

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

December 9, 2008

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

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

A public hearing was held prior to the meeting.

At 9:27 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-098-SP-PR:** Plenary Ruling Application for filling and grading of 690± of wetlands and disturbance within upland review areas, in conjunction with construction of single family residence and piped diversion of a boulder watercourse. Property located on **Lots 72-75 Third Lane** in the RA zone. Owners/Appls.: Wayne E. Wood and the Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy VII, P.E. *Received 9/2/2008. Public hearing re-scheduled 10/7/2008. Walked 9/7/2008. Public hearing commenced 11/5/2008 and continued to 12/9/2008. 35 days to close public hearing ends 12/10/08.*

Chairman Mucchetti read a request from the Authorized Agent, asking that the hearing be continued to 12/16/08, and granting extension to do so. The request was acknowledged and there was no further discussion. *[6 days of 65-day extension period used]*

2. **#2008-119-PR:** Plenary Ruling application pursuant to Section 7.6 of the IWWR to conduct regulated activities within wetlands and upland review areas in conjunction with construction of a two (2) bedroom single family residence on .936 acres of property located on **Wilton Road East** (Assessor's map #F18-0039) in the RA zone. Owner/Appl.: Earl A. Burchard. Auth. Agent: Gregory and Adams, P.C. *Received 10/7/2008. Public hearing commenced 11/12/2008. Walk scheduled for 11/16/2008. Intervention under 22a-19 of the CGS acknowledged 11/18/2008, further study to move proposed driveway to the north of its current location requested 11/18/2008 and additional information requested under 7.6(i) of the IWWR re stream water*

quality. Public hearing continuation date set for 12/9/2008. 35-day period to close public hearing ends 12/17/2008. On 12/9/08, applicant granted extension to continue hearing to 1/6/09.

Chairman Mucchetti noted that the hearing had been continued to 1/6/09, and there was no further discussion. *[20 days of 65-day extension period used]*

NEW ITEMS

3. 2009 - Election of Officers

Mr. Katz motioned, seconded by Dr. Autuori, to nominate and elect the existing slate of officers, with Rebecca Mucchetti as Chairman and Patrick Walsh as Vice Chairman/Secretary, to continue for 2009. The motion passed, 6-0-3, with Mr. Walsh and Mrs. Mucchetti abstained, and Dr. Gelfman out of the room.

Chairman Mucchetti asked the Board if there were any issues relative to the conduct of meetings. Mr. Katz stated his opinion that correspondence did not need to be formally acknowledged during the meeting. He felt that each Board member should review the correspondence individually.

The Chairman noted that it is beneficial for the office if the record reflects the receipt and acknowledgement of the correspondence

BOARD WALKS

The following site walk was previously scheduled for **December 14, 2008:**

- **#2002-72-SR/PD: 2 West Mountain Road, Beck**

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

There was no correspondence.

MINUTES

The minutes for December 2, 2008 were distributed.

There were no minutes to be approved.

Hearing no further discussion, the Chairman adjourned the meeting at 9:33 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

December 9, 2008

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

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

An Inland Wetlands Board public hearing was held prior to the meeting.

At 9:34 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2008-098-SP-PR:** Special Permit Application under Section 9.2 as required by Section 7.9 – to permit a driveway in excess of 14% grade. Property located on **Lots 72-75 Third Lane** in the RA zone. Owners/Appls.: Wayne E. Wood and the Estate of Charles F. Dean, Jr. Auth. Agent: John F. McCoy VII, P.E. *Received 9/2/2008. Walked 9/7/2008. Public hearing to be re-scheduled 10/7/2008. Public hearing commenced 11/5/2008. Public hearing commenced 11/5/2008 and continued to 12/9/2008. 35 days to close public hearing ends 12/10/08.*

Chairman Mucchetti stated that the Authorized Agent submitted a request asking that the hearing be continued to 12/16/08, and he granted an extension for that period. The request was acknowledged, and there was no further discussion. *[6 days of 65-day extension period used]*

NEW ITEMS

2. 2009 - Election of Officers

Mr. Fossi motioned, seconded by Dr. Autuori, to nominate and elect the existing slate of officers, with Rebecca Mucchetti as Chairman and Patrick Walsh as Vice Chairman/Secretary, to continue for 2009. The motion passed, 8-0-1, with Mr. Walsh abstained.

3. VDC By-Laws *for discussion* c/o Patrick Walsh

Mr. Walsh noted that the by-laws had been discussed long ago with a different committee. He felt they should be as simple as possible, and stressed the need for meetings to be run in a certain fashion and decisions to be made in a certain way.

The Chairman referred to Item G in the draft, asking if there were specific qualifications listed in the Connecticut General Statutes for VDC appointees.

