to a plenary level and, after some discussion relating to the date, to schedule a public hearing for January 2, 2007. The motion passed, 9-0.

NEW ITEMS

There were no new items.

BOARD WALKS

There were no new walks scheduled.

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

The packet included a revised copy of the proposed wetlands regulation amendment for Mamanasco Lake URAs. (The public hearing is scheduled for 1/9/07.)

MINUTES

Mr. Slavin motioned, seconded by Mrs. Willis, to table approval of the minutes for November 8, 2006. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION

November 21, 2006

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

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

A public hearing was held prior to the meeting.

At 8:29 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. Commission discussion – proposed updates to zoning regulations.

(Note: This item was discussed at the end of the agenda, following the completion of all other items. The recording secretary left the meeting at 8:40 p.m., and the Director of Planning, Betty Brosius, provided the notes for this item.)

Chairman Mucchetti asked the Commission to refer to the Planner’s revised page-by-page summary of comments and questions received from the public and other agencies, regarding the proposed zoning regulations. This version showed notes added as a result of decisions made by the Commission at discussions on 11/8 and 11/14. The Commission reviewed the summary page-by-page and made some additional corrections. The final page included a list of items “for future discussion,” including issues that are complex and difficult to resolve in time for publication of the first draft of the revised regulations. These are items that the Commission should focus on as soon as the revised, re-organized regulations are approved. The Planner will forward notes to the consultant, Glenn Chalder of Planimetrics, LLC.

Glenn Chalder of Planimetrics will return for another work session with the Commission on Tuesday, November 28th.

2. **#2006-113-REV:** revision to Special Permit under Section 312.0 as required by Section 411.0 of the Ridgefield Zoning Regulations to use a portion of the premises

as a fenced parking area on property located at **33 Ethan Allen Highway** in the B-1 zone. Owner/Appl.: Dennis Salzbrunn. *65-day action period ends 1/12/07. Received 11/8/06, walk scheduled for 11/19/06. For action.*

The Planner said that she had been asked about islands within this parking area, and replied that this is a gravel lot and not large enough to accommodate the requirement of having landscaping every fifteen spaces.

Dr. Autuori wanted a tree planted in an appropriate place along the road as a replacement of the dead maple, which is coming down.

Dr. Autuori motioned, seconded by Mr. Fossi, to approve the request for a fenced, gravel parking lot at 33 Ethan Allen Highway. The approval should include a condition for replacement of a street tree being on Wilridge Road. Sugar maple and red oak were suggested. This is not to be a draft. The motion passed, 9-0.

3. **#2006-114-ACC-FC:** proposed accessway in connection with first division of property located at **135 Old Branchville Road** in the RAA zone. Owner: James Pember. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *Received 11/8/06, walk scheduled for 11/19/06. For action.*

Chairman Mucchetti requested tabling this item, to allow the engineer to mark the location of significant trees on the plans. The Planner pointed out that erosion and sedimentation controls should be shown, since construction of the accessway is on a steep slope. Dr. Autuori motioned, seconded by Mr. Slavin, to table discussion until December 5, 2006. The motion passed, 8-0-1. (Mr. Walsh recused himself from discussion on this item.)

NEW ITEMS

4. **#2006-108-SPA:** Request by Planning Director for Commission review of parking requirements, in conjunction with application for Site Plan Approval of dance studio, **15 Ethan Allen Highway**. Owner: 15 Ethan Allen Highway Branchville LLC, Applicant: Gina Goethche, Auth. Agent: Rex Gustafson, Esq. *Site walk 11/19/06. For action.*

Mr. Katz mentioned that the “unknown” in this situation is Saturday, when all uses of the property could be in confluence, which could some inconvenience. However, he still would move to approve.

Dr. Autuori wanted a condition added which would state that all exterior lights in connection with the parking lot be in conformance with the existing regulations, Section 334.

The Chairman confirmed that this would be a final, with conditions as noted.

Mr. Katz motioned, seconded by Mr. McChesney, to confirm that non-coincidental uses at the site should result in sufficient parking at the site to allow occupancy by a dance studio in the currently vacant space on the second floor. The motion passed, 9-0.

5. **#2006-121-SP:** Application for special permit under Sec.312.0 as required by Sec. 311.0 (Telecommunication Towers and Antennas) to install and operate panel antennas as a wireless telecommunications facility on an existing public water supply tank, on **Peaceable Ridge Road** in the RAAA zone. Applicant: Omnipoint Communications, Inc., Owner: Aquarion Water Company of Connecticut. For receipt / schedule site walk / schedule public hearing.

Mr. Walsh motioned, seconded by Mr. Fossi, to acknowledge receipt of the application, to schedule a walk for 12/10/06, and a public hearing for 1/2/07. The motion passed, 9-0.

6. **#2007-2008 5-year Capital Budget, Discussion c/o P.D.**

The Planner explained the capital budget items approved earlier in 2006, for the Ridgefield Center Study and updates to the Plan of Conservation and Development, with funding carried out from 2007-2010. The Planner will discuss estimates for the projects with the Controller, and methods to ensure proper funding if costs exceed original projections, saying that there needs to be a method in place with the Controller and the Board of Selectman to accommodate any additional time that might be necessary if it goes beyond the budgeted allotment. The Chairman echoed her concern and the need for careful monitoring. There was no decision needed for action on this item.

COMMISSION WALKS

The Commission scheduled a walk for item **#2006-121-SP: Peaceable Ridge Road**, Omnipoint Communications, Inc., for 12/10/06, as noted above.

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Maps were distributed for the 217-249 Danbury Road Rezone application. There was no other correspondence.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to table discussion on the minutes for November 8, 2006. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary