

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

December 1, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Inland Wetlands Agent

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

There were no new items.

BOARD WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASE/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter from Wetlands Inspector/Agent Aimee Pardee to John Richardson, owner and builder of **Lot 39, Wilton Road East**, regarding inadequate erosion controls and lack of site supervision at the home construction site

Chairman Mucchetti read excerpts from the letter, and **Agent Brosius** explained the need for the letter, due to the owner's failure to maintain proper erosion controls and tree protection on the site. Agent Pardee's letter warns the owner that failure to comply with corrective measures may result in a cease and desist, and possible revocation of the permit by the Board. Ms. Pardee will follow up on the letter this week, and the item can appear on next week's agenda for a report from Agent Brosius.

- 2010 meeting schedules and calendar (one-page color copy) showing IWB, PZC AAC/VDC, APA meetings and site walks all on one sheet, for Board and Commission use

MINUTES

Mr. Katz motioned, seconded by Dr. Autuori, to approve the minutes of November 17, 2009. Chairman Mucchetti offered a correction on page 4, changing “Co-Chair, to “Vice-Chair” under Election of Officers. The motion to approve the corrected minutes passed, 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Betty Brosius
Inland Wetlands Agent

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

December 1, 2009

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

Absent: Peter Chipouras

Also Present: Betty Brosius, Director of Planning

At 7:36 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2009-016-POCD: Plan of Conservation and Development**, Town of Ridgefield Workshop

Heidi Samokar of Planimetrics was present for the work shop. The Chairman explained that it was the intent of the work shop to review the entire document during the work session, making corrections and additions, but not to dwell on word-smithing. Comments should be on substance and not on grammar and language.

The Chairman noted that Ben Oko and Alan Pilch of the Conservation Commission were present at the meeting, but that no public comment would be taken. It will be the suggestion of the Chair and the Planner that the Conservation Commission discuss its recommended changes with the PZ Commission on December 15th. Dr. Oko was pleased with the announcement.

Ms. Samokar led the discussion, stating that the discussion would focus on substance, to identify areas where the policy needs to be better defined, areas where the language and intent is not clear, and where more comment is needed. The words are important, and it will be necessary to talk about edits at the end of the meeting, so that all are comfortable that the language and the tone reflects the voice of the Commission.

Chairman Mucchetti notes that the Planner has had discussions with Planimetrics about the timeline, and the suggestion is to move the public presentation of the document out about a month. Edits and changes that are likely to come out of the

work session need to be incorporated into the document, the Conservation Commission has asked for time to discuss their review with the Commission, and there is not time to properly prepare and edit the document for presentation as soon as January 12th, the date originally identified for a public meeting. The public meeting should be scheduled for February.

The Planner said that the best method for editing should be discussed at the end of the work session, to determine whether it will be accomplished between staff and the consultant, or whether a sub-committee is needed.

The Commission then reviewed the Chapters in sequence, page by page.

At the end of the work session, the Planner noted that she had prepared some edits of language, changing sentence structure, eliminating unnecessary wording (“such as,” “also,” etc.) and substituting words for smoother flow of sentences. The Commission was comfortable with having the Planner turn over these edits to the consultant.

The consensus was to allow the Conservation Commission to address the Commission on December 15th regarding Chapters 6 and 7 (Natural Resources and Open Space), and to push the public presentation of the document to February so that proper editing, additions and corrections could be made before wide distribution of the Plan.

There were no further actions and no votes taken on this item.

NEW ITEMS

There were no new items.

COMMISSION WALKS

There were no site walks to be scheduled.

REQUESTS FOR BOND RELEASE/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Corrected pages of the Zoning Regulations, for replacement in Commissioners zoning books
- “Grammar for Smart People” information
- 2010 one-page color calendar (see notes under Wetlands minutes, Correspondence, for this item)

Chairman Mucchetti stated that the “tentative” meeting scheduled for December 22nd would be canceled, and there would be no meeting on the 29th (for both the

Inland Wetlands Board and the Planning and Zoning Commission) through the holidays. Meetings resume on January 5th, 2011.

ADDED TO AGENDA:

Chairman Mucchetti asked for a motion and second to add two items to the agenda, (1) to discuss the department's **Capital Budget Request**, and (2) to discuss the property at **424R Main Street** (fire-damaged building). Mr. Mische motioned, seconded by Mr. Fossi, to add the items to the agenda. The motion passed, 8-0.

1. **Capital Budget Request:** Planner Brosius said that she would be submitting (with the Commission's consent) a request for capital funds to the Board of Selectmen, for a new department vehicle. There are many deficiencies with the current, second-hand vehicle being used by the ZEO and the Wetlands Inspector. She concedes, anticipating severe budget restraints in 2010, a leased vehicle or a serviceable used vehicle from another department may have to suffice for the foreseeable future.

The Commissioners agreed unanimously with the Planner's proposed action.

2. **424R Main Street (Owner: Urstadt Biddle Properties, Inc.):** [Note: Mr. Walsh recused himself from discussion and participation on this item.]

Chairman Mucchetti briefly explained the reasons for raising this item to the agenda and passed out photos taken by ZEO Richard Baldelli. The Chairman and Planner Brosius offered details of the actions of the property owners in the demolition of the fire-damaged structure attached to Melillo's, adjacent to the municipal parking lot off Bailey Avenue.

The owners have completely demolished the building. The Building Inspector and the Fire Marshal have both determined that construction must now be reviewed as "new" and not reconstruction and renovation.

The Commission and the Architectural Advisory Committee, in reviewing the owners' plans for the work under file #2009-044-REV(SP), a Revision to the Special Permit, were repeatedly told by the project architect that the work was a "reconstruction" of the fire-damaged structure. The first floor of the original structure would remain, and a new second floor and roof would replace the fire damage. Both the Commission and the AAC were critical of the design of the structure, but conceded to approving the application (with some architectural detail included for covered entrances, better windows) based on the fact that the owners were anxious to re-build. Reconstruction was described as a better option than a total re-build. Based on the total demolition evidenced in the photographs, it appears that the owner/applicant's presentation was misleading and is now proven inaccurate.

It is the opinion of staff that the total re-build of the structure necessitates the need for a new application and review by the Commission and the AAC. This is supported by the determination made by the Building Inspector and the Fire Marshal.

Planner Brosius suggests that she issue a letter on the Commission's behalf, to notify the property owner of the "Intent to Revoke the Revision to the Special Permit, and Order to Show Cause." This would bring the owners to the table to discuss the matter with the Commission, at which time the Commission could take needed action. The owner would have the opportunity to state reasons as to why the permit should stay in force. If not satisfied, the Commission may take action to revoke the existing permit and require the owner to submit new plans under a new application.

There was unanimous consent by the Commissioners participating in the discussion [Mr. Walsh recused], to direct the Planner to write a Notice of Intent to Revoke the Revision to the Special Permit, and Order to Show Cause.

MINUTES

Mr. McChesney motioned, seconded by Dr. Autuori, to approve the minutes of November 17, 2009. Chairman Mucchetti asked that the action of the Planning and Zoning Commission (that "There were no motions made and no actions taken on the Eureka matter") be added to the minutes under the Executive Session. [Note: There is also a need to correct the vote on the Martinelli matter, which should have been shown as 7-1 and not 8-0, with Mr. Mische voting against.]

The motion to approve the corrected minutes passed, 8-0.

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

Respectfully submitted,

Betty Brosius
Director of Planning