Planner Brosius said that, according to State Statutes, at least one member of the VDC must be an architect, landscape architect, or Planner who is a member of the AICP (American Institute of Certified Planners).

Mr. Walsh was under the misconception that this was not necessary. He confirmed with the Planner that the Commission could not, in fact, appoint itself as the VDC. That was correct, the Planner said.

The Planner suggested that Item G should read, “At least one member of the VDC must be a licensed architect, landscape architect, or a certified AACP Planner...” Mrs. Willis continued, that “Members of the VDC should be.....” and then reference the list of qualifications provided in the draft by-laws. The Planner suggested adding an historical resource specialist to the list.

Mr. Mische and Chairman Mucchetti suggested some grammatical corrections, which were implemented.

The Planner made corrections to D(2), under “Membership.” “In accordance with State Statutes...”, because the purview, size, expertise, qualifications, etc., of the VDC is to some extent dictated by the state statutes.

The Chairman mentioned that the [Town] Charter needs to be referenced in the document. She asked if the Commission wanted the VDC to have permanent members and alternates, or just members.

Mr. Katz felt that this would depend on how big the committee was.

Mr. Walsh stressed the importance of determining whether or not the Commission would appoint the AAC as a whole to act as the VDC, or specific, individual members only.

Mr. Katz suggested the possibility of bringing in people other than current AAC members as candidates.

Mr. Walsh noted that, in those cases, the individuals would not automatically sit on the AAC. Mr. Katz did acknowledge there is an advantage to having the AAC act in

both capacities, that being, the convenience of holding a single meeting at which the business of both agencies can be handled.

Mr. Mische suggested adding some members to the VDC, (who were not AAC members), and who would attend the VDC portion of the meetings only.

Mr. Katz suggested that the Commission "...select some members of the AAC for the VDC, but, not name the AAC as the VDC." He asked Mr. Walsh if that was his intent in the by-laws.

Mr. Walsh said that it was, essentially, but, that members of the AAC should be named individually as part of the VDC, making it easier to eliminate certain AAC members from that additional function.

Mr. Katz asked if a decision was to be made that night.

The Chairman noted that the current VDC has been appointed through the end of December, and there would be only one more Commission meeting before that time. A VDC body would need to be in place by the meeting of 1/6/09.

Mr. Katz said that this was a broader issue than could be resolved at the current meeting. He noted difficulties with the AAC regarding their procedure, demeanor and handling of the public. This needed a fuller discussion, he said, even if it would necessitate extending the tenure of the VDC for another month.

The Chairman commented that this was an issue which had been discussed for quite some time, with no resolution.

Planner Brosius noted that, as a result of phone conversations, AAC Chairman John Kinnear had spoken with the AAC as a whole several weeks ago, concerning the members' treatment of applicants. He counseled them on the distinctions between the lay person coming before them with a simple sketch, and the seasoned professional with full blown architectural plans. The expectations and handling of these different groups need to be modified as appropriate.

The Planner reminded the Commission that there had been some very qualified people interviewed for the VDC over the summer. She noted that there were four positions potentially open on the AAC. There are two current members with "practically zero attendance," and another member who lives in Florida half the year. In addition, she said, member Phil Esser has resigned. The Planner suggested that a letter should be sent to the Board of Selectmen, alerting them of this problem. She offered to draft something for the Commission's review at the 12/16/08 meeting. She asked the Commission for their recommendations. A short discussion followed.

The Chairman noted that, by charter, appointed committee members are required to attend two-thirds of all meetings.

A discussion followed relating to status as alternates or permanent members on the VDC. There seemed to be consensus that only permanent positions should be created. The number of positions was also discussed. There had previously been five members required for a quorum of the AAC, but it had been difficult to get a quorum. The AAC asked the Board of Selectmen to revise the requirement for a quorum from five to three members.

It was decided that the VDC would be composed of five permanent members, with no alternates.

Chairman Mucchetti thought the words, “whose respective numbers may vary and change from time to time,” should be eliminated, but, Mr. Walsh felt this language was necessary to be consistent with State Statute and Town Charter, since the number of people could vary from time to time.

A point made by Chairman Mucchetti was that, many times, the VDC puts forth the opinion of one person, while the majority view is ignored, or is not clear. It was unanimously agreed that the VDC would have to follow “Robert’s Rules of Order,” and have every issue decided upon by motion, second and vote.

Mr. Katz thought that Robert’s Rules may allow for a minority opinion to prevail.

The Chairman said that, by Town Charter, all meetings are run by Robert’s Rules of Order, “like it or not.” What she felt some members of the Commission were objecting to was having the minority’s opinion sent directly to the Commission from one member, not through the minutes and recommendations of the VDC as a whole.

Mrs. Willis suggested expanding the language in section K to include clear direction for passing on the VDC’s decisions to the Commission.

The Planner suggested that the Commission use the following language, “the majority opinion of its design review and recommendations,” striking “the results” [of its design review].

Discussion continued.

Mr. Mische said that section K should fall under L, under “Operation”.

It was suggested that K become L(4) and L(4) become L(5)

The Planner said that she would modify the new L(5) as follows: “As per the new statute that requires minutes to be filed....” and then state the time requirements in the new state statute effective on October 1st.

The Chairman suggested referencing the Town Charter under the “Participation” section, M.

The other sections were reviewed, with very minor corrections.

Under the “Removal” section, it was decided that the wording would read, “a member may be removed from the VDC at any time by the Planning and Zoning Commission for any of the following reasons:”.

The Commission reviewed the procedures for the removal of anyone from their position on the VDC. Mr. Mische suggested deleting the words, “reasonably advanced” before “written notice”. Mr. Katz made the same suggestion under (b) re inviting the member to attend and participate in the meeting.

The Chairman noted the need for change to Section 3, referring to the Commission’s action during Executive Session. Any action may take place only in public session, which conceivably could follow an Executive Session. She clarified that there needn’t be discussion in public session, but, the motion, the second, and the vote need to take place in public session.

The Planner concurred with the remarks from Mr. Mische and suggested the removal of the words “without explanation,” from sections (c) and (d).

Under “Confidentiality”, **Dr. Autuori** commented that, if the reasons for a member’s removal are confidential, how could the removal be handled publicly. He suggested changing the wording to, “the reasons for member’s removal..”. This suggestion was unanimously supported.

The Chairman stressed the need for action, be it either an extension of the VDC term or a vote.

Mr. Mische suggested a “Code of Conduct” for members, based on the feedback received throughout their term.

Dr. Autuori suggested having the VDC members read the by-laws, possibly obviating that addition.

The Chairman said the staff would prepare a draft containing all the revisions discussed at the meeting, and it would be at the table for the next meeting, 12/16/08.

4. **#2008-136-REV(SP):** Revision to Special Permit under Section 9.2.A.7.e as required by Section 5.3.D and Section 7.2.E.11 of the Ridgefield Zoning Regulations to (1) erect a temporary 40 x 60 foot open-air canvas tent and (2) to permit attachment of a 2' x 36' temporary banner on the front of the metal building located at **746-748 Danbury Road** (BMW of Ridgefield) in the B-2 zone. Owner/Appl.: Ridgefield Waterside Properties.

The Planner said that no action should be taken on this application until after the applicant appears before the Commission on 12/16/08. She explained that the dealership had come to the AAC with a design for a whole new building. The design was sent to the company's offices in Germany and was rejected. A new design will eventually be re-submitted but, in the interim, the dealer needs to stimulate sales and is asking for the large banner and tent. The tent would be temporary and would be erected on the southerly side of the building.

It was agreed that further discussion would take place on 12/16/08, when the applicant could be present to explain.

The Chairman requested that the Commission hold any further questions until the following week, when the applicant would be present.

Mr. Mische made a motion to receive the application, which was seconded by Dr. Autuori. The motion passed unanimously.

COMMISSION WALKS

The following site walks were previously scheduled for **December 14, 2008**:

- **#2008-125-SP**: Special Permit (home occupation), **135 Keeler Drive**, Mott.
- **#2008-129-PRE**: **75 New Street**, Morena
- **#2008-134-S**: Subdivision **19 & 25 Sunset Lane**, Zawacki
- **#2008-135-SP**; Special Permit, **105 Danbury Road**, PST Properties, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out correspondence, as follows:

- Memo from the Town Engineer and the Fire Marshal, re the proposed Zawacki Subdivision on Sunset Lane.

MINUTES

The minutes for December 2, 2008 were distributed. There were no minutes to be approved.

Hearing no further discussion, the Chairman adjourned the meeting at 10:12 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
AQUIFER PROTECTION AGENCY

December 9, 2008

Present: Michael Autuori
Peter Chipouras
Joseph Fossi
Nelson Gelfman
John Katz
Phil Mische
Rebecca Mucchetti, Chairman
Patrick Walsh, Vice Chairman
Lillian Willis

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

At 10:12 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

There were no pending items.

NEW ITEMS

1. 2009 - Election of Officers

Dr. Autuori motioned, seconded by Mr. Fossi, to nominate and elect the existing slate of officers, with Rebecca Mucchetti as Chairman and Patrick Walsh as Vice Chairman/Secretary, to continue for 2009. The motion passed, 8-0-1, with Mr. Walsh abstained.

CORRESPONDENCE

MINUTES

Mrs. Willis motioned, seconded by Mr. Fossi, to approve the minutes of September 9, 2008. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 10:14 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